

ORDINANCE NO. 5 of 2014

AN ORDINANCE OF THE BOROUGH OF PLYMOUTH AMENDING ARTICLE II, DEFINITIONS AND ARTICLE V, SECTION 5.6 WIDOWS, CHILDREN AND BENEFICIARIES BENEFIT OF ORDINANCE NO. 6 OF 1998, THE NON-UNIFORM PENSION PLAN

WHEREAS, the Borough in order to comply with certain changes in the law the Borough hereinafter amends the specific section of the Non-Uniform Pension Plan;

WHEREAS, the Defense of Marriage Act, 110 Statute 2419, section 3 was declared unconstitutional by the United State Supreme Court in the case of the United States v. Windsor and in accord was a ruling by the United States District Court for the Middle District of Pennsylvania in the case of Deb Whitewood v. Wolf, in his official capacity as Secretary of the Pennsylvania Department of Health;

WHEREAS, based upon the aforementioned Court rulings the Borough Council is required by law to comply with the same and does hereby move to amend the Non-Uniform Pension Plan as follows:

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Plymouth Borough Council that Article II, Definitions and Article 5, section 5.6 Widows, Children and Beneficiaries Benefit of ordinance No. 6, of 1998 shall be amended to read as follows:

Article II, Definitions shall be amended to include the following provision:

2.10 Spouse means the person married to the participant at the time of determination as evidenced by a marriage license valid under the laws of the place of issuance of said license.

Article V, section 5.6 shall be revised to read as follows:

5.6 Spouse's, Children and Beneficiaries Benefits

In the event of a participant, who was receiving a retirement pension (normal or disability) that participants surviving spouse, children or other beneficiary may be entitled to a pension benefit in accordance with the retirement option that was selected by the participant. If no beneficiary has been designated, the account value, if any, is payable to the participants estate.

These amendments shall replace any definitions that are inconsistent herewith and be effective and retroactive to May 20, 2014. In all other respects, except for the above amendments the Plan, as outlined in Ordinance No. 6 of 1998 remains unchanged and in full force and effect.

This Ordinance shall become effective upon adoption.

ENACTED AND ORDAINED the 30th day of December, 2014 at a special meeting of the Plymouth borough Council.

BOROUGH OF PLYMOUTH

By: William Dixon
William Dixon, President of Council

ATTEST:

Holly Spece
Holly Spece, Secretary

APPROVED BY THE MAYOR

Dorothy E. Petrosky
Dorothy E. Petrosky, Mayor

Dated: 1/5/2015