

ORDINANCE NO. 2012-1

BOROUGH OF PORT CARBON

AN ORDINANCE OF THE BOROUGH OF PORT CARBON, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING AND RESTATING THE PORT CARBON POLICE PENSION PLAN FOR PURPOSES OF COMPLYING WITH ACT 51.

As authorized by Section 9.2 of the Borough of Port Carbon Police Pension Plan ("Plan") as amended and restated effective January 1, 2008, the employer, Borough of Port Carbon, hereby amends the Plan to comply with Act 600 of 1956, as amended by Act 51 of 2009, the Emergency and Law Enforcement Personnel Death Benefits Act. 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: Repeal of Killed-in-Service Benefit

Section 4.2(a) and (b) are amended to remove the killed-in-service benefit. As amended, Section 4.2(a) and (b) shall read as follows:

- (a) **Killed-in-Service Benefit** – Effective with respect to deaths occurring on or after October 9, 2009, the killed-in-service death benefit shall no longer be payable under this plan or by the employer. A deceased participant's surviving spouse or eligible child who is eligible to receive such benefit due to the qualifying death of the participant on or after April 17, 2002 and prior to October 9, 2009 shall continue to receive the benefit as formerly awarded.
- (b) **Survivor Benefit** - 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 has previously terminated employment, the participant's surviving spouse or eligible child (if any and as further described in Section 4.1(c)) shall receive a benefit equal to 50% of the retirement benefit that the participant was receiving or would have been receiving if the participant has been retired on the date of death.

SECOND: Effective Date

This amendment is made effective as of October 9, 2009.

THIRD: Remaining Plan Provisions

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

FOURTH: Severability

The provisions of this Ordinance are severable and if any of its provisions are ruled by a court invalid or unconstitutional, such decision shall not affect or impair any of the remaining

provisions of this Ordinance. It is declared to be the intention of the Borough that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

FIFTH: Repealer

All ordinances, or parts of ordinances inconsistent with this ordinance be and the same are hereby repealed. Any ordinances or resolutions in conflict herewith shall be repealed.

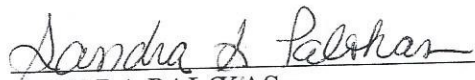
SIXTH: Ordinances Preserved

Any ordinances or resolutions not in conflict herewith shall remain in full force and effect.

ADOPTED this 14th day of February, 2012.

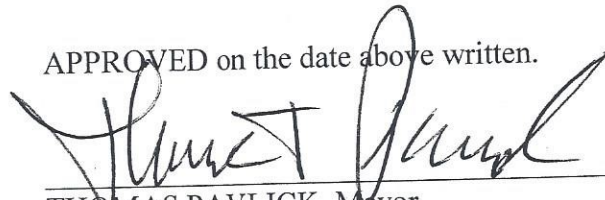
PORT CARBON BOROUGH

ATTEST:


SANDRA PALCKAS
Borough Secretary/Treasurer
(Seal)

BY: 
HAROLD HERNDON, Council President

APPROVED on the date above written.


THOMAS PAVLICK, Mayor