

ORDINANCE NO. 1126

AN ORDINANCE OF THE BOROUGH OF DONORA PROVIDING FOR THE TERMINATION OF THE POLICE PENSION TRUST AGREEMENT AUTHORIZED BY ORDINANCE NO. 930, AND PROVIDING FOR THE APPOINTMENT OF THE BOROUGH SECRETARY AS TRUSTEE OF THE POLICE PENSION FUND.

BE IT ORDAINED AND ENACTED by Council of the Borough of Donora, in regular meeting assembled, and it is hereby ordained and enacted by virtue of the authority in them vested, as follows, to wit:

SECTION 1. TERMINATION. The Borough of Donora Police Pension Plan Agreement of Trust executed pursuant to Ordinance No. 930 of the Borough of Donora is hereby terminated.

SECTION 2. APPOINTMENT OF TRUSTEE. The Borough Secretary of the Borough of Donora as duly appointed by the Council of the Borough of Donora, Thomas E. Petrus, and his duly appointed successors in that office, is hereby appointed Trustee of the Police Pension Fund.

SECTION 3. PENSION TRUST COMMITTEE. The plan and trust shall be administered by a Pension Trust Committee, which shall consist of five (5) persons, two (2) of whom shall be police officers selected by the police officers of the Borough, two (2) of whom shall be members of the Council of the Borough of Donora, to be selected by the Council of the Borough, and one (1) of whom shall be an individual acceptable to both the police officers and the members of the Council of the Borough and who shall be appointed by the President of Council of the Borough. All members of the Pension Trust Committee shall serve for a period of two (2) years unless they shall have been reappointed for a successive term or terms by the bodies empowered to make such selection. Notwithstanding the foregoing, each member shall serve until his successor is appointed and qualified as a

member of such committee. The Trustee is fully authorized and empowered to act under the proper written authorization of such Pension Trust Committee concurred in by three (3) members of the Committee. The Pension Trust Committee shall coordinate its activities with the Insurance Agent of record appointed by the Borough, and with the Trustee. The Pension Trust Committee, as presently appointed, shall remain to fill their unexpired terms.

SECTION 4. DUTIES OF THE TRUSTEE. The Trustee shall receive the contributions to the Plan and, at the direction of the Pension Trust Committee, the Trustee shall purchase with such portions of the contributions as may be necessary for that purpose, such contracts or policies of life insurance on the lives of the participants from a legal reserve life insurance company or companies as the Pension Trust Committee shall direct. After the payment of required premiums on such policies or contracts, the remaining contributions from the Borough received by the Trustee shall be invested. However, cash which is shortly to be used for disbursements called for by the Plan need not be invested. The Trustee shall follow the investment directions received from the Pension Trust Committee hereinafter called the "Committee" or the investment directions received from an investment advisor designated by the Committee. Investments must be such as are authorized by law for the investment of funds in the custody and control of trustees. No person or corporation with whom the Trustee may deal shall be required to inquire into the Trustee's authority for any proposed sale, exchange, transfer, prupose, or other action. The Trustee, at the direction of the Committee, shall make such distrubutions from the investment account to a legal reserve life insurance company or companies at such time and in such amounts as the said Committee shall direct in writing. The Trustee shall be the legal owner of any policy or policies of insurance, and shall secure such endorsements on such policies from the appropriate life insurance company or

companies as the Committee may direct in writing. Any action of the Trustee hereunder shall be conclusively evidenced for all purposes by his signature.

SECTION 5. REPEALER. Any ordinance or part of ordinance in conflict with any of the provisions of this ordinance is hereby repealed to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, unlawful or invalid, such decision shall not affect the constitutionality, legality or validity of the remaining portions of this ordinance. The Council of the Borough of Donora declares that it would have passed this ordinance, with any remaining sections, sub-sections, clauses and phrases thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

ORDAINED AND ENACTED into an ordinance this 12th day of December, 1972.

ATTEST:

*Thomas E. Petrus*  
Borough Secretary

*Andrew J. Shuhra*  
President of Council

EXAMINED AND APPROVED by me this 12th day of December, 1972.

ATTEST:

*Thomas E. Petrus*  
Borough Secretary

*Albert P. Nilsen*  
Mayor