

**BOROUGH OF BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 994**

AN ORDINANCE OF BANGOR BOROUGH, NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, ELECTING TO AMEND AND ACCEPT TRANSFER OF AUTHORITY STAFF NON-UNIFORM PENSION PLAN ADMINISTERED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES.

WHEREAS, the Bangor Borough Authority (“Authority”) established a non-uniform pension plan for its employees on or about January 1, 2014 and with a PERC number of 48-406-6 N (“Plan”); and

WHEREAS, the Pennsylvania Municipal System administered the Plan; and

WHEREAS, by way of a Management Agreement dated May 17, 2016, Bangor Borough (“Borough”) agreed to assume the duties of the Authority;

WHEREAS, the Borough has agreed to assume any legal and financial responsibility for the Plan; and

WHEREAS, the Pennsylvania Municipal Retirement Board (“Board”) has agreed to permit the sponsorship and assignment of the Plan (including the assets and liabilities thereunder) as described herein.

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

SECTION I. Borough hereby agrees to sponsor the Plan effective as of May 17, 2016.

SECTION II. Borough hereby accepts transfer of any and all of Authority’s rights, title and interest in and to the Plan, the duty and responsibility to perform any and all acts and obligations of Authority under the Plan and applicable law and the liabilities arising thereunder, and Borough agrees to accept and assume the same as if Borough had been an original party to the Plan.

SECTION III. Bangor Borough (the Borough), having established a non-uniform pension plan for the Sewer Department Borough Authority employees administered by the Pennsylvania Municipal Retirement System (the System), hereby elects to amend its Authority Non-Uniform Pension Plan administered by the System in accordance with Article IV of the Pennsylvania Municipal Retirement Law, 53 P.S. §881.101 et seq. (Retirement Law), and does hereby agree to be bound by all the requirements and provisions of the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. §895.101 et seq., and to assume all obligations, financial and otherwise, placed upon member municipalities.

SECTION IV. As part of this Ordinance, the Borough agrees that the System shall administer and provide the benefits set forth in the amended Authority Non-Uniform Pension Plan Document entered into between the Pennsylvania Municipal Retirement Board and the Borough effective as of the date specified in the adoption agreement (the Contract).

SECTION V. The Borough acknowledges that by passage and adoption of this Ordinance, the Borough officially accepts the Contract and the financial obligations resulting from the administration of the Contract.

SECTION VI. Payment for any obligation established by the adoption of this Ordinance and the Contract shall be made by the Borough in accordance with the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act. The Borough hereby assumes all liability for any unfundedness created due to the benefit structure set forth in the Contract.

SECTION VII. The Borough intends this Ordinance to be the complete authorization of the Contract, as amended and it shall become effective as of the date specified in the adoption agreement, which is the effective date of the Contract, as amended.

SECTION VIII. A duly certified copy of this Ordinance and an executed Contract shall be filed with the System.

TALLY OF VOTES – YEAS 7 NAYS 0

ORDAINED AND ENACTED into an Ordinance this 14 day of December, 2020.

Borough Council of the Borough of Bangor

BY: James W. Kresge
James Kresge, President

ATTEST: Janette Hauff
Janette Hauff, Secretary

APPROVED by the Mayor this 14 day of December, 2020.

BY: Brooke Kerzner
Brooke Kerzner, Mayor