

ORDINANCE NO. 2010-01

AN ORDINANCE OF BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING THE BETHEL TOWNSHIP POLICE PENSION PLAN TO COMPLY WITH ACT 600 OF 1956, AS AMENDED BY ACT 51 OF 2009, THE EMERGENCY AND LAW ENFORCEMENT PERSONNEL DEATH BENEFITS ACT

WHEREAS, the Bethel Township Police Pension Plan was established by Ordinance No. 2005-09 in accordance with Act 600 of 1956; and

WHEREAS, Act 51 of 2009 amended Act 600 of 1956 to repeal the killed-in-service benefit;

NOW THEREFORE, the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, hereby ENACTS and ORDAINS as follows:

1. Amendment to Death Benefits.

Section 9.2 of Ordinance No. 2005-09 is removed in its entirety, with Section IX amended and restated to read as follows:

SECTION IX: DEATH BENEFITS

- 9.1 In the event of the death of a Participant or a Participant who retires or is honorably discharged on pension, the surviving spouse, or if no spouse survives or if he or she survives and subsequently dies, then the child(ren), under the age of eighteen (18) or, if then attending college, under or reaching the age of twenty-three (23) shall, during his or her lifetime in the case of surviving spouse or, in the case of a child(ren), until reaching the age of eighteen (18) or, if then attending college under or reaching the age of twenty-three (23), be entitled to receive a pension calculated at fifty (50) percent of the pension the Participant was receiving or would have been receiving had he or she been retired or honorably discharged on pension at the time of his or her death. For the purposes of this Section, the phrase "attending college" shall mean the eligible child(ren) is registered at an accredited institution of higher learning and is carrying a minimum course load of seven (7) credit hours per semester.

9.2 The surviving spouse of any Participant who dies before his or her pension has vested or if no spouse survives or if he or she survives and subsequently dies, the child(ren) under the age of eighteen (18) or, if attending college, under or reaching the age of twenty-three (23), of the Participant shall be entitled to receive repayment of all money which the Participant invested in the pension fund plus interest or other increases in value of the Participant's investment in the pension fund unless the Participant has designated another beneficiary for this purpose. For the purposes of this Section, the phrase "attending college" shall have the same meaning as described in Section 9.1 hereof.

2. Severability.

If any sentence, section, paragraph, clause or provision of this Ordinance is found to be invalid, unconstitutional or illegal for any reason, such invalidity, unconstitutionality, or illegality shall not affect or impair any of the remaining sections, clauses, parts or other Provisions of this Ordinance. This Ordinance shall be interpreted and applied as if any said invalid, unconstitutional or illegal provision had not been part of the same and it is the intent of the Board of Supervisors that this Ordinance would have been adopted without such invalid, unconstitutional or illegal provision or clause, or part thereof.

3. Ratification and Repeal.

This Ordinance is intended to amend and supplement Bethel Township Ordinance No. 2005-09 and except as expressly provided herein, is not intended to repeal or replace the entire Ordinance. Any inconsistent provisions of this Ordinance are hereby repealed but otherwise, except as expressly provided herein, Bethel Township Ordinance 2005-09, is hereby reenacted, ratified and confirmed and shall remain in full force and effect.

4. Effective Date.

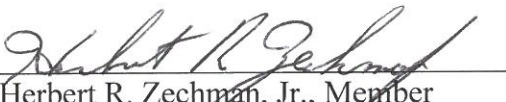
This Amendment is made effective retroactive to October 9, 2009.

ORDAINED AND ENACTED by the Board of Supervisors of Bethel Township,
Berks County, Pennsylvania, this 15 day of March, 2010.

BETHEL TOWNSHIP BOARD OF
SUPERVISORS


Randall G. Haag, Chairman


Kenneth W. Norton, Member


Herbert R. Zechman, Jr., Member

ATTEST:


Jayne K. Seifrit, Secretary