NOTICE TO RESIDENTS AND TAXPAYERS OF MAIDENCREEK TOWNSHIP

Notice is given that the Board of Supervisors of the Township of Maidencreek, Berks County, PA, will hold a public hearing on December 8, 2016 at 7:00 PM at the Maidencreek Township Municipal Building, 1 Quarry Road, Blandon, PA 19510, the purpose of which is to inform the public, receive public testimony to review and consider adoption of an Ordinance entitled "An Ordinance of the Township of Maidencreek, Berks County, Pennsylvania, Amending the Code of Ordinances (Ordinance No. 223) Authorizing the Participation of Maidencreek Township, Berks County, Pennsylvania in the Pennsylvania Municipalities Pension Trust Pursuant to the Pennsylvania Intergovernmental Cooperation Law." At the conclusion of the public hearing the regular monthly meeting of the Board of Supervisors will immediately commence at which time the Board intends to consider and intends to adopt the same Ordinance. A summary of the Ordinance is set forth below. The full text of the Ordinance is available and may be examined without charge or copies obtained for actual cost of copying of the same at the Maidencreek Township Municipal Building, 1 Quarry Road, Blandon, PA 19510, between the hours of 8:30 A.M. and 4:00 P.M. Monday through Friday. All interested parties may appear and be heard.

Diane Hollenbach, Township Secretary

SUMMARY OF ORDINANCE NO. 242

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 223) AUTHORIZING THE PARTICIPATION OF MAIDENCREEK TOWNSHIP, BERKS COUNTY, PENNSYLVANIA IN THE PENNSYLVANIA MUNICIPALITIES PENSION TRUST PURSUANT TO THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW

Proposed Ordinance No. 242 would confirm Maidencreek Township's continued membership in the Pennsylvania Municipalities Pension Trust ("Trust"), which consists of governmental units from throughout the Commonwealth of Pennsylvania that have created an intergovernmental cooperative arrangement to permit participating employers to pool resources to provide retirement benefits and programs to their employees in a cost effective manner.

Proposed Ordinance No. 242 includes provisions addressing the conditions that must be met to participate in and withdraw from the Trust, the organizational structure of the Trust, the appropriation of funds required for the operation of the Trust, the authority of the Trust to enter into contracts and take other actions appropriate to carry out the purposes of the Trust, and the effective date of Maidencreek Township's participation in the Trust. The proposed Ordinance also provides for severability and confirms that it does not affect any rights or liabilities existing prior to the adoption of the Ordinance. It also references the Trust Agreement that governs the operations of the Trust.

The full text of Proposed Ordinance No. 242 and the Trust Agreement are on file for inspection and review without charge (or a copy may be obtained for a charge not greater than the cost thereof) at Maidencreek Township's Offices at 1 Quarry Road, Reading, PA 19605. Complete copies of each have been provided to and may be reviewed at the following newspaper of general circulation: The Reading Eagle.

If any person with a disability wishes to request that special accommodations be made to allow his or her participation, he or she may contact Diane Hollenbach at 610-926-4920 at least one business day in advance to make arrangements.

Maidencreek Township

ORDINANCE NO. 242

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 223) AUTHORIZING THE PARTICIPATION OF MAIDENCREEK TOWNSHIP, BERKS COUNTY, PENNSYLVANIA IN THE PENNSYLVANIA MUNICIPALITIES PENSION TRUST PURSUANT TO THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW

WHEREAS, the Pennsylvania Municipalities Pension Trust ("Trust"), originally established in 1958, exists as an intergovernmental cooperative arrangement of municipalities to provide townships and certain other permitted governmental employers in Pennsylvania with a vehicle to pool resources and jointly leverage buying power to develop and make available cost-effective pension and retirement plans managed for or on behalf of their employees; and

WHEREAS, the governing Declaration and Agreement of Trust for the Trust has been comprehensively updated, amended and restated effective October 15, 2014 (hereinafter "Restated Trust Agreement"); and

WHEREAS, pursuant to the Restated Trust Agreement any municipality wishing to commence participation in the Trust, or continue participation in the Trust after October 15, 2014, is required to take formal action in the form of an enacted ordinance in which the municipality agrees to participate in the Trust in accordance with the amended and updated terms of the Restated Trust Agreement; and

WHEREAS, Maidencreek Township ("the Township") has determined that it is in the best interest of the Township to participate in the Trust in accordance with the terms of the Restated Trust Agreement and to agree to and join in such Restated Trust Agreement; and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. § 2301 et seq., a municipality may enter into an intergovernmental cooperative agreement upon the passage of an ordinance by its governing body.

THEREFORE, The Board of Supervisors of Maidencreek Township, Berks County, Pennsylvania in lawful session duly convened hereby amends Part I, Administrative Legislation, Chapter 16 Intermunicipal Agreements by adding new Article XII - Pennsylvania Municipalities Pension Trust by ENACTING and ORDAINING the following:

§ 16-64. The Township hereby adopts the Restated Trust Agreement and agrees to participate in the Trust in accordance with the amended and updated terms of the Restated Trust Agreement and that the Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to sign the Restated Trust Agreement and any other agreements necessary for the Township's participation in the Trust.

The Restated Trust Agreement is on file for inspection and review at the Township's offices at 1 Quarry Road, Reading, PA 19605. The Restated Trust Agreement may be subsequently modified or amended in accordance with its terms, but in no event shall such modifications or amendments divert any of the trust funds from the purposes of the Trust. The Township may withdraw from the Trust in accordance with the Restated Trust Agreement, including if the Township determines the modifications or amendments are not in the best interests of the Township.

§ 16-65. Participation of the Township in the Trust is authorized for the purpose of offering high quality pension and retirement plans at a reasonable cost to the Township and its employees.

§ 16-66. As set forth in greater detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:

1. Each Participating Employer must meet the admission and eligibility requirements set forth therein;

2. Each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and

3. Each Participating Employer complies with all other conditions of the Restated Trust Agreement.

§ 16- 67. The Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

§ 16-68. The effective date of the Township's agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be December 13, 2016.

§ 16-69. Each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

§ 16-70. The organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.

§ 16-71. The funds required for the operation of the Trust shall be provided by the Participating Employers through scheduled appropriations as determined by the Board of Trustees.

§ 16-72. The Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.

§ 16-73. As a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

§ 16-74. The Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

§ 16-75. The Board of Supervisors of the Township is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this Ordinance and comply with the requirements of the Restated Trust Agreement and any duly adopted amendments thereto.

§ 16-76. The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

§ 16-77. The Board of Supervisors hereby specifically finds and determines as follows:

1. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein.

2. The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated Trust Agreement.

3. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement.

4. The manner and extent of financing of the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required.

5. The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.

6. All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement.

7. The Trust in accordance with the Restated Trust Agreement shall be empowered to enter into contracts for the creation and administration of group and/or

individual pension and retirement plans to be offered to Participating Employers for their eligible employee and dependents.

§ 16-78 The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Supervisors that such determination by the court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Board of Sueprvisors that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

§ 16-79. Nothing in this Ordinance shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this Ordinance.

§ 16-80. This Ordinance shall take effect five (5) days from the date of adoption.

This Ordinance is being enacted pursuant to the provisions of the Pennsylvania Intergovernmental Cooperation Law, Act of July 12, 1972, No. 180, as amended, 53 Pa.C.S. §§ 2301, et seq.

ENACTED and **ORDAINED** this 8th day of December 2016.

BOARD OF SUPERVISORS OF
MAIDENCREEK TOWNSHIP

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ATTEST:

Diane Hallenbach
11-21-16

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