

PENSION PLAN
TOWNSHIP OF FRANKENLUST, MICHIGAN
ord. no. 10 eff. Feb. 27, 1975

An Ordinance to create and establish an annuity or pension plan for the officers and employees of Frankenlust Township and to authorize the Township Supervisor and the Township Clerk to contract, in the name of the Township, for such plan; to define those classes of officers and employees who shall be covered by such annuity or pension plan; to set forth the respective *per centum* shares which Frankenlust Township and the officers and employees shall contribute to the premium or charges arising under such annuity or pension contract and to further provide for the deduction of contributions from officers' and employees' compensation; to establish the time at which existing and future employees shall become eligible for such plan; to set forth a date wherein each person covered under the annuity or pension plan shall have a vested right or interest in such plan; to ratify and confirm the validity of any annuity or pension plan in existence on the effective date of this ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

(amended by ord. no. 10A eff. June 29, 2011)

THE TOWNSHIP OF FRANKENLUST, BAY COUNTY, MICHIGAN ORDAINS:

Sec. 1. TITLE.

This ordinance shall be known and cited as the "Frankenlust Township Pension Plan Ordinance."

(ord. no. 10 eff. Feb. 27, 1975)

Sec. 2. ESTABLISHMENT.

Pursuant to Act #27 of the Public Acts of 1960 as amended, the Township of Frankenlust hereby creates and establishes an annuity or pension plan and program for the pensioning of its officers and employees, and, for such purposes, also hereby authorizes the Township Supervisor and the Township Clerk to contract, in the name of the township subject to the approval of the Township Board, with any company authorized to transact such business within the State of Michigan for annuities or pensions.

(ord. no. 10 eff. Feb. 27, 1975)

Sec. 3. PERSONS COVERED.

Any annuity or pension plan created, established and/or contracted-for under this Ordinance shall cover each person within the following groups:

(Amended by ord. 10A eff. June 29, 2011)

- A. All members of the Township Board; and,
(Amended by ord. 10A eff. June 29, 2011)
- B. All Township employees who are employed for more than 20 hours per week on a regular basis.
(ord. no. 10 eff. Feb. 27, 1975, amended by ord. 10A eff. June 29, 2011)

Notwithstanding anything contained in this section to the contrary, any Township employee whose employment relationship with the Township is governed by an employment contract shall not be a covered person for purposes of eligibility to participate in any annuity or pension plan created, established, or contracted-for under the authority of this ordinance. Such an employee shall receive only those benefits specified in the employment contract with the Township.
(amended by ord. no. 10A eff. June 29, 2011)

Sec. 4. CONTRIBUTIONS BY TOWNSHIP, EMPLOYEES; ELIGIBILITY FOR COVERAGE.

- A. The Township of Frankenlust shall annually contribute 100% per centum of that portion of the premium or charges arising under such annuity or pension contract for each person within the class of officers and employees enumerated in Section 3 hereof. Such contributions shall be secured from the general fund of the Township. Each person within such class of officers and employees may annually contribute under such annuity or pension contract an amount not to exceeding 25% of the person's gross annual compensation paid by the Township for the year in which the contribution is made.
(amend by ord. 66 eff. Oct. 7, 1994)
- B. Eligibility
 - 1. Each employee who is employed on the effective date of the annuity or pension plan shall be eligible to participate on that day provided he or she then meets the following requirements, otherwise to be eligible on the first policy anniversary on which he or she meets them.
(amended by ord. no. 10A eff. June 29, 2011)
 - a. He or she is actually employed with Frankenlust Township. There is no minimum duration of employment requirement.
(amended by ord. no. 10A eff. June 29, 2011)

- b. His or her age is at least 18 years.
(amended by ord. no. 10A eff. June 29, 2011)

- 2. Every employee who becomes employed after the effective date of the annuity or pension plan shall be eligible to participate on the first policy anniversary on which he or she meets the following requirements:
(amended by ord. no. 10A eff. June 29, 2011)
 - a. He or she is actually employed with Frankenlust Township. There is no minimum duration of employment requirement.
(amended by ord. no. 10A eff. June 29, 2011)

 - b. His or her age is at least 18 years.
(amended by ord. no. 10A eff. June 29, 2011)

(ord. no. 10 eff. Feb. 27, 1975, amended by ord. 66 eff. Oct.7, 1994, amended by ord .no 10A eff. June 29, 2011)

Sec. 5. RATIFICATION.

The Township of Frankenlust hereby ratifies and confirms the validity of any annuity or pension contract for the benefit of eligible Township participants in existence on the effective date of this Ordinance and, also, hereby ratifies and confirms all prior actions, decisions and resolutions of the Township Board whatsoever pertaining in any way to any annuity or pension contract for the benefit of eligible Township participants.

(ord. no. 11 eff. Feb. 27, 1975, amended by ord. 66 eff. Oct. 7, 1994, amended by ord. no. 10A eff. June 29, 2011)

Sec. 6. SEVERABILITY.

If any Section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(Amended by ord. 66 eff. Oct. 7, 1994)

Sec. 7. ORDINANCE REPEALED.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

(Amended by ord. 66 eff. Oct. 7, 1994)

Sec. 8. EFFECTIVE DATE; REPEAL.

This ordinance shall take effect the day following the date of publication and shall be published once in the *Bay City Democrat*, a newspaper circulating in Frankenlust Township, Bay County, Michigan, on or before June 29, 2011.

Adopted: February 11, 1975

Published and Effective: February 27, 1975

(Amended by ord. 66 eff. Oct. 7, 1994)

(Amended by ord. no. 10A eff. June 29, 2011)