

ORDINANCE NO. 3 - 2006

**TOWNSHIP OF MORGAN
GREENE COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF MORGAN, GREENE COUNTY, PENNSYLVANIA, ESTABLISHING A MUNICIPAL EMPLOYEE-DEFINED CONTRIBUTION PENSION PLAN SPECIFYING SOURCES OF REVENUE FOR THE ESTABLISHMENT AND MAINTENANCE OF SAID PLAN, ESTABLISHING THE MINIMUM AGE FOR RETIREMENT AND ESTABLISHING THE PARTICIPANT'S BENEFITS IN THE PLAN.

WHEREAS, the Board of Supervisors of the Township of Morgan, by virtue of Section 702, clause XIII of the Second Class Township Code, 53 P.S. 65713 and Act 205, as amended, is authorized to provide for pensioning of municipal employees, and it is the desire of the Township of Morgan to restate the existing Nonuniformed Pension Plan (hereinafter referred to as "Plan") to provide such pensions.

NOW, THEREFORE BE IT ORDAINED and ENACTED by the Board of Supervisors of the Township of Morgan, County of Greene and Commonwealth of Pennsylvania. And **IT IS HEREBY ORDAINED and ENACTED** by the authority of the same as follows:

SECTION 1. TITLE

This Ordinance shall be known and cited as the Township of Morgan, "NONUNIFORMED PENSION PLAN ORDINANCE".

SECTION 2. GENERAL SCOPE

The purpose of this Ordinance is to establish a Nonuniformed Pension Plan for the benefit of all full-time nonuniformed employees of Morgan Township. All part-time employees of Morgan Township are hereby excluded from membership in said Plan.

SECTION 3. REVENUE SOURCES

The Plan hereby created and established shall derive the revenue necessary to maintain its operation in conformity with law from the following sources:

- (a) Any sum(s) paid to Morgan Township from any official or department of the Commonwealth of Pennsylvania under any present or future law pertinent thereto;
- (b) Annual appropriations made by Morgan Township in amounts additionally required to fund the Plan;
- (c) Any and all amounts accumulated under any insurance or annuities accumulated under any prior plan; and
- (d) Any money or property, real, personal or mixed, in trust for the benefit of the Plan, and received by the Plan through gift, devise or bequest.

The total of all monies or property derived from the above-specified sources shall constitute the Morgan Township Nonuniformed Pension Plan.

SECTION 4. DEFINITIONS

ACCOUNT BALANCE: Value of all accounts maintained on a participant's behalf, including accounts attributable to employer and employee contributions.

ALLOCATION DATE: December 31

CHIEF ADMINISTRATIVE OFFICER: Either the President of or the Secretary to the Board of Supervisors as set forth by motion of the same.

DISABLED: Qualification for disability under the Federal Social Security Act.

EFFECTIVE DATE: January 1, 2006

EMPLOYEE: Nonuniformed full-time employee of Morgan Township working at least 35 hours per week.

ENTRY DATE: January 1

NORMAL RETIREMENT DATE: First day of the month coincident with, or following, age 55.

PARTICIPANT: Any full-time employee who has met the requirements to participate in this Plan as provided for in Article 5 of this Ordinance, and has not for any reason become ineligible to participate further in the Plan.

PLAN: The pension plan as set forth herein (including any Trust forming a part thereof), as amended and supplemented from time to time, all of which shall be known as the Morgan Township Nonuniformed Pension Plan.

PLAN YEAR: The 12-month period beginning on January and ending on December 31 of each year.

PLAN YEAR OF SERVICE: Calculated on an elapsed time basis, rounded to the nearest year.

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

ARTICLE 5. PARTICIPATION IN THE PLAN

All employees of the Township shall be eligible to participate on the Effective Date. Any Employee, other than a Township Supervisor hired as an employee, hired after the Effective Date shall be eligible to participate on the Entry Date coincident with, or following the first anniversary of the date of hire and attainment of age 18.

ARTICLE 6. EMPLOYER CONTRIBUTION FORMULA

Each Participant attaining a Plan Year of Service will be allocated a contribution of \$3,700.00 for that year. A participant who dies, retires or becomes disabled in the Plan Year will receive a pro-

rata contribution calculated to the nearest month, if the separation date is prior to December 31. The contribution amount allocated to each Participant may be modified by Resolution by the Board of Supervisors. Participants who are Supervisors that are employed by the Township become eligible for the aforesaid contribution on the date they are employed by the Township.

ARTICLE 7. ALLOCATIONS

As of each Allocation Date, before allocation of contributions and forfeitures for the year, the annual earnings or losses of the trust fund shall be allocated in the same proportion that each Participant's account balance (reduced by any distributions) bears to the total of all Participant's account balances (reduced by any distributions).

ARTICLE 8. VESTING

The vested portion of any Participant's Account Balance shall be a percentage determined on the basis of the Participant's number of Plan Years of Service according to the following schedule:

<u>Plan Years of Service</u>	<u>Vesting Percentage</u>
Less than 3	0%
3 or more	100%

ARTICLE 9. FORFEITURES

In the event of a termination of a non-vested Participant, the Account Balance will be forfeited and reallocated among the Participants employed as of the year's end receiving contribution allocations in proportion to such allocations. The reallocation will occur in the Plan Year following the termination.

ARTICLE 10. DISTRIBUTIONS

Upon separation of service as a result of vested termination, disability, death or retirement, the Participant will be entitled to receive the Account Balance as of the prior Allocation Date plus the current year's contribution allocation.

ARTICLE 11. EMPLOYEE CONTRIBUTIONS

Employee contributions are neither required nor permitted. However, Account Balances attributable to prior employee contributions will continue to be tracked separately.

ARTICLE 12. SUPERVISORS IN CHARGE

The proper officers of Morgan Township are hereby authorized and empowered to execute and deliver on behalf of Morgan Township agreements and such other documents as the Supervisors shall determine to be necessary and proper to effectuate and implement the Morgan Township Nonuniformed Pension Plan hereby established.

ARTICLE 13. INALIENABILITY OF PENSION PAYMENTS: NON-TRANSFERABLE

The pension payments herein provided for shall not be subject to attachment, or other legal process, and shall be payable only to the member or his designated beneficiary, and shall not be subject to assignment or transfer.

ARTICLE 14. ADMINISTRATIVE EXPENSES

The expenses of the administration of this Ordinance, if any, may be paid for by the Plan.

ARTICLE 15. TRUSTEES

The Chief Administrative Officer, with the advice and consent of the Board of Supervisors, is hereby authorized to appoint a trustee or trustees (hereinafter called "trustee") and to enter into a trust agreement with said trustee upon such term(s) as the Board of Supervisors shall establish, to invest and reinvest the Plan assets and to make payments out of the Plan assets in accordance with the provisions of the Plan and Trust Agreement. The trustee may be a natural person or person, or a corporation, including a financial institution.

ARTICLE 16. REPEALER

Any Ordinance containing any provision inconsistent herewith to the extent that such provision is inconsistent, that provision is also hereby repealed.

ARTICLE 17. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE 18. EFFECTIVE DATE

The effective date of this Ordinance shall be January 1, 2006.

ORDINANCE NO. 06-1999

**TOWNSHIP OF MORGAN
GREENE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF MORGAN,
GREENE COUNTY, PENNSYLVANIA, ESTABLISHING A
MUNICIPAL EMPLOYEE-DEFINED CONTRIBUTION
PENSION PLAN SPECIFYING SOURCES OF REVENUE
FOR THE ESTABLISHMENT AND MAINTENANCE OF
SAID PLAN, ESTABLISHING THE MINIMUM AGE FOR
RETIREMENT AND ESTABLISHING THE
PARTICIPANT'S BENEFITS IN THE PLAN.**

WHEREAS, the Board of Supervisors of the Township of Morgan, by virtue of Section 702, clause XIII of the Second Class Township Code, 53 P.S. 65713 and Act 205, as amended, is authorized to provide for pensioning of municipal employees, and it is the desire of the Township of Morgan to restate the existing Nonuniformed Pension Plan (hereinafter referred to as "Plan") to provide such pensions.

NOW THEREFORE, pursuant to the authority conferred upon it by the Pennsylvania Second Class Township Code, as amended, and other laws of the Commonwealth of Pennsylvania, the Board of Supervisors of the Township of Morgan, Greene County, Pennsylvania, do hereby ENACT AND ORDAIN following:

SECTION 1. TITLE

This Ordinance shall be known and cited as the Township of Morgan, "NONUNIFORMED PENSION PLAN ORDINANCE".

SECTION 2. GENERAL SCOPE

The purpose of this Ordinance is to establish a Nonuniformed Pension Plan for the benefit of all full-time nonuniformed employees of Morgan Township. All part-time employees of Morgan Township are hereby excluded from membership in said Plan.

SECTION 3. REVENUE SOURCES

The Plan hereby created and established shall derive the revenue necessary to maintain its operation in conformity with law from the following sources:

- (a) Any sum(s) paid to Morgan Township from any official or department of the Commonwealth of Pennsylvania under any present or future law pertinent thereto;
- (b) Annual appropriations made by Morgan Township in amounts additionally required to fund the Plan;
- (c) Any and all amounts accumulated under any insurance or annuities accumulated under any prior plan; and
- (d) Any money or property, real, personal or mixed, in trust for the benefit of the Plan, and received by the Plan through gift, devise or bequest.

The total of all monies or property derived from the above-specified sources shall constitute the Morgan Township Nonuniformed Pension Plan.

SECTION 4. DEFINITIONS

ACCOUNT BALANCE: Value of all accounts maintained on a participant's behalf, including accounts attributable to employer and employee contributions.

ALLOCATION DATE: December 31

CHIEF ADMINISTRATIVE OFFICER: Either the President of or the Secretary to the Board of Supervisors as set forth by motion of the same.

DISABLED: Qualification for disability under the Federal Social Security Act.

EFFECTIVE DATE: January 1, 1999

EMPLOYEE: Nonuniformed full-time employee of Morgan Township working at least 35 hours per week.

ENTRY DATES: January 1 and July 1

NORMAL RETIREMENT DATE: First day of the month coincident with, or following, age 55.

PARTICIPANT: Any full-time employee who has met the requirements to participate in this Plan as provided for in Article 5 of this Ordinance, and has not for any reason become ineligible to participate further in the Plan.

PLAN: The pension plan as set forth herein (including any Trust forming a part thereof), as amended and supplemented from time to time, all of which shall be known as the Morgan Township Nonuniformed Pension Plan.

PLAN YEAR: The 12-month period beginning on January and ending on December 31 of each year.

PLAN YEAR OF SERVICE: Calculated on an elapsed time basis, rounded to the nearest year.

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

ARTICLE 5. PARTICIPATION IN THE PLAN

All Employees of the Township shall be eligible to participate on the Effective Date. Any Employee hired after the Effective Date shall be eligible to participate on the Entry Date coincident with, or following the first anniversary of the date of hire and attainment of age 18.

ARTICLE 6. EMPLOYER CONTRIBUTION FORMULA

Each Participant attaining a Plan Year of Service will be allocated a contribution of \$2,400 for that year. Participants entering on the July 1 Entry Date will receive a \$1,200 contribution for the initial year. A Participant who dies, retires or becomes disabled in the Plan

Year will receive a pro-rata contribution calculated to the nearest month, if the separation date is prior to July 1. The contribution amount allocated to each Participant may be modified by Resolution by the Board of Supervisors.

ARTICLE 7. ALLOCATIONS

As of each Allocation Date, before allocation of contributions and forfeitures for the year, the annual earnings or losses of the trust fund shall be allocated in the same proportion that each Participant's account balance (reduced by any distributions) bears to the total of all Participant's account balances (reduced by any distributions).

ARTICLE 8. VESTING

The vested portion of any Participant's Account Balance shall be a percentage determined on the basis of the Participant's number of Plan Years of Service according to the following schedule:

<u>Plan Years of Service</u>	<u>Vesting Percentage</u>
Less than 3	0%
3 or more	100%

ARTICLE 9. FORFEITURES

In the event of a termination of a non-vested Participant, the Account Balance will be forfeited and reallocated among the Participants employed as of the year's end receiving contribution allocations in proportion to such allocations. The reallocation will occur in the Plan Year following the termination.

ARTICLE 10. DISTRIBUTIONS

Upon separation of service as a result of vested termination, disability, death or retirement, the Participant will be entitled to receive the Account Balance as of the prior Allocation Date plus the current year's contribution allocation.

ARTICLE 11. EMPLOYEE CONTRIBUTIONS

Employee contributions are neither required nor permitted. However, Account Balances attributable to prior employee contributions will continue to be tracked separately.

ARTICLE 12. SUPERVISORS IN CHARGE

The proper officers of Morgan Township are hereby authorized and empowered to execute and deliver on behalf of Morgan Township agreements and such other documents as the Supervisors shall determine to be necessary and proper to effectuate and implement the Morgan Township Nonuniformed Pension Plan hereby established.

ARTICLE 13. INALIENABILITY OF PENSION PAYMENTS: NON-TRANSFERABLE

The pension payments herein provided for shall not be subject to attachment, or other legal process, and shall be payable only to the member or his designated beneficiary, and shall not be subject to assignment or transfer.

ARTICLE 14. ADMINISTRATIVE EXPENSES

The expenses of the administration of this Ordinance, if any, may be paid for by the Plan.

ARTICLE 15. TRUSTEES

The Chief Administrative Officer, with the advice and consent of the Board of Supervisors, is hereby authorized to appoint a trustee or trustees (hereinafter called "trustee") and to enter into a trust agreement with said trustee upon such term(s) as the Board of Supervisors shall establish, to invest and reinvest the Plan assets and to make payments out of the Plan assets in accordance with the provisions of the Plan and Trust Agreement. The trustee may be a natural person or persons, or a corporation, including a financial institution.

ARTICLE 16. REPEALER

Any Ordinance containing any provision inconsistent herewith to the extent that such provision is inconsistent, that provision is also hereby repealed.

ARTICLE 17. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE 18. EFFECTIVE DATE

The effective date of this Ordinance shall be January 1, 1999.

ORDAINED AND ENACTED INTO LAW by the Board of Supervisors of the Township of Morgan in lawful session assembled this 6th day of July, 1999.

TOWNSHIP OF MORGAN

By:



Shirl Barnhart, Chairman, Board of Supervisors

By:



George E. Handford, Vice Chairman

By:



Gene A. Morris, 3rd Member

ATTEST:



Relda K. Litten, Secretary

(SEAL)