

Chapter 1
Part G:
(OR1-2008)

Non-Uniform Pension

**100.00 BOROUGH OF SAEGERTOWN NON-UNIFORMED PENSION PLAN
AND PENSION FUND:**

100.10 The Borough of Saegertown has hereby established in the Borough a Pension Plan and Pension Fund for the benefit of full-time employees (excluding Police Officers and Union Employees) of the Borough.

100.20 The Pension Plan shall be known as the “Borough of Saegertown Employee Pension Plan” (hereinafter “Plan”).

100.30 The Pension Fund shall be known as the “Borough of Saegertown Employee Pension Fund” (hereinafter “Fund”).

200.00 ESTABLISHMENT OF CORPORATE FIDUCIARY:

200.10 Council is hereby authorized to enter into an agreement of trust with a corporate fiduciary, which agreement of trust shall permit the fiduciary to manage and operate the Fund and to receive, hold, invest and disburse any sum or sums as may be necessary to carry out the Plan.

200.20 Council shall determine the form and terms of any such agreement of trust.

300.00 CREATION AND MAINTENANCE OF THE PENSION FUND:

300.10 The Borough of Saegertown Employee Pension Fund shall be maintained in the following manner:

300.20 All funds on deposit and held for the pension benefits, earned and payable from this plan, of the full-time employees (excluding Police Officers and Union Employees) of the Borough of Saegertown shall be segregated to the Pension Fund created hereby subject to any liabilities, from this plan, which may exist against such Fund.

300.30 The allocation by Council of payments made by the Treasurer of the Commonwealth from the monies received from taxes paid upon premiums by foreign casualty insurance companies pursuant to the General Municipal Pension System State Aid Program.

300.40 Payments made by contributions of the employees in accordance with the Borough of Saegertown Employee Pension Plan as may be in effect from time to time.

- 300.50 Payments made by other gifts, grants, devises or bequests made to the Fund.
- 300.60 Such other payments as may, from time to time, be made by the Board to the Fund from the general revenue of the Borough.
- 300.70 All such payments received shall be deemed to be part of the Pension Fund and shall not be applied to any other account or disbursed in any manner except as provided herein.
- 300.80 Payments required under the Plan shall be a charge only upon the Borough of Saegertown Employee Pension Fund and not upon other monies or funds of the Borough unless otherwise authorized by Borough Council.

400.00 MANAGEMENT OF THE PENSION FUND:

- 400.10 The Pension Fund shall be deposited with, managed and invested by a corporate trustee, designated by Council, which shall carry out its responsibilities in accordance with the terms the Trust Agreement and further subject to such investment policy and guidance as Council shall, from time to time, give to the Trustee for the investment of the Pension Fund assets.

500.00 ADMINISTRATION OF THE PLAN:

- 500.10 The Plan shall be administered by and through Council or its appointed Administrator.
- 500.20 The Borough Secretary and/or Plan Administrator shall keep appropriate records of the proceedings regarding the administration of the Plan.
- 500.30 Council may employ and suitably compensate such actuarial and consulting services and advisory, clerical or other employees and attorneys as it may deem necessary for the performance of its duties.
- 501.00 The expenses of the administration of the Plan shall be paid from the assets of the Fund.
- 502.00 The action of Council shall be determined by the vote or other affirmative expression of a majority of its members.
- 503.00 Council shall make available to participants of the Plan, for examination during business hours, such of its records as pertain only to the participants involved.
- 504.00 Council shall make its records available to proper governmental officials during business hours and members of the general public upon twenty-four (24) hours

notice, or in accordance with any formal Public Records Policy adopted by Council.

505.00 Council, on behalf of the participants of the Plan, shall enforce the Plan in accordance with the terms of this Ordinance and related Resolutions, and shall have all powers necessary to accomplish that purpose including, but not limited to, the following:

505.10 To determine all questions relating to the eligibility of employees of becoming participants;

505.20 To compute and certify to the fiduciary the amount and kind of benefits payable to participants;

505.30 To select any issuing company and annuity contract which, in the opinion of Council, will best carry out the purposes of the Plan; and

505.40 To make and publish such rules and regulations for the administration of the Plan as are consistent with the terms of this Ordinance and Resolution relating hereto.

506.00 The Chief Administrative officer shall supply full and timely information to Council on all matters relating to the pay of all members of the Borough of Saegertown Employee Pension Plan, their retirements, deaths or other causes for termination of employment and such other pertinent data as Council may require.

507.00 Council shall advise the fiduciary with reasonable dispatch of such of the foregoing facts as may be coincident to the fiduciary's administration of the Fund.

600.00 COVERAGE:

600.10 The Plan and Fund shall cover all full-time employees (excluding Police Officers and Union Employees) of the Borough of Saegertown, hereinafter referred to as "member".

600.20 Every full-time employee (excluding Police Officers and Union Employees) of the Borough shall be a member covered under this agreement and entitled to the benefits provided hereunder.

700.00 PAYMENTS TO BE FREE FROM ALL CLAIMS:

700.10 All payments under the Plan shall be, to the fullest extent permitted by law, free and clear of any debts, contracts, engagements, anticipations or liability to levy, attachment, execution or sequestration against the recipient.

700.20 All payments to the plans shall not be subject to sale, assignment, transfer, claim, judgment or bankruptcy proceedings against the recipient of such payments, whether voluntary or involuntary.

800.00 RIGHTS OF PARTICIPANTS:

800.10 Any member of the Plan shall have the right to:

800.11 Inquire of Council as to his/her status or condition in the Plan, including prospective benefits to which such member may be entitled in the future;

800.12 To examine the records of Council pertaining to his/her pension records;

800.13 To appear personally before Council with or without counsel and to be heard in any matter pertaining to his/her rights under the Plan.

900.00 MODIFICATION:

900.10 The Plan and Fund established by this Ordinance may be discontinued, modified, alternated, terminated or repealed according to law, by Ordinance or Resolution where permitted by law and authorized by Council.

1000.00 SEVERANCE CLAUSE:

1000.10 Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

1100.00 REPEALER CLAUSE:

1100.10 All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

1200.00 EFFECTIVE DATE:

1200.10 The terms and conditions of this Ordinance shall become effective immediately upon passage by Council.

1200.20 ENACTED AND ORDAINED into an Ordinance this 14th day of January, 2008.