

AN ORDINANCE OF THE COUNCIL OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA (“CITY”), AMENDING CHAPTER 38 (“PENSIONS”) ARTICLE I (“POLICE PENSION FUND”) OF THE GENERAL LAWS OF THE CITY OF COATESVILLE TO COMPLY WITH CHANGES TO THE COATESVILLE POLICE PENSION FUND AS SET FORTH IN RESOLUTION NO. 2009-15 AS SUGGESTED BY THE FEBRUARY 2011 AUDITOR GENERAL’S REPORT AND ADOPTING THE CITY OF COATESVILLE POLICE PENSION PLAN AS APPROVED BY COLLECTIVE BARGAINING AND THE POLICE PENSION COMMISSION.

WHEREAS, the City of Coatesville is a Chartered Third Class City in the Commonwealth of Pennsylvania; and

WHEREAS, the City of Coatesville has established a Police Pension “Fund” pursuant to the Third Class City Code and other applicable law which is governed by an Ordinance No. 2009-15, and codified in Chapter 38 of the Administrative Code of the City of Coatesville (“City Code”); and

WHEREAS, in 2009, the City Council, issued a resolution adopting and approving the “Summary Plan Description” for the Fund but did not amend Chapter 38 of the City Code to reflect said changes; and

WHEREAS, in February, 2011, the Auditor General issued a report in which it was suggested that the City Code be amended by ordinance to reflect the changes made to the Fund in 2009.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED, by the Council of the City of Coatesville that Chapter 38, Article I of the General Laws of the City of Coatesville is hereby amended as follows:

SECTION 1. Section 38-2 (“Annual Appropriations”) shall be deleted in its entirety and replaced with the following:

**§ 38-2. Annual Contributions**

The City shall make annual appropriations to the Fund in accordance with the Third Class City Code and Act 205, which sum in no year shall be less than one-half of one per centum nor more than three per centum of all city taxes levied by the City, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof. Council may exceed the limitations imposed by this section if an additional amount is deemed necessary to provide sufficient funds for payments to surviving spouses of members retired on pension or killed or who die in the service: Provided, however, that the city may annually pay into said Fund not less than one-half of one per centum of all city taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof.

SECTION 2. In Section 38-5(A), the following changes shall be made:

- a. In subsection (3), the words “eligible for retirement” shall be deleted.

- b. In subsection (4)(b), subsection [1] shall be deleted entirely and the subsequent sections [2] and [3] re-numbered to [1] and [2] respectively.
- c. In new subsection [1] (previously subsection [2]), "after 10 years" shall be replaced with "with less than ten (10) years".
- d. In new subsection [2] (previously subsection [3]), "15" shall be replaced with "ten (10)".

SECTION 3. In Section 38-7, "Monthly deductions from salaries and compensation; termination of employment; death.", the text of subsection A shall be deleted entirely and replaced with the following:

- A. Each Member shall contribute, by way of a monthly payroll deduction, beginning as of the first day of the Member's employment as a Police Officer, a Retirement Contribution to the Fund equal to five percent (5%) of the Member's annual salary. From time to time, the amount of required contributions may be changed by a resolution of the City Council in accordance with the Collective Bargaining Agreement, which revision shall be based upon actuarial recommendations and shall be a result of collective bargaining negotiations. In addition thereto, each Member shall contribute a Service Increment Contribution, by way of a monthly payroll deduction beginning as of the first day of the Member's employment and ending as of the month that the Member attains age sixty-five (65), equal to one-half (1/2) of one percent (1%) of the Member's salary or three dollars (\$3.00) per month, whichever is less.

SECTION 4. A new Section 38-8.2 is added entitled "Adoption of City of Coatesville Police Pension Plan". This section shall state as follows:

The City of Coatesville after collective bargaining and approval by its Pension Commission and City Council has adopted the attached City of Coatesville Police Pension Plan which is incorporated herein by reference as though set forth at length. The provisions of this City of Coatesville Police Pension Plan, shall, to the extent of any conflict with any other provisions in the Code be controlling.

SECTION 5. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 6. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 7. That the City Secretary is hereby ordered and directed to cause this Ordinance to

be published as necessary in accordance with the City Code and Pennsylvania Law.

SECTION 8. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall become effective thirty (30) days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

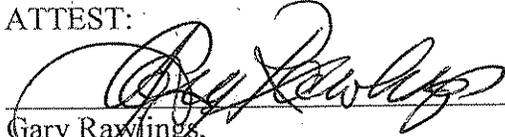
ENACTED AND ORDAINED by the City of Coatesville City Council in a Public Meeting

Held the 30<sup>th</sup> day of April, 2012.



Edward Simpson  
City Council President

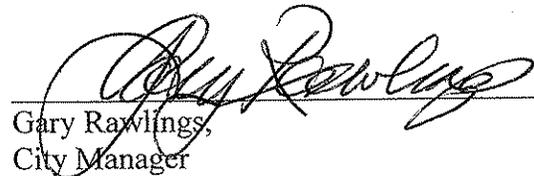
ATTEST:



Gary Rawlings,  
City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 9<sup>th</sup> day of April, 2012 and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, on the 30<sup>th</sup> day of April, 2012, that the vote upon said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.



Gary Rawlings,  
City Manager