

WHITEMARSH TOWNSHIP

ORDINANCE NO. 888

AN ORDINANCE OF WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY,
COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING TRANSFER OF THE
SUPPLEMENTAL POLICE PENSION FUND TO WHITEMARSH POLICE OFFICERS
BENEVOLENT ASSOCIATION, INC., AND REPEALING ORDINANCE NO. 398

WHEREAS, Whitemarsh Township is a home rule municipality governed by the Home Rule Charter and Optional Plans Law, 53 P.S. §§ 2901-3171 and the provisions of the Second Class Township Code, 53 P.S. § 65101 et seq. (the “Code”); and

WHEREAS, the Code authorizes the Township to enact ordinances for the purpose of protecting the public health, safety and welfare; and

WHEREAS, the Board of Supervisors finds that it is appropriate and necessary to transfer the assets of the Supplemental Police Pension Fund (the “Fund”), established by Ordinance 398 adopted November 20, 1980, and consisting of voluntary contributions made by police officers employed by Whitemarsh Township, to the Whitemarsh Police Officers Benevolent Association, Inc. (the “Association”), a duly organized non-profit corporation, for the purpose of relinquishing management and oversight of the Fund to the membership of the Association; and

WHEREAS, the Board of Supervisors, having reviewed the procedures and guidelines established by the Association for management of the assets of the Fund and in reliance on the representations by the Association that the assets of the Fund will be preserved through prudent investments and management, finds that oversight of the Fund should reside in those employees and retired members of the Township police force having a direct interest in the soundness of the Fund and the investments made on their behalf; and

WHEREAS, the Board of Supervisors finds that upon the transfer of the assets of the Fund to the Association the provisions of Ordinance 398 shall become unnecessary and repeal of Ordinance 398 will be required.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted as follows:

SECTION 1: Approval of the Court of Common Pleas of Montgomery County, Commonwealth of Pennsylvania (the “Court”) having been obtained, control of the Supplemental Police Pension Fund held in trust by the Board of Supervisors pursuant to Ordinance 398 shall be transferred to the Whitemarsh Police Officers Benevolent Association, Inc.

SECTION 2: Approval of the Court having been obtained, Chapter 24 of the Code of the Township of Whitemarsh is hereby amended to REPEAL Article IV, Supplemental Police Pension Fund, in its entirety, effective upon the transfer of the assets of the Fund to the Association.

SECTION 3: The words, phrases and provisions of this Ordinance are not to be interpreted in a way that results in an absurd construction of the meaning, or in a way that causes one provision to contradict another.

SECTION 4: The provisions of this Ordinance shall be liberally construed to effectively carry out the purposes that are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

SECTION 5: Except as specifically hereby amended, Chapter 24 of the Code is hereby ratified and affirmed in its entirety.

SECTION 6: All ordinances, code sections or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.

SECTION 8: This Ordinance shall become effective in accordance with the provisions of the Whitmarsh Township Home Rule Charter.

ORDAINED and ENACTED by the Whitmarsh Township Board of Supervisors as of this 14th day of January, 2010.

ATTEST:

Bruce G. Horrocks, Secretary

WHITEMARSH TOWNSHIP
BOARD OF SUPERVISORS

ROBERT R. HART, Chair