

ORDINANCE NO. 2-09

AN ORDINANCE OF MILLERSBURG BOROUGH, DAUPHIN 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 MILLERSBURG BOROUGH, DAUPHIN COUNTY, AS FOLLOWS:

SECTION I. Millersburg Borough (the Borough), being a member municipality of the Pennsylvania Municipal Retirement System (the 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 Pennsylvania Municipal Retirement Board (the Board) and the Borough under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

SECTION II. Membership in the System shall be mandatory for all full-time municipal employees of the Borough. Membership for elected officials, part-time employees not currently members, and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis. Individual membership shall be effective as of the date the Borough entered into the System.

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 or the expiration of the member's probationary period if one so existed, whichever is more recent. Benefits provided to members in the Agreement dated August 12, 2009 (the Agreement), 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 Board and the 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.

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SECTION V. As part of this Ordinance, the Borough agrees that the System shall provide the benefits set forth in the Agreement. The passage and adoption of this Ordinance by the Borough is an official acceptance of said Agreement and the financial obligations resulting from the administration of said benefit package. The 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 intends this Ordinance to be the complete authorization of the Borough's municipal pension plan and it shall become effective and specifically repeal Ordinance Number 3-99 either immediately or on September 1, 2009, which is the effective date of the Agreement, whichever is later.

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 the Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1985, with the revised plan structure reflected in the Agreement, effective the first day of September, 2009.

ORDAINED this 12th day of August, 2009.

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ATTEST:

BOROUGH OF MILLERSBURG

Ann Bowman Gaska
Borough Secretary

[Signature]
President of Council

APPROVED THIS 12th DAY OF August, 2009.

[Signature]
Mayor

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