

TOWNSHIP OF UPPER MACUNGIE
Lehigh County, Pennsylvania

ORDINANCE #2024-04
(Duly Adopted May 2, 2024)

AN ORDINANCE OF UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY, COMMONWEALTH OF PENNSYLVANIA, ELECTING TO AMEND ITS POLICE PENSION PLAN ADMINISTERED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW BY AMENDING SECTION 1.70 OF THE CURRENT POLICE PENSION PLAN (PLAN ENTRY DATE) AND SECTION 2.01 (MEMBERSHIP ELIGIBILITY) TO COINCIDE WITH THE EMPLOYEE'S EMPLOYMENT COMMENCEMENT DATE AS SET FORTH IN GREATER DETAIL IN THE ORDINANCE AND EXHIBITS ATTACHED HERETO.

WHEREAS, Upper Macungie Township (the Township), by and through the adoption of Township Ordinance 2012-06, previously established a police pension plan administered by the Pennsylvania Municipal Retirement System (the System) in accordance with Article IV of the Pennsylvania Municipal Retirement Law, 53 P.S. §881.101 et seq. (Retirement Law), and wherein the Township agreed to be bound by all the requirements and provisions of the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. §895.101 et seq., and to assume all obligations, financial and otherwise, placed upon member municipalities; and

WHEREAS, through the adoption of Ordinance 2012-06, the Township agreed that the System shall administer and provide the benefits set forth in the in a Police Pension Plan Document entered into between the Pennsylvania Municipal Retirement Board and the Township having an effective date of August 20, 2012 (the 2012 Plan); and

WHEREAS, the Township, since 2012, has adopted various amendments and restatements to the 2012 Plan; and

WHEREAS, on February 6, 2020, the Township adopted Ordinance 2020-04 which amended, re-established and ratified the terms of the 2012 Plan by entering into a Pennsylvania Municipal Retirement System Defined Benefit Plan Adoption Agreement with the Pennsylvania Municipal Retirement Board having an effective date of February 20, 2020, which is on file at the Township Municipal Building and incorporated herein by reference (2020 Plan); and

WHEREAS, on February 3, 2022, the Township adopted Ordinance 2022-02 which amended, re-established and ratified the terms of the 2020 Plan (2022 Plan); and

WHEREAS, the Township hereby desires to further amend the terms of the 2022 Plan by entering into a Municipal Retirement System Defined Benefit Plan Adoption Agreement Amendment with Pennsylvania Municipal Retirement Board as set forth in greater detail herein.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Upper Macungie Township as follows, to wit:

1. The above recitals shall form a part of this Ordinance as though the same were set forth herein at length.

2. The 2022 Plan **shall be amended** as follows:

Section 1.70 PLAN ENTRY DATE.

Employee's Employment Commencement Date.

Section 2.01 MEMBERSHIP ELIGIBILITY.

Employee's Employment Commencement Date.

3. The Township Manager is authorized to sign the Municipal Retirement System Defined Benefit Plan Adoption Agreement Amendment with Pennsylvania Municipal Retirement Board reflecting the amendment set forth hereinabove (2024 Amendment) attached hereto as **Exhibit "A"**.

4. As part of this Ordinance, the Township agrees that the System shall administer and Provide the benefits set forth in the amended Police Pension Plan Document entered into between the Pennsylvania Municipal Retirement Board and the Township effective as of the date specified in the adoption agreement (the Contract).

5. The Township acknowledges that by passage and adoption of this Ordinance, the Township officially accepts the Contract and the financial obligations resulting from the administration of the Contract.

6. Payment for any obligation established by the adoption of this Ordinance and the Contract shall be made by the Township in accordance with the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act. The Township hereby assumes all liability for any unfundedness created due to the benefit structure set forth in the Contract.

7. The Township intends this Ordinance to be the complete authorization of the 2024 Amendment, and acknowledges it shall become effective as of the date specified in the Adoption Agreement, which is the effective date of the Contract, as amended.

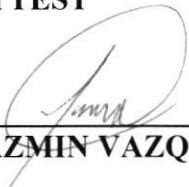
8. In the event that any provision, section, clause or part of a section or any clause or

part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, clauses or part of a section or any clause nor the existing 2022 Plan, it being the intent of this Township that such remainder shall remain in full force and effect.

9. The Township shall file a certified copy of this Ordinance and an executed Adoption Agreement with the System.

ENACTED AND ORDAINED the 2nd day of May 2024, by the Board of Supervisors of the Township of Upper Macungie, Lehigh County, Pennsylvania, in lawful session duly assembled.

ATTEST



JAZMIN VAZQUEZ, Township Secretary

**UPPER MACUNGIE TOWNSHIP
BOARD OF SUPERVISORS**



JEFF FLEISCHAKER, Chairman



SUNNY GHAI, Vice-Chairwoman



JAMES M. BRUNELL, Member

