

**ORDINANCE NO. 293-2017
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE EAST WHITELAND TOWNSHIP OTHER POST-EMPLOYMENT BENEFITS TRUST AGREEMENT TO AMEND THE PROVISIONS THEREOF PERTAINING TO THE MANAGEMENT AND ADMINISTRATION OF THE TOWNSHIP'S OTHER POST-EMPLOYMENT BENEFITS TRUST.

WHEREAS, East Whiteland Township is a Township of the Second Class, organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, on December 13, 2013, the Board of Supervisors of East Whiteland Township enacted Ordinance No. 249-2013, which authorized the execution of a certain "East Whiteland Township Other Post-Employment Benefits Trust Agreement" (the "OPEB Agreement"), which governs the management and administration of the Township's Other Post-Employment Benefits Trust (the "OPEB Trust"); and

WHEREAS, Paragraph 11.1 of the OPEB Agreement provides that it may be amended at any time, provided that such amendment shall not operate to violate any applicable law or regulation; and

WHEREAS, the Board of Supervisors of East Whiteland Township desires to execute an amendment to the OPEB Agreement which will increase the number of trustees who administer the OPEB Trust from three to five persons, and to amend the provisions governing who is eligible to serve as Trustees.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors for East Whiteland Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

SECTION I. EXECUTION OF TRUST AGREEMENT AMENDMENT.

The Township is hereby authorized to enter into the "First Amendment of the East Whiteland Township Other Post-Employment Benefits Trust Agreement" in the form which is attached hereto as Exhibit "A," and which is incorporated herein by reference and made a part hereof.

SECTION II. REPEALER.

All Ordinances or parts of Ordinances inconsistent with herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION III. REVISIONS.

The East Whiteland Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION IV. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION V. EFFECTIVE DATE.

This amendment shall become effective five (5) days after date of adoption.

SECTION VII. FAILURE TO ENFORCE NOT A WAIVER.

The failure of East Whiteland Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

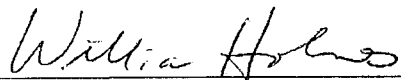
ORDAINED AND ENACTED by the Board of Supervisors for East Whiteland Township, Chester County, Pennsylvania, this 10th day of May, 2017.

ATTEST:

**EAST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS:**



John Nagel, Township Manager

By: 

William Holmes, Chairman

**FIRST AMENDMENT OF THE EAST WHITELAND TOWNSHIP OTHER POST-
EMPLOYMENT BENEFITS TRUST AGREEMENT**

THIS AGREEMENT, is entered into this 10th day of May, 2017, by EAST WHITELAND TOWNSHIP, a Township of the Second Class organized and existing under the laws of the Commonwealth of Pennsylvania with an address at 209 Conestoga Road, Frazer, Pennsylvania 19355 (the "Township"), and Dante Bradley, Robert Logan, Rusty Smith, Stephen Schmid, and Tim Caban (the "Trustees").

BACKGROUND:

WHEREAS, the Township employs police officers, firefighters and other employees, and has established pension plans for the benefit of such employees and their spouses, dependents and beneficiaries; and

WHEREAS, the Township executed a certain "East Whiteland Township Other Post-Employment Benefits Trust Agreement" on December 11, 2013 (the "OPEB Agreement") to govern the management and administration of the Township's Other Post-Employment Benefit trust (the "OPEB Trust"); and

WHEREAS, Paragraph 9.1 of the OPEB Agreement provides that the OPEB Trust shall be administered by a three-member Board of Trustees, consisting of one Township Supervisor, the Township Manager and the Township Finance Director;

WHEREAS, Paragraph 11.1 of the OPEB Agreement provides that it may be amended at any time by the Township, provided that such amendment will not violate any applicable law or regulation.

WHEREAS, the Board of Supervisors desires to execute an amendment to the OPEB Agreement to revise the provisions pertaining to the membership of the Board of Trustees.

NOW, THEREFORE, in consideration of the foregoing, and intending to be legally bound hereby, the parties agree as follows:

1. Paragraph 9.1 of the OPEB Agreement is hereby amended to provide as follows:

"9.1 **Trust Administration.** The OPEB Trust shall be managed and administered by a five member Board of Trustees, one of whom may be a Supervisor of this Township, to be appointed by the Board of Supervisors. All Trustees must be residents of East Whiteland Township. One of the Trustees may be a member of the Board of Supervisors. Upon execution of this Agreement, one Trustee shall be appointed for a term ending on December 31, 2017, one for a term ending on December 31, 2018, one for a term ending on December 31, 2019, one for a term ending on December 31, 2020, and one for a term ending on December 31, 2021. Thereafter, upon the expiration of these terms, each Trustee shall be appointed for a five-year term by resolution of the Board of Supervisors."

2. All other provisions of the OPEB Agreement are hereby ratified, and remain in full force and effect.

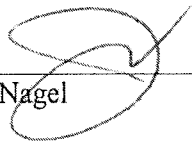
EXHIBIT "A"

**FIRST AMENDMENT OF THE EAST WHITELAND TOWNSHIP OTHER POST-
EMPLOYMENT BENEFITS TRUST AGREEMENT**

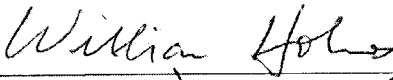
IN WITNESS WHEREOF, the Township and the Trustees have caused this Agreement to be signed by their duly-authorized officers or representatives on the date above written.

Attest:

EAST WHITELAND TOWNSHIP



John Nagel

By: 

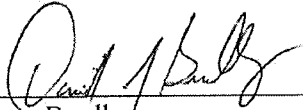
William Holmes

Richard Orlow




Susan Drummond


EAST WHITELAND TOWNSHIP
OPEB TRUST TRUSTEES



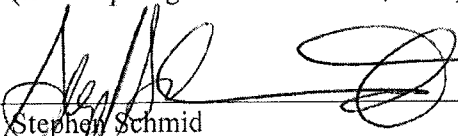
Dante Bradley
(term expiring on December 31, 2017)



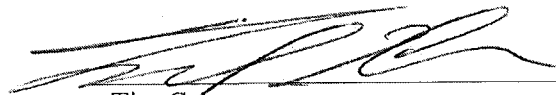
Robert Logan
(term expiring on December 31, 2018)



Rusty Smith
(term expiring on December 31, 2019)



Stephen Schmid
(term expiring on December 31, 2020)



Tim Caban
(term expiring on December 31, 2021)

**RESOLUTION NO. 22-2017
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION APPOINTING TRUSTEES OF THE EAST WHITELAND TOWNSHIP
OTHER POST-EMPLOYEE BENEFITS TRUST.**

WHEREAS, East Whiteland Township is a Township of the Second Class, organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to a recently-executed "First Amendment of the East Whiteland Township Other Post-Employment Benefits Trust Agreement," the Board of Supervisors is authorized to appoint five (5) persons to the Board of Trustees to manage and administer the Township's Other Post-Employment Benefits Trust; and


WHEREAS, the Board of Supervisors desires to appoint those five (5) initial Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors for East Whiteland Township that the following persons are hereby appointed as the initial Trustees to manage and administer the Township's Other Post-Employment Benefits Trust for the following terms:

Dante Bradley	(term expiring on December 31, 2017)
Robert Logan	(term expiring on December 31, 2018)
Rusty Smith	(term expiring on December 31, 2019)
Stephen Schmid	(term expiring on December 31, 2020)
Tim Caban	(term expiring on December 31, 2021)

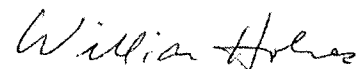
DULY PRESENTED AND ADOPTED by the Board of Supervisors of East Whiteland Township, Chester County, Pennsylvania, at a public meeting held this 10th day of May, 2017.

ATTEST:



John Nagel

**EAST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

By: 

William Holmes, Chairman