

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 19-01

ORDINANCE NO. 19-03

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 14-03; TO MAKE CERTAIN COST OF LIVING ADJUSTMENTS AND DEFINITIONS CONSISTENT WITH APPLICABLE LAW; REPEALING ALL INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 14319, and other state laws authorize the City of Jeannette to maintain a firemen's pension plan and govern the administration of any firemen's pension plan for the City of Jeannette;

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 14322.1, provides specific guidelines and limitations for addressing and providing retirement benefit cost of living allowances for former employees covered by the firemen's pension plan; and

WHEREAS, the Third Class City Code, 53 P.S. 37403(60), affords the City of Jeannette with the power "to make and adopt all such ordinances, by-laws, rules and regulations, not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as may be expedient or necessary for the proper management, care and control of the city and its finances, and the maintenance of the peace, good government, safety and welfare of the city, and its trade, commerce and manufactures."

BE IT ENACTED AND ORDAINED by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Definition of "Compensation". Article I, Section 1.13 is hereby amended to read, in its entirety, as follows:

- 1.13 "Compensation" shall mean the basic rate of remuneration including overtime, longevity, and holiday pay paid to an Employee by the Employer with respect to personal services rendered as an Employee and shall exclude all other forms of remuneration including but not limited to expense reimbursements and retirement buybacks. Amounts paid as lump sums for back-pay damage awards or settlements other than to the extent that such amounts are credited to periods of time when they would otherwise have accrued or been earned shall be excluded such that no amounts are credited in a manner which would result in duplication of remuneration for any particular period of time. Compensation shall be limited on an annual basis for purposes of this Plan to the amount specified in accordance with Code Section 401(a)(17) for government plans, as adjusted under Code Section 415(d).

Section 2. Retirement Benefits: Cost of Living Allowance. Article IV, Section 4.03 is hereby amended to read, in its entirety, as follows:

4.03 Employer may, at any time, at its discretion and upon the recommendation of the Plan Administrator having custody and management of the Plan, increase the allowances of Participants receiving allowances of any kind from the Pension Fund by reason of and after the termination of the services of any Participant of the Plan.

Section 3. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 4. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 11th day of July, 2019.

CITY OF JEANNETTE

By: Curtis J. Antoniak
Curtis J. Antoniak
Mayor and President of Council

ATTEST: (SEAL)

Michelle Langdon
Michelle A. Langdon
City Clerk