

# CHAPTER 32: PENSIONS

[HISTORY: Adopted by the Borough Council of the Borough of Newport as indicated in article histories. Amendments noted where applicable.]

## GENERAL REFERENCES

Salaries and compensation - See Ch. 48.

## Article I. Police Pension Plan

[Adopted 3-6-2007 by Ord. No. 327]

§ 32-1. Election to change benefits.

Newport Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its police pension benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, Editor's Note: See 53 P.S. § 881.101 et seq. as amended, and does hereby agree to be bound by all the requirements and provisions of said law, and to assume all obligations, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law. Editor's Note: See 53 P.S. § 881.401 et seq.

§ 32-2. Membership in system mandatory.

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time police officers 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.

§ 32-3. Credit for service; benefit accrual.

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. Benefits provided to members in the agreement dated March 6, 2007, shall accrue based on all credited services granted and earned in accordance with this section.

§ 32-4. Payment for obligations.

Payment for any obligation established by the adoption of this article and the agreement between the System and Newport Borough shall be made by the Borough accordance with

the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act. Editor's Note: See 53 P.S. § 895.101 et seq. Editor's Note: The agreement between the System and Newport Borough is on file in the Borough offices.

§ 32-5. Provision of benefits; acceptance of financial obligations.

As part of this article, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Newport Borough, dated March 6, 2007. The passage and adoption of this article by Newport Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Newport 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.

§ 32-6. Effect on other provisions; when effective.

Newport Borough intends this article to be the complete authorization of the Borough's Police Pension Plan and it shall become effective and specifically repeal the ordinance dated November 4, 1987, either immediately or on January 1, 2007, which is the effective date of the amended agreement dated March 6, 2007, between the Pennsylvania Municipal Retirement System and Newport Borough, whichever is later.

§ 32-7. Filing of copy.

A duly certified copy of this article and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the Police Pension Plan of Newport Borough with the revised plan structure reflected in the agreement dated March 6, 2007, effective the first day of January 2007.

## **Article II. Nonuniformed Employees Pension Plan**

[Adopted 12-28-2011 by Ord. No. 345]

§ 32-8. Election to amend plan.

Newport Borough (the Borough), being a member municipality of the Pennsylvania Municipal Retirement System (the System), hereby elects to amend its Municipal Pension Plan administered by the System in accordance with Article IV of the Pennsylvania Municipal Retirement Law, 53 P.S. § 881.101 et seq. (Retirement Law), and does hereby agree 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.

§ 32-9. Administration of benefits.

As part of this article, the Borough agrees that the System shall administer and provide the benefits set forth in the amended Municipal Pension Plan Contract entered into between the Pennsylvania Municipal Retirement Board and the Borough effective January 1, 2012 (the Contract).

§ 32-10. Acceptance of contract and financial obligations.

The passage and adoption of this article by the Borough is an official acceptance of the Contract and the financial obligations resulting from the administration of the Contract.

§ 32-11. Obligation; liability.

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

§ 32-12. Authorization of contract; repealer.

The Borough intends this article to be the complete authorization of the Contract and it shall become effective and specifically repeal Ordinance Number 302 and Resolution 6-11 either immediately or on January 1, 2012, which is the effective date of the Contract, whichever is later.

§ 32-13. Filing of copy.

A duly certified copy of this article and an executed Contract shall be filed with the System.