

ORDINANCE NO. 669

SECOND AMENDMENT TO THE

**BOROUGH OF BLAIRSVILLE POLICE PENSION PLAN**

**(as amended and restated, effective January 1, 1994)**

AN ORDINANCE OF THE BOROUGH OF BLAIRSVILLE RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF EMPLOYEES PENSION, ANNUITY, INSURANCE AND BENEFIT FUND OR FUNDS, TO AMEND CERTAIN PROVISIONS OF THE PENSION PLAN OR PROGRAM APPLICABLE TO THE POLICE EMPLOYEES OF SAID BOROUGH:

WHEREAS, the Borough of Blairsville (the "Borough") has previously enacted an Ordinance establishing the Borough of Blairsville Police Pension Plan (the "Plan"); and

WHEREAS, the Plan was totally amended and restated, effective January 1, 1994; and

WHEREAS, the Borough reserved the right to amend the Plan pursuant to Section 11.01; and

WHEREAS, the Borough now desires the Plan to be further amended;

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL AND IT IS HEREBY ORDAINED AND ENACTED by authority of the same:

Effective January 1, 2009, sections 1.32, 1.33 and 7.04 shall be added to the Plan:

- 1.32 "Attending College" shall mean the eligible dependent children of the deceased Participant are registered at an accredited institution of higher learning and are carrying a minimum course load of seven credit hours per semester.
- 1.33 "Member's Salary at the Time the Disability was Incurred" shall mean the fixed, periodic payment for the final completed month of active Employment during the year the disability occurred.
- 7.04 Payment of Survivor Benefit - The Survivor Benefit under section 7.02 or 7.03 shall commence as of the first day of the month coincident with or immediately following the date of death of the Participant. The Survivor Benefit shall be paid monthly to the surviving spouse of the Participant, if any, until the death of the surviving spouse. Upon the death of the surviving spouse or if there is no surviving spouse, the Survivor Benefit shall be paid monthly in equal shares to the surviving dependent children of the deceased Participant until attainment of age eighteen (18) or, if Attending College, under or attaining the age of twenty-three (23). The shares payable to the surviving dependent children shall be adjusted as each child ceases to be eligible to receive a share of the benefit hereunder.

Effective January 1, 2009 sections 6.02 and 7.03 are amended in their entirety by deleting the said sections and substituting new sections 6.02 and 7.03 as follows:

- 6.02 Disability Retirement Benefit - A Participant who shall be entitled to a Disability Retirement Benefit under section 6.01 shall receive a monthly benefit in an amount equal to fifty percent (50%) of the Member's Salary at the Time the Disability was Incurred determined as of the Disability Date, provided that any Participant who receive a benefit for the same injuries under federal social security disability provisions shall have the Participant's Disability Retirement Benefit offset or reduced by the amount of such federal social security benefit.
- 7.03 Survivor Benefit - If a Participant shall die after commencement of retirement benefit payments hereunder or after the Participant is eligible to retire under section 4.01 and before retirement benefit payments commence, a Survivor Benefit shall be paid to the surviving spouse, if any, of the Participant in an amount equal to fifty percent (50%) of the benefit the Participant was receiving or was eligible to receive as of the date of death.

Such Survivor Benefit shall be paid in lieu of any refund of Accumulated Contributions to which the deceased Participant may have been entitled; provided, however, that in the event the amount of the Participant's Accumulated Contributions exceeds the amount of Survivor Benefit payable in accordance with the preceding, then such Participant's death benefit shall be equal to the amount of the Participant's Accumulated Contributions.

ORDAINED AND ENACTED this 10<sup>th</sup> day of MAY, A.D., 2010.

ATTEST:

  
\_\_\_\_\_  
Secretary of Council

**BOROUGH OF BLAIRSVILLE**

  
\_\_\_\_\_  
President of Council