

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 SECTION 38-8.3 (PROVIDING AN EARLY RETIREMENT WINDOW FROM May 1, 2012 TO May 31, 2012) BY ADDING AT SUBSECTION 38-8.3.a A NEW SUBSECTION "iii" IDENTIFYING "PENSIONABLE EARNINGS" FOR PURPOSES OF CALCULATING THE FINAL AVERAGE EARNINGS OF A PARTICIPANT'S ACCRUED BENEFITS UNDER THE EARLY RETIREMENT WINDOW TO BE THE GREATER OF THE PARTICIPANT'S CURRENT BASE WAGE OR THE FIVE (5) YEAR CONSECUTIVE AVERAGE OF THE PARTICIPANT'S BASE RATE OF PAY TIMES THE NUMBER OF ACTUAL HOURS WORKED IN EACH CALENDAR YEAR (DIVIDED BY FIVE (5)).

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, to provide for early retirement window at 70% of salary and 50% of Salary depending upon years of service and other such terms amended the City Code by adding a new Section 38.3 by Ordinance approved on April 23, 2012 and applicable only to those who qualify under the retirement window as identified; and,

WHEREAS, in order to establish the agreed upon basis for calculating benefits under the Early Retirement Window under the Ordinance as previously identified (this does not establish a precedent and is a deviation from normal calculations used only for the Early Retirement Window), the determination of "Pensionable Earnings" for purposes of calculating the Final Average Earnings is specifically defined as the greater of the Participant's current base wage or the five (5) year consecutive average of the Participant's base rate of pay times the actual number of actual hours worked in each calendar year (divided by five (5)).

WHEREAS, this Amendment is only a clarification of the calculation procedure and does not act to modify or extend the period of the Early Retirement Window, and shall be applicable to calculate benefits for those taking advantage of the aforementioned Early Retirement Window, as though effective as of the date of the passage of the Original Ordinance following its 2nd reading and passage on April 23, 2012.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, 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 a. iii is added stating in its entirety as follows and identified in quotations and set forth in **bold**:

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.
- iii. **“Pensionable Earnings – Pensionable Earnings for purposes of calculating the Final Average Earnings of a Participant’s accrued benefits under the Early Retirement Window is defined as the greater of the Participant’s current Base Wage or the five (5) year consecutive average of the Participant’s Base Rate of Pay times the number of actual hours worked in each calendar year (divided by five (5)).”**

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 11 day of June, 2012.



Edward Simpson
City Council President

ATTEST:



Kirby Hudson, Interim City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 29 day of May, 2012 and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, on the 11 day of June, 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.



Kirby Hudson, Interim City Manager