

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 ADD A NEW SECTION 38-8.3 PROVIDING AN EARLY RETIREMENT WINDOW FROM May 1, 2012 TO May 31, 2012 TO PERMIT MEMBERS WHO HAVE REACHED SUPERANNUATION REQUIREMENTS AS OF MAY 1, 2012 TO RETIRE IMMEDIATELY AT 70% OF FINAL AVERAGE SALARY AND PERMITTING MEMBERS WITH AT LEAST 15 YEARS OF PENSION SERVICE AS OF MAY 1, 2012 TO RETIRE IMMEDIATELY AT 50% OF ANNUAL SALARY; IDENTIFYING THE ELIGIBILITY FOR COLA ADJUSTMENTS AND SPECIFYING THOSE OFFICERS ABLE TO TAKE ADVANTAGE OF SUCH TERMS; REQUIRING 25 FULL-TIME OFFICERS; AND, ESTABLISHING WAGES, UNION RIGHTS AND BENEFITS OF PART-TIME OFFICERS.

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, the City Council, wishes to provide for early retirement window at 70% of salary and 50% of Salary depending upon years of service and other such terms; and,

WHEREAS, an agreement was reached in April, 2012 by and between the City of Coatesville ("City") and the Coatesville Police Officers' Benevolent Association ("Association") on an Early Retirement Window for the period May 1, 2012 to May 31, 2012, and on other matters as set forth herein;

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. A new Section 38-8.3 is added entitled "Early Retirement Window for the period May 1, 2012 to May 31, 2012" providing as follows:

a. Early Retirement Pension Eligibility

The City will offer an early retirement window period from May 1, 2012 to May 31, 2012 with terms as follows:

- i. Members at Superannuation: Active Members who have reached superannuation requirements as of May 1, 2012 will be permitted to retire immediately at 70% of their Final Average Salary.
- ii. Members with 15 Years of Service: Active Members with at least 15 years of pensionable service time as of May 1, 2012 will be permitted to retire immediately at 50% of their Final Average Salary and will thereafter be eligible for annual COLA adjustments at amounts specified in the CBA.

b. Post-Retirement Health Care

Members who retire between May 1, 2012 and May 31, 2012 and qualify for the Early Retirement Window shall be entitled to post-retirement health care benefits as follows: The City shall increase its contribution for post retirement medical benefits from 33.3% or 50% (depending on their eligibility) to 100% for eighteen (18) months or until the Member is eligible for other health care benefits, whichever occurs first.

c. Severance and Cashout Benefits

The following individuals shall be entitled to receive additional severance and leave cashout incentives as described below: Martin Quinn, Christopher Strunk, Richard Bowden, Gerald Pawling and Lawrence Cooper.

- i. Severance. Severance pay in the amount of \$ 1,750.00 for each completed year of service at the time of retirement, payable by June 30, 2012.
- ii. Leave cashout. 100% cashout of all accrued but unused vacation, sick and personal leave at the rate of pay at the time of retirement, payable by December 31, 2012.
- iii. Part Time Police Officers hourly rate. Part time Police Officers shall be paid an hourly rate determined by the City, but in no event shall a part time officer be paid more per hour than the hourly rate of a full time officer in the Patrol 1 pay grade.
- iv. Part Time Officers rights. Part time officers shall not be entitled to any benefits or grievance rights in the collective bargaining agreement, unless expressly set forth therein.
- v. Twenty-five Full-Time Officers to be retained. Full-Time Sworn Officers shall not be reduced below 25 full-time positions.

IN WITNESS WHEREOF, we, the undersigned, intending to be legally bound hereby, have hereunto set our hands and seals this day and date first above written.

SECTION 2. 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 3. That nothing in this ordinance shall be construed to affect any suit or proceeding impending 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 4. 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 5. 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.

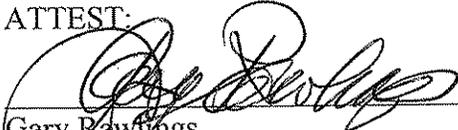
ENACTED AND ORDAINED by the City of Coatesville City Council in a Public Meeting

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 he 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