

ORDINANCE # 323

AN ORDINANCE OF ORWIGSBURG BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, ELECTING TO CHANGE THE BENEFITS IT HAS IN THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM UNDER ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW: AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES CHANGING BENEFITS UNDER THE PROVISIONS OF THIS ARTICLE: STATING WHICH OF CERTAIN OPTIONS PERMITTED UNDER THE SAID LAW ARE ACCEPTED BY THE BOROUGH. IT IS HEREBY ORDAINED BY ORWIGSBURG BOROUGH, SCHUYLKILL COUNTY, AS FOLLOWS:

SECTION I. Orwigsburg Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its member benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, as amended, and does hereby agree to be bound by all the requirements and provisions of said Article and the Law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said Amendment, as the case may be. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV.

SECTION II. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employees of the Borough. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

SECTION III. Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire. Benefits provided to members in the agreement dated November 10, , 1993, shall accrue based on all credited service granted and earned in accordance with this section.

SECTION IV. Payment for any obligation established by the adoption of this ordinance and the agreement between the System and Orwigsburg Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

SECTION V. As part of this ordinance, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Orwigsburg Borough, dated November 10, 1993. The passage and adoption of this ordinance by Orwigsburg Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Orwigsburg Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

SECTION VI. The Borough of Orwigsburg intends this Ordinance to be the complete authorization of the Borough plan and it shall become effective and specifically repeal Ordinance Number 297 on January 1, 1994 which is the effective date of the amended Agreement dated, November 10, 1993, between the Pennsylvania Municipal Retirement System and the Borough of Orwigsburg.

SECTION VII. A duly certified copy of this ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Orwigsburg Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1991, with the revised plan structure reflected in the agreement dated November 10, 1993, effective the first day of January, 1994.

ORDAINED this 10th day of November, 1993.

TALLY OF VOTES - YEAS 5 NAYS 1

ATTEST:

Kathleen M. Orwig, Borough Secretary  
Borough Secretary

DULY ENACTED AND ORDAINED this 10th day of November ,  
19 93 , by the Borough Council of the Borough of Orwigsburg,  
Schuylkill County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF ORWIGSBURG

*Kathleen M. Consugar, Secy* (SEAL)  
Secretary

BY: *Joseph M. Berdis*  
President of Council

EXAMINED AND APPROVED this 24 day of \_\_\_\_\_, 19 .

*[Signature]*  
\_\_\_\_\_  
Mayor of Orwigsburg