

**PORT CARBON BOROUGH  
SCHUYLKILL COUNTY, PA**

**Ordinance No. Ord 8-3**

An Ordinance of Port Carbon Borough, Schuylkill County, Pennsylvania, amending the Code of Ordinances, entitled Port Carbon 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 effective as provided in the amendment.

WHEREAS, the Port Carbon Borough previously established the Port Carbon Borough Police Pension Plan; and

WHEREAS, the Port Carbon Borough 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; and

NOW THEREFORE, be it ordained and enacted as follows:

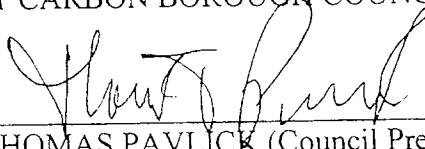
1. That the attached amendment and restatement of the Port Carbon Borough Police Pension Plan is enacted. A copy of said amendment is attached hereto collectively as Exhibit "A" and hereby incorporated herein by referenced thereto as though fully set forth at length.
2. The President of the Port Carbon Borough Council is duly appointed as the agent of the Employer and is authorized and directed to execute the attached amendment and restatement of the Plan as well as any attendant trust agreements or any other documentation required to effectuate this amendment and restatement.
3. The Port Carbon Borough Council may from time to time, in its own discretion, designate another officer to execute any further required plans or amendments by resolution of the Council.
4. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.
5. This Ordinance shall take effect immediately after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
6. Any ordinances not in conflict herewith shall remain in full force and effect.

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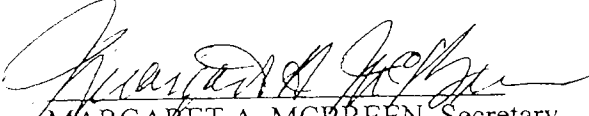
Enacted and ordained this 23 day of December, 2008.

PORT CARBON BOROUGH COUNCIL

BY:

  
THOMAS PAVLICK (Council President)

Attest:

  
MARGARET A. MCBREEN, Secretary

APPROVED AS FIRST WRITTEN.

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CHARLES JOY, Mayor