



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #23-03

AN ORDINANCE OF THE BOROUGH OF TARENTUM AMENDING THE BOROUGH OF TARENTUM POLICE PENSION PLAN TO INCLUDE AN ENTIRELY NEW ARTICLE XIII RESULTING FROM THE INCLUSION OF POLICE OFFICERS FROM THE BOROUGH OF BRACKENRIDGE PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT

WHEREAS, the Borough of Brackenridge (“Brackenridge”) historically has maintained a full-time police department, the employees of which have received pension benefits pursuant to a pension plan; and

WHEREAS, the Borough of Tarentum (“Tarentum”) also maintains a full-time police department, the employees of which have also received pension benefits pursuant to a pension plan; and

WHEREAS, Brackenridge’s Council has determined that the health, welfare, and safety of Brackenridge’s citizens can be properly protected by entering into an agreement with Tarentum for the provision of police services to Brackenridge and that such an agreement also serves the economic interests of Brackenridge; and

WHEREAS, the parties intend to enter into an Intergovernmental Agreement for Police Protection and Related Services (“Intergovernmental Agreement”) pursuant to the Intergovernmental Cooperation Authority Act, 53 Pa. C.S. §2301 *et seq*, a true and correct copy of said Intergovernmental Agreement is attached hereto as Attachment 1 and incorporated herein as part of this Ordinance; and

WHEREAS, the Intergovernmental Agreement sets forth the terms of the Intergovernmental Agreement between Brackenridge and Tarentum; and

WHEREAS, pursuant to the Intergovernmental Agreement, certain police officers employed by Brackenridge shall be hired by Tarentum; and

WHEREAS, the Intergovernmental Agreement states, in pertinent part, that the terms by which those officers shall join the Borough of Tarentum Police Pension Plan shall be memorialized within the Borough of Tarentum Police Pension Plan; and

WHEREAS, the Tarentum Borough Council has determined that the Tarentum Borough Police Pension Plan must be amended to reflect same.

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED BY** the Borough Council of the Borough of Tarentum as follows:



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Section 1. The Borough of Tarentum Police Pension Plan shall be amended by the creation of an entirely new Article XIII, which shall be titled “Accretion of Officers from the Borough of Brackenridge” and shall be further amended by the inclusion of the following entirely new sections:

13.01. Transfer of Service Credit - Each Brackenridge Police Officer shall be permitted to transfer service credit for the purposes of calculating his or her pension benefit under the Borough of Tarentum Police Pension Plan. Each eligible Brackenridge Police Officer, defined as an active Brackenridge Police Officer employed by Brackenridge on or after January 1, 1995 and having been employed by Brackenridge for at least six (6) months prior to the effective date of the Intergovernmental Agreement between Tarentum and Brackenridge, shall be permitted to transfer service credits in an amount equal to the total time spent by the Brackenridge Police Officer as a member of the Brackenridge Police Department.

13.02. Accrual of Service Credit - Each Brackenridge Police Officer will earn one (1) year of service credit for each year he or she is employed by the Tarentum Police Department, in accordance with normal plan requirements.

13.03. Calculation of Benefit - In the event a Brackenridge Police Officer retires from service or withdraws from service due to disability in less than three (3) years from the Effective Date, the calculation of the Police Officer’s average monthly earnings pursuant to Section 5.01 of the Borough of Tarentum Police Pension Plan will be an average of the Police Officer’s last thirty six (36) months of earnings, regardless as to whether said earnings were paid by Tarentum subsequent to the Effective Date or by Brackenridge prior to the Effective Date. By way of example, in the event a Brackenridge Police Officer retires eighteen (18) months after the Effective Date, the calculation of his or her average monthly earnings will be based upon the first eighteen (18) months of earnings paid by Tarentum and the last eighteen (18) months of earnings paid by Brackenridge.

13.04. Refund of Contributions - In the event a Brackenridge Police Officer’s employment with Tarentum terminates and the Brackenridge Police Officer is not eligible to receive a monthly benefit (i.e. retirement, disability, etc.) the Brackenridge Police Officer will be eligible to receive a refund of his or her retirement contributions. The refund shall be limited to the following:

- i. The Brackenridge Police Officer’s contributions made while a participant in Brackenridge’s retirement plan;



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- ii. The interest accrued on the Brackenridge Police Officer's contributions earned up to the Effective Date (at the rate specified in Brackenridge's retirement plan); and
- iii. The Brackenridge Police Officer's contributions into the Borough of Tarentum Police Pension Plan subsequent to the Effective Date.

13.05. Other Benefits - All provisions of the Borough of Tarentum Police Pension Plan not inconsistent with the provisions of this Article XIII shall be applicable to each Brackenridge Police Officer's participation in the Borough of Tarentum Police Pension Plan as of the Effective Date.

13.06. Uniformity - The Brackenridge Police Officers shall be entitled to all benefits under the Borough of Tarentum Police Pension Plan and shall be subject to all obligations, i.e. contributions, and restrictions in regard to the Borough of Tarentum Police Pension Plan. In no event shall a Brackenridge Police Officer be entitled to any benefit from the Borough of Tarentum Police Pension Plan in excess of any benefits afforded the current participants in the Borough of Tarentum Police Pension Plan except as may be the result of a uniform change to benefits.

13.07. Transfer of Assets to Brackenridge Upon Re-Formation of Brackenridge Borough Police Department - Pursuant to the Municipal Police Pension Law (Act 600), 53 P.S. §770, in the event that Brackenridge re-establishes its Police Department and re-employs the Brackenridge Police Officers, Brackenridge shall be entitled to receive the assets transferred to the Borough of Tarentum Police Pension Fund from Tarentum for each re-employed Brackenridge Police Officer.

13.08. Transfer of Service Credits to Brackenridge Upon Re-Formation of Brackenridge Borough Police Department - Pursuant to the Municipal Police Pension Law (Act 600), 53 P.S. §770, in the event that Brackenridge re-establishes its Police Department and re-employs the Brackenridge Police Officers, Brackenridge shall provide for the transfer of service credits earned by the Brackenridge Police Officers while they were employed by Tarentum in an amount equal to the time the Brackenridge Police Officers spent as full-time members of Tarentum's Police Department.

Section 2. If a final decision of a court of competent jurisdiction holds any provision of this Ordinance or the application of any provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such



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provisions to other circumstances shall remain in full force and effect. The intention of the Borough Council is that the provisions of this Ordinance shall be severable and that this Ordinance would have been adopted if any such illegal or unconstitutional provisions had not been included.

Section 3. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. This Ordinance shall take effect immediately upon its passage.

Duly presented and adopted at a regular meeting of the Borough of Tarentum Council, Allegheny County, Pennsylvania, held on the _____ day of _____, 2023.

ATTEST:

BOROUGH OF TARENTUM

Dwight D. Boddorf, Borough Manager

Scott Dadowski, President of Council

EXAMINED AND APPROVED by me this 28th day of July, 2023.

Scott E. Avolio, Esq., Solicitor

Bob Lang, Mayor