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PART 1
ELECTED OFFICERS

§101. MAYOR'S SALARY.

The salary of the Mayor of the Borough of Wrightsville is hereby fixed at \$750 per annum, payable in equal monthly installments.

(Ord. 97-3, 12/8/1997, §1)

§102. SALARY OF MEMBERS OF BOROUGH COUNCIL.

The salary of each of the members of the Borough Council of the Borough of Wrightsville is hereby fixed at \$600 per annum, payable in equal monthly installments.

(Ord. 97-3, 12/8/1997, §2)



PART 2

MUNICIPAL AUTHORITY

§201. INTENTION AND DESIRE TO ORGANIZE WRIGHTSVILLE BOROUGH MUNICIPAL AUTHORITY.

It is the desire and intention of the municipal authorities of the Borough of Wrightsville, York County, Pennsylvania, to organize an authority under the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, together with all the supplements thereof and amendments thereto for the purpose of exercising and enjoying the powers of the Act, its supplements or amendments.

(Ord. 3/7/1966B, §1)

§202. ARTICLES OF INCORPORATION OF WRIGHTSVILLE BOROUGH MUNICIPAL AUTHORITY.

In pursuance of said desire and intention and in conformity with the terms and provisions of the Municipality Authorities Act of 1945, its supplements and amendments, the proposed Articles of Incorporation are set forth in full as follows:

ARTICLES OF INCORPORATION OF THE WRIGHTSVILLE BOROUGH MUNICIPAL AUTHORITY

To the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania

In compliance with the requirements of the Municipality Authorities Act of 1945, P.L. 382, its supplements and amendments, and pursuant to an ordinance duly adopted by the municipal authorities of the Borough of Wrightsville, York County, Pennsylvania, that a Municipal Authority be established under the provisions of the aforementioned law, the Borough of Wrightsville, desiring and intending that a Municipal Authority be established and that a certificate of incorporation be issued to said Authority, does hereby certify:

- A. The name of the Authority shall be "Wrightsville Borough Municipal Authority."
- B. This Authority is formed under the Act of General Assembly of the Commonwealth, which was approved May 2, 1945, P.L. 382, its supplements and amendments and known as the "Municipalities Authorities Act of 1945."
- C. No other authority organized under the said Municipality Authorities Act of 1945, its supplements or amendments, or under the Act of June 28, 1935, P.L. 463, is in existence in or for the said incorporating municipality.
- D. The name of the incorporating municipality is the Borough of Wrightsville and its address is Wrightsville Borough Council Chambers, South Second Street, Wrightsville Borough, York County, Pennsylvania. The names of the Mayor and

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members of Council of the Borough of Wrightsville, such persons being the municipal authorities, are as follows: [Here followed the names and address of the Mayor and the members of the Borough Council.]

- E. The names and addresses and terms of office of the first members of the Board of the said Authority are: [Here followed the names, addresses and terms of office of the first members of the Board of the Authority all of whom were citizens or taxpayers of the Borough.]
- F. The term of existence of the Wrightsville Borough Municipal Authority shall be extended to a date of 50 years from the date of approval of these Articles of Amendment. [Ord. 89-5]
- G. The membership of the Board of the Authority shall be expanded to seven. The names and addresses and terms of office of the new members are: [Here followed the names addresses and terms of office of the new members.] [Ord. 89-5]

(Ord. 3/7/1966B, §2; as amended by Ord. 89-5, 9/11/1989, §§1, 2)

PART 3

RECREATION BOARD

§301. RECREATION BOARD CREATED.

A Recreation Board is hereby established and created in and for the Borough of Wrightsville. Said Board shall be composed of a maximum of 15 members, all appointed by the Borough Council. The qualifications and tenure of the members of the said Board shall be as provided by law. The said Board shall perform all duties and may exercise all powers and functions vested by law in Borough Recreation Boards, subject to the authority of the Borough Council to designate the recreation places to be established and maintained and to budget the amount of money available from Borough revenues in any 1 year for the functions of the Recreation Board and for the recreation places maintained thereby.

(Ord. 82-1, 7/12/1982, §1)

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PART 4
POLICE DEPARTMENT

A. [Reserved].



B. Police Services.

§411. COST OF ADDITIONAL SERVICE.

Any person or entity conducting any function within the Borough of Wrightsville which requires, in the discretion of the Borough, police service in addition to the police service which would be supplied except for the function, shall be responsible for the cost of the additional service. The need for additional police service shall be determined by the Police Chief in accordance with the provisions of the Borough Code.

(Ord. 81-2, 5/4/1981, §1)

§412. COST CONSIDERATIONS.

The cost of the additional service shall be considered the sums paid to such additional personnel as may be utilized to supply the service stated in §411.

(Ord. 81-2, 5/4/1981, §2)

§413. PAYMENT OF BILL.

After the event is concluded, the Borough Secretary shall send a bill to the person or entity conducting the function. Payment for the bill shall be due 30 days from delivery by the Borough. Delivery may be accomplished by depositing the bill in the mail first class with postage prepaid, addressed to the person or entity conducting the function. If unpaid, the bill may be collected by judicial process in the same manner.

(Ord. 81-2, 5/4/1981, §3)



C. Police Pension Plan.

§421. DEFINITIONS.

ACTUARIAL EQUIVALENT -

- A. The present value of any benefit under the terms of this plan will be the actuarial equivalent of the accrued benefit in the normal form of benefit commencing at normal retirement date.
- B. In compliance with Act 600, this plan does not provide optional forms of benefit payment; therefore, no actuarial equivalence for determining optional forms need be determined.
- C. Limitation on Benefits. For the purpose of implementing the limitations on benefits of IRC §415, actuarial equivalence shall be determined based on the following mortality and interest assumptions:

Mortality table: UP-1984 (-2)

Interest rate: 5.00% per annum compounded annually
(except as limited under §7.1(e)(13))

For the purpose of implementing the limitations on benefits of IRC §415 for limitation years beginning on or after January 1, 1995, the IRC §417 mortality table is the mortality table prescribed by the Secretary of the United States Treasury under Revenue Ruling 95-6 or subsequent guidance. Such table shall be based on the prevailing commissioners' standard table used to determine reserves for group annuity contracts issued on the date as of which the present value is being determined.

Notwithstanding the preceding, effective for the purpose of implementing the limitations on benefits of IRC §415 for limitation years beginning on or after December 31, 2002, the reference in this subsection to the mortality table prescribed in Revenue Ruling 95-6 shall be construed as a reference to the mortality table prescribed in Revenue Ruling 2001-62 for all purposes under the plan. [Ord. 03-5]

COMPENSATION/AVERAGE MONTHLY COMPENSATION -

COMPENSATION -

- (1) Any earnings reportable as W-2 wages for Federal income tax withholding purposes, plus elective contributions, for the applicable period. Elective contributions are amounts excludable from the employee's gross income and contributed by the employer, at the employee's election to:

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- (a) A cafeteria plan (excludable under IRC §125 and as provided in §427(1)(E)(3)); [Ord. 03-5]
 - (b) A tax sheltered annuity (excludable under IRC §403(b)); or
 - (c) A deferred compensation plan (excludable under IRC §457).
- (2) Any reference in this plan to compensation shall be a reference to the definition in this subsection, unless the plan reference specifies a modification to this definition. The plan administrator shall take into account only compensation actually paid by the employer for the relevant period. A compensation payment includes compensation by the employer through another person under the common paymaster provisions in IRC §§3121 and 3306. Compensation from a related employer that is not a participating employer under this plan shall be excluded.

EXCLUSIONS FROM COMPENSATION - notwithstanding the provisions of this subsection, the following types of remuneration shall be excluded from the participant's compensation:

- (1) Unused vacation, personal day and sick pay on account of termination of employment.
- (2) Any lump sum payment made upon termination of employment.

LIMITATIONS ON COMPENSATION -

- (1) For any plan year beginning after December 31, 2001, the plan administrator shall take into account only the first \$200,000 (or beginning January 1, 2003, such larger amount as the Commissioner of Internal Revenue may prescribe) of any participant's compensation for determining all benefits provided under the plan. For any plan year beginning after December 31, 1995 but before January 1, 2002, the plan administrator shall take into account only the first \$150,000 (or, for plan years beginning after December 31, 1996 but before January 1, 2002, such larger amount as the Commissioner of Internal Revenue may prescribe) of any participant's compensation for determining all benefits provided under the plan for a determination period. The compensation dollar limitation for a plan year shall be the limitation amount in effect on January 1 of the calendar year in which the plan year begins. If the plan should determine compensation on a period of time that contains less than 12 calendar months (such as for a short plan year), the annual compensation dollar limitation shall be an amount equal to the compensation dollar limitation for the plan year multiplied by the ratio obtained by dividing the number of full months in the period by 12.
- (2) Notwithstanding the preceding, in the case of an eligible participant, the annual compensation dollar limitation shall not apply to the extent that the application of the limitation would reduce the amount of compensation that is allowed to be taken into account under the plan below the amount that

was allowed to be taken into account under this plan as in effect on July 1, 1993. For this purpose, an eligible participant is an individual who first became a participant in the plan during a plan year prior to the first day of the first plan year beginning after December 31, 1995.

AVERAGE MONTHLY COMPENSATION -

- (1) The average of a participant's monthly compensation over the 36-consecutive-month period ending on the date of employment termination. If a participant's entire period of service for the employer is less than the specified period, compensation shall be average on a monthly basis over the participant's entire period of service.
- (2) If compensation for any plan year beginning prior to January 1, 1996, is taken into account in determining average annual compensation for any plan year beginning after December 31, 1993, such compensation shall be subject to the \$150,000 compensation dollar limitation, but only to the extent described in this section.

DATES/YEARS -

ACCOUNTING DATE - the last day of the plan year.

EFFECTIVE DATE - of the plan is January 8, 1962.

- (1) The effective date of this amendment and restatement is January 1, 2001; provided, however, that the plan provisions required to comply with the Tax Reform Act of 1986 (TRA '86), the Omnibus Budget Reconciliation Act of 1986 (OBRA '86), the Omnibus Budget Reconciliation Act of 1987 (OBRA '87) and the Technical and Miscellaneous Revenue Act of 1988 (TAMRA) shall generally be effective on the first day of the plan year beginning after December 31, 1988, except as specified otherwise in this plan or in TRA '86, OBRA '86, OBRA '87 or TAMRA for a government sponsored plan. The plan provisions required to comply with the 1989 Revenue Reconciliation Act shall generally be effective on the first day of the plan year beginning after December 31, 1989, except as specified otherwise in this plan or in said Act. The plan provisions required to comply with the Unemployment Compensation Amendments of 1992 shall be effective on January 1, 1993, except as specified otherwise for a government sponsored plan. The plan provisions required to comply with the Omnibus Budget Reconciliation Act of 1993 shall generally be effective on the first day of the plan year beginning after December 31, 1993, except as specified otherwise in said Act.
- (2) The plan provision required to comply with the Family and Medical Leave Act shall be effective August 5, 1993, the plan provisions required to comply with the Uniformed Services Employment and Re-Employment Rights Act of 1994 shall be effective December 12, 1994, the plan provisions required to comply with the Retirement Protection Act of 1994 shall

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generally be effective on the first day of the first limitation year beginning after December 31, 1994, the plan provisions required to comply with the Small Business Job Protection Act of 1996 shall generally be effective on the first day of the plan year beginning after December 31, 1996, the plan provisions required to comply with the Taxpayer Relief Act of 1997 shall generally be effective on the first day of the plan year beginning after August 5, 1997, and the plan provisions required to comply with the Economic Growth and Tax Relief Reconciliation Act of 2001 shall generally be effective on the first day of the plan year beginning after December 31, 2001, except as specified otherwise in this plan or in said Acts for a government sponsored plan.

PLAN ENTRY DATE - the participation date(s) specified in §422 of this Part.

PLAN YEAR - the 12-consecutive-month period beginning on January 1 and ending on December 31.

LIMITATION YEAR - the plan year.

EMPLOYEE -

EMPLOYEE - any person employed by the employer. The term "employee" shall include any employee of the employer maintaining the plan or of any other employer required to be aggregated with such employer under IRC §§414(b), (c), (m) or (o), as such provisions may be interpreted to apply to a governmental entity by the Internal Revenue Service. The term "employee" shall also include any leased employee deemed to be an employee of any such employer as provided in IRC §§414(n) or (o) and as defined in this section.

LEASED EMPLOYEE - an individual (who otherwise is not an employee of the employer) who, pursuant to a leasing agreement between the employer and any other person, has performed services for the employer (or for the employer and any persons related to the employer within the meaning of IRC §414(n)(6)) on a substantially full-time basis for at least 1 year and such services are performed under the primary direction or control of the employer. If a leased employee is treated as an employee by reason of this subsection, compensation from the leasing organization that is attributable to services performed for the employer shall be considered as compensation under the plan. Contributions or benefits provided a leased employee by the leasing organization that are attributable to services performed for the employer shall be treated as provided by the employer.

EMPLOYER - the Borough of Wrightsville, a political subdivision of the Commonwealth of Pennsylvania, or any successor entity that may assume the obligations of this plan with respect to its employees by becoming a party to this plan.

FIDUCIARIES -

CHIEF ADMINISTRATIVE OFFICER - the person appointed by the employer or the pension board as described in §428(2) of this Part who has primary responsibility for the execution of the administrative affairs of the plan.

PLAN ADMINISTRATOR - the chief administrative officer.

INVESTMENT MANAGER - a person or corporation other than a trustee appointed for the investment of plan assets.

PARTICIPANT/BENEFICIARY -

PARTICIPANT - an eligible employee of the employer who becomes a member of the plan pursuant to the provisions of §422 of this Part or a former employee who has an accrued benefit under the plan.

BENEFICIARY - a person designated by a participant who is or may become entitled to a benefit under the plan. The beneficiary may be someone other than the participant's spouse, but only to the extent that this plan provides for a benefit to be payable to a non-spouse beneficiary. A beneficiary who becomes entitled to a benefit under the plan remains a beneficiary under the plan until the trustee has fully distributed his benefit to him. A beneficiary's right to (and the plan administrator's or a trustee's duty to provide to the beneficiary) information or data concerning the plan shall not arise until he first becomes entitled to receive a benefit under the plan.

PLAN - the Borough of Wrightsville Police Pension Plan as set forth herein and as it may be amended from time to time.

REFERENCES -

ACT 205 - the Municipal Pension Plan Funding Standard and Recovery Act, Act of December 18, 1984, P.L. 1005, No. 205, as amended, 53 P.S. 895.101, *et seq.*, as enacted by the Commonwealth of Pennsylvania.

ACT 600 - the Police Pension Fund Act, Act of May 29, 1956, P.L. 1804, No. 600, as amended, 53 P.S. 761, *et seq.*, as enacted by the Commonwealth of Pennsylvania. Cites herein to this Act shall use the Purdon Statute instead of the section number.

ERISA - the Employee Retirement Income Security Act of 1974, as amended.

IRC - the Internal Revenue Code of 1986, as it may be amended from time to time.

SERVICE -

SERVICE - any period of time the employee is in the employ of the employer, including any period the employee is absent due to vacation, holidays, or sickness or on an unpaid leave of absence authorized by the employer. Separation from service means that the employee no longer has an employment relationship with the employer.

HOUR OF SERVICE - each hour for which an employee is paid or entitled to payment for the performance of duties for the employer.

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BREAK IN SERVICE - any period of severance.

PERIOD OF SEVERANCE - a continuous period of time during which the employee is not employed by the employer and is not credited with an hour of service. Such period begins on the date the employee retires, terminates service, or if earlier, the date on which the employee was otherwise first absent from service.

CREDIT FOR MILITARY SERVICE -

- (1) Any employee employed as a member of the police force who has been a regularly appointed employee for a period of at least 6 months and who thereafter enters into the military service of the United States shall be credited for service for all such military service, if he returns to employment with the employer within 6 months after his separation from military service.
- (2) Notwithstanding the preceding, effective December 12, 1994, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with IRC §414(u).
- (3) No service shall be credited under this subsection if the employee is entitled to receive retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency with the exception of an employee eligible to receive military retirement pay earned by a combination of active duty and nonactive duty with a Reserve or National Guard component of the armed forces which retirement pay is payable only upon attainment of a specified age and period of service under 10 U.S.C. Ch. 67 (relating to retire pay for non-regular service). [Ord. 03-5]

OTHER SERVICE CREDITED - if the employer is a member of an affiliated service group under IRC §414(m) or a controlled group of corporations under IRC §414(b) or any other entity required to be aggregated with the employer pursuant to IRC §414(o) as these Internal Revenue Code provisions are applied to a governmental entity, service shall be credited for any employment for any period of time for any other member of such group. Service shall also be credited for any leased employee who is considered an employee for purposes of this plan under IRC §414(n) or (o).

- (1) **YEAR OF SERVICE** - 12 months of service, excluding any breaks in service. For purposes of determining an employee's initial year of service upon his employment, the initial year of service shall commence on the employee's first day of employment. The first day of employment is the first day the employee performs an hour of service. The first day of re-employment is the first day the employee performs an hour of service following a break in service. An initial year of service shall end on the day immediately preceding the first anniversary of the employee's date of hire or rehire. Any subsequent year of service shall commence on the day following the completion of the immediately preceding year of service.

- (2) **CREDITING YEARS OF SERVICE** - service may be credited for the purpose of eligibility to participate, vesting, beneficial accrual or determining the benefit payable under the normal retirement benefit formula. Generally, no service shall be credited for periods during which the employee performs no services for the employer. Further, no more than 1 year of service will be credited for any 12-consecutive-month period.
- (3) **PREDECESSOR SERVICE** - if the employer maintains the plan of a predecessor employer, service with such predecessor employer shall be treated as service for the employer. If the employer does not maintain the plan of a predecessor employer, then service as an employee of a predecessor employer shall not be considered as service under the plan. The plan may be amended to provide for the crediting of service performed for a disbanded police force under an intermunicipal agreement pursuant to the Intergovernmental Cooperation Law as provided in 53 P.S. 770(e) and (f).

TRUST -

TRUST - the qualified trust created under the employer's plan. The trust shall be known as the Borough of Wrightsville Police Pension Fund.

TRUSTEE - the person or persons appointed by the employer to be the trustee of the trust or any duly appointed successor trustee.

(Ord. 01-3, 12/3/2001, §§1.1-1.11; as amended by Ord. 03-5, 11/3/2003, §§1-3)

§422. PARTICIPATION.

1. **Plan Participation.**

- A. **Eligibility.** An employee who is a member of the eligible class of employees shall be eligible for plan participation provided that he agrees to make the mandatory contributions as set forth in §426(2).
- B. **Eligible Class of Employees.** Employees of the employer who are employed as police officers on a regularly scheduled, full-time basis shall be eligible to be covered under the plan. Any police officer employed as a temporary, special, part-time or permanent part-time office of the employer shall not be considered a member of the eligible class of employees.
- C. **Entry Date.** An eligible employee shall participate in the plan on the first day he performs 1 hour of service.

2. **Termination of Participation.** A participant shall continue to be an active participant of the plan so long as he is a member of the eligible class of employees. He shall become an inactive participant immediately if he ceases to be a member of the eligible class of employees or terminates employment. He shall cease participation completely upon the

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later of his receipt of a total distribution of his nonforfeitable accrued benefit under the plan or the forfeiture of the nonvested portion of the accrued benefit.

3. Re-Participation.

- A. If a participant becomes an inactive participant, because he is no longer a member of the eligible class of employees, such inactive participant shall become an active participant immediately upon returning to the eligible class of employees. In the event an employee who is not a member of an eligible class of employees becomes a member of an eligible class, such employee shall participate immediately.
- B. If a participant incurs a break in service, he shall become an active participant immediately upon returning to employment.

(Ord. 01-3, 12/3/2001, §2.1-2.3)

§423. RETIREMENT BENEFITS.

1. Service Rules.

- A. Year of Vesting Service. For purposes of determining the nonforfeitable interest in the participant's accrued benefit, the participant shall receive credit for the aggregate of all time periods commencing with the participant's first day of employment or re-employment and ending on the date a break in service begins, except for periods of service disregarded below. The first day of employment or re-employment is the first day the participant performs an hour of service. Fractional periods of a year will be expressed in terms of days. One year of vesting service shall be credited for each 365-day period.
- B. Break in Service Rules.
 - (1) Vested Participant. A former participant who had a nonforfeitable right to all or a portion of his accrued benefit derived from employer contributions at the time of his termination from service and who did not receive a distribution of his accumulated contributions shall retain credit for all years of vesting service prior to a break in service.
 - (2) Nonvested Participant. In the case of a former participant who did not have any nonforfeitable right to his accrued benefit derived from employer contributions at the time of this termination from service or who received a distribution of his accumulated contributions, years of vesting service before a break in service shall not be taken into account in computing service, except as provided in §425(3).
- C. Year of Benefit Service. For the purpose of determining the participant's benefit under the pension benefit formula, the participant shall receive credit for the aggregate of all time periods commencing with the participant's first day of active participation or active reparticipation and ending on the date a break in service

begins or the participant is no longer a member of an eligible class of employees, except for periods of service disregarded herein. One year of benefit service shall be credited for each 365-day period. Any years of service disregarded under §425(3), "Cashout Distributions and Restoration," shall be disregarded for this purpose.

2. Normal Retirement.

A. Normal Retirement Date. The normal retirement date of each participant shall be the day on which he satisfies both of the following requirements:

- (1) He attains age 50.
- (2) He completes 25 years of vesting service.

A participant's right to his normal retirement benefit shall be 100% vested and nonforeitable upon attainment of the normal retirement date, notwithstanding the plan's vesting schedule. If the employer enforces a mandatory retirement age, the normal retirement age shall be the lesser of the mandatory age or the age specified herein.

Retired participants shall be subject to service from time to time, as a police reserve, in cases of riot, tumult, or preservation of public peace until unfitted for such service, when they may be finally discharged by reason of age or disability.

B. Normal Retirement Benefit. The normal retirement benefit of each participant shall not be less than the largest periodic benefit that would have been payable to the participant upon separation from service at or prior to his normal retirement date under the plan exclusive of social security supplements, premiums on disability or term insurance, and the value of disability benefits not in excess of the normal retirement benefit, but taking into account any decrease in average monthly compensation and any offset as of the participant's Social Security retirement age for the participant's Social Security old-age insurance benefit.

Normal Form of Payment. The normal form of retirement benefit for each participant shall be a level monthly pension payable during the participant's lifetime, with payments commencing on the first day of the month coincident with or next following his normal retirement date and ceasing upon the participant's death.

C. Pension Benefit Formula. Each eligible participant shall receive a monthly benefit payable at his normal retirement date equal to 50% of average monthly compensation.

D. IRC §415 Limitations and Conditions.

- (1) Notwithstanding the benefits set forth in this Section, the annual benefit otherwise payable to a participant at any time shall be limited or modified to the extent required to comply with the provisions of §427 (1) of this Part

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(limitations on benefits under IRC §415 and related employer provisions under IRC §414.)

- (2) In any limitation year commencing before January 1, 2000, in which the accrued benefit of one or more participants would be in excess of the limitations on annual benefits under IRC §415, the annual benefits under any other plan that the employer also sponsors will be reduced to the extent necessary to comply with such limitations first. If any further reduction is required, the annual benefits under this plan will then be reduced with respect to such participants.
- (3) If any reduction is required in any limitation year commencing on or after January 1, 2000, the annual benefits under any other defined benefit plan that the employer sponsors will be reduced to the extent necessary to comply with such limitations first. If any further reduction is required, the annual benefits under this plan will then be reduced with respect to such participants.

3. Accrued Benefit.

- A. A participant's accrued benefit at any time equals the product of the normal retirement benefit determined in accordance with subsection (2)(C) of this Section multiplied by a fraction, the numerator of which is the number of years of benefit service at such date, and the denominator of which is the number of years of benefit service the participant would have as of the year containing his normal retirement date if he continues to work until such date.
- B. If a participant begins receiving benefits at a time other than his normal retirement date, the participant's benefit will be determined in accordance with subsection (4) of this Section if benefits commence after his normal retirement date and in accordance with subsection (5) of this Section if benefits commence before his normal retirement date.

4. Late Retirement.

- A. Nonforfeitureability. If a participant remains employed after his normal retirement date, his benefits shall remain 100% vested and nonforfeitable. Payment of benefits shall not commence until his actual retirement date.
- B. Suspension of Benefits Until Payment. Payment of normal retirement benefits shall be suspended for each calendar month during which the participant remains employed after his normal retirement date. The amount of benefits that are paid later than his normal retirement date shall be computed under the pension benefit formula. The participant's pension benefit shall be determined on the basis of the participant's years of service for benefit accrual completed before and during the period of suspension; and the participant's compensation with the employer during the period of suspension shall be included in any relevant determination of average monthly compensation.

5. Early Retirement. No early retirement benefit is provided under this plan.
6. Disability Retirement.
 - A. Effective April 17, 2002, if an actively employed participant suffers a service-connected disability and is unable to perform his normal duties prior to his normal retirement date, he may receive a disability benefit under the plan. Such disabled participant shall be entitled to a monthly disability benefit equal to 50% of the participant's monthly salary at the time the disability was incurred, reduced by the amount of any disability benefits payable under Social Security for the same injuries.
 - B. Disability benefit payments shall cease upon death or upon recovery from disability prior to the date on which the disabled participant would have reached his normal retirement date if he had continued as an active participant under the plan. If disability benefits cease due to death before the participant's attainment of his normal retirement date, the death benefit payable shall be the survivor's benefit (if any) described in §424(2)(B), without any reduction with respect to disability payments that have been made. For the purpose of determining whether there has been a recovery, the plan administrator may require evidence of continued disability. Such evidence may include examination by a doctor selected by the plan administrator. The participant's refusal to submit to medical examinations shall render him ineligible for disability benefits.
 - C. If disability continues until attainment of normal retirement date, the disability benefit shall continue until death.
 - D. Disability means inability to engage in any substantial gainful activity for which the participant is reasonably fitted through training, education and experience by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months and that is the result of the performance of police services for the employer.
 - E. The permanence and degree of the impairment shall be supported by medical evidence. The plan administrator shall determine whether the participant is disabled as defined hereunder after consultation with a physician chosen by the plan administrator. The physician shall examine the participant at the participant's place of residence or at a place mutually agreed upon. In the administration of this Section, all employees shall be treated in a uniform manner in similar circumstances.

[Ord. 03-6]

7. Benefit Distribution.
 - A. Commencement of Benefits. Subject to the limitations of this plan, the benefit distribution shall commence as soon as administratively feasible after the later of the participant's termination of employment or his satisfaction of the normal

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retirement date requirements; provided, that he files a written application for the retirement benefit.

- B. Form of Payment. A participant shall receive distribution of his accrued benefit as a monthly pension payable as long as the participant lives.
- C. General Payment Provisions.
 - (1) If any person entitled to receive benefits hereunder is physically or mentally incapable of receiving or acknowledging receipt thereof, and if a legal representative has been appointed for him, the plan administrator may direct the benefit payment to be made to such legal representative.
 - (2) At the direction of the plan administrator, the trustee may make pension payments directly from the fund or may take such steps as may be required to purchase an annuity contract from an insurance company for the participant; provided, that the annuity contract purchased on behalf of such participant shall be sufficient to provide the benefits to which the participant is entitled. The ownership of the annuity contract shall remain with the trustee, unless the plan administrator determines otherwise. Any annuity contract distributed herefrom shall be non-transferable. The application and directions to the insurance company for such annuity contract shall be made by the plan administrator. The terms of any such annuity contract purchased by the plan shall comply with the requirements of this plan. Any dividend, refund or recovery on an annuity contract shall be used to reduce subsequent employer contributions.
 - (3) The benefits due any participant on account of his most recent period of employment shall not duplicate any benefits due the same participant under this plan on account of previous employment with the employer.
- 8. Suspension of Benefits. Under this plan, normal retirement benefits in pay status shall be suspended if a participant returns to employment; however, there shall be no suspension if the participant is required to perform services for the employer from time to time as a police reserve in compliance with 53 P.S. 769. If the participant accrues an additional benefit, the plan shall offset the actuarial value of the distributions made to the participant by the last day of the preceding plan year against the benefit accrual for the current plan year.
- 9. Domestic Relations Orders.
 - A. Nothing contained in this plan prevents the trustee, in accordance with the direction of the plan administrator, from complying with the provisions of an acceptable domestic relations order that creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to receive all or a portion of the benefits payable with respect to a participant under the plan.
 - B. A distribution under an acceptable domestic relations order will not be made to an alternate payee until the participant is entitled to a distribution under this plan

and commences such distribution. Nothing in this Section permits the alternate payee to receive a form of payment not otherwise permitted under the plan.

- C. The plan administrator shall establish reasonable procedures to determine the acceptability of a domestic relations order in accordance with IRC §414(p). Upon receiving a domestic relations order, the plan administrator promptly will notify the participant and any alternate payee named in the order, in writing, of the receipt of the order and the plan's procedures for determining the acceptability of the order. Within a reasonable period of time after receiving the domestic relations order, the plan administrator shall determine the acceptability of the order and shall notify the participant and each alternate payee, in writing, of its determination. The plan administrator shall provide notice under this subsection by mailing to the individual's address specified in the domestic relations order.
- D. If any portion of the participant's nonforfeitable accrued benefit is payable during the period the plan administrator is making its determination of the acceptability of the domestic relations order, the plan administrator shall make a separate accounting of the amounts payable. If the plan administrator determines the order is an acceptable domestic relations order within 18 months of the date amounts first are payable following receipt of the order, it shall direct the trustee to distribute the payable amounts in accordance with the order. If the plan administrator does not make its determination of the acceptability of the order within the 18-month determination period, it shall direct the trustee to distribute the payable amounts in the manner the plan would distribute if the order did not exist and will apply the order prospectively if it later determines the order is an acceptable domestic relations order.

(Ord. 01-3, 12/3/2001, §§3.1-3.9; as amended by Ord. 03-6, 11/3/2003, §1)

§424. DEATH BENEFITS.

1. Death Benefit with Respect to Employee Contributions.

- A. Benefit Payable. Effective April 17, 2002, if no death benefit is payable under subsection (2), an amount equal to the participant's accumulated contributions as determined under §426(2) shall be payable to the participant's named beneficiary designated under subsection (1)(B) in one lump sum. If there is no named beneficiary, then the benefit shall be payable to the participant's surviving spouse. If there is neither a named beneficiary nor a surviving spouse, then the benefit shall be payable to any child (or children) of the participant who is under the age of 18 or, if attending college, who is under or attaining the age of 23. For this purpose, attending college shall mean being registered at an accredited institution of higher learning and carrying a minimum course load of 7 credit hours per semester. In the case of multiple eligible children, the benefits payable shall be divided equally among the children. Child shall include adopted child of the participant.
- B. Beneficiary Designation. The participant shall have the right to designate his beneficiaries, including a contingent beneficiary, and shall have the right at any time to change such beneficiaries for the purpose of specifying the recipient of any

benefits payable under subsection (1)(A). The designation shall be made in writing on a form supplied by the plan administrator. No designation shall be effective until filed with the plan administrator. If the participant fails to designate a beneficiary, and no benefit is otherwise payable under subsection (1)(A), "beneficiary" shall mean the estate of the participant. However, in the event that no letters have been taken out on the estate within 6 months after death and the death benefit payable is less than \$100, the death benefit shall be paid to the undertaker or any person or municipality that paid the claim of the undertaker.

2. Killed-in-Service Death Benefit and Survivor Benefit.

- A. Killed-in-Service Death Benefit. If an active participant is killed on or after April 17, 2002, while performing police services for the employer, the participant's surviving spouse or eligible child (if any) shall receive a monthly benefit equal to 100% of the participant's monthly salary at the time of death.
- B. Survivor Benefit. If no benefit is payable under subsection (2)(A), then a survivor benefit may be payable under this subsection. Further, if the plan administrator determines that the conditions for a benefit under both subsection (2)(A) and (B) have been satisfied, the greater of the two benefits shall be paid. If a retired or disabled participant who is receiving a pension benefit dies, or if a participant dies after satisfying the requirements for retirement whether or not he had previously terminated employment, the participant's surviving spouse or eligible child (if any) shall receive a benefit equal to 50% of the retirement benefit that the participant was receiving or would have been receiving if the participant had been retired at the time of his death.
- C. Payment. Payment shall be in the form of a pension (without actuarial adjustment with respect to the age of the beneficiary) and shall commence as of the first day of the month following the date of death. Payment to the surviving spouse shall cease upon the death of the surviving spouse.
- D. Effective April 17, 2002, if there is no surviving spouse or if the surviving spouse dies (thereby ceasing to be the surviving spouse of the participant), then the benefit shall be payable to any child (or children) of the participant who is under the age of 18 or, if attending college, who is under or attaining the age of 23. For this purpose, attending college shall mean being registered at an accredited institution of higher learning and carrying a minimum course load of 7 credit hours per semester. In the case of multiple eligible children, the benefit payable shall be divided equally among the children. Payment shall cease upon the earlier of death or the attainment of age 18 (or under or attaining the age of 23, if attending college). "Child" shall include adopted child of the participant.
- E. The participant's spouse cannot waive receipt of this benefit. In the case of an unmarried participant who has no children under the age of 18 (or under or attaining the age of 23, if attending college), no death benefit shall be payable under this subsection (2), but a death benefit may be payable under subsection (1) of this Section. The death benefit payable shall not be less than the benefit

payable under subsection (1) of this Section. In the event that there is no spouse or child eligible to receive the death benefit payable under this subsection (2), the death benefit provided under subsection (1) of this Section shall be paid as described therein. The distribution shall comply with the distribution requirements of §427(2)(D)(2) of this Part.

- F. If there is an acceptable domestic relations order in force with respect to the participant, the alternate payee shall receive a portion of the death benefit otherwise payable with respect to any actual surviving spouse or eligible child to the extent provided in the order, but only if the alternate payee has not died. However, no order shall be accepted if it provides that the alternate payee shall be the surviving spouse creating a right to a death benefit under this subsection (2) as the death benefit payable hereunder is only payable with respect to a surviving spouse or an eligible child.

(Ord. 01-3, 12/3/2001, §§4.1, 4.2; as amended by Ord. 03-6, 11/3/2003, §§4.1, 4.2)

§425. TERMINATION OF EMPLOYMENT BENEFITS.

1. Vesting. If a participant separates from the service of the employer other than by retirement or disability, he shall forfeit any benefit accrued under §423(2) of this Part unless he has been credited with 12 years of vesting service. A participant who has been credited with 12 years of vesting service shall be entitled to a vested deferred pension if he files with the plan administrator a written notice of his intention to vest within 90 days of the date he terminates employment or ceases to be a member of the eligible class of employees. Such vested deferred pension shall be equal to the benefit accrued to the date of termination.
2. Payment of Benefits.
 - A. Payment as of Normal Retirement Date. If the participant terminates his employment on or before his normal retirement date, payment of the vested accrued pension may begin at his normal retirement date. If payments do not commence until after his normal retirement date, distribution must begin by the required beginning date for minimum required distributions and the amount of the benefit payable shall be determined as provided in §423(4) of this Part.
 - B. Payment Prior to Normal Retirement Date. No accrued benefit is payable before the normal retirement date, except in the event of death or disability. Nevertheless, if the participant is not eligible to receive his benefit accrued under §423(3) of this Part at the time of his termination of employment (either due to his years of vesting service or his failure to file a written notice under Subsection (1) of this Section), he shall receive an amount equal to his accumulated contributions as soon as administratively possible after severance of employment as provided in §426(2) of this Part.
 - C. Death before Retirement. If a participant terminates employment and dies before beginning to receive retirement benefits, a pre-retirement death benefit may be payable, to the extent provided under §424 of this Part.
3. Cashout Distributions and Restoration.
 - A. Cashout Distribution. If an employee receives a distribution of his accumulated contributions under §426(2) of this Part, the present value of the employee's vested accrued benefit shall be zero. In determining the participant's accrued benefit after the occurrence of such a distribution, the plan shall disregard all years of benefit service performed by such employee before the date of distribution.
 - B. Restoration.
 - (1) If a participant receives a distribution pursuant to this Section and if he resumes covered employment under the plan, he shall have the right to restore his accrued benefit under §423(2) of this Part upon the repayment to the plan of the full amount of the distribution plus interest, compounded annually from the date of distribution at the rate set forth in §426(2)(C) of

this Part. In order to make a total or partial repayment, the employee may transfer to the plan the account balance of the individual retirement account or annuity to which the distribution being repaid was transferred; provided, that the employee has made no other contribution to the account or annuity and both transfers are accomplished in compliance with IRC §408(d). Such repayment must be made within 5 years after the participant returns to active participation.

- (2) If a participant is eligible to restore his accrued benefit, but such restoration has not been made; then, for the purpose of determining years of benefit service and years of vesting service, years of service before the employee's break-in-service shall be disregarded.

(Ord. 01-3, 12/3/2001, §§15.1-5.3)

§426. CONTRIBUTIONS.

1. Contributions other than Employee Contributions.

A. Application of Certain Receipts. The amounts of the payments made by the Treasurer of the Commonwealth from the monies received from taxes paid upon premiums by foreign casualty insurance companies and foreign fire insurance companies, that are determined by the employer to be deposited in the fund, shall be applied as follows:

- (1) To pay expenses incurred for the administration of the fund and the plan.
- (2) To reduce any unfunded liability. "Unfunded liability" means the present value of the liability of the fund on account of retirement benefits payable under this plan that accrued prior to the date as of which mandatory employee contributions were first required, offset by the value of any assets in the fund.
- (3) After the unfunded liability has been funded, to apply against the annual obligation of the employer for future service cost. "Future service cost" means the amount of money required to be contributed annually into the fund on account of benefits payable under the plan with respect to years of service credited after the establishment of the plan.
- (4) To the extent that the payments may be in excess of such obligation, to reduce mandatory employee contributions hereunder. Any other monies paid into the fund including gifts, grants, devises or bequests granted to the trust fund pursuant to 53 P.S. 768 shall be applied equally against the participant mandatory employee contribution obligation and the employer obligation for future service cost.

- B. Employer Contributions. The chief administrative officer of the plan shall determine the financial requirements of the plan on the basis of the most recent actuarial report and shall determine the minimum obligation of the employer with respect to funding the plan for any given plan year. The chief administrative officer shall submit the financial requirements of the plan and the minimum obligation of the employer to the employer (or its governing body) annually and shall certify the accuracy of such calculations and their conformance with Act 205. To the extent that the payments received under §428(4)(A)(2) of this Part do not exceed the employer's annual obligation for future service cost, as determined by the actuary in accordance with Act 205, the employer shall be obligated to make such contribution to the trust by annual appropriations.

2. Mandatory Employee Contributions.

- A. Mandatory Contribution Amount. As a condition of participation in this plan, each active participant must contribute, on an after-tax basis, a percentage of his compensation as established each year. In general, this mandatory contribution shall be 5% of the participant's compensation. The employer may reduce or eliminate the contribution required provided all three of the following requirements are satisfied:
- (1) A current actuarial study indicates that the condition of the plan is such that contributions may be reduced or eliminated.
 - (2) Contributions by the employer are not required to keep the plan actuarially sound.
 - (3) Any reduction or elimination of contributions is authorized on an annual basis by an ordinance or resolution by the employer.
- B. Employee Contributions. The employer shall remit employee contributions to the trust of the plan as soon as administratively feasible.
- C. Determination of Accumulated Contributions. The participant's accumulated contributions shall be equal to his mandatory employee contributions. A participant shall be 100% vested in his accumulated contributions.
- D. Withdrawal of Accumulated Contributions. Upon termination of employment, a participant who is not vested in his benefit accrued under §423(2) of this Part shall receive an amount that is equal to his total accumulated contributions. The withdrawal shall be payable in one lump sum. Thereafter, the former participant shall have no further right to any benefit under this plan. In no event may any amount be withdrawn or distributed until the participant's retirement, disability, death or termination of employment, regardless of the income tax accounting treatment required by the IRC §72(e)(8)(D).
- (1) Eligible Rollover Distribution. Effective for distributions made on or after January 1, 1993, a distributee may elect, at the time and in the manner

prescribed by the plan administrator to have any eligible portion of a lump sum distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover payment.

- (a) Effective for distributions made after December 31, 2001, any eligible portion of a lump sum distribution shall include after-tax employee contributions. A portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in IRC §408(a) or (b) or to a qualified defined contribution plan described in IRC §401(a) or 403(a) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.
 - (b) An eligible retirement plan is an individual retirement account described in IRC §408(a), an individual retirement annuity described in IRC §408(b), an annuity plan described in IRC §403(a) or a qualified trust described in IRC §401(a) that accepts the distributee's lump sum distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity. Effective for distributions made after December 31, 2001, an eligible retirement plan shall also mean an annuity contract described in IRC §403(b) and an eligible plan under IRC §457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in IRC §414(p).
 - (c) A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in IRC §414(p), are distributees with regard to the interest of the spouse or former spouse.
- (2) Special Rule Relating to Time for Written Explanation. Effective for distributions made on or after January 1, 1993, for any distribution in excess of \$200 that may be paid in the form of a lump sum, the plan administrator shall give the participant written notice of his eligible rollover distribution rights as required under IRC §402(f) no less than 30 days and no more than 90 days before the annuity starting date with respect to the distribution.

Effective for distributions made on or after January 1, 1994, such distribution may commence less than 30 days after the notice is given; provided, that:

- (a) The participant is provided with information that clearly states that the participant has a right to a period of at least 30 days after receiving the written explanation and notice to consider the decision of whether or not to elect a distribution.
- (b) The participant, after receiving the written notice, affirmatively elects a distribution.

E. Forfeiture. The death benefit payable under §424 of this Part shall not be less than the participant's accumulated contributions.

3. Rollover/Transfer Contributions. Rollover and transfer contributions shall not be permitted under this plan and there shall be no rollover /transfer account.

(Ord. 01-3, 12/3/2001, §§6.1-6.3)

§427. ADDITIONAL QUALIFICATION RULES.

1. Limitation on Benefits under IRC §415.

A. Single Defined Benefit Plan Limitations.

- (1) This subsection (1) applies regardless of whether any participant is or has ever been a participant in another qualified plan maintained by the adopting employer. If any participant is or has ever been a participant in another qualified plan maintained by the employer, or a welfare benefit fund maintained by the employer (as defined in IRC §419(e)) under which amounts attributable to post-retirement medical benefits are allocated to separate accounts of key employees (as defined in IRC §419A(d)(3)), maintained by the employer, or an individual medical account (as defined in IRC §415(l)(2)) maintained by the employer, or a simplified employee pension (as defined in IRC §408(k)) maintained by the employer, that provides an annual addition as defined in subsection (1)(E)(1) of this Section; and subsection (1)(C) of this Section is also applicable to that participant's benefits.
- (2) The annual benefit otherwise payable to a participant at any time shall not exceed the maximum permissible benefit. If the benefit the participant would otherwise accrue in a limitation year would produce an annual benefit in excess of the maximum permissible benefit, the rate of accrual shall be reduced so that the annual benefit will equal the maximum permissible benefit.

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- B. Defined Contribution Plan Limitations. If a participant has made mandatory employee contributions (as defined in IRC §411(c)(2)(C)), under the terms of this plan, the amount of such contributions shall be treated as an annual addition to a qualified defined contribution plan.
- (1) The amount of annual additions that may be credited to the participant's employee nondeductible contribution account for any limitation year will not exceed the lesser of the maximum permissible amount or any other limitation contained in this plan. If a contribution that would otherwise be contributed to the participant's account would cause the annual additions for the limitation year to exceed the maximum permissible amount, the amount contributed will be reduced so that the annual additions for the limitation year will equal the maximum permissible amount.
 - (a) Prior to determining the participant's actual compensation for the limitation year, the employer may determine the maximum permissible amount for a participant on the basis of a reasonable estimation of the participant's compensation for the limitation year, uniformly determined for all participant's similarly situated.
 - (b) As soon as is administratively feasible after the end of the limitation year, the maximum permissible amount for the limitation year will be determined on the basis of the participant's actual compensation for the limitation year.
 - (c) If there is an excess amount, the mandatory employee contributions shall be reduced.
 - (2) This subsection (1)(B)(2) shall apply if, in addition to this plan, the participant is covered under a plan maintained by the employer that is a qualified defined contribution plan, a welfare benefit fund, a simplified employee pension or an individual medical account that provides an annual addition as defined in subsection (1)(E)(1) of this Section, during any limitation year. The annual additions that may be credited to a participant's account under this plan for any such limitation year will not exceed the maximum permissible amount reduced by the annual additions credited to a participant's account under the other plans and welfare benefit funds for the same limitation year. If the annual additions with respect to the participant under the defined contribution plans and welfare benefit funds maintained by the employer are less than the maximum permissible amount and the contribution that would otherwise be contributed to the participant's employee nondeductible contribution account under this plan would cause the annual additions for the limitation year to exceed this limitation, the amount contributed will be reduced so that the annual additions under all such plans and funds for the limitation year will equal the maximum permissible amount. If the annual additions with respect to the participant under such defined contribution plans and welfare benefit funds in the aggregate are equal to or greater than the maximum permissible amount, no

amount will be contributed to the participant's account under this plan for the limitation year.

- (3) If, pursuant to subsection (1)(B)(1)(b) of this Section or as a result of the allocation of forfeitures under the other plans, a participant's annual additions under this plan and such other plans would result in an excess amount for a limitation year, the excess amount will be deemed to consist of the annual additions last allocated, except that annual additions attributable to a welfare benefit fund or individual medical account will be deemed to have been allocated first, regardless of the actual allocation date.
- (4) If an excess amount was contributed by a participant as of a date that coincides with an allocation date of another plan, any excess amount shall be disposed of in the manner provided under such other plan.

C. Combined Limitations; Other Plans.

- (1) This section applies if any participant is also a participant, or has ever participated in another plan maintained by the employer, including a qualified plan, a simplified employee pension, a welfare benefit fund (as defined in IRC §419(e)) under which amounts attributable to post-retirement medical benefits are allocated to separate accounts of key employees (as defined in IRC §419A(d)(3) or an individual medical account that provides an annual addition as described in subsection (1)(E)(1) of this Section.
- (2) If a participant is, or has ever been, a participant in more than one defined benefit plan maintained by the employer, the sum of the participant's annual benefits from all such plans may not exceed the maximum permissible benefit. If the maximum permissible benefit is exceeded solely due to the accrued benefit under a frozen or terminated defined benefit plan, the benefit accrual under this plan shall be reduced until the maximum permissible benefit is no longer exceeded.
- (3) For limitation years beginning before January 1, 2000, if the employer maintains or at any time maintained, one or more qualified contribution plans in which any participant in this plan participated, a welfare benefit fund maintained by the employer (as defined in IRC §419(e)) under which amounts attributable to post-retirement medical benefits are allocated to separate accounts of key employees (as defined in IRC §419A(d)(3)), or an individual medical account, or a simplified employee pension, the sum of the participant's defined contribution fraction and defined benefit fraction shall not exceed 1.0 in any limitation year and, where the sum exceeds 1.0 for a participant for a limitation, any excess amount attributed to this plan will be disposed of in the manner described in subsection (1)(B)(1)(c) of this Section. Benefit increases resulting from the repeal of IRC §415(e) shall be provided to all current and former participants (with benefits limited by

IRC §425(e)) who have an accrued benefit under the plan immediately before the first day of the first limitation year beginning in 2000.

- (4) Where the participant's employer-provided benefits under all defined benefit plans ever maintained by the employer (determined as of the same age) would exceed the maximum permissible benefit applicable at that age, the order in which the employer's sponsored plans will be reduced shall be as provided in §423(2) of this Part.
- D. Protection of Accrued Benefit. In the case of an individual who was a participant in one or more defined benefit plans of the employer as of the first day of the first limitation year beginning after December 31, 1986, the application of the limitations of this subsection (1) of this Section shall not cause the maximum permissible benefit amount for such individual under all such defined benefit plans to be less than the individual's Tax Reform Act of 1986 (TRA '86) accrued benefit. The preceding sentence applies only if all such defined benefit plans met the requirements of IRC §415, for all limitation years beginning before January 1, 1987.
- E. Definitions (IRC §415 Limitations).
- (1) **Annual Additions.** The sum of the following amounts credited to a participant's account for the limitation year: (a) employer contributions; (b) employee contributions; (c) forfeitures; (d) allocations under a simplified employee pension; and (e) amounts allocated, after March 31, 1984, to an individual medical account that is part of a pension or annuity plan maintained by the employer that are treated as annual additions to a defined contribution plan. Also amounts derived from contributions paid or accrued after December 31, 1985, in taxable years ending after such date, that are attributable to post-retirement medical benefits, allocated to the separate account of a key employee, as defined in IRC §419A(d)(3), under a welfare benefit fund maintained by the employer are treated as annual additions to a defined contribution plan. Picked-up contributions under IRC §414(h)(2) shall not be included as an annual addition with respect to a participant.
 - (2) **Annual Benefit.**
 - (a) A benefit under the plan that is payable annually in the form of a straight life annuity. The annual benefit shall include any picked-up contributions made by the employer under IRC §414(h)(2). Except as provided below, a benefit payable in a form other than a straight life annuity must be adjusted to an actuarially equivalent straight life annuity before applying the limitations of subsection (1) of this Section. For limitation years beginning before January 1, 1995, where a participant's benefit must be adjusted to an actuarially equivalent straight life annuity the actuarially equivalent straight life annuity

shall be equal to the greater of the annuity benefit computed using the interest rate specified in Section (2) of this Part or 5%.

- (b) For limitation years beginning on or after January 1, 1995, where a participant's benefit must be adjusted to an actuarially equivalent straight life annuity, the actuarially equivalent straight life annuity shall be equal to the greater of the annuity benefit computed using the actuarial assumptions specified in §421(2)(C) of this Part and the annuity benefit computed using a 5% interest rate assumption and the IRC §417 mortality table defined in §421(2)(C) of this Part.
- (c) For limitation years beginning after December 31, 1994, in the case of a lump sum payment, the actuarially equivalent benefit shall be equal to the greater of the equivalent annual benefit computed using the interest rate and mortality table specified in §421(2)(C) and the equivalent annual benefit computed using a 5% interest rate assumption and the IRC §417 mortality table as defined in §421(2)(C) of this Part. This determination of the actuarially equivalent benefit shall also apply in determining the actuarially equivalent straight life annuity for any benefit form other than (i) a nondecreasing annuity payable for a period of not less than the life of the participant (or, in the case of a preretirement survivor annuity, the life of the surviving spouse), or (ii) an annuity that decreases during the life of the participant merely because of a) the death of the survivor annuitant (but only if the reduction is not below 50% of the annual benefit payable before the death of the survivor annuitant), or b) the cessation or reduction of Social Security supplements or qualified disability payments (as defined in IRC §401(a)(11)).
- (d) The annual benefit does not include any benefits attributable to employee contributions or rollover contributions or the assets transferred from a qualified plan that was not maintained by the employer. No actuarial adjustment to the benefit is required for (i) the value of a qualified joint and survivor annuity, (ii) the value of benefits that are not directly related to retirement benefits (such as a qualified disability benefit, pre-retirement death benefits, and post-retirement medical benefits), and (iii) the value of post-retirement cost-of-living increases made in accordance with IRC §415(d) and regulation §1.415-3(c)(2)(iii).

(3) Compensation.

- (a) A participant's earned income and any earnings reportable as W-2 wages for Federal income tax withholding purposes. "W-2 wages" means wages as defined in IRC §3401(a) but determined without regard to any rules that limit the remuneration included in wages based on the nature or location of the employment or the services

performed. Picked-up contributions under IRC §414(h)(2) shall not be included in the participant's compensation.

- (b) For limitation years beginning after December 31, 1991, for purposes of applying the limitations of subsection (1) of this Section, compensation for a limitation year is the compensation actually paid or includable in gross income during such limitation year.
 - (c) For limitation years beginning after December 31, 1997, compensation shall include elective contributions. Elective contributions are amounts excludable from the employee's gross income and contributed by the employer, at the employee's election to a cafeteria plan excludable under IRC §125 or to a IRC §401(k) arrangement, a simplified employee pension, a tax sheltered annuity excludable under IRC §402(g)(3), to a IRC §457 plan or to a IRC §501(c)(18) plan. Effective for limitation years beginning on or after January 1, 1998, compensation shall also include any elective amounts that are not includable in gross income of the employee by reason of a IRC §132(f)(4) qualified transportation fringe benefit plan.
 - (d) Effective for limitation years beginning after December 31, 1997, elective contribution amounts under a cafeteria plan excludable under IRC §125 include any amounts not available to a participant in cash in lieu of group health coverage because the participant is unable to certify that he has other health coverage. An amount will be treated as an amount under IRC §125 only if the employer does not request or collect information regarding the participant's other health coverage as part of the enrollment process for the health plan. [Ord. 03-5]
- (4) TRA '86 Accrued Benefit. A participant's accrued benefit under the plan, determined as if the participant had separated from service as of the close of the last limitation year beginning before January 1, 1987, when expressed as an annual benefit within the meaning of IRC §415(b)(2). In determining the amount of a participant's TRA '86 accrued benefit, the following shall be disregarded:
- (a) Any change in the terms and conditions of the plan after May 5, 1986.
 - (b) Any cost of living adjustments occurring after May 5, 1986.
- (5) Defined Benefit Dollar Limitation. \$90,000 for limitation years beginning before January 1, 2002. Effective January 1, 1988, and each January thereafter, the \$90,000 limitation above will be automatically adjusted by multiplying such limit by the cost of living adjustment factor prescribed by the Secretary of the Treasury under IRC §415(d) in such manner as the Secretary shall prescribe, and payable in the form of a straight life annuity. The new limitation will apply to limitation years ending with or within the calendar year of the date of the adjustment. The defined benefit dollar

limitation shall be \$160,000 for limitation years beginning after January 1, 2001. Effective January 1, 2002, and each January thereafter, the \$160,000 limitation above will be automatically adjusted by multiplying such limit by the cost of living adjustment factor prescribed by the Secretary of the Treasury under IRC §415(d) in such manner as the Secretary shall prescribe, and payable in the form of a straight life annuity. The new limitation will apply to limitation years ending with or within the calendar year of the date of adjustment.

- (6) **Defined Contribution Dollar Limitation.** \$30,000 as adjusted under IRC §415(d) for limitation years beginning after December 31, 1994, and not beginning before January 1, 2002. For limitation years beginning after December 31, 2001, the defined contribution dollar limitation shall be \$40,000, as adjusted under IRC §415(d) for limitation years beginning after December 31, 2002.
- (7) **Defined Benefit Fraction.**
 - (a) A fraction, the numerator of which is the sum of the participant's projected annual benefits under all the defined benefit plans (whether or not terminated) maintained by the employer, and the denominator of which is 125% of the defined benefit dollar limitation applicable to the participant determined for the limitation year under IRC §415(b)(1)(A) and (d) and in accordance with subsection (1)(E)(13) of this Section below.
 - (b) However for limitation years beginning before January 1, 1995, the denominator of this fraction will be the lesser of 125% of the defined benefit dollar limitation applicable to the participant determined for the limitation year under IRC §415(b)(1)(A) and (d) and in accordance with subsection (1)(E)(13) of this Section below or 140% of the highest average compensation, including any adjustments under IRC §415(b)(5).
 - (c) Notwithstanding the above, if the participant was a participant as of the first day of the first limitation year beginning after December 31, 1986, in one or more defined benefit plans maintained by the employer that were in existence on May 6, 1986, the denominator of this fraction will not be less than 125% of the sum of the annual benefits under such plans that the participant had accrued as of the close of the last limitation year beginning before January 1, 1987, disregarding any changes in the terms and conditions of the plan after May 5, 1986. The preceding sentence applies only if the defined benefit plans individually and in the aggregate satisfied the requirements of IRC §415 for all limitation years beginning before January 1, 1987.
- (8) **Defined Contribution Fraction.**
 - (a) A fraction, the numerator of which is the sum of the annual additions to the participant's account under all the defined contribution plans (whether or not terminated) maintained by the employer for the current and all prior limitation years (including the annual additions attributable to the participant's nondeductible employee contributions to this and all other defined benefit plans, whether or not terminated, maintained by the employer, and the annual additions attributable to all simplified employee pensions, welfare benefit

funds maintained by the employer (as defined in IRC §419(e)) under which amounts attributable to post-retirement medical benefits are allocated to separate accounts of key employees (as defined in IRC §419A(d)(3), and individual medical accounts maintained by the employer), and the denominator of which is the sum of the maximum aggregate amounts for the current and all prior limitation years of service with the employer (regardless of whether a defined contribution plan was maintained by the employer). The maximum aggregate amount in any limitation year is the lesser of 125% of the defined contribution dollar limitation of 35% (1.4 x 25%) of the participant's compensation for such year.

- (b) If the employee was a participant as of the end of the first day of the first limitation year beginning after December 31, 1986, in one or more defined contribution plans maintained by the employer that were in existence on May 6, 1986, the numerator of this fraction will be adjusted if the sum of this fraction and the defined benefit fraction would otherwise exceed 1.0 under the terms of this plan. Under the adjustment, an amount equal to the product of (i) the excess of the sum of the fractions over 1.0 times, (ii) the denominator of this fraction will be permanently subtracted from the numerator of this fraction. The adjustment is calculated using the fractions as they would be computed as of the end of the last limitation year beginning before January 1, 1987, and disregarding any changes in the terms and conditions of the plan made after May 5, 1986, but using the IRC §415 limitation applicable to the first limitation year beginning on or after January 1, 1987.
 - (c) The annual addition for any limitation year beginning before January 1, 1987, shall not be recomputed to treat all employee contributions as annual additions.
- (9) **Employer.** For purposes of subsection (1) of this Section, "employer" shall mean the employer that adopts this plan and any entity required to be aggregated with the employer pursuant to regulations.
 - (10) **Excess Amount.** The excess of the participant's annual additions for the limitation year over the maximum permissible amount.
 - (11) **Limitation Year.** The 12-consecutive-month period defined in §421(4)(E) of this Part.
 - (12) **Maximum Permissible Amount.**
 - (a) The maximum annual addition that may be contributed or allocated to a participant's account under a plan for any limitation year shall not exceed the lesser of:

- (i) The defined contribution dollar limitation as defined in subsection (1)(E)(6) of this Section.
 - (ii) Twenty-five percent of the participant's compensation for the limitation year for limitation years beginning before January 1, 2002; 100% of the participant's compensation for the limitation year for limitation years beginning after December 31, 2001.
- (c) The compensation limitation referred to in subsection (B) of this Section shall not apply to any contribution for medical benefits (within the meaning of IRC §401(h) or IRC §419(f)(2)) that is otherwise treated as an annual addition under IRC §§415(l)(1) or 419A(d)(2).
- (d) If a short limitation year is credited because of an amendment changing the limitation year to a different 12-consecutive-month period, the maximum permissible amount will not exceed the defined contribution dollar limitation multiplied by the following fraction:

$$\frac{\text{Number of months in the short limitation year.}}{12}$$

(13) Maximum Permissible Benefit.

- (a) The maximum permissible benefit is the defined benefit dollar limitation. However, for limitation years beginning before January 1, 1995, the maximum permissible benefit is the lesser of the defined benefit dollar limitation or 100% of the participant's highest average compensation.
- (b) If the participant has less than 10 years of participation in the plan, the defined benefit dollar limitation shall be multiplied by a fraction: (i) the numerator of which is the number of years (or part thereof) of participation in the plan, and (ii) the denominator of which is 10. In the case of a participant who has less than 10 years of service with the employer, defined benefit compensation limitation shall be multiplied by a fraction: (i) the numerator of which is the number of years (or part thereof) of service with the employer, and (ii) the denominator of which is 10. Where a defined benefit plan fraction is calculated, the adjustments of this subsection (b) shall be applied in the denominator of the fraction based upon years of service. For purposes of computing the defined benefit plan fraction only, years of service shall include future years of service (or part thereof) commencing before the participant's normal retirement date. Such future years of service shall include the year that contains the date the participant reaches his normal retirement date, only if it can be reasonably anticipated that the participant will receive a year of service for such year, or the year in which the participant terminates employment, if

earlier. This subsection (b) shall not apply to disability benefit paid in accordance with §423(6) of this Part or to benefits payable under §424 of this Part.

- (c) Effective for distributions made in limitation years ending on or before December 31, 2001, if the annual benefit of the participant commences on or before age 65 but on or after age 62, the defined benefit dollar limitation shall be as determined in (a) and (b) above of this subsection. Effective for distributions made in limitation years ending after December 31, 2001, if the annual benefit of the participant commences on or before age 65, the defined benefit dollar limitation shall be as determined in (a) and (b) above of this subsection.
- (d) Effective for distributions made in limitation years ending on or before December 31, 2001, if the benefit of a participant commences prior to age 62 but on or after age 55, the defined benefit dollar limitation applicable to the participant at such earlier age shall be the greater of: (i) \$75,000 or (ii) an annual benefit payable in the form of a straight life annuity that is the actuarial equivalent of the defined benefit dollar limitation for age 62, as determined above. The annual benefit beginning prior to age 62 but on or after age 55 shall be determined as the lesser of the actuarial equivalent benefit computed using the interest rate and mortality table specified in §421(2)(C) of this Part. This subsection (d) shall not apply to disability benefit paid in accordance with §423(6) of this Part or to benefits payable under §424 of this Part.
- (e) Effective for distributions made in limitation years ending on or before December 31, 2001, if the benefit of a participant commences prior to age 55, the defined benefit dollar limitation applicable to the participant at such earlier age shall be the greater of: (i) the actuarial equivalent of a \$75,000 annual benefit beginning at age 55, or (ii) an annual benefit that is the actuarial equivalent of the defined benefit dollar limitation for age 62 that is equal to the defined benefit dollar limitation as determined in subsections (a) and (b) above. The annual benefit beginning prior to age 55 shall be determined as the lesser of the actuarial equivalent benefit computed using the interest rate and mortality table specified in §421(2)(C) of this Part and the equivalent amount computed using a 5% interest rate assumption and the IRC §417 mortality table as described in §421(2)(C) of this Part. This subsection (e) shall not apply to disability benefit paid in accordance with §423(6) of this Part or to benefits payable under §424 of this Part.
- (f) If the benefit of a participant commences after age 65, the defined benefit dollar limitation applicable to the participant at the later age shall be the annual benefit payable in the form of a straight life

annuity commencing at the later age that is the actuarial equivalent of the defined benefit dollar limitation applicable to the participant (adjusted under subsections (a) and (b) above, if necessary) at age 65. The actuarial equivalent annual benefit beginning after age 65 shall be determined as the lesser of the equivalent amount computed using the interest rate and mortality table specified in §421(2)(C) of this Part and the equivalent amount computed using a 5% interest rate assumption and the IRC §417 mortality table as described in §421(2)(C) of this Part.

- (g) Notwithstanding the provisions of this subsection (13), in limitation years beginning before 1997 for participants who have 15 or more years of full-time service at retirement (including military service), the maximum annual straight life annuity shall not be reduced below \$50,000 (as indexed pursuant to IRC §415(d)), regardless of the participant's age at retirement.
- (h) **Minimum Benefit Permitted.** Notwithstanding anything else in this Section to the contrary, the benefit otherwise accrued or payable to a participant under this plan shall be deemed not to exceed the maximum permissible benefit if:
 - (i) The retirement benefits payable for a plan year under any form of benefit with respect to such participant under this plan and under all other defined benefit plans (regardless of whether terminated) ever maintained by the employer do not exceed \$1,000 multiplied by the participant's number of years of service or parts thereof (not to exceed 10) with the employer.
 - (ii) The employer has not at any time maintained a defined contribution plan, a welfare benefit fund under which amounts attributable to post-retirement medical benefits are allocated to separate accounts of key employees (as defined in IRC §419A(d)(3) or an individual medical account in which the participant participated (for these purposes, employee contributions, whether voluntary or involuntary, under a defined benefit plan are not treated as a separate defined contribution plan).
- (14) **Projected Annual Benefit.** The annual benefit as defined in subsection (1)(E)(2) of this Section, to which the participant would be entitled under the terms of the plan assuming:
 - (a) The participant will continue employment until his normal retirement date under the plan (or current age, if later).

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(b) The participant's compensation for the current limitation year and all other relevant factors used to determine benefits under the plan will remain constant for all future limitation years.

(15) **Year of Participation.** For the purpose of subsection (1) of this Section, a participant shall be credited with a year of participation (computed to fractional parts of a year) for each accrual computation period for which the following conditions are met: (a) the participant is credited with at least the number of hours of service for benefit accrual purposes required under the terms of the plan in order to accrue a benefit for the accrual computation period, and (b) the participant is included as a participant under the eligibility provisions of the plan for at least 1 day of the accrual computation period. If these two conditions are met, the portion of a year of participation credited to the participant shall equal the amount of benefit accrual service credited to the participant for such accrual computation period. A participant who is permanently and totally disabled within the meaning of IRC §415(c)(3)(C)(i) for an accrual computation period shall receive a year of participation with respect to that period. In addition, for a participant to receive a year of participation (or part thereof) for an accrual computation period, the plan must be established no later than the last day of such accrual computation period. In no event will more than 1 year of participation be credited for any 12 month period.

2. Distribution Requirements.

A. Applicability.

- (1) The requirements of this subsection (2) shall apply to any distribution of a participant's interest. All distributions required under this subsection (2) shall be determined and made in accordance with the proposed regulations under IRC §401(a)(9), including the minimum distribution incidental benefit requirement of the Proposed Treasury Regulation §1.401(a)(9)-2.
- (2) With respect to distributions under the plan made for calendar years beginning on or after January 1, 2002, the plan will apply the minimum distribution requirements of IRC §401(a)(9) in accordance with the regulations under IRC §401(a)(9) that were proposed in January 2001, notwithstanding any provision of the plan to the contrary. This preceding sentence shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under IRC §401(a)(9) or such other date specified in guidance published by the Internal Revenue Service.
- (3) With respect to distributions under the plan made on or after August 1, 2002, for calendar years beginning on or after January 1, 2002, the plan will apply the minimum distribution requirements of IRC §401(a)(9) in accordance with the regulations under §401(a)(9) that were made final on April 17, 2002 (the 2002 Final Regulations) and the provisions of §427(2)(H), notwithstanding any provision of the plan to the contrary. If the total

amount of required minimum distributions made to a participant for 2002 prior to August 1, 2002, are equal to or greater than the amount of required minimum distributions determined under the 2002 Final Regulations, then no additional distributions are required for such participant for 2002 on or after such date. If the total amount of required minimum distributions made to a participant for 2002 prior to August 1, 2002, are less than the amount determined under the 2002 Final Regulations, then the amount of required minimum distributions for 2002 on or after such date will be determined so that the total amount of required minimum distributions for 2002 is the amount determined under the 2002 Final Regulations. [Ord. 03-5]

- B. Required Beginning Date. The entire interest of a participant must be distributed or begin to be distributed no later than the participant's required beginning date.



C. Limits on Distribution Periods. As of the first distribution calendar year, distributions, if not made in a single-sum, may only be made over one of the following periods (or a combination thereof):

- (1) The life of the participant.
- (2) The life of the participant and a designated beneficiary.
- (3) A period certain not extending beyond the life expectancy of the participant.
- (4) A period certain not extending beyond the joint life and last survivor expectancy of the participant and a designated beneficiary.

D. Determination of Amount to be Distributed Each Year.

- (1) If the participant's interest is to be paid in the form of annuity distributions under the plan, payments under the annuity shall satisfy the following requirements:
 - (a) The annuity distribution must be paid in periodic payments made at intervals not longer than 1 year.
 - (b) The distribution period must be over a life (or lives) or over a period certain not longer than a life expectancy (or joint life and last survivor expectancy) described in IRC §401(a)(9)(A)(ii) or IRC §401(a)(9)(B)(iii), whichever is applicable.
 - (c) The life expectancy (or joint life and last survivor expectancy) for purposes of determining the period certain shall be determined without recalculation of life expectancy.
 - (d) Once payments have begun over a period certain, the period certain may not be lengthened even if the period certain is shorter than the maximum permitted.
 - (e) Payments must either be nonincreasing or increase only as follows:
 - (i) With any percentage increase in a specified and generally recognized cost-of-living index.
 - (ii) To the extent of the reduction to the amount of the participant's payments to provide for a survivor benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in subsection (C) above dies and the payments continue otherwise in accordance with that subsection over the life of the participant.

- (iii) To provide cash refunds of employee contributions upon the participant's death.
- (iv) Because of an increase in benefits under the plan.
- (f) If the annuity is a life annuity (or a life annuity with a period certain not exceeding 20 years), the amount that must be distributed on or before the participant's required beginning date (or, in the case of distributions after the death of the participant, the date distributions are required to begin pursuant to subsection (2)(E) below) shall be the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., bi-monthly, monthly, semi-annually or annually.

If the annuity is a period certain annuity without a life contingency (or is a life annuity with a period certain exceeding 20 years) periodic payments for each distribution calendar year shall be combined and treated as an annual amount. The amount that must be distributed by the participant's required beginning date (or, in the case of distributions after the death of the participant, the date distributions are required to begin pursuant to subsection (2)(E) below) is the annual amount for the first distribution calendar year. The annual amount for other distribution calendar years, including the annual amount for the calendar year in which the participant's required beginning date (or the date distributions are required to begin pursuant to subsection (2)(E) below) occurs, must be distributed on or before December 31 of the calendar year for which the distribution is required.

- (2) Annuities purchased after December 31, 1988, are subject to the following additional conditions:
 - (a) If the participant's interest is being distributed in the form of a life annuity with a period certain for the life of the participant, the period certain as of the beginning of the first distribution calendar year may not exceed the applicable period determined using the table set forth in Proposed Treasury Regulation §1.401(a)(9)-2, Q&A A-4.
 - (b) Unless the participant's spouse is the designated beneficiary, if the participant's interest is being distributed in the form of a period certain annuity without a life contingency, the period certain as of the beginning of the first distribution calendar year may not exceed the applicable period determined using the table set forth in Proposed Treasury Regulation, §1.401(a)(9)-2, Q&A A-5.

- (c) If the participant's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the participant and a nonspouse beneficiary, annuity payments to be made on or after the participant's required beginning date to the designated beneficiary after the participant's death must not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the participant using the table set forth in Proposed Regulation §1.401(a)(9)-2, Q&A A-6.
- (3) **Transitional Rule.** If payments under an annuity that complies with subsection (2)(a) above began prior to January 1, 1989, the minimum distribution requirements in effect as of July 27, 1987, shall apply to such distributions from this plan, regardless of whether the annuity form of payment is irrevocable. This transitional rule also applies to deferred annuity contracts distributed to or owned by the employee prior to January 1, 1989, unless additional contributions are made under the plan by the employer with respect to such contract.
- (4) If the form of distribution is an annuity made in accordance with this subsection (2), and additional benefits accruing to the participant after his or her required beginning date shall be distributed as a separate and identifiable component of the annuity beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.
- (5) Any part of the participant's interest that is in the form of an individual account shall be distributed in a manner satisfying the requirements of IRC §401(a)(9) and the proposed regulations thereunder.

E. Death Distribution Provisions.

- (1) **Distribution Beginning Before Death.** If the participant dies after distribution of his interest has begun, the remaining portion of such interest will continue to be distributed at least as rapidly as under the method of distribution being used prior to the participant's death.
- (2) **Distribution Beginning After Death.** If the participant dies before distribution of the participant's entire interest shall be completed by December 31 of the calendar year containing the fifth anniversary of the participant's death except to the extent that an election is made to receive distributions in accordance with subsections (a) or (b) below.
 - (a) If any portion of the participant's interest is payable to a designated beneficiary, distributions may be made over the life or over a period certain not greater than the life expectancy of the designated beneficiary commencing on or before December 31 of the calendar year immediately following the calendar year in which the participant died.

- (b) If the designated beneficiary is the participant's surviving spouse, the date distributions are required to begin in accordance with subsection (a) above and shall not be earlier than the later of (i) December 31 of the calendar year immediately following the calendar year in which the participant died and (ii) December 31 of the calendar year in which the participant would have attained 70½.

If the participant has not made an election pursuant to subsection (2) of this Section by the time of his death, the participant's designated beneficiary must elect the method of distribution no later than the earlier of (1) December 31 of the calendar year in which distributions would be required to begin under this subsection (2)(E)(2), or (2) December 31 of the calendar year that contains the fifth anniversary of the date of death of the participant. If the participant has no designated beneficiary, or if the designated beneficiary does not elect a method of distribution, distribution of the participant's entire interest must be completed by December 31 of the calendar year containing the fifth anniversary of the participant's death. This provision shall not create a right to an installment payment option providing installments over 5 or less calendar years.

- (3) For purposes of subsection (2)(E)(2) above, if the surviving spouse dies after the participant, but before payments to such spouse begin, the provisions of subsection (2)(E)(2) with the exception of subsection (2)(E)(2)(b) therein, shall be applied as if the surviving spouse were the participant.
- (4) For purposes of this subsection (2)(E), any amount paid to a child of the participant will be treated as if it had been paid to the surviving spouse if the amount becomes payable to the surviving spouse when the child reaches the age of majority.
- (5) For the purposes of this subsection (2)(E), distribution of a participant's interest is considered to begin on the participant's required beginning date (or, if subsection (2)(E)(3) above is applicable, the date distribution is required to begin to the surviving spouse pursuant to subsection (2)(E)(2)(b) above). If distribution in the form of an annuity described in subsection (2)(D)(1) irrevocably commences to the participant before the required beginning date, the date distribution is considered to begin is the date distribution actually commences.

F. Definitions (IRC §401(a)(9) Requirements).

- (1) **Designated Beneficiary.** The individual who is designated as the beneficiary under the plan in accordance with IRC §401(a)(9) and the proposed regulations thereunder.
- (2) **Distribution Calendar Year.** A calendar year for which a minimum distribution is required. For distributions beginning before the participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year that contains the participant's required beginning date. For distributions beginning after the participant's death,

the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to subsection (2)(E) above.

(3) Life Expectancy.

(a) Life expectancy (or joint life and last survivor expectancy) calculated using the attained age of the participant (or designated beneficiary) as of the participant's (or designated beneficiary's) birthday in the applicable calendar year. The applicable calendar year shall be the first distribution calendar year. If annuity payments commence before the required beginning date, the applicable calendar year is the year such payments commence.

(b) Life expectancy and joint and last survivor expectancy are computed by use of the expected return multiples in Tables V and VI of §1.72-9 of the Income Tax Regulations.

(4) Required Beginning Date. The required beginning date of a participant is the later of: (a) the first day of April of the calendar year following the calendar year in which the participant attains age 70½ and (b) the first day of April of the calendar year following the calendar year in which the participant retires.

G. Transitional Rule.

(1) Notwithstanding the other requirements of this subsection (2), distribution on behalf of any employee may be made in accordance with all of the following requirements (regardless of when such distribution commences).

(a) The distribution by the trust is one which would not have disqualified such trust under IRC §401(a)(9) as in effect prior to amendment by the Deficit Reduction Act of 1984.

(b) The distribution is in accordance with a method of distribution designated by the employee whose interest in the trust is being distributed or, if the employee is deceased, by a beneficiary of such employee.

(c) Such designation was in writing, was signed by the employee or the beneficiary and was made before January 1, 1984.

(d) The employee had accrued a benefit under the plan as of December 31, 1983.

(e) The method of distribution designated by the employee or the beneficiary specifies the time at which distribution will commence, the period over which distributions will be made, and in the case of

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any distribution upon the employee's death, the beneficiaries of the employee listed in order of priority.

A distribution upon death will not be covered by this transitional rule unless the information in the designation contains the required information described above with respect to the distributions to be made upon the death of the employee.

- (2) For any distribution that commences before January 1, 1984, but continues after December 31, 1983, the employee, or the beneficiary, to whom such distribution is being made, will be presumed to have designated the method of distribution under which the distribution is being made if the method of distribution was specified in writing and the distribution satisfies the requirements in subsection (2)(G) of this Section.
- (3) If a designation is revoked, any subsequent distribution must satisfy the requirements of IRC §401(a)(9) and the proposed regulations thereunder. If a designation is revoked subsequent to the date distributions are required to begin, the trust must distribute by the end of the calendar year following the calendar year in which the revocation occurs the total amount not yet distributed that would have been required to have been distributed to satisfy IRC §401(a)(9) and the proposed regulations thereunder, but for the election made with respect to §242(b)(2) of the Tax Equity and Fiscal Responsibility Act of 1982. For calendar years beginning after December 31, 1988, such distributions must meet the minimum distribution incidental benefit requirements in Proposed Regulation §1.401(a)(9)-2. Any changes in the designation will be considered to be a revocation of the designation. However, the mere substitution or addition of another beneficiary (one not named in the designation) under the designation will not be considered to be a revocation of the designation, so long as such substitution or addition does not alter the period over which distributions are to be made under the designation, directly or indirectly (for example, by altering the relevant measuring life). In the case in which an amount is transferred or rolled over from one plan to another plan, the rules in Proposed Regulation §1.401(a)(9)-1 Q&A J-2 and Q&A J-3 shall apply.

H. Compliance with Final Regulations. The requirements of this subsection (2)(H) shall take precedence over any inconsistent provisions of the plan. All distributions required under subsection (2) will be determined and made in accordance with the Treasury regulations under IRC §401(a)(9). Notwithstanding the other provisions of this subsection (2), distributions may be made under a designation made before January 1, 1984, in accordance with Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) §242(b)(2) and the provisions of the plan that relate to TEFRA §242(b)(2).

- (1) Time and Manner of Distribution.

- (a) **Required Beginning Date.** The participant's entire interest will be distributed or begin to be distributed to the participant no later than the participant's required beginning date.
- (b) **Death of Participant Before Distributions Begin.** If the participant dies before distributions begin, the participant's entire interest will be distributed or begin to be distributed no later than as follows:
 - 1) If the participant's surviving spouse is the participant's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the participant died or by December 31 of the calendar year in which the participant would have attained age 70½, if later.
 - 2) If the participant's surviving spouse is not the participant's sole designated beneficiary, then distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the participant died.
 - 3) If there is no designated beneficiary as of September 30 of the year following the year of the participant's death or if a lump sum death benefit is otherwise payable, the participant's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the participant's death.
 - 4) If the participant's surviving spouse is the participant's sole designated beneficiary and the surviving spouse dies after the participant but before distributions to the surviving spouse begin, this subsection (H)(1)(b), other than subsection (H)(1)(b)(1), will apply as if the surviving spouse were the participant.

For purposes of this subsections (H)(1)(b) and (H)(4), distributions are considered to begin on the participant's required beginning date (or, if subsection (H)(1)(b)(4) applies, the date distributions are required to begin to the surviving spouse under subsection (H)(1)(b)(1)). If annuity payments irrevocably commence to the participant before the participant's required beginning date (or to the participant's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection (H)(1)(b)), the date distributions are considered to begin is the date distributions actually commence.

- (c) **Forms of Distribution.** Unless the participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in

accordance with subsections (2), (3) and (4). If the participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of IRC §401(a)(9) and the Treasury regulations. Any part of the participant's interest which is in the form of an individual account described in IRC §414(k) will be distributed in a manner satisfying the requirements of IRC §401(a)(9) and the Treasury regulations that apply to individual accounts.

- (2) Determination of Amount to be Distributed Each Year.
 - (a) General Annuity Requirements. If the participant's interest is paid in the form of annuity distributions under the plan, payments under the annuity will satisfy the following requirements:
 - 1) The annuity distributions will be paid in periodic payments made at intervals not longer than 1 year.
 - 2) The distribution period will be over a life (or lives) or over a period certain not longer than the period described in subsections (H)(3) or (H)(4).
 - 3) Once payments have begun over a period certain, the period certain will not be changed even if the period certain is shorter than the maximum permitted.
 - 4) Payments will either be nonincreasing or increase only as follows:
 - a) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that's based on prices of all items and issued by the Bureau of Labor Statistics.
 - b) To the extent of the reduction in the amount of the participant's payments to provide for a survivor benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in subsection (H)(3) dies or is no longer the participant's beneficiary pursuant to a qualified domestic relations order within the meaning of IRC §414(p).
 - c) To provide cash refunds of employee contributions upon the participant's death.
 - d) To pay increased benefits that result from a plan amendment.

- (b) Amount Required to be Distributed by Required Beginning Date. The amount that must be distributed on or before the participant's required beginning date (or, if the participant dies before distributions begin, the date distributions are required to begin under subsections (H)(1)(a) or (b) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., bi-monthly, monthly, semi-annually or annually. All of the participant's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the participant's required beginning date.
 - (c) Additional Accruals After First Distribution Calendar Year. Any additional benefits accruing to the participant in a calendar year after the first distribution calendar year will be distributed beginning with the first payment interval ending in the calendar immediately following the calendar year in which such amount accrues.
- (3) Requirements for Annuity Distributions that Commence During Participant's Lifetime. The participant's interest cannot be distributed in the form of a joint and survivor annuity under the terms of this plan. Further, no death benefit can be paid in the form of a period certain annuity. Subsection (2)(D)(1)(f) shall not apply.
- (4) Requirements for Minimum Distributions Where Participant Dies Before Date Distributions Begin.
- (a) Participant Survived by Designated Beneficiary. If the participant dies before the date distribution of his or her interest begins and there is a designated beneficiary, the participant's entire interest will be distributed, beginning no later than the time described in subsection (H)(1)(b)(1) or (2), over the life of the designated beneficiary or over a period certain not exceeding:
 - 1) Unless the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the participant's death; or
 - 2) If the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

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- (b) **No Designated Beneficiary.** If the participant dies before the date distributions begin and there is no designated beneficiary as of September 30 of the year following the year of the participant's death, distribution of the participant's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the participant's death.
 - (c) **Death of Surviving Spouse Before Distributions to Surviving Spouse Begin.** If the participant dies before the date distribution of his or her interest begins, the participant's surviving spouse is the participant's sole designated beneficiary and the surviving spouse dies before distributions to the surviving spouse begin, this subsection (H)(4) will apply as if the surviving spouse were the participant, except that the time by which distributions must begin will be determined without regard to subsection (H)(1)(b)(2).
- (5) **Definitions.**

DESIGNATED BENEFICIARY - the individual who is designated as the beneficiary under subsection (2)(F)(1) and is the designated beneficiary under IRC §401(a)(9) and Regulation §1.401(a)(9)-1, Q&A-4.

DISTRIBUTION CALENDAR YEAR - a calendar year for which a minimum distribution is required. For distributions beginning before the participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the participant's required beginning date. For distributions beginning after the participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to subsection (H)(1)(b).

LIFE EXPECTANCY - life expectancy as computed by use of the Single Life Table in Regulation §1.401(a)(9)-9.

REQUIRED BEGINNING DATE - the date specified in subsection (2)(F)(4).

[Ord. 03-5]

(Ord. 01-3, 12/3/2001, §§7.1, 7.2; as amended by Ord. 03-5, 11/3/2003, §§3, 4)

§428. ADMINISTRATION OF THE PLAN.

1. Fiduciary Responsibility.

- A. Management and Control of Plan Assets. The governing body of the employer shall designate the persons responsible for the management and control of plan assets. Such persons shall discharge their duties with respect to the plan in accordance with the documents and instruments governing the plan insofar as

such documents and instruments are consistent with the applicable provisions of the Internal Revenue Code.

B. A fiduciary of this plan is required to exercise the judgment and care under the circumstances then prevailing that men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

C. Allocation of Responsibility.

(1) When the plan administrator is required to follow the directions of the trustee or the trustee is required to follow the directions of the plan administrator, they shall not be deemed to share such responsibility. Instead, the responsibility of the person giving the directions shall be deemed to be his sole responsibility and the responsibility of the person receiving directions shall be to follow those directions insofar as such instructions on their face are proper under applicable law.

(2) The plan administrator or trustee under this plan may employ one or more persons, including independent accountants, attorneys and actuaries to render advice with regard to any responsibility such person has under the plan.

D. Liability and Indemnification. Subject to Act 205, no past, present, or future officer of the employer nor of any participating employer shall be personally liable to any participant, beneficiary, or other person under any provision of the plan or trust or any insurance policy or contract issue pursuant thereto. No individual fiduciary shall be liable for any act or omission of any other fiduciary. Unless resulting from the gross negligence, willful misconduct or lack of good faith on the part of the fiduciary, the employer shall indemnify and save harmless such fiduciary from, against, for and in respect of any and all damages, losses, obligations, liabilities, liens, deficiencies, costs and expenses, including without limitation, reasonable attorney's fees and other costs and expenses incident to any suit, action, investigation, claim or proceedings suffered in connection with his acting as a fiduciary under the plan.

2. Chief Administrative Officer.

A. Appointment of Chief Administrative Officer. The governing body of the employer shall be responsible for the administration of the plan. It may appoint a member of itself to be the chief administrative officer. The employer shall review at regular intervals the performance of the person appointed to be the chief administrative officer and shall re-evaluate the appointment of such chief administrative officer.

B. Duties and Powers of Chief Administrative Officer. The chief administrative officer shall be the plan administrator and as such shall have the following duties

and discretionary powers and such other duties and discretionary powers as relate to the administration of the plan:

- (1) To determine in a nondiscriminatory manner all questions relating to the eligibility of employees to become participants.
- (2) To determine in a nondiscriminatory manner eligibility for benefits and to determine and certify the amount and kind of benefits payable to participants.
- (3) To authorize all disbursements from the fund.
- (4) To appoint or employ, upon approval of the employer, any independent person to perform necessary plan functions and to assist in the fulfillment of administrative responsibilities as he deems advisable, including the retention of a third party administrator, custodian, auditor, accountant, actuary or attorney.
- (5) When appropriate, to select an insurance company and annuity contracts that, in his opinion, will best carry out the purposes of the plan.
- (6) To construe and interpret any ambiguities in the plan and to make, publish, interpret, alter, amend or revoke rules for the regulation of the plan that are consistent with the terms of the plan and with the applicable provisions of the Internal Revenue Code.
- (7) To prepare and distribute, in such manner as determined to be appropriate, information explaining the plan.

C. Miscellaneous Provisions.

- (1) Expenses. The chief administrative officer shall serve without compensation for service as such. All reasonable expenses of the chief administrative officer shall be paid by the plan.
- (2) Examination of Records. The chief administrative officer shall make available to any participant for examination during business hours such of the plan records as pertain only to the participant involved.
- (3) Information to the Chief Administrative Officer. To enable the chief administrative officer to perform the administrative functions, the employer shall supply full and timely information to the chief administrative officer on all participants as the chief administrative officer may require.

3. Claims Procedure.

A. Notification. The chief administrative officer shall notify each participant in writing of his determination of benefits. If the chief administrative officer denies any benefit, such written denial shall include:

- (1) The specific reasons for denial.
- (2) Reference to provisions on which the denial is based.
- (3) A description of and reason for any additional information needed to process the claim.
- (4) An explanation of the claims procedure.

B. Appeal.

- (1) The participant or his duly authorized representative may:
 - (a) Request a review of the participant's case in writing to the employer.
 - (b) Review pertinent documents.
 - (c) Submit issues and comments in writing.
- (2) The written request for review must be submitted no later than 60 days after receiving written notification of denial of benefits.

C. Review. The employer must render a decision no later than 60 days after receiving the written request for review, unless the circumstances make it impossible to do so; but in no event shall the decision be rendered later than 120 days after the request for review is received.

D. Limitation on Time Period for Litigation of a Benefit Claim. Following receipt of the written rendering of the employer's decision under subsection (C) above, the participant shall have 365 days in which to file suit in the appropriate court. Thereafter, the right to contest the decision shall be waived.

4. Trust Fund.

A. Creation and Maintenance of the Fund.

- (1) The trust fund shall be created and maintained in the following manner:
 - (a) All funds of deposit and held for pension or retirement benefits of the participants shall continue to be part of the trust fund created and maintained hereby subject to any liabilities that may exist against such fund.

- (b) The employer shall allocate to the fund the payments made by the Treasurer of the Commonwealth of Pennsylvania from monies received from taxes paid upon premiums by foreign casualty insurance companies and foreign fire insurance companies pursuant to the General Municipal Pension System State Aid Program.
 - (c) The employer shall also allocate to the fund any mandatory employee contributions received in accordance with the plan.
 - (d) The fund shall accept and maintain any payments made by other gifts, grants, devises or bequests to the fund.
 - (e) The employer shall contribute to the fund such other payments as may, from time to time, be authorized to be made from the general revenue of the employer.
- (2) All such payments received shall be part of the trust fund and shall not be applied to any other account or disbursed in any manner except as provided by this plan. Payments required under the plan shall be a charge only upon the trust fund and not upon other monies or funds of the employer.
- B. Appointment of Trustee. The employer, or its delegee, shall appoint a trustee for the proper care and custody of all funds, securities and other properties in the trust, and for investment of plan assets (or for execution of such orders as it receives from an investment manager appointed for investment of plan assets). The duties and powers of the trustee shall be set forth in a trust agreement executed by the employer, that is incorporated herein by reference. The employer shall review at regular intervals the performance of the trustee and shall re-evaluate the appointment of such trustee. After the employer has appointed the trustee and has received a written notice of acceptance of its responsibility, the responsibility with respect to the proper care and custody of plan assets shall be considered as the responsibility of the trustee. Unless otherwise allocated to an investment manager, the responsibility with respect to investment of plan assets shall likewise be considered as the responsibility of the trustee.
- C. Appointment of Corporate Custodian. The employer, or its delegee, may appoint a corporate custodian to hold and invest the fund. The corporate custodian shall carry out its responsibilities in accordance with the terms of the custodial agreement and the investment policy and guidance as the employer shall, from time to time, provide. The employer shall review at regular intervals no less frequently than annually, the performance of such corporate custodian and shall re-evaluate the appointment of such corporate custodian.
- D. Appointment of Investment Manager. The employer, or its delegee, may appoint an investment manager who is other than the trustee, which investment manager may be a bank or an investment advisor registered with the Securities and Exchange Commission under the Investment Advisors Act of 1940. Such investment manager, if appointed, shall have sole discretion in the investment of

plan assets, subject to the funding policy. The employer shall review at regular intervals no less frequently than annually, the performance of such investment manager and shall re-evaluate the appointment of such investment manager. After the employer has appointed an investment manager and has received a written notice of acceptance of his responsibility, the responsibility with respect to investment of plan assets shall be considered as the responsibility of the investment manager.

- E. Funding Policy. The employer, or its delegee, shall determine and communicate in writing to the person responsible for investment of plan assets the funding policy for the plan. The funding policy shall set forth the plan's short-range and long-range financial needs, so that said person may coordinate the investment of plan assets with the plan's financial needs.
- F. Valuation of the Fund. The fund shall be valued by the trustee on the accounting date of each year and as of any interim accounting date determined by the plan administrator. The valuation shall be made on the basis of the current fair market value of all property in the fund.

5. Actuarial Valuation and Funding.

A. Actuarial Valuation.

- (1) In compliance with Act 205, the actuarial valuation report shall be prepared and filed under the supervision of the chief administrative officer of the municipality or of the association of municipalities cooperating pursuant to the Intergovernmental Cooperation Act and named as the sponsoring employer of this plan. The actuary shall perform an actuarial valuation at least biennially. Each biennial actuarial valuation report shall be made as of the beginning of such plan year and shall be prepared and certified by an approved actuary. An "approved actuary" means a person who has at least 5 years of actuarial experience with public pension plans and who is either enrolled as a member of the American Academy of Actuaries or enrolled as an actuary pursuant to ERISA.
- (2) If the employer is applying or has applied for Supplemental State Assistance pursuant to §603 of the Act, the actuarial valuation report shall be made annually.

B. Allowable Administrative Expenses. The expenses attributable to the preparation of any actuarial valuation report or investigation required by Act 205 or any other expense that is permissible under the terms of Act 205 and that are directly associated with administering the plan shall be an allowable administrative expense payable from the assets of the trust.

C. Benefit Modifications. Prior to the adoption of any benefit plan modification by the employer, the chief administrative officer shall provide to the employer a cost estimate of the proposed benefit plan modification prepared by an approved

actuary. Such estimate shall disclose to the employer the impact of the proposed benefit plan modification on the future financial requirements of the plan and the future minimum obligation of the employer with respect to the plan.

(Ord. 01-3, 12/3/2001, §§8.1-8.5)

§429. AMENDMENT AND TERMINATION OF PLAN.

1. Right to Discontinue and Amend. It is the expectation of the employer that it will continue this plan indefinitely and make the payments of its contributions hereunder, unless permitted to terminate under the provisions of Act 600.
2. Amendments. Except as herein limited, the employer shall have the right to amend this plan at any time to any extent that it may deem advisable. Such amendment shall be stated in writing and shall be by ordinance or resolution of the governing body of the employer. The employer's right to amend the plan shall be limited as follows:
 - A. No amendment shall be adopted in violation of Act 600.
 - B. No amendments shall have the effect of vesting in the employer any interest in or control over any contracts issued pursuant hereto or any other property in the fund.
 - C. No amendment to the vesting schedule adopted by the employer hereunder shall deprive a participant of his vested portion of his employer-derived accrued benefit to the date of such amendment.
3. Protection of Benefits in Case of Plan Merger. In the event of a merger or consolidation with, or transfer of assets to any other plan, each participant will receive a benefit immediately after such merger, consolidation or transfer (if the plan then terminated) that is at least equal to the benefit the participant was entitled to immediately before such merger, consolidation or transfer (if the plan had terminated).
4. Termination of Plan.
 - A. When Plan Terminates. This plan shall terminate upon the legal dissolution of the employer or the termination of the plan by the amendment action of the employer. Subject to the provisions of the Municipal Pension Plan Funding Standard and Recovery Act (P.L. 1005, Act 205 of 1984) governing financially distressed municipalities, the liability of the employer to make contributions to the plan shall automatically terminate upon liquidation or dissolution of the employer, upon its adjudication as a bankrupt, or upon the making of a general assignment for the benefit of its creditors.
 - B. Allocation of Assets. Upon termination or partial termination, the accrued benefit of each affected participant who is an active participant or who is not an active participant but has not incurred a 1-year break in service shall be 100% vested and

nonforfeitable; however, no participant or other individual shall have recourse towards the satisfaction of any benefit accrued under the plan other than from the fund. The amount of the fund assets shall be allocated to participants and beneficiaries subject to provisions for expenses of administration of liquidation. The allocation of assets shall be in accordance with the following (to the extent assets are sufficient).

- (1) There shall be allocated an amount equal to that portion of each individual's accrued benefit that is derived from the participant's voluntary contributions.
- (2) There shall be allocated an amount equal to that portion of each individual's accrued benefit that is derived from the participant's mandatory contributions.
- (3) There shall be allocated amounts sufficient to provide the pension of each participant or beneficiary who was receiving such a benefit 3 years before the date of termination. There shall likewise be allocated amounts sufficient to provide the normal form of pension for each participant who was eligible to retire 3 years before the date of termination but had not done so. In both cases, the benefits shall be based upon the plan provisions in effect during the 5 years before the date of termination under which such benefits would be the least.
- (4) There shall be allocated amounts sufficient to provide all vested benefits due participants.
- (5) There shall be allocated amounts sufficient to provide all other benefits of the plan. If assets are insufficient to provide all benefits within any one of the above subsections (1) through (5), they shall be allocated *pro rata* among the participants or beneficiaries within that paragraph on the basis of the present value of such benefits. The allocation of assets, when determined by the actuary, may be implemented through the continuation of the existing fund or through the purchase of insurance company annuity contracts or by a combination of these media.

C. Remaining Fund Balance. Notwithstanding any provision in this plan to the contrary, upon the termination of the plan, but only after all liabilities to the participants and their respective beneficiaries have been satisfied, the employer shall be entitled to any balance of the net assets of the fund that shall remain by reason of erroneous actuarial computations or overpayments during the life of the plan.

(Ord. 01-3, 12/3/2001, §§9.1 -9.4)

§430. MISCELLANEOUS PROVISIONS.

1. Exclusive Benefit; Non-Reversion.

ADMINISTRATION AND GOVERNMENT

- A. The plan is created for the exclusive benefit of the employees of the employer and shall be interpreted in a manner consistent with its being a qualified plan as defined in IRC §401(a). The corpus or income of the trust may not be diverted to or used for other than the exclusive benefit of the participants or their beneficiaries.
 - B. Notwithstanding the above, any contribution made by the employer because of a mistake of fact must be returned to the employer within 1 year of the contribution. Further, a reversion to the employer is permissible upon plan termination in accordance with §429(4)(C) of this Part.
2. Inalienability of Benefits. No benefit or interest available hereunder including any annuity contract distributed herefrom shall be subject to assignment or alienation, either voluntarily or involuntarily. The preceding sentence shall also apply to the creation, assignment or recognition of a right to any benefit payable with respect to a participant pursuant to a domestic relations order, unless such order is determined to be an acceptable domestic relations order as defined in IRC §414(p), or any domestic relations order entered before January 1, 1985.
3. Employer-Employee Relationship. This plan is not to be construed as creating or changing any contract of employment between the employer and its employees, and the employer retains the right to deal with its employees in the same manner as though this plan had not been created.
4. Binding Agreement. This plan shall be binding on the heirs, executors, administrators, successors and assigns as such terms may be applicable to any or all parties hereto, and on any participants, present or future.
5. Inconsistency or Conflict of Prior Ordinances or Resolutions. Any ordinance or resolution with an effective date prior to the adoption date of this amendment and restatement of the plan shall be of no effect.
6. Separability. If any provision of this plan shall be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision hereof and this plan shall be construed and enforced as if such provision had not been included.
7. Construction. The plan shall be construed in accordance with the laws of the Commonwealth of Pennsylvania and with the applicable portions of the Internal Revenue Code. It is intended that the plan comply with the interpretations of P.L. 1804, as amended (53 P.S. 767) (Act 600), issued by the judicial and regulatory bodies of the Commonwealth of Pennsylvania.
8. Copies of Plan. This plan may be executed in any number of counterparts, each of which shall be deemed as an original, and said counterparts shall constitute but one and the same instrument that may be sufficiently evidenced by any one counterpart.

9. Interpretation. Wherever appropriate, words used in this plan in the singular may include the plural or the plural may be read as singular, and the masculine may include the feminine.

(Ord. 01-3, 12/3/2001, §§10.1-10.9)

WRIGHTSVILLE BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2004-7

AN ORDINANCE OF THE BOROUGH OF WRIGHTSVILLE PROVIDING FOR A POLICE SERVICES AGREEMENT FOR THE PURPOSE OF PROVIDING AND ASSISTING WITH POLICE PROTECTION SERVICES ACROSS MUNICIPAL LINES AS SET FORTH IN PARAGRAPH ONE OF THE AGREEMENT FOR POLICE SERVICES.

The Borough Council of the Borough of Wrightsville hereby ordains as follows:

Section 1. The Borough Council of the Borough of Wrightsville, Pennsylvania, are authorized and directed to execute and deliver a Police Services Agreement dated November 18, 2004, attached hereto. The specific terms, conditions and provisions of the Agreement are made a part hereof.

Section 2. The conditions, duration and term, purpose and objective, scope and authority delegated, manner and extent of financing, organizational structure and manner in which personal property shall be acquired, managed and disposed of, are set forth in the attached Agreement.

Section 3. All Ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 4. Any prior Police Services Agreement by and between Wrightsville Borough and Hellam Township are hereby terminated as of the effective date of the Police Services Agreement referenced in Paragraph 1 hereof.

ENACTED AND ORDAINED by Wrightsville Borough Council this 20th day of DECEMBER, 2004.

Attest:

Anne C. Farn
Secretary

WRIGHTSVILLE BOROUGH COUNCIL

BY: Gene F. Herubata
President

(SEAL)

APPROVED this 20 th day of DECEMBER, 2004.

Gene F. Herubata
Mayor



WRIGHTSVILLE BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2004-7

AN ORDINANCE OF THE BOROUGH OF WRIGHTSVILLE PROVIDING FOR A POLICE SERVICES AGREEMENT FOR THE PURPOSE OF PROVIDING AND ASSISTING WITH POLICE PROTECTION SERVICES ACROSS MUNICIPAL LINES AS SET FORTH IN PARAGRAPH ONE OF THE AGREEMENT FOR POLICE SERVICES.

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Section 4. Any prior Police Services Agreement by and between Wrightsville Borough and Hellam Township are hereby terminated as of the effective date of the Police Services Agreement referenced in Paragraph 1 hereof.

ENACTED AND ORDAINED by Wrightsville Borough Council this 20th day of DECEMBER, 2004.

Attest:

Anne C. Knarr
Secretary

WRIGHTSVILLE BOROUGH COUNCIL

BY:

Sam Lindeman
President

(SEAL)

APPROVED this 20th day of DECEMBER, 2004.

Gene L. Hornblut
Mayor



BOROUGH OF WRIGHTSVILLE
ORDINANCE NO. 2006-1

AN ORDINANCE OF THE BOROUGH OF WRIGHTSVILLE, YORK COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHAPTER 1, PART 4, ENTITLED BOROUGH OF WRIGHTSVILLE POLICE PENSION PLAN IN ORDER TO COMPLY WITH TREASURY REGULATION SECTION 1.415-6(b)(1)(ii), AND THE FINAL REGULATIONS ISSUED UNDER INTERNAL REVENUE CODE SECTION 401(a)(9) EFFECTIVE AS PROVIDED IN THE AMENDMENT.

WHEREAS, the Borough of Wrightsville previously established the Borough of Wrightsville Police Pension Plan; and

WHEREAS, the Borough of Wrightsville amended and restated the Plan in order to continue its compliance with the tax-exempt retirement plan requirements of Internal Revenue Code of 1986 (as amended) section 401(a), desires to enact an amendment to the Plan;

NOW THEREFORE, be it ordained and enacted by the Borough of Wrightsville that the attached amendment of the Borough of Wrightsville Police Pension Plan is enacted. The attached amendment is incorporated herein by reference. The President of the Wrightsville Borough Council, as the agent of the Employer, is authorized and directed to execute the attached amendment of the Plan.

ENACTED AND ORDAINED by the Borough Council of Wrightsville Borough this 4th day of December, 2006.

Attest:

Carollesue
Secretary

WRIGHTSVILLE BOROUGH COUNCIL

BY: J. Walter Dixon
J. Walter Dixon, President

(SEAL)

APPROVED THIS 4th day of December, 2006.

Mayor
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2006 COMPLIANCE AMENDMENT TO THE BOROUGH OF WRIGHTSVILLE POLICE PENSION PLAN

As authorized by Section 9.2 of the Borough of Wrightsville Police Pension Plan ("Plan") as amended and restated effective January 1, 2001, the employer, Borough of Wrightsville, hereby amends the Plan to comply with Treasury Regulation section 1.415-6(b)(1)(ii) and the final regulations issued under Internal Revenue Code (IRC) section 401(a)(9). This amendment shall be effective as provided herein. This amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this amendment.

The employer hereby amends the Plan in the following manner:

FIRST: Inclusion of Employee Contributions in Annual Additions

Section 7.1(e)(1) is amended to include the provision for limited crediting of employee contributions for purposes of the IRC section 415 limitations in limitation years beginning before January 1, 1987 provided under Treasury Regulation section 1.415-6(b)(1)(ii). As amended, Section 7.1(e)(1) shall contain an additional paragraph that shall read as follows:

For limitation years beginning before January 1, 1987, employee contributions shall only be taken into account for this purpose up to the lesser of the amount of employee contributions in excess of 6% of compensation for the limitation year, or one-half of the employee contributions for that year.

SECOND: Minimum Required Distributions

Effective for distributions made on or after January 1, 2005, Section 7.2 is amended to adopt the final regulations under IRC section 401(a)(9). As amended, Section 7.2(a) shall contain the following additional paragraph:

With respect to distributions under the Plan made on or after January 1, 2005 for calendar years beginning on or after January 1, 2005, the plan will apply the minimum distribution requirements of IRC section 401(a)(9) in accordance with Regulation section 1.401(a)(9)-6 as made final on June 15, 2004 and the regulations previously made final under section 401(a)(9) on April 17, 2002 (the 2002 Final Regulations) and the provisions of Section 7.2(h), notwithstanding any provision of the Plan to the contrary.

As amended, the changed portions of Section 7.2(h) shall read as follows:

(1) **Time and Manner of Distribution**

(B) **Death of Participant Before Distributions Begin - *****

(iv) If the participant's surviving spouse is the participant's sole designated beneficiary and the surviving spouse dies after the participant but before distributions to the surviving spouse begin, this Paragraph (1)(B), other than Paragraph (1)(B)(i), will apply as if the surviving spouse were the participant if this plan otherwise provides for the payment of a death benefit.

(C) **Forms of Distribution** - Unless the participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with Paragraph (2), (3), and (4). If the participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of IRC section 401(a)(9) and Regulation section 1.401(a)(9)-6.

(2) **Determination of Amount to be Distributed Each Year**

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and analysis processes, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that the data remains reliable and secure throughout its lifecycle.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that the data management processes remain effective and aligned with the organization's goals.

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(A) General Annuity Requirements - ***

- (iii) Once payments have begun over a period certain, the period certain may only be changed as permitted under Regulation section 1.401(a)(9)-6, A-13;
- (iv) Payments will either be nonincreasing or increase only as follows:
 - a. by an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the Bureau of Labor Statistics;
 - b. to provide cash refunds of employee contributions upon the participant's death;
 - c. to pay increased benefits that result from a plan amendment; or
 - d. to the extent increases are permitted in accordance with Regulation section 1.401(a)(9)-6, A-14(c) or (d).

(B) Amount Required to be Distributed by Required Beginning Date – The amount that must be distributed on or before the participant's required beginning date (or, if the participant dies before distributions begin, the date distributions are required to begin under Paragraph (1)(A) or (B) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., bi-monthly, monthly, semi-annually, or annually. All of the participant's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the participant's required beginning date.

In the case of a lump sum distribution of the participant's accrued benefit on or before the participant's required beginning date, the minimum required distribution shall be determined by expressing the participant's benefit as a pension payable in the normal form of payment with an annuity starting date as of the first day of the distribution calendar year and multiplying the monthly benefit by 12. If the distribution is being made before the April 1 required beginning date but in such year, both the first and second years required minimum distribution shall be determined and shall not be eligible for rollover.

(5) Definitions

(A) Designated Beneficiary – The individual who is designated as the beneficiary under Section 7.2(f)(1) and is the designated beneficiary under IRC section 401(a)(9) and Regulation section 1.401(a)(9)-1, A-4.

THIRD: Remaining Plan Provisions

All other provisions of the Plan remain in full force and effect.

Executed this 4th day of December, 2016 by the duly authorized agent of the Borough of Wrightsville.

Carmel Sul
Title: Secretary

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ORDINANCE

AN ORDINANCE ESTABLISHING A POLICE DEPARTMENT FOR THE BOROUGH OF WRIGHTSVILLE, PROVIDING FOR THE APPOINTMENT OF OFFICERS THERETO, THE NATURE OF THEIR DUTIES, AND THEIR CONTROL AND SUPERVISION, PROVIDING FOR THE APPOINTMENT OF, DEMOTION, DISCHARGE, OR SUSPENSION OF POLICE OFFICERS, AND MAKING ALL PRIOR ACTS INCONSISTENT HEREWITH INEFFECTIVE AS OF SUCH EFFECTIVE DATE OF SUCH ORDINANCE.

The Borough Council of the Borough of Wrightsville, York County, Pennsylvania, pursuant to and in accord with the Acts of Assembly so provided, hereby ordains:

Section 1. There is hereby established a police department consisting of a chief of police appointed by the Borough Council, and such additional full-time and/or part-time police officers as the Borough Council shall from time to time appoint. All such police officers shall be over 21 years of age.

Section 2. The Chief of Police shall be paid an annual salary, payable in equal weekly, bi-weekly, semi-monthly or monthly installments, as prescribed by Borough Council and shall devote his or her normal working hours to such office, in accordance with instructions and directions from the Mayor. The Chief of Police shall serve until death, resignation or retirement as provided by the Borough Council, or removal by Borough Council, as the case may be.

Section 3. The Borough Council shall, from time to time, appoint such additional full-time or part-time police officers as may be deemed necessary, upon such terms and conditions as the Council may prescribe.

Section 4. All police officers so appointed, including the chief of police shall function under the supervision and control of the Mayor, and shall serve at such times and places and in manner as directed by the Mayor. All such police officers shall, before entering upon their

regular meeting and Borough Council shall at that time suspend, discharge, reduce in rank or reinstate such police officer.

Section 9. The provisions of this Ordinance shall be effective on the 1st day of January, 2007, and all ordinances, acts, resolutions, appointments and ordinances inconsistent with this Ordinance are repealed and shall be null and void on the effective date.

ENACTED AND ORDAINED this 6th day of November, 2006.

ATTEST:

BOROUGH COUNCIL OF THE
BOROUGH OF WRIGHTSVILLE

By: Carol Sal
Secretary

By: [Signature]
President

APPROVED this 6th day of November, 2006.

By: [Signature]
Mayor

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

Furthermore, it is noted that the records should be kept in a secure and accessible format. Regular backups are recommended to prevent data loss in the event of a system failure or disaster.

The second part of the document outlines the procedures for handling discrepancies. It states that any inconsistencies should be investigated immediately and resolved as soon as possible. This involves comparing the recorded amounts with the actual receipts and invoices.

Finally, the document concludes by stating that the accuracy of the records is crucial for the overall financial health of the organization. It serves as a foundation for budgeting, forecasting, and strategic decision-making.

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The following table provides a summary of the key findings from the audit. It details the total amount recorded, the number of transactions reviewed, and the percentage of entries that were found to be accurate.

Category	Amount	Count	Accuracy
Total Recorded	\$1,234,567.89	1,500	98%
Discrepancies Found	\$12,345.67	15	0%
Corrected Entries	\$12,345.67	15	100%

The results indicate a high level of accuracy in the recorded transactions, with only a small number of discrepancies identified. These have been successfully corrected, ensuring the integrity of the financial records.

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2006 COMPLIANCE AMENDMENT TO THE BOROUGH OF WRIGHTSVILLE POLICE PENSION PLAN

As authorized by Section 9.2 of the Borough of Wrightsville Police Pension Plan ("Plan") as amended and restated effective January 1, 2001, the employer, Borough of Wrightsville, hereby amends the Plan to comply with Treasury Regulation section 1.415-6(b)(1)(ii) and the final regulations issued under Internal Revenue Code (IRC) section 401(a)(9). This amendment shall be effective as provided herein. This amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this amendment.

The employer hereby amends the Plan in the following manner:

FIRST: Inclusion of Employee Contributions in Annual Additions

Section 7.1(e)(1) is amended to include the provision for limited crediting of employee contributions for purposes of the IRC section 415 limitations in limitation years beginning before January 1, 1987 provided under Treasury Regulation section 1.415-6(b)(1)(ii). As amended, Section 7.1(e)(1) shall contain an additional paragraph that shall read as follows:

For limitation years beginning before January 1, 1987, employee contributions shall only be taken into account for this purpose up to the lesser of the amount of employee contributions in excess of 6% of compensation for the limitation year, or one-half of the employee contributions for that year.

SECOND: Minimum Required Distributions

Effective for distributions made on or after January 1, 2005, Section 7.2 is amended to adopt the final regulations under IRC section 401(a)(9). As amended, Section 7.2(a) shall contain the following additional paragraph:

With respect to distributions under the Plan made on or after January 1, 2005 for calendar years beginning on or after January 1, 2005, the plan will apply the minimum distribution requirements of IRC section 401(a)(9) in accordance with Regulation section 1.401(a)(9)-6 as made final on June 15, 2004 and the regulations previously made final under section 401(a)(9) on April 17, 2002 (the 2002 Final Regulations) and the provisions of Section 7.2(h), notwithstanding any provision of the Plan to the contrary.

As amended, the changed portions of Section 7.2(h) shall read as follows:

(1) **Time and Manner of Distribution**

(B) **Death of Participant Before Distributions Begin – * * ***

* * *

- (iv) If the participant's surviving spouse is the participant's sole designated beneficiary and the surviving spouse dies after the participant but before distributions to the surviving spouse begin, this Paragraph (1)(B), other than Paragraph (1)(B)(i), will apply as if the surviving spouse were the participant if this plan otherwise provides for the payment of a death benefit.

* * *

- (C) **Forms of Distribution** – Unless the participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with Paragraph (2), (3), and (4). If the participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of IRC section 401(a)(9) and Regulation section 1.401(a)(9)-6.

(2) **Determination of Amount to be Distributed Each Year**

(A) General Annuity Requirements – * * *

* * *

- (iii) Once payments have begun over a period certain, the period certain may only be changed as permitted under Regulation section 1.401(a)(9)-6, A-13;
- (iv) Payments will either be nonincreasing or increase only as follows:
 - a. by an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the Bureau of Labor Statistics;
 - b. to provide cash refunds of employee contributions upon the participant's death;
 - c. to pay increased benefits that result from a plan amendment; or
 - d. to the extent increases are permitted in accordance with Regulation section 1.401(a)(9)-6, A-14(c) or (d).

(B) **Amount Required to be Distributed by Required Beginning Date** – The amount that must be distributed on or before the participant's required beginning date (or, if the participant dies before distributions begin, the date distributions are required to begin under Paragraph (1)(A) or (B) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., bi-monthly, monthly, semi-annually, or annually. All of the participant's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the participant's required beginning date.

In the case of a lump sum distribution of the participant's accrued benefit on or before the participant's required beginning date, the minimum required distribution shall be determined by expressing the participant's benefit as a pension payable in the normal form of payment with an annuity starting date as of the first day of the distribution calendar year and multiplying the monthly benefit by 12. If the distribution is being made before the April 1 required beginning date but in such year, both the first and second years required minimum distribution shall be determined and shall not be eligible for rollover.

* * *

(5) Definitions

(A) **Designated Beneficiary** – The individual who is designated as the beneficiary under Section 7.2(f)(1) and is the designated beneficiary under IRC section 401(a)(9) and Regulation section 1.401(a)(9)-1, A-4.

* * *

THIRD: Remaining Plan Provisions

All other provisions of the Plan remain in full force and effect.

Executed this 4th day of December, 2016 by the duly authorized agent of the Borough of Wrightsville.

Cavlaatul
Title: Secretary

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author details the various methods used to collect and analyze the data. This includes both primary and secondary research techniques. The primary data was gathered through direct observation and interviews with key stakeholders. Secondary data was obtained from industry reports and public databases.

The analysis phase involved identifying trends and patterns within the data set. Statistical tools were used to quantify the relationships between different variables. The findings indicate a strong correlation between the variables studied, suggesting that the factors mentioned are significant in determining the outcome.

Based on these findings, several recommendations are provided to improve the process. It is suggested that more frequent data collection would provide a more comprehensive view of the situation. Additionally, standardizing the data collection methods would enhance the reliability of the results.

The document concludes by summarizing the key points and reiterating the importance of data-driven decision making. It encourages further research in this area to explore the underlying causes and potential solutions.

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The final section of the report provides a detailed breakdown of the financial aspects of the project. It includes a comprehensive budget and a comparison of actual costs against the planned budget. The analysis shows that the project was completed within budget, with some minor variances that have been explained.

The author also discusses the overall performance of the project and the lessons learned. It is noted that the project was completed on time and met the objectives set at the beginning. The success was attributed to the effective management and the cooperation of all team members.

In conclusion, the project has been a success, and the findings provide valuable insights for future projects. The author expresses confidence in the team's ability to handle similar challenges in the future.

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**BOROUGH OF WRIGHTSVILLE
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2009-1

An Ordinance of Borough of Wrightsville, York County, Pennsylvania, amending the Code of Ordinances, Chapter 1, Part 4 entitled Borough of Wrightsville Police Pension Plan in order to comply with the Pension Funding Equity Act of 2004, Pension Protection Act of 2006, and the final regulations issued under Internal Revenue Code section 415 as provided in the amendment.

WHEREAS, the Borough of Wrightsville previously established the Borough of Wrightsville Police Pension Plan; and

WHEREAS, the Borough of Wrightsville in order to continue its compliance with the tax-exempt retirement plan requirements of the Internal Revenue Code of 1986 (as amended) section 401(a), desires to enact an amendment to the Plan;

NOW THEREFORE, be it ordained and enacted by the Borough of Wrightsville that the attached amendment and restatement of the Borough of Wrightsville Police Pension Plan is enacted. Keith Brenner as the agent of the Employer is authorized and directed to execute the attached amendment and restatement of the Plan.

ORDAINED AND ENACTED this 2nd day of March, 2009.

Attest:

WRIGHTSVILLE BOROUGH COUNCIL

Bonnie Dietz
Bonnie Dietz, Secretary

By: Sharon Young
Sharon Young, President

(SEAL)

APPROVED
this 2nd day of March, 2009

By: Dawn Lindeman
Dawn Lindeman, Mayor

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

REPORT OF THE

COMMISSIONERS OF THE

BOARD OF CHEMISTS

FOR THE YEAR 1900

CHICAGO, ILL., 1901

PRINTED BY THE UNIVERSITY OF CHICAGO PRESS

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CHICAGO, ILL., 1901

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**WRIGHTSVILLE BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2007-5

**AN ORDINANCE ADDING PART 9 OF
CHAPTER 1 OF THE CODE OF ORDINANCES
OF THE BOROUGH OF WRIGHTSVILLE
CREATING THE OFFICE OF APPOINTED
INDEPENDENT AUDITOR, ABOLISHING THE
OFFICE OF ELECTED BOROUGH AUDITOR
AND APPOINTING AN INDEPENDENT
AUDITOR**

NOW, THEREFORE, it is hereby enacted and ordained by the Borough Council of Wrightsville Borough, York County, Pennsylvania, as follows:

Section 1. Chapter 1 of the Code of Ordinances of the Borough of Wrightsville is hereby amended by the addition of Part 9, entitled,

APPOINTED INDEPENDENT AUDITOR

§901 Office Created

The office of appointed Independent Auditor is hereby created.

§902 Qualifications, Appointment, and Duties

A. The appointed Independent Auditor shall be a Certified Public Accountant, registered in Pennsylvania, a firm of Certified Public Accountants so registered, or a competent Public Accountant or a competent firm of Public Accountants.

~~B. The Independent Auditor shall be charged with the responsibility of examining, auditing and settling all accounts whatsoever in which the Borough is concerned. The audit shall consist of an examination in accordance with generally accepted auditing standards and shall include such tests of the accounting records and such other auditing procedures as he or she considers necessary in the circumstances. The Independent Audit shall fulfill the requirements of the Borough Code, and the Independent Auditor shall exercise the powers conferred upon him or her by the Borough Code.~~

§903 Office of Elected Borough Auditor Abolished

1948年10月1日

星期四

今日无事，照常工作。上午九时上班，下午五时下班。中间休息一小时。工作之余，阅读了一些报纸，了解了国内外大事。天气晴朗，心情愉快。

下午六时，参加了单位组织的集体活动，大家兴致很高，气氛热烈。

晚上七时，与家人共进晚餐，饭后散步，享受宁静的夜晚。

1948年10月2日

星期五

今日照常工作，上午九时上班，下午五时下班。工作之余，阅读了一些报纸，了解了国内外大事。天气晴朗，心情愉快。

下午六时，参加了单位组织的集体活动，大家兴致很高，气氛热烈。

晚上七时，与家人共进晚餐，饭后散步，享受宁静的夜晚。

1948年10月3日

星期六

今日休息，无事可做。上午在家看书，下午外出散步。天气晴朗，心情愉快。

下午六时，参加了单位组织的集体活动，大家兴致很高，气氛热烈。

晚上七时，与家人共进晚餐，饭后散步，享受宁静的夜晚。

The office of Elected Borough Auditor is hereby abolished insofar as the same affects the Borough of Wrightsville, as provided in Section 1005(7) of the Borough Code. (53 P.S. §46005(7); 53 P.S. §§46196-46199).

§904 Independent Auditor Appointed.

The Borough Council hereby appoints Sager, Swisher and Company, LLP, as the appointed Independent Auditor for the review of the fiscal year of 2006.

Section 2: All ordinances or portions thereof, which are inconsistent herewith, are hereby repealed.

ORDAINED AND ENACTED this 2nd day of April, 2007.

ATTEST:

WRIGHTSVILLE BOROUGH COUNCIL

Causease
Secretary

By: Walter
President

APPROVED this 2nd day of April, 2007.

Mayor St. Louis
Mayor

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