

CHAPTER 1
ADMINISTRATION AND GOVERNMENT

PART 1
ADMINISTRATIVE CODE

A. Short Title.

§1-101. Short Title

B. Definitions.

§1-111. Definitions.

C. City Council.

§1-121. General Powers.

§1-122. Mayor

§1-123. Organization

§1-124. Meetings

D. City Manager.

§1-131. Qualifications

§1-132. Bond

§1-133. Powers and Duties

E. Administrative Departments.

§1-141. Departments

§1-142. Appointment, Qualifications and Removal of Directors

§1-143. Duties of Directors

F. Department of Administration.

§1-151. Functions

G. Department of Finance.

§1-161. Functions

H. Department of Public Safety.

§1-171. Functions

I. Department of Public Works.

§1-181. Functions

J. Legal Services.

§1-191. Solicitor

K. City Clerk.

§1-199.1. City Clerk

L. Advisory Agencies.

§1-199.11. Authorities, Boards and Committees

M. City Treasurer.

§1-199.21. Bond

§1-199.22. Duties

N. City Controller.

§1-199.31. Bond

§1-199.32. Duties

O. Personnel.

§1-199.41. Policy

§1-199.42. Blanket Bond

P. Finance.

§1-199.51. Budget

§1-199.52. Appropriations

§1-199.53. Budget Operation

§1-199.54. Purchasing

§1-199.55. Contracts

§1-199.56. Depositories of City Funds

§1-199.57. Temporary Investments

§1-199.58. Annual Audit

Q. General Provisions.

- §1-199.61. Rules and Regulations
- §1-199.62. Sundays and Holidays
- §1-199.63. Constitutional Construction
- §1-199.64. Municipal Claims

R. Transitional Provisions.

- §1-199.71. References and Prior Ordinances

PART 2

ELECTED OFFICIALS

A. Mayor or Council.

- §1-201. Mayor's Compensation
- §1-202. Compensation of Council Members

B. Tax Collector.

- §1-211. Tax Collector's Commission

PART 3

APPOINTED OFFICIALS

- §1-301. Office of Health Officer Established; Qualifications and Responsibilities
- §1-302. Appointment of Health Officer
- §1-303. Position of Planner/Development Coordinator Established; Duties; Compensation
- §1-304. Position of Chief of Police Established; Duties; Compensation

PART 4

AUTHORITIES

A. Lock Haven City Authority.

- §1-401. Intention to Organize City Authority
- §1-402. Articles of Incorporation
- §1-403. Sewer Project to be Undertaken

B. Redevelopment Authority of the City of Lock Haven.

- §1-411. Declaration of Need
- §1-412. Operation Contingent Upon Issuance of Incorporation
- §1-413. Membership; Appointments
- §1-414. Powers and Duties

PART 5

BOARDS AND COMMISSIONS

A. Code Enforcement Board of Appeals and Review.

- §1-501. Code Enforcement Board of Appeals and Review Established
- §1-502. Functions
- §1-503. Membership
- §1-504. Duties and Responsibilities
- §1-505. Appeal Procedure

B. Civil Service Commission.

- §1-511. Civil Service Commission Established
- §1-512. Purpose and Function
- §1-513. Membership; Compensation; Appointment
- §1-514. Powers and Duties

C. Planning Commission.

- §1-521. Planning Commission Established
- §1-522. Purpose and Function
- §1-523. Composition; Compensation; Appointments
- §1-524. Powers, Duties and Administration

D. Recreation and Parks Board.

- §1-531. Recreation and Parks Board Established
- §1-532. Appointment of Members
- §1-533. Term of Office
- §1-534. Compensation; Vacancy
- §1-535. Election of Officers
- §1-536. Chief Executive Officer

E. Shade Tree Commission.

- §1-541. Shade Tree Commission Established
- §1-542. Authority to Assess Penalties

F. Watershed Management Committee.

- §1-551. Watershed Management Committee Established
- §1-552. Purpose
- §1-553. Composition of Committee
- §1-554. Annual Report

G. Board of Health.

- §1-561. Creation; Duties and Powers

PART 6

POLICE DEPARTMENT

A. Police Department.

- §1-601. Definition of "Applicant"
- §1-602. Passage of Civil Service Examination Required
- §1-603. Passage of Physical Examination Required
- §1-604. Veterans' Preference Applicable
- §1-605. Probationary Period Prior to Permanent Appointment

B. Auxiliary Police Department.

- §1-611. Auxiliary Police Department Established
- §1-612. Membership; Appointment
- §1-613. Oath
- §1-614. Authority for Manager or Director of Public Safety to Call Auxiliary Police to Active Duty
- §1-615. Auxiliary Police May be Special School Police
- §1-616. Powers and Duties

PART 7

FIRE DEPARTMENT

A. Organization.

- §1-701. Fire Department Organization
- §1-702. Fire Department Advisory Board
- §1-703. Appointment of Chief and Assistant Chiefs

- §1-704. Appointment of Paid Fire Truck Drivers
- §1-705. Auxiliary and Relief Drivers
- §1-706. Vacancy in Office of Fire Department Advisory Board
- §1-707. Vacancy in Office of Chief or Assistant Chiefs
- §1-708. Fire Truck Driver Vacancy

B. Duties and Responsibilities.

- §1-711. Duties of Fire Department Advisory Board
- §1-712. General Duties of Chief
- §1-713. General Duties of Assistant Chiefs
- §1-714. General Duties of Drivers
- §1-715. Duties of Firemen at Fires

C. General Regulations.

- §1-721. Use of Intoxicating Liquor
- §1-722. Use of Apparatus
- §1-723. Raising Funds by Entertainment
- §1-724. Inspection of Companies
- §1-725. Power of Council to Suspend or Expel; Company, Officer or Member

D. Firemen's Relief Association.

- §1-731. Firemen's Relief Association Recognized.
- §1-732. Association Designated to Receive Funds from State Treasurer
- §1-733. Payment to Association

PART 8

PENSIONS

A. Police Pensions.

- §1-801. Police Pension Fund Established
- §1-802. Maintenance, Direction and Distribution of the Fund
- §1-803. Police Pension Fund Created; Membership; Appointments
- §1-804. Compensation of Board; Reimbursement of Expense
- §1-805. Powers of the Board; Corporate Depository; Duties
- §1-806. Duties of the Board; Meetings; Report of Depository; Designation of Depository
- §1-807. Police Pension Fund Association Established; Membership Requirements
- §1-808. Duties of the Association
- §1-809. Direction of the Fund
- §1-810. Annual Appropriation by the City
- §1-811. [Reserved]
- §1-812. Investment of Funds
- §1-813. Inalienability of Pension Payments

- §1-814. Eligibility for Retirement; Amount of Pension Payment; Widow's and Survivor's Benefits; Service Increments
- §1-815. Eligibility for Vesting After 12 Years of Service
- §1-816. Definitions; Disability Benefits
- §1-817. Refund of Member's Contribution; Status of Military Service
- §1-818. Elected Officials Ineligible for Pension Payments
- §1-819. Disbursements from Fund
- §1-820. Pension Payments Charged Against Pension Fund Only
- §1-821. Treasurer's Bond
- §1-822. Treasurer's Duties
- §1-823. Financial Report by Depository
- §1-824. Retirement Committee
- §1-825. Applicable Provisions of the Internal Revenue Code

B. City of Lock Haven City Employees Retirement Fund.

- §1-831. City Employees Retirement Fund Established
- §1-832. Name of Plan
- §1-833. Definitions
- §1-834. Eligibility and Participation
- §1-835. Eligibility for Benefits
- §1-836. Benefits
- §1-837. Financing
- §1-838. Trustee
- §1-839. Amendment and Termination
- §1-840. Employees Retirement Fund Board
- §1-841. Miscellaneous
- §1-842. Applicable Provisions of the Internal Revenue Code

C. Death Benefits for Retired Police.

- §1-851. Police Death Benefits Fund Established
- §1-852. Maintenance, Direction and Distribution of the Fund
- §1-853. Police Death Benefit Fund Board Created; Membership
- §1-854. Compensation of Board Members; Reimbursement of Expenses
- §1-855. Powers of the Board; Corporate Depository; Duties
- §1-856. Duties of the Board; Meetings; Report of Depository; Designation of Depository
- §1-857. Association Established
- §1-858. Direction of the Fund
- §1-859. Appropriation by the City
- §1-860. Investment of Funds
- §1-861. Inalienability of Death Benefit Payments
- §1-862. Eligibility for Death Benefits
- §1-863. Disbursement of Fund
- §1-864. Death Benefits Payments Charged Against the Pension Fund Only
- §1-865. Treasurer's Bond
- §1-866. Treasurer's Duties
- §1-867. Financial Report by Depository

D. Death Benefits for Active Police.

- §1-871. Lock Haven Police Benefits Fund Established
- §1-872. Maintenance, Direction and Distribution to the Fund
- §1-873. Police Benefits Fund Board Created; Membership; Appointment
- §1-874. Compensation of Board Members
- §1-875. Powers of the Board; Corporate Depository; Duties
- §1-876. Duties of the Board; Meetings; Report of Depository; Designation of Depository
- §1-877. Association Established
- §1-878. Direction of Fund
- §1-879. Appropriation by the City
- §1-880. Member's Contribution; Authorization for City to Deduct
- §1-881. Investment of Funds
- §1-882. Inalienability of Benefit Payments
- §1-883. Eligibility for Death and Medical Benefits
- §1-884. Disbursements from Fund
- §1-885. Benefit Payments Charged Against Benefit Fund Only
- §1-886. Treasurer's Bond
- §1-887. Treasurer's Duties
- §1-888. Financial Report by Depository

PART 9

REAL ESTATE REGISTRY

- §1-901. Registration of Real Estate Department Established; Supervision
- §1-902. Duties of City Engineer; Maintenance of Books, Maps and Plans; Approval Required
- §1-903. Duty of Owners of Unregistered Real Estate; Duty of Purchasers of Real Estate
- §1-904. Duty of Persons Acquiring Real Estate or Interest Therein
- §1-905. Duty of County Sheriff In Reference to Judicial Sales; Fees and Expenses
- §1-906. Duty of County Recorder of Deeds; Fees
- §1-907. Storage of Books, Maps and Plans
- §1-908. Availability of Records to Board of Revision of Taxes and Appeals
- §1-909. Penalty for Violation

PART 10

EMPLOYEE BENEFITS

- §1-1001. Overtime Pay
- §1-1002. Call-In Pay
- §1-1003. Longevity Pay
- §1-1004. Applicability of Certain Provisions

- §1-1005. Sick Leave
- §1-1006. Holidays
- §1-1007. Vacations
- §1-1008. Workmen's Compensation
- §1-1009. Mileage
- §1-1010. Life Insurance
- §1-1011. Hospital and Medical Insurance
- §1-1012. National Guard Training Leave

PART 11

APPOINTMENT OF COUNCIL MEMBERS TO BOARDS AND COMMISSIONS

- §1-1101. Ineligibility of Members
- §1-1102. Appointment of Pension Funds

PART 12

ORGANIZATIONAL STRUCTURE FOR CITY PERSONNEL

- §1-1201. Organizational Structure
- §1-1202. Guidelines and Policies
- §1-1203. Abolishment of Positions
Exhibit A

PART 13

REWARD POLICY

- §1301. Award
- §1302. Reimbursement

PART 1

ADMINISTRATIVE CODE

A. Short Title.

§1-101. Short Title.

This Part shall be known and may be cited as the "Administrative Code of the City of Lock Haven, Pennsylvania."

(Ord. 813A, 12/30/1971, §101)

B. Definitions.

§1-111. Definitions.

The words and phrases defined below shall have the meanings herein specified unless the context clearly requires otherwise.

ADMINISTRATIVE SERVICE - those departments and agencies in the administrative organization under the authority of the Manager.

CHARTER LAW - the "Optional Third Class City Charter Law" (Council-Manager Plan), Act of 1957, July 15, P.L. 901.

CITY - the City of Lock Haven, Pennsylvania.

COUNCIL - the City Council of the City of Lock Haven, Pennsylvania.

MANAGER - the City Manager of the City of Lock Haven, Pennsylvania.

(Ord. 813A, 12/30/1971, §201)

C. City Council.

§1-121. General Powers.

The legislative power and all matters of policy of the City government shall be vested in and exercised by the Council.

(Ord. 813A, 12/30/1971, §301)

§1-122. Mayor.

The powers and duties of the Mayor shall be such as are expressly conferred on him by Article V, §508, of the Charter Law.

(Ord. 813A, 12/30/1971, §302)

§1-123. Organization.

At the first meeting in January each year Council shall organize by:

- A. Choosing one of their number as Vice President of Council who shall have the powers and duties of Mayor during the absence or disability of the Mayor.
- B. Designating from their number individuals to serve as liaison between Council and appointed City advisory boards and commissions and other agencies with which the City is involved or has an interest.

(Ord. 813A, 12/30/1971, §303)

§1-124. Meetings.

Regular meetings of Council shall be held at least twice a month on such date and at such time and place as shall be established by resolution of Council, except the months of July, August and September when meetings shall be held at least once each month. All meetings shall be open to the public and notice of regular, special and adjourned meetings shall be given as prescribed by law.

(Ord. 813A, 12/30/1971, §304; as amended by Ord. 670, 2/24/2003, §1)

D. City Manager.

§1-131. Qualifications.

The qualifications of the Manager shall be as set forth in Article V, §513, of the Charter Law.

(Ord. 813A, 12/30/1971, §401)

§1-132. Bond.

The Manager shall furnish a bond to the City, with corporate surety satisfactory to Council, in the sum of \$5,000, conditioned upon the faithful performance of his duties as Manager. The premium on such bond shall be paid by the City.

(Ord. 813A, 12/30/1971, §402; as amended by Ord. 818A, 3/6/1972, §1)

§1-133. Powers and Duties.

The Manager shall be the chief administrative officer of the City and shall have all the powers, duties and responsibilities set forth in the Charter Law. In addition thereto the Manager shall:

- A. Be responsible to Council for the direction and supervision of the affairs of the City in accordance with policies established by Council and in a manner satisfactory to a majority thereof.
- B. Appoint competent, qualified officers and employees to the administrative service and have the power to dismiss, suspend and discipline in accordance with the Charter Law .
- C. Designate himself or some other officer or employee to perform the duties of any office or position in the administrative service during a vacancy, absence or disability of an incumbent.
- D. Have the power to assign any employee of the City under his authority to any department or branch thereof requiring services appropriate to the personnel classification of the employee so assigned and subject to the limitations of civil service laws.
- E. Have the power to prescribe rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies under his authority and to revoke, suspend or amend any rule or regulation of the administrative service.
- F. Have the power to investigate, examine or inquire into the affairs or operations of any department, division, bureau or office under his authority.

ADMINISTRATION AND GOVERNMENT

- G. Have the power to set aside any action taken by a department director under his authority and supersede him in the functions of his office.
- H. Have the power to direct any department, division, bureau or office under his authority to perform the work of any other department, division, bureau or office.
- I. Have the power to designate from the administrative service such committees and the officers thereof as he shall find necessary for the proper consideration of administrative problems.
- J. Establish a uniform accounting system in accordance with Article V of the Charter Law throughout the City government. Such system shall be designed to reflect accurately the assets and liabilities and the income and expenses of the City and shall control all expenditures by an encumbrance system.
- K. Prepare and present to Council an annual budget as provided by this Part.
- L. Prepare and present to Council a monthly financial report of City revenues and expenditures for all departments and funds. The report shall include the amounts budgeted, current monthly expenditures, year-to-date receipts and expenditures and the remaining balances .
- M. Prepare and present to Council an annual report on the operating performance of all departments and City agencies.
- N. Should the position of Director of any department be vacant, the duties of that position shall be assigned to the City Manager. [*Ord. 670*]

(*Ord. 813A, 12/30/1971, §403; as amended by Ord. 670, 2/24/2003, §1*)

E. Administrative Departments.

§1-141. Departments.

The City shall have the following administrative departments under the supervision of the Manager:

- A. Department of Administration.
- B. Department of Finance.
- C. Department of Public Safety.
- D. Department of Public Works.

(Ord. 813A, 12/30/1971, §501)

§1-142. Appointment, Qualifications and Removal of Directors.

Department directors, except the Director of the Department of Finance, shall be chosen by the Manager solely on the basis of executive and administrative qualifications appropriate to the duties of their respective departments and shall be subject to removal at the discretion of the Manager, as provided by Article V, §516, of the Charter Law.

(Ord. 813A, 12/30/1971, §502)

§1-143. Duties of Directors.

Under the direction of the Manager each department Director shall:

- A. Direct the performance of all duties and responsibilities required by his department or its subordinate agencies as provided by statute, this Administrative Code or other ordinance of the City and such other duties as may be required by the Manager which are not in conflict with law or ordinances.
- B. Be immediately responsible to the Manager for the effective administration of his department and all activities assigned to it.
- C. Subject to the provisions of Article XLIV of the Third Class City Code, 53 P. S. §39401 *et seq.*, as to civil service, department directors shall, with the approval of the Manager, appoint and remove subordinate officers and employees within their respective departments.
- D. Prescribe the internal organization of the department and the duties of subordinate officers and employees of the department with the approval of the Manager.

ADMINISTRATION AND GOVERNMENT

- E. Assign functions, powers and duties to subordinate officers and employees within the department and modify such assignments as needs appear.
- F. Supervise the work of the department through the provisions provided by the Administrative Code and such other organization units as the director may find necessary or desirable and supervise and direct the work of the employees of the department.
- G. Delegate such of his powers as he may deem necessary for efficient administration.
- H. Provide, under the direction and with the approval of the Manager, to any department or subordinate agency such service, labor, materials and equipment as may be requisitioned by such department or subordinate agency and, as its own facilities permit, through the same procedure and subject to the same audit as other expenditures incurred.
- I. Submit monthly and annual reports to the Manager of programs and accomplishments of his department and such other reports as the Manager may require.
- J. Keep informed on advances in administrative and operational practices in his respective field and institute within his department those practices he deems in the best interest of the City.
- K. Establish and supervise such in-service training programs as he deems desirable or necessary for the improvement of services to the public.

(Ord. 813A, 12/30/1971, §503)

F. Department of Administration.

§1-151. Functions.

The Department of Administration shall be headed and supervised by the Manager. The Department shall perform the administrative service functions for the City, its departments and agencies not otherwise provided in this Administrative Code. The areas of responsibility of the Department of Administration shall include:

- A. Recording, filing, indexing and safekeeping of all proceedings of Council.
- B. Maintenance of records and files of general application to City operations, its departments and agencies.
- C. Supervision of personnel policies and practices as established by Council.
- D. Administration of a centralized purchasing system for all departments of City government.
- E. Development of the fiscal aspects of the capital improvement and development programs of the City.
- F. Preparation of the annual operating budget.
- G. Tabulation of all departmental reports.
- H. Such other functions as shall be assigned to this department by general law or by Council.
- I. The administration, direction and supervision of City engineering services. [*Ord. 956A*]
- J. The administration, direction and supervision of City planning and community developments services and activities. [*Ord. 956A*]

(*Ord. 813A*, 12/30/1971, §601; as amended by *Ord. 956A*, 6/7/1976, §2)

G. Department of Finance.

§1-161. Functions.

The Department of Finance shall be headed and supervised by a Director of Finance who may be the elected Treasurer of the City. The Department shall act to promote, secure and preserve the financial and property interests of the City in all cases where the duty is not expressly charged to any other department or office. The areas of responsibility of the Department of Finance, to the extent consistent with general law, shall include: [*Ord. 670*]

- A. General supervision over all officers of the City regarding the proper management of the fiscal concerns of their respective offices.
- B. Maintenance of separate and distinct records of all City assets, property, trusts, debts owing to the City and other resources whatsoever.
- C. Issuance of such financial reports as are deemed appropriate and necessary by Council or the Manager.
- D. Performance of such other functions and duties as may be required by Council.

(*Ord. 813A*, 12/30/1971, §701; as amended by *Ord. 670*, 2/24/2003, §1)

H. Department of Public Safety.

§1-171. Functions.

The Department of Public Safety shall be headed and supervised by a Director of Public Safety. The Department shall supervise the services provided by Council to promote the health, safety and general welfare of the residents of the City and to those outside the City to whom such services are extended to the extent that such services are not expressly charged to any other department or office. The areas of responsibility of the Department of Public Safety shall include:

- A. The administration, direction and supervision of City police services which includes traffic control and safety and City parking facilities.
- B. The administration, direction and supervision of the City fire services to the extent deemed advisable by Council and in cooperation with the Board of Directors of the City volunteer fire organizations.
- C. The administration, direction and supervision of City code enforcement and inspection services except such services directly related to the Department of Public Works.
- D. The administration, direction and supervision of City health services.
- E. Performance of such other functions and duties as may be required by Council.

(Ord. 813A, 12/30/1971, §801)

I. Department of Public Works.

§1-181. Functions.

The Department of Public Works shall be headed and supervised by a Director of Public Works. The Department shall be responsible for all matters relating to the construction, maintenance and operation of the physical properties of the City to the extent that such responsibilities are not expressly charged to any other department or office. The areas of responsibility of the Department of Public Works shall include:

- A. The administration, direction and supervision of City street and highway operations.
- B. The administration, direction and supervision of City water operations.
- C. The administration, direction and supervision of City sanitary sewer and storm sewer operations.
- D. The administration, direction and supervision of City parks and recreational facilities.
- E. The administration, direction and supervision of City buildings and property.
- F. The administration, direction and supervision of City Flood Protection Operations.
[Ord. 670]
- G. Performance of such other functions and duties as may be required by Council.
[Ord. 670]

(Ord. 813A, 12/30/1971, §901; as amended by Ord. 956A, 6/7/1976, §1; as amended by Ord. 670, 2/24/2003, §1)

J. Legal Services.

§1-191. Solicitor.

The City Solicitor shall be appointed by and serve at the pleasure of Council. The Council may appoint such assistant solicitor or solicitors as it deems necessary. The areas of responsibility of the Solicitor shall be to:

- A. Advise Council and the Manager or any City officer, when thereto requested, upon all legal questions arising in the conduct of City business.
- B. Prepare or revise ordinances so requested by Council, the Manager or any officer thereof.
- C. Give his written opinion on any legal matter or question submitted to him by Council or the Manager or any of its committees or by any City officer.
- D. Attend such Council meetings as requested by Council or the City Manager for the purpose of giving Council and the Manager any legal advice requested. [*Ord. 31B*]
- E. Prepare for execution all contracts and instruments to which the City is a party and approve as to form all bonds required to be submitted to the City.
- F. Represent the City in all legal actions brought by or against the City.
- G. Have the power to adjust, settle, compromise or submit to arbitration any action or causes of action, accounts, etc., in which the City is concerned, as directed by Council.
- H. Make an annual report to Council and the Manager of all pending litigation in which the City has an interest and the condition thereof.
- I. Keep records and deliver all records and documents and property of every description in his possession, belonging in his office or to the City, to his successor in office, who shall give duplicate receipts therefor, one of which he shall file with the Manager.

(*Ord. 813A, 12/30/1971, §1001; as amended by Ord. 31B, 3/7/1977*)

K. City Clerk.

§1-199.1. City Clerk.

Council shall appoint a City Clerk who shall be the Manager and who shall carry out the duties assigned to him by the statutes of Pennsylvania.

(Ord. 813A, 12/30/1971, §1101)

L. Advisory Agencies.

§1-199.11. Authorities, Boards and Committees.

Unless prohibited by statute, authorities, boards and commissions shall be attached to an appropriate City department for administrative purposes as provided by Council. Council may also provide for the appointment of the Manager as ex officio member of various authorities, boards and commissions.

(Ord. 813A, 12/30/1971, §1201)

M. City Treasurer.

§1-199.21. Bond.

The City Treasurer shall furnish such fidelity bond and insurance as is required by general law. The fidelity bond shall be in the amount of \$200,000 or shall be included in the blanket bond covering all City officers and employees. The Treasurer shall furnish insurance protection in the amount of \$3,000 against the loss of funds through fire, burglary, larceny, theft, robbery or forgery. The premiums of such bond and insurance shall be paid by the City to the extent required by law.

(Ord. 813A, 12/30/1971, §1301)

§1-199.22. Duties.

The City Treasurer shall carry out such duties and exercise such powers with respect to the receipt and disbursement of public monies as are provided by general law and, in addition thereto, shall receive for deposit from the departments of the City all City monies collected by such departments. The Treasurer shall disburse all such funds in accordance with warrants issued to him therefor and duly signed by the City Controller and the head of the City department or office listing said disbursement.

(Ord. 813A, 12/30/1971, §1302)

N. City Controller.

§1-199.31. Bond.

The City Controller shall give bond to the City as required by general law in the sum of \$100,000 and the premium therefor shall be paid by the City

(Ord. 813A, 12/30/1971, §1401)

§1-199.32. Duties.

The City Controller shall review all warrants for the expenditure of City monies and, if satisfied that such expenditure is within the budget allotment pertaining thereto, shall sign said warrant before it is presented to the City Treasurer for payment. In so doing he shall also pre-audit all claims and demands against the City prior to payment and shall approve warrants for payment thereof only if satisfied that such payment is in accordance with law. The City Controller shall be responsible for the control of an encumbrance system of the City budget operation. He shall receive from the Manager and Directors such information regarding City properties and obligations and City income and expenditures as he deems necessary to carry out these duties. He shall furnish Council and the Manager a report concerning these matters at such times as he deems necessary.

(Ord. 813A, 12/30/1971, §1402)

O. Personnel.

§1-199.41. Policy.

The Manager shall be responsible for the establishment and maintenance of a merit system personnel program which is to include a position classification system and pay plan covering all City employees as provided by the Charter Law. The basic personnel policy of the City shall be:

- A. Employment by the City shall be based upon merit and fitness, free from sexual, personal, racial, religious and political considerations. [*Ord. 670*]
- B. Recruitment shall be conducted on a broad basis in order to secure an adequate field of selection.
- C. Just and equitable conditions of employment shall be established and maintained in order to promote efficiency and economy in the operation of the City.
- D. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- E. Appointments, promotions and other personnel actions shall be made on merit, systematic tests and evaluations.
- F. Tenure of employees and appointive officers shall be subject to good behavior, satisfactory performance of work, requirements of the City and availability of funds.

(*Ord. 813A, 12/30/1971, §1501; as amended by Ord. 670, 2/24/2003, §1*)

§1-199.42. Blanket Bond.

Any officer or employee of the City who is or may be required to give bond to the City conditioned for the faithful performance of his duties, except such officers and employees who are required by law to give individual bonds, may be covered by a public employees blanket bond, the amount and coverage thereof to be determined by Council on the advice of the Manager.

(*Ord. 813A, 12/30/1971, §1502*)

P. Finance.

§1-199.51. Budget.

The City budget shall be submitted in accordance with Article V, §§517 and 518, of the Charter Law, and shall include a complete detail of all City operating funds and a capital budget. On or before April 1 of each year, the Manager shall submit a proposed 6 year capital improvement program . The program submitted may be modified by the affirmative vote of a majority of Council. Passage of the 6 year capital improvement program shall be subject to annual revision.

(Ord. 813A, 12/30/1971, §1601)

§1-199.52. Appropriations.

1. No monies shall be paid out of the City Treasury, except upon appropriation previously made by Council and upon warrant pursuant thereto, which warrant shall explicitly state the purpose for which the money is to be drawn. No work shall be hired to be done, no materials purchased, no contracts made and no order issued for the payment of any monies in any amount which will cause the sums appropriated to specific activities to be exceeded, except as herein provided. The Council may make supplemental appropriations for any lawful purpose from funds on hand or estimated to be received during the fiscal year and not appropriated to any other purpose.
2. The Manager shall have the power to transfer from or incur expenses against any account or activity; provided, that the cumulative total of such transfers or incurred expenses which have not been approved by a majority of Council at a public meeting thereof shall never exceed 5% of the original allocation for the activity from which the transfer or expense is made or \$5,000, whichever is less, except in those situations where the safety and welfare of the citizens of the City shall be jeopardized by strict adherence to this requirement. The authority of the Manager to transfer funds may be exercised within the expenditure categories of the same activity or from one activity within the same operating fund. In the event the Manager shall at any time transfer or incur expenses against any account or activity in an amount of \$1,000 or more, he shall, within 24 hours of such transfer or expense, notify members of Council, in writing, of such transfer or expense at such place within City Hall as shall be accessible to the general public.
3. The term "activity" used in this Section shall mean the sum of all line item amounts constituting the total appropriation for each of the specific budget divisions identified below:
 - A. **General Fund.** Administration, finance/accounting, tax collection, engineering, buildings/property, police protection, fire protection, code enforcement/planning/health, streets/storm sewers, parking/traffic safety, recreation/parks, levee maintenance, debt service and employee benefits/insurance.

ADMINISTRATION AND GOVERNMENT

- B. **Water Fund.** Collection, purification, pumping, distribution, administration, employee benefits/insurance and transfers.
- C. **Sewer Fund.** Collection, treatment, administration, debt service, employee benefits/insurance and transfers.
- D. **Off-Street Parking Fund.** Parking lots.
- E. **Highway Aid Fund.** Streets/storm sewers.
- F. **Airport Fund.** Operating expenses and capital expenses.

(Ord. 813A, 12/30/1971, §1602; as amended by Ord. 192B; 2/20/1984, §I)

§1-199.53. Budget Operation.

The Manager shall supervise the administration of each annual budget. Immediately after the budget has been enacted and after consultation with the Directors he shall establish quarterly or such other periodic allotments of appropriations to each department. At the beginning of each allotment period the amount specified shall become available to each department for obligations during that period. Such allotments for any department may be modified by the Manager upon request of the Director. The Manager shall file with the Controller a copy of each allotment and modification thereof. If at any time during the budget year the Manager shall ascertain the probability of a cash deficit, he shall reconsider the work programs and allotments of the several officers, departments and agencies. Upon such reconsideration the Manager shall revise the allotments so as to forestall, as far as possible, the making of commitments and expenditures in excess of the revenue to be realized during the fiscal year.

(Ord. 813A, 12/30/1971, §1603)

§1-199.54. Purchasing.

In accordance with the Third Class City Code, the Manager shall be responsible for the establishment and maintenance of a centralized purchasing system. The system shall establish a requisitioning procedure and adopt rules governing emergency purchases. It shall also include an internally accurate perpetual inventory of all City property and shall provide for an annual physical inventory.

(Ord. 813A, 12/30/1971, §1604; as amended by Ord. 670, 2/24/2003, §3)

§1-199.55. Contracts.

Contract administration for the City shall be vested in the City Manager

(Ord. 813A, 12/30/1971, §1605)

§1-199.56. Depositories of City Funds.

The City Treasurer shall deposit all City funds and all City taxes collected by him in such banks or other financial depositories as are designated by Council. All such deposits shall be made in the name of the City.

(Ord. 813A, 12/30/1971, §1606; as amended by Ord. 670, 2/24/2003, §1)

§1-199.57. Temporary Investments.

The Manager and the City Treasurer jointly shall have power to provide for the temporary investment of City funds and for the disposal of such securities when the monies may be needed. Such investments shall be made in accordance with the Third Class City Code, 53 P.S. §36804.1.

(Ord. 813A, 12/30/1971, §1607)

§1-199.58. Annual Audit.

Pursuant to §520 of the Charter Law, all accounts of the City shall be audited following the close of each fiscal year by an outside certified public accountant selected by resolution of Council.

(Ord. 813A, 12/30/1971, §1608)

Q. General Provisions.

§1-199.61. Rules and Regulations.

No rule or regulation made by any department, office, agency or authority of the City, except such as relates to the organization or internal management of the City, shall take effect until it has been approved as to form and legality by the Solicitor and approved by the Manager. City Council shall receive all such rules and regulations and they shall be filed with the Manager.

(Ord. 813A, 12/30/1971, §1703)

§1-199.62. Sundays and Holidays.

Whenever any time established by this Part for the taking of any action expires on a Sunday or any legal holiday, such time shall not expire on said day but shall expire on the next work day.

(Ord. 813A, 12/30/1971, §1702)

§1-199.63. Constitutional Construction.

The provisions of this Part shall be severable and if any of its provisions shall be held to be unconstitutional or illegal the validity of any of the remaining provisions of the Part shall not be affected thereby. It is hereby expressly declared as the intent of the Council that this Part would have been adopted had such unconstitutional or illegal provision or provisions not been included herein.

(Ord. 813A, 12/30/1971, §1703)

§1-199.64. Municipal Claims.

The City Solicitor shall be furnished by the Directors of the various departments with statements of claims which remain due and unpaid within 30 days from the date said claim became due and payable. The City Solicitor shall enter such claim in the City lien docket. Upon payment of any claim so entered it shall be the duty of the City Solicitor to cause satisfaction to be entered upon the proper record.

(Ord. 813A, 12/30/1971, §1704)

R. Transitional Provisions.

§1-199.71. References and Prior Ordinances.

Whenever in any statute of the Commonwealth of Pennsylvania or resolution or ordinance of the City there is a reference to the Department of Accounts and Finance, the reference shall be construed to mean the Department of Finance. Where there is a reference to the Department of Streets and Public Improvements or Department of Parks and Public Property, it shall be construed to mean the Department of Public Works. Where there is a reference to the Department of Public Affairs, the reference shall be construed to mean the Department of Public Safety.

(Ord. 813A, 12/30/1971, §1801)

PART 2
ELECTED OFFICIALS

A. Mayor or Council.

§1-201. Mayor's Compensation.

The compensation of the Mayor of the City of Lock Haven shall be eighteen hundred \$1,800 annually.

(Ord. 790A, 4/6/1971, §1)

§1-202. Compensation of Council Members.

The compensation of the Councilmen of the City of Lock Haven shall be \$1,200 annually.
(Ord. 790A, 4/6/1971, §2)

B. Tax Collector

§1-211. Tax Collector's Commission.

Pursuant to the provisions of the Local Tax Collection Law, Act of May 25, 1945, as amended, and pursuant to an agreement between the City of Lock Haven and the Keystone Central School District, the compensation of the City Treasurer, as Tax Collector shall be established by ordinance adopted during the year in which general elections are held to elect the City Treasurer.

(Ord. 46B, 8/22/1977, §1; as amended by Ord. 670, 2/24/2003, §1)

PART 3

APPOINTED OFFICIALS

§1-301. Office of Health Officer Established; Qualifications and Responsibilities.

Thea position of Health Officer is hereby established within the Department of Public Safety, Code Enforcement Division. The qualifications and responsibilities of the Health Officer shall be as set forth in a job description prepared by the City Manager and such description shall include qualifications and responsibilities associated with the position of Health Officer.

(*Ord. 936A, 10/6/1975, §1; as amended by Ord. 670, 2/24/2003, §1*)

§1-302. Appointment of Health Officer.

Appointment to the position of Health Officer shall be in a manner consistent with the civil service provisions of the Third Class City Code and the regulations of the Pennsylvania Department of Health.

(*Ord. 936A, 10/6/1975, §2; as amended by Ord. 670, 2/24/2003, §1*)

§1-303. Position of Planner/Development Coordinator Established; Duties; Compensation.

The full-time position of Planner/Development Coordinator is hereby established within the Department of Administration. The Planner/Development Coordinator shall be responsible to the City Manager for the administration, direction and supervision of City planning and community development services and activities as more fully described in the applicable job description.

(*Ord. 955A, 6/7/1976, §1; as amended by Ord. 670, 2/24/2003, §1*)

§1-304. Position of Chief of Police Established; Duties; Compensation.

The full-time position of Chief of Police is hereby established within the Department of Public Safety. The Chief of Police shall be responsible to the Director of Public Safety for the administration, direction and supervision of City police services which include traffic control and safety and City parking facilities.

(*Ord. 955A, 6/7/1976, §2; as amended by Ord. 670, 2/24/2003, §1*)

PART 4

AUTHORITIES

A. Lock Haven City Authority.

§1-401. Intention to Organize City Authority.

The Council hereby signifies its intention and desire to organize an authority under the provisions of the Municipality Authorities Act of May 1945, as amended.

(Ord. 312A, 4/10/1952, §1)

§1-402. Articles of Incorporation.

The Mayor and City Clerk are hereby authorized and directed to execute on behalf of the City of Lock Haven Articles of Incorporation for said Authority, in substantially [the following] form:

Articles of Incorporation

To the Secretary of the Commonwealth of Pennsylvania:

In compliance with the requirements of the Act of May 2, 1945, P. L. 382, known as "Municipality Authorities Act of 1945," as amended, the City of Lock Haven, Clinton County, Pennsylvania, desiring to incorporate an Authority thereunder, does hereby certify:

1. The name of the Authority is "Lock Haven City Authority. "
2. Said Authority is formed under the provisions of the Act of May 2, 1945, P. L. 382, as amended.
3. No other Authority organized under the Act of May 2, 1945, P. L. 382, as amended, is in existence in or for the incorporating municipality, the City of Lock Haven.
4. The name of the incorporating municipality is City of Lock Haven, Clinton County, Pennsylvania.
5. The names and addresses of its municipal authorities are as follows:

[Here followed the names, offices and addresses of the principal officers of the City at the time of enactment of this Part.]

ADMINISTRATION AND GOVERNMENT

6. The names, addresses and terms of office of the first members of the Board of Authority to be formed hereby are as follows:

[Here followed the names, addresses and terms of office of the first persons appointed to the Board of the Authority.]

7. The ordinance authorizing the creation of said Authority certified from the records of the Council of the City of Lock Haven, together with advertisement of notice of filing these Articles of Incorporation are each submitted herewith.

(Ord. 312A, 4/10/1952, §2)

§1-403. Sewer Project to be Undertaken.

The initial project to be undertaken by the Authority is to acquire, hold, construct, improve, maintain, operate, own, lease, either in the capacity of lessor or lessee, sewers, sewer systems or parts thereof and sewage treatment works, including works for treating and disposing of industrial waste in and for the City of Lock Haven and for such other territory as it may be authorized to serve.

(Ord. 312A, 4/10/1952, §3)

B. Redevelopment Authority of the City of Lock Haven.

§1-411. Declaration of Need.

The Council of the City of Lock Haven does hereby specifically find and declare that there is need for a Redevelopment Authority to function within the territorial limits of the City of Lock Haven.

(Ord. 850A, 5/29/1973, §1)

§1-412. Operation Contingent Upon Issuance of Incorporation.

The Redevelopment Authority of the City of Lock Haven shall immediately become operative upon the issuance of the aforesaid Certificate of Incorporation by the Secretary of the Commonwealth.

(Ord. 850A, 5/29/1973, §3)

§1-413. Membership; Appointments.

The Redevelopment Authority of the City of Lock Haven shall consist of five members, all of whom shall be citizens of the City of Lock Haven, who shall be appointed by the City Manager with the advice and consent of City Council for terms of 5 years or until their successors are appointed and qualified; except that members who are first appointed shall serve for terms of 1, 2, 3, 4, and 5 years, respectively, from the date of their appointments.

(Ord. 850A, 5/29/1973, §4)

§1-414. Powers and Duties.

The Redevelopment Authority of the City of Lock Haven shall be organized according to and shall have such powers and duties as are provided by the provisions of the Urban Redevelopment Law of 1945, as from time to time amended, May 24, P. L. 991.

(Ord. 850A, 5/29/1973, §5)

PART 5

BOARDS AND COMMISSIONS

A. Code Enforcement Board of Appeals and Review.

§1-501. Code Enforcement Board of Appeals and Review Established.

There is hereby established in the City of Lock Haven a board to be called the Code Enforcement Board of Appeals and Review, hereafter referred to as "the Board."

(Ord. 894A, 10/21/1974, §1)

§1-502. Functions.

1. The Board shall receive and decide upon all appeals from any order, requirement, decision or determination of the City's authorized Code Enforcement Officer rendered in the administration of the City's duly adopted housing code, building code, plumbing code, electrical code, fire prevention code or nonresidential property maintenance code.
2. At least twice yearly the Board shall meet with the chief executive and the code enforcement officer(s) to review such codes to insure their currency and adequacy in meeting the City's needs and shall recommend to Council any changes, deletions or additions which they may deem appropriate.

(Ord. 894A, 10/21/1974, §2; as amended by Ord. 17B, 3/17/1977, §1)

§1-503. Membership.

1. **Appointment.** The Board shall consist of five members who are qualified by experience and training to pass upon matters pertaining to law, building construction, health and safety, plumbing and electricity. Members shall be appointed by the Council of the City of Lock Haven.
2. **Terms of Office.** One member of the Board shall be appointed for a term of 1 year, one member for a term of 2 years, one member for a term of 3 years, one member for a term of 4 years and one member for a term of 5 years. Upon expiration of the term of office of a member, his successor shall be appointed for a term of 5 years. A vacancy shall be filled for an expired term in the same manner in which the original appointment was made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Council, render any such member liable to immediate removal from office by the Council.

ADMINISTRATION AND GOVERNMENT

3. **Quorum.** Three members of the Board shall constitute a quorum for the transaction of business. In order to amend, modify or rescind any provision of any code over which the Board has jurisdiction, or to amend, modify or rescind any order of the City's authorized Code Enforcement Officer, affirmative votes of at least three members of the Board shall be required. No member of the Board shall pass upon any question before the Board in which he, or any enterprise by which he is employed, has a vested interest.

(Ord. 894A, 10/21/1974, §3; as amended by Ord. 17B, 3/7/1977, §1)

§1-504. Duties and Responsibilities.

1. **Meetings and Records.** Meetings of the Board shall be held at the call of the chairman and at other times as the Board may determine. All hearings before the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or otherwise failing to vote, indicating such fact and other official actions. The minutes and records of all Board meetings shall be public records.
2. **Rules and Regulations.** The Board shall establish such rules and regulations for its own procedures as it deems necessary, providing that such rules and regulations are not inconsistent with provisions of the codes over which it has jurisdiction.
3. **Code Review Functions.** In formulating recommendations for changes in, deletions from or additions to any code under its jurisdiction, the Board's consideration shall include, but shall not be limited to, the following:
 - A. The currency of the latest adopted code or supplement thereof.
 - B. The appropriateness of strict or lenient code standards.
 - C. The adequacy of fee schedules.
 - D. The utilization of new materials and techniques.
 - E. The applicability of new standards.
 - F. The adequacy and efficiency of administrative procedures.
 - G. The adequacy of code provisions and standards to meet various State and Federal program requirements.
4. **Code Application Functions.** The Board may vary the application by the Code Enforcement Officer of any provision of any code under its jurisdiction in any particular case when, in its opinion, the determination of the Code Enforcement Officer should be

modified or reversed. A decision by the Board to vary the application of any provision of any code under its jurisdiction, and to affirm, modify or rescind any order of the Code Enforcement Officer, shall specify in what manner such variation or modification is to be made, the conditions under which it is to be made and the reasons therefor.

(Ord. 894A, 10/21/1974, §4; as amended by Ord. 17B, 3/17/1977, §1)

§1-505. Appeal Procedure.

1. Any appeal from the provisions of any code over which the Board has jurisdiction shall be registered by the aggrieved party by filing with the Code Enforcement Officer whose determination is being appealed and with the Board, a notice of appeal specifying the grounds upon which the appeal is based. The Code Enforcement Officer with whom the appeal is filed shall forthwith transmit to the Board all documentary material constituting the record upon which the action appealed was taken.
2. Any person, firm, corporation or agency may register an appeal for the review of any decision of any authorized Code Enforcement Officer of the City of Lock Haven; provided, that such appeal is made in writing within 10 days after such person, firm, corporation or agency has been officially notified of such decision by the City's authorized Code Enforcement Officer. Any such official notification shall include a statement informing the addressee of his right to appeal and a description of the procedure to be followed, and shall be accompanied by all forms required to file such appeal.
3. Upon receipt of an appeal, the Board shall meet within a reasonable period of time, not to exceed 35 days, to consider the merits of the appeal and shall reach a decision without unnecessary or unreasonable delay. Every decision of the Board shall be in writing and shall indicate the vote on the decision. The Board's decision shall be promptly filed in the appropriate code enforcement office and be a public record. A certified copy of the decision shall be delivered to the person, firm, corporation or agency by whom the appeal was filed.
4. Any person, firm, corporation or agency aggrieved by any decision of the Board, or any administrative officer or agent affected thereby may appeal such a decision within 30 days to the Court of Common Pleas, as provided by law.
5. No action on any case under appeal shall be taken by any Code Enforcement Officer, except as directed by the Board, until a decision is rendered by the Board.

(Ord. 894A, 10/21/1974, §5; as amended by Ord. 17B, 3/7/1977, §1)

B. Civil Service Commission.

§1-511. Civil Service Commission Established.

A civil service commission, to be officially known as the "Civil Service Commission of the City of Lock Haven, " is hereby established and created.

(Ord. 873A, 2/4/1974, §1)

§1-512. Purpose and Function.

The purposes and the function of said Civil Service Commission shall be to conduct examinations of applicants for all positions which are to be filled within the City government as required by the Civil Service Act(s) and to advise City Council of the results of said examinations.

(Ord. 873A, 2/4/1974, §2)

§1-513. Membership; Compensation; Appointment.

The Civil Service Commission of the City of Lock Haven shall consist of three members, all of whom shall serve without compensation, who shall be appointed by the Council of the City of Lock Haven and whose terms shall be for a period of 4 years or until their successors are appointed and qualified.

(Ord. 873A, 2/4/1974, §3)

§1-514. Powers and Duties.

Powers and duties of the Civil Service Commission of the City of Lock Haven shall be as set forth in the Civil Service Act(s) as from time to time amended, and the administration of said Commission shall be governed by the terms of the Civil Service Act(s).

(Ord. 873A, 2/4/1974, §4)

C. Planning Commission.

§1-521. Planning Commission Established.

A planning commission, to be officially known as the "Planning Commission of the City of Lock Haven," is hereby established and created.

(Ord. 819A, 3/20/1972, §1)

§1-522. Purpose and Function.

The purposes and the function of said Planning Commission shall be to protect and promote the safety, health and the morals of the citizens of the City of Lock Haven; to guide use of land and structures, type and location of streets, public grounds and other facilities and to accomplish the other purposes set forth in the Pennsylvania Municipalities Planning Code.

(Ord. 819A, 3/20/1972, §2)

§1-523. Composition; Compensation; Appointments.

The Planning Commission of the City of Lock Haven shall consist of nine members, all of whom shall serve without compensation, who shall be appointed by the Council of the City of Lock Haven and whose terms shall be for a period of 4 years or until their successors are appointed and qualified; except that the terms of the members first appointed pursuant to this Part, or appointed by virtue of any amendment hereto, shall be so fixed that no more than three shall be reappointed or replaced during any future calendar year.

(Ord. 819A, 3/20/1972, §2; as amended by Ord. 844A, 2/19/1973, §1)

§1-524. Powers, Duties and Administration.

Powers and duties of the Planning Commission of the City of Lock Haven shall be as set forth in the Pennsylvania Municipalities Planning Code, as from time to time amended, and the administration of said Commission shall be governed by the terms of the Pennsylvania Municipalities Planning Code.

(Ord. 819A, 3/20/1972, §4)

D. Recreation and Parks Board.

§1-531. Recreation and Parks Board Established.

A Recreation and Parks Board in and for the City of Lock Haven be and the same is hereby established and created to have, exercise and discharge the powers and duties given unto said Recreation and Parks Board by the Act of assembly approved June 23, 1931, P.L. 932, and the various amendments and supplements made thereto.

(Ord. 492B, 4/17/1995, §I)

§1-532. Appointment of Members.

Said Board shall consist of seven members, appointed by Council.

(Ord. 492B, 4/17/1995, §II)

§1-533. Term of Office.

The members of the Board shall serve for a term to extend no longer than 5 years or until their successors are appointed; members shall be appointed for such terms as to cause the terms of not more than two members to expire in any 1 calendar year.

(Ord. 492B, 4/17/1995, §III)

§1-534. Compensation; Vacancy.

The members of the Board shall serve without compensation and vacancies on the Board occurring otherwise than by expiration of term shall be for the unexpired terms of the person formerly holding office, and such vacancy shall be filled in the same manner as original appointments.

(Ord. 492B, 4/17/1995, §IV)

§1-535. Election of Officers.

The members of the Board shall, at the annual reorganization meeting, elect from its membership their own chairman, vice chairman and secretary, and select all other necessary officers to serve for a period of 1 year. Said Board shall have power to recommend the policy, maintenance and promotion of public parks and recreation under the jurisdiction of the City of Lock Haven. The Board shall have the power to adopt such rules and regulations as may be necessary for the conduct of all business in its jurisdiction.

(Ord. 492B, 4/17/1995, §V)

ADMINISTRATION AND GOVERNMENT

§1-536. Chief Executive Officer.

The Director of Recreation and Parks shall be the chief executive of the Board, but shall not be a member of the Board. He shall be entitled to attend all regular meetings of the Board and participate in discussions, but shall not be entitled to vote.

(Ord. 492B, 4/17/1995, §VI)

E. Shade Tree Commission.

§1-541. Shade Tree Commission Established.

A Shade Tree Commission is hereby created in and for the City of Lock Haven. The said Commission shall be constituted as provided by the Third Class City Code, Act of 1931, June 23, P. L. 932, Article XXXVIII, as amended, 53 P.S. §38801 *et seq.*, and shall perform all the duties and may exercise all the powers conferred by law upon shade tree commissions of cities of the third class.

(Ord. 24B, 3/7/1977, §1)

§1-542. Authority to Assess Penalties.

The Shade Tree Commission may assess penalties of not more than \$25 for each and every violation of any regulation of such Commission or of any of the provisions of Article XXXVIII of the Third Class City Code, cited in §1-541, so far as it relates to shade trees.

(Ord. 24B, 3/7/1977, §2)

F. Watershed Management Committee.

§1-551. Watershed Management Committee Established.

A watershed advisory committee to be officially known as the "Lock Haven Watershed Management Committee" is hereby created.

(*Ord. 871A, 1/21/1974, §1*)

§1-552. Purpose.

The purpose of the Committee shall be to provide technical assistance and recommendations and to develop and implement a comprehensive watershed management plan including, but not limited to, water quality, forest management, erosion control, soil conservation and utilization, fish and game management, recreational usage, fire protection, enforcement and public information.

(*Ord. 871A, 1/21/1974, §2*)

§1-553. Composition of Committee.

The Committee shall be composed of one representative from each of the following organizations, if possible:

- A. Department of Environmental Protection, Bureau of Water Supply Management. [*Ord. 670*]
- B. U. S. Department of Agriculture, Soil Conservation Service.
- C. Department of Environmental Protection, North Central Region. [*Ord. 670*]
- D. Department of Conservation and Natural Resources. [*Ord. 670*]
- E. Clinton County Agricultural Extension Service.
- F. National Fish Hatchery, Bureau of Sport Fisheries and Wildlife.
- G. Lock Haven University, Biological Sciences. [*Ord. 670*]
- H. City of Lock Haven, Department of Public Works.
- I. One public member.

(*Ord. 871A, 1/21/1974, §3; as amended by Ord. 670, 2/24/2003, §1*)

ADMINISTRATION AND GOVERNMENT

§1-554. Annual Report.

The Committee shall meet no less than once annually for an inspection of the watershed and shall prepare an annual report of findings and recommendations for submission to the City Manager.

(Ord. 871A, 1/21/1974, §4)

G. Board of Health.

§1-561. Creation; Duties and Powers.

A Board of Health is hereby created in and for the City of Lock Haven. The said Board shall be constituted as provided by the Third Class City Code, Act of 1931, June 23, P. L. 932, Article XXIII, §§2301 to 2304 and 2307 to 2311, as amended, 53 P.S. §37301 *et seq.*, and shall perform all the duties and may exercise all the powers conferred by law upon boards of health of cities of the third class.

(Ord. 19B, 3/7/1977, §1)

PART 6
POLICE DEPARTMENT

§1-601. Definition of "Applicant".

The word "applicant" shall mean all those persons who have applied for the position of police officer in the City of Lock Haven, by written application and according to the regulations set forth by the Civil Service Commission of the City of Lock Haven.

(Ord. 641A, 1/16/1968, §1)

§1-602. Passage of Civil Service Examination Required.

All applicants shall have first passed a civil service examination and shall have been recommended by the examining board for appointment to the police force.

(Ord. 641A, 1/16/1968, §3)

§1-603. Passage of Physical Examination Required.

No applicant shall be appointed to the police force without first passing a physical examination by a medical doctor and being approved by him to be in good physical condition.

(Ord. 641A, 1/16/1968, §4)

§1-604. Veterans' Preference Applicable.

Those applicants who have served in the armed forces of the United States shall be given veterans' preference in accordance with the regulations set forth by the Civil Service Commission.

(Ord. 641A, 1/16/1968, §5)

§1-605. Probationary Period Prior to Permanent Appointment.

All applicants who are appointed to the police force shall be on a probationary status for a period of 1 year and permanent appointment shall be automatic unless disapproved by City Council prior to completion of 1 year of service.

(Ord. 641A, 1/16/1968, §6)

B. Auxiliary Police Department.

§1-611. Auxiliary Police Department Established.

There is hereby created an Auxiliary Police Department in the City of Lock Haven, which shall be under the control of and responsible to the Director of Public Safety of the City of Lock Haven.

(Ord. 821A, 4/3/1972, §1)

§1-612. Membership; Appointment.

Said auxiliary police department shall consist of ten members who shall be nominated by and serve at the pleasure of the City Manager.

(Ord. 821A, 4/3/1972, §2)

§1-613. Oath.

Each person who is appointed to serve as an auxiliary policeman shall, before entering upon his duties, take an oath in writing before the Mayor of the City of Lock Haven, which oath shall be provided by law.

(Ord. 821A, 4/3/1972, §3)

§1-614. Authority for Manager or Director of Public Safety to Call Auxiliary Police to Active Duty.

The City Manager or the Director of Public Safety may call the auxiliary police to active duty during any period of distress, disaster or emergency except in cases of labor disturbance.

(Ord. 821A, 4/3/1972, §4)

§1-615. Auxiliary Police May be Special School Police.

Auxiliary policemen, appointed as prescribed herein, may also be designated to serve as special school police.

(Ord. 821A, 4/3/1972, §5)

ADMINISTRATION AND GOVERNMENT

§1-616. Powers and Duties.

Auxiliary policemen on active duty shall have the same powers as regular police officers and shall perform such other duties as may be assigned to them by the Director of Public Safety; auxiliary policemen, when on active duty in a municipality other than the City of Lock Haven, shall have the same powers in such municipality as regular police officers thereof; the powers herein conferred may be exercised by auxiliary policemen only after they report for active duty and until they are relieved from duty.

(Ord. 821A, 4/3/1972, §6)

PART 7

FIRE DEPARTMENT

A. Organization.

§1-701. Fire Department Organization.

The Lock Haven Fire Department shall consist of three companies, each of which shall individually be organized by the election of a president, secretary, foreman and such other officers as each company may deem necessary. The City may entrust to such companies the fire apparatus and the property and appliances connected and used therewith under such rules and regulations as the City may from time to time make and approve.

(Ord. 835A, 11/6/1972, Art. I, §1)

§1-702. Fire Department Advisory Board.

Each of the three City fire companies shall appoint two members of their organization to serve on the Fire Department Advisory Board. One member of each company shall be appointed for a term of 2 years and the other member to a term of 4 years. After initial election or appointment, all terms of offices, except that position held by the Fire Chief, as hereinafter provided, shall be for 4 years, beginning on July 1 of even numbered years. Advisory Board appointees shall have been members of their companies for at least 6 years at the time of appointment. The seventh member of the Fire Department Advisory Board shall be the Fire Chief and shall automatically become a member by virtue of his appointment as Fire Chief.

(Ord. 835A, 11/6/1972, Art. I, §2)

§1-703. Appointment of Chief and Assistant Chiefs.

1. **Qualifications.** Any fire chief, or assistant fire chief appointed by the City shall have been a member of the Lock Haven Fire Department for a period of at least 6 years at the time of said appointment. He shall have satisfactorily completed an acceptable training course in firefighting according to the standards established by the City.
2. **Selection and Term of Office.** The term of office for Fire chief and Assistant Fire Chief shall be 2 years, beginning on July 1 of even numbered years. Upon completion of said 2 year term of office, the Fire Department Advisory Board shall recommend to the City Manager the appointment of the first Assistant Fire Chief as Fire Chief and the appointment of the second Assistant Fire Chief as first Assistant Fire Chief. The company from which the outgoing Fire Chief is a member shall recommend to the Fire Department Advisory Board one of its qualified members as second Assistant Fire Chief. If that person so recommended is qualified and accepted by the Board, the Board shall recommend the nominee to the City Manager for appointment as second Assistant Fire

ADMINISTRATION AND GOVERNMENT

Chief. Should the person recommended to the Board not be qualified, the company from which the nominee is a member shall be notified of the same and shall recommend another member for consideration until the vacancy is filled. The Manager shall have the right to suspend or deprive of office those persons appointed at any time for proper cause.

(Ord. 835A, 11/6/1972, Art. I, §3)

§1-704. Appointment of Paid Fire Truck Drivers.

1. **Qualifications.** Paid fire truck drivers shall be members of the company in which they are employed and shall have a background of experience and knowledge in firefighting and the operation of the emergency equipment related thereto. They shall be at least 21 years of age and shall submit to a physical examination once each year upon request by the City. The cost of such physical examination to be paid by the City. Paid drivers shall also be required to attend training programs related to the driver's responsibilities when requested to do so by the City.
2. **Term of and Conditions of Employment.** Paid fire truck drivers shall be appointed by the City to an indefinite term. They shall be subject to the employees' policies and regulations which are established by the City and may be suspended or deprived of employment by the City at any time for proper cause. They shall be under the control of and responsible to the Director of Public Safety and the Fire Chief.
3. Paid fire truck drivers shall receive the current annual base salary upon completion of 24 months continuous employment as a full-time driver. The manner of granting the applicable salary advance(s) shall be at the sole discretion of City Council. [Ord. 921A]

(Ord. 835A, 11/6/1972, Art. I, §4; as amended by Ord. 198B, 5/21/1984, §I; and by Ord. 921A, 4/7/1995, §1)

§1-705. Auxiliary and Relief Drivers.

Auxiliary and relief drivers shall be subject to the requirements of §1-704(1) of this Part and shall be appointed to an indefinite term. They shall be under the control of and responsible to the Director of Public Safety and the Fire Chief.

(Ord. 835A, 11/6/1972, Art. I, §5)

§1-706. Vacancy in Office of Fire Department Advisory Board.

Should a vacancy in office occur on the Fire Department Advisory Board, except that office held by the Fire Chief, from whatever cause, the company from which the office holder is a member shall immediately elect or appoint one of its members to complete the unexpired term. Such elected or appointed member shall be qualified according to provisions of §1-702.

(Ord. 835A, 11/6/1972, Art. I, §6)

§1-707. Vacancy in Office of Chief or Assistant Chiefs.

In case of a vacancy in the offices of Fire Chief or Assistant Fire Chief, or both, from any cause, the first Assistant Fire Chief shall automatically be entitled to appointment as Fire Chief pending confirmation by the City Manager. The company from which the outgoing Chief is a member shall immediately recommend one of its members to the Fire Department Advisory Board for appointment to the office of second Assistant Fire Chief, and the second Assistant Fire Chief shall automatically be recommended to the City Manager for the office of first Assistant Fire Chief. Upon completion of such unexpired term, the office holder shall then be appointed for a complete 2 year term.

(Ord. 835A, 11/6/1972, Art. I, §7)

§1-708. Fire Truck Driver Vacancy.

Should a vacancy occur in any position of full-time, part-time, auxiliary or relief driver in any company, the company in which the vacancy exists shall recommend one or more of its members to fill said vacancy. The Board shall then recommend to the City Manager that person most qualified to fill said vacancy. Should it not be possible for the company in which the vacancy exists to fill the same from its membership, the Advisory Board shall notify the other companies and solicit recommendations from their membership for the position. Should a fire truck driver be appointed from outside the membership of the company that person so appointed shall hold said position temporarily until such time as a member may be recommended and selected from the company where the vacancy exists.

(Ord. 835A, 11/6/1972, Art. I, §8)

B. Duties and Responsibilities.

§1-711. Duties of Fire Department Advisory Board.

The Fire Department Advisory Board shall serve as liaison between the City and the Fire Department in all matters relating to the operation and control of the Fire Department and shall have authority to make recommendations to the City concerning the same. The Advisory Board shall also function as a problem solving, dispute settling panel concerned with Fire Department matters and shall have such other powers and duties as the City may deem necessary.

(Ord. 835A, 11/6/1972, Art. II, §1)

§1-712. General Duties of Chief.

1. The Fire Chief shall be governed in the performance of his duties by such rules and regulations as the City may from time to time make, which are approved by the City.
2. The Fire Chief shall have the power to recommend the suspension of any member or members of any company of the Fire Department for dereliction of duty, disobeying his orders or misconduct, and shall submit a report of his actions and the causes for the same to the Fire Department Advisory Board. The Fire Department Advisory Board shall review the charges and action taken and shall report their findings and recommendations to the City Manager for disposition.
3. The Fire Chief shall regularly visit the three companies of the Fire Department and see that the apparatus, buildings and all property in possession of the three companies are in proper condition. He shall make a report of the same to the Fire Department Advisory Board and the City when he deems necessary, with such recommendations as he may think proper.
4. The Fire Chief shall attend all fires occurring in the City and shall have the entire command of the Department. He shall supervise and direct the operations of each fire company thereat in such manner as to preserve property from destruction by fire and to prevent an unnecessary use of water. He shall have entire control of the fire ground during the time of the fire.
5. The Fire Chief shall have control of and be responsible for the dispatching of the equipment of any company to any fire outside the City limits according to any mutual aid agreement with such communities, or to any parade or special event. No permission shall be granted at any time to take all of the fire apparatus out of the City but sufficient apparatus shall be retained at all times to safeguard properly all property within the City limits .
6. The Fire Chief shall make monthly and annual reports to the City, setting forth the activities of the Fire Department.

ADMINISTRATION AND GOVERNMENT

7. The Fire Chief shall keep an accurate record of all fires occurring within the City which shall set forth such information as shall be necessary to accurately describe each fire. Such book to be furnished by the City and to be known as the "record of fires."

(Ord. 835A, 11/6/1972 Art. II, §2)

§1-713. General Duties of Assistant Chiefs.

1. The Assistant Fire Chief shall attend all fires occurring in the City and aid the Fire Chief in the discharge of his duties and act under his direction. In the absence of the Fire Chief, an Assistant Fire Chief shall act as Fire Chief, with all of his powers and all of his orders shall be respected and obeyed by the Fire Department.
2. The Assistant Fire Chief shall, under the direction of the Fire Chief and according to the standards established by him and the City, conduct periodic inspections for the prevention of fire and shall make a monthly report of the locations of said inspections together with an account of any corrective action taken.

(Ord. 835A, 11/6/1972, Art. II, §3, as amended by Ord. 16B, 3/7/1977, §1)

§1-714. General Duties of Drivers.

1. Paid Fire Department drivers shall be responsible for the care and maintenance of the fire station in which they are employed, and all emergency and other equipment housed in the same.
2. It shall be the duty of the driver to respond to any fire reported to him and to assume the responsibilities of command at the fire until such time as he is relieved of that responsibility by the Fire Chief, Assistant Fire Chief or other superior officer. He shall be responsible for the operation and care of the equipment he accompanies to the fire and the general cleaning and maintenance of the same upon return to the station.
3. It shall be the responsibility of the driver of each company to enforce the rules and regulations of the company in the City, in the absence of the Fire Chief or Assistant Fire Chiefs, at the fire scene, while en route to and from the fire scene and in the station house.

(Ord. 835A, 11/6/1972, Art. II, §4)

§1-715. Duties of Firemen at Fires.

It shall be the duty of every fireman, immediately upon an alarm of fire, to accompany his apparatus to or respond to the location of the fire and perform such duties as may be required of him by the superior officer.

(Ord. 835A, 11/6/1972, Art. II, §5)

C. General Regulations.

§1-721. Use of Intoxicating Liquor.

No spirituous or malt liquor shall be allowed in any engine or other house belonging to the Fire Department; or to be used by anyone in the Fire Department when on duty. Any member intoxicated about any engine house, or other house used by the Fire Department, at any fire, or alarm of fire shall be subject to expulsion.

(Ord. 835A, 11/6/1972, Art. III, §1)

§1-722. Use of Apparatus.

The apparatus of the Fire Department, unless by special order of the Director of Public Safety or the Fire Chief, shall not be used for any other purpose than the extinguishment of fires or the training therefor.

(Ord. 835A, 11/6/1972, Art. III, §2)

§1-723. Raising Funds By Entertainment.

The Fire Department, or any constituent part thereof, shall not offer any entertainment or amusement to the public for the purpose of raising funds which, in the judgment of the City Manager, is detrimental to and reflects poorly upon the Department or the City.

(Ord. 835A, 11/6/1972,9 Art. III, §3)

§1-724. Inspection of Companies.

Inspections of the entire Fire Department shall be made annually during Fire Prevention Week by the Fire Chief and the City officials.

(Ord. 835A, 11/6/1972, Art. III, §4)

§1-725. Power of Council to Suspend or Expel Company, Officer or Member.

The City Council or City Manager shall have power to suspend or expel any company, officer or member of the Fire Department for bad behavior, insubordination, disturbance of the public peace or for any other cause which they may deem sufficient. When any company shall have been suspended or expelled, all fire apparatus and property of the City in their possession shall be delivered to the City Council or Manager, or to such officer as they may direct.

(Ord. 835A, 11/6/1972, Art. III, §5)

D. Firemen's Relief Association.

§1-731. Firemen's Relief Association Recognized.

The Lock Haven Firemen's Relief Association of Lock Haven, Pennsylvania, be and it is hereby officially recognized by the City Council of the City of Lock Haven, Pennsylvania, as an organization formed for the purpose of maintaining an association for beneficial and protective purposes to its members and their families in case of death, sickness, temporary or permanent disability or accident, from the funds collected therein.

(Ord. 137A, 2/2/1931, §1)

§1-732. Association Designated to Receive Funds from State Treasurer.

The aforesaid Lock Haven Firemen's Relief Association of Lock Haven, Pennsylvania, be and it is hereby designated by the City Council of Lock Haven, as the proper association to receive such funds as are due and payable to the City by the Treasurer of the State of Pennsylvania from the foreign fire insurance tax on account of volunteer firefighters.

(Ord. 137A, 2/2/1931, §2; as amended by Ord. 232B, 12/30/1985, §I)

§1-733. Payment to Association.

The City shall, within 60 days of receipt, pay to the Association, all such sum or sums of money that may hereafter be due and payable to the City by the Treasurer of the State of Pennsylvania, on account of volunteer firefighters in accordance with the Foreign Fire Insurance Tax Distribution Law, Act No. 1984-205, §701 *et seq.*, 53 P.S. §895.701 *et seq.*

(Ord. 137A, 2/2/1931, §3; as amended by Ord. 232B, 12/30/1985, §II)

PART 8

PENSIONS

A. Police Pensions.

§1-801. Police Pension Fund Established.

A police pension and retirement fund is hereby established by the City of Lock Haven, which shall be known and designated as the "Police Pension Fund" and shall hereafter be referred to in this Part as the "Fund."

(Ord. 506A, 3/26/1963, §1)

§1-802. Maintenance, Direction and Distribution of the Fund.

The Fund shall be maintained, directed, applied and distributed pursuant to the provisions herein contained and the regulations adopted pursuant hereto for the benefit of the members of the association herein created.

(Ord. 506A, 3/26/1963, §2)

§1-803. Police Pension Fund Created; Membership; Appointments.

A Board of seven members is hereby constituted and created, which shall be known and designated as the "Police Pension Fund Board," and hereinafter referred to in this Part as the "Board" and which shall consist of the following:

- A. The City Treasurer of the City of Lock Haven, whose membership shall be concurrent with his term of office as said Treasurer. The City Treasurer shall be the Treasurer of the Police Pension Fund Board. [*Ord. 106B*]
- B. Three Councilmen of the City of Lock Haven, who shall be appointed by the vote of City Council and who shall serve for terms of 2 years or until a successor is appointed. A vacancy occurring during a term shall be filled for the unexpired term by the election of a successor in the same manner as his predecessor.
- C. Two members of that group consisting of active members of the police force, whose membership to said Board shall be by election by the active members of the police force and whose term of office shall be 3 years. Terms of office shall be staggered to provide continuity of Board membership. A vacancy occurring during a term of office shall be filled for the unexpired term by election of a successor in the same manner as his predecessor. [*Ord. 670*]

ADMINISTRATION AND GOVERNMENT

- D. One member of that group consisting of retired members of the police force, whose membership to said Board shall be by election by retired members of the police force. The term of office shall be for 3 years and shall not be concurrent with the term of either of the members of the Board elected pursuant to subsection (C), above. A vacancy occurring during a term of office shall be filled for the unexpired term by election of a successor in the same manner as his predecessor. The terms of Board members elected by ballots dated April, 1996, are hereby extended through February 28, 1999, at which time a new term of office shall be filled by a new election. Said term shall not be concurrent with the terms of either member of the Board elected pursuant to subsection (C), above. [*Ord. 561B*]

(*Ord. 506A*, 3/26/1963, §3; as amended by *Ord. 826A*, 5/1/1972, §1; by *Ord. 950A*, 2/16/1976, §1; by *Ord. 106B*, 4/21/1980, §I; by *Ord. 233B*, 12/30/1985, §I; and by *Ord. 561B*, 8/3/1998, §II; as amended by *Ord. 670*, 2/24/2003, §1)

§1-804. Compensation of Board; Reimbursement of Expense.

The members of the Board shall serve without compensation, but shall be reimbursed from the fund for any necessary expenditures, and no member shall suffer loss of salary or wages through serving on the Board.

(*Ord. 506A*, 3/26/1963, §4)

§1-805. Powers of the Board; Corporate Depository; Duties.

The Board may, from time to time, with approval of Council of the City and subject to the limitations of this Part and of law:

- A. Establish rules and regulations for the administration of the fund and the transaction of its business. All such rules and regulations shall, however, be subject to the approval of Council; and Council may, from time to time, by ordinance, alter, modify, change or repeal such rules and regulations and establish new rules and regulations for the administration of the fund by the Board and the transaction of its business.
- B. Appoint a secretary and such medical, clerical and other employees as may be necessary.
- C. Determine and fix the compensation of all persons employed by the Board.
- D. A corporate depository chosen by the Board shall care for, manage, invest and dispose of (as part of the fund) all money or property, real, personal or mixed, taken by the City of Lock Haven by gift, grant, devise or bequest, in trust, for the

benefit of such pension fund, subject to the provisions of this Part and future regulations by Council, and subject to such directions not inconsistent therewith as the donors of such funds and property may prescribe.

(*Ord. 506A*, 3/26/1963, §5; as amended by *Ord. 762A*, 3/3/1970, §1)

§1-806. Duties of the Board; Meetings; Report of Depository; Designation of Depository.

The Board shall, with approval of Council of the City and subject to the limitations of this Part and of law:

- A. Hold an annual meeting during the second calendar quarter of each year and there at present the annual report of the depository showing the condition of the investments of the fund and evidencing receipts, charges and disbursements during the previous year, which depository report will be made part of the record of the proceedings and a copy of which shall be filed with the Council of the City of Lock Haven and copies of which shall be furnished to each member of the association requesting the same. [*Ord. 670*]
- B. Hold such special meetings as the efficient discharge of their duties require; and the chairman may, and upon request in writing of three members of the Board shall, call special meetings of the Board upon 24 hours notice to each member, which notice shall state whether such meeting is to be convened for special or general business; but such notice may be waived by unanimous consent of the members.
- C. Designate a depository or depositories for the fund, which designation shall be valid until rescinded and another is designated by similar action; and the Treasurer of the Board shall immediately deposit all monies in the fund therewith in the name of the fund. [*Ord. 106B*]
- D. Keep all records and accounts as shall be necessary for the efficient execution of this Part.
- E. Furnish to Council such financial and other reports as it may, from time to time, request.

(*Ord. 506A*, 3/26/1963, §6; as amended by *Ord. 762A*, 3/3/1970, §§2, 3; and by *Ord. 106B*; 4/21/1980, §§II, III; as amended by *Ord. 670*, 2/24/2003, §1)

§1-807. Police Pension Fund Association Established; Membership Requirements.

An association is hereby constituted and created which shall be known and designated as the "Police Pension Fund Association," herein referred to as the "Association."

ADMINISTRATION AND GOVERNMENT

- A. The membership of the Association shall consist of each active member of the police force now or hereafter employed by the City of Lock Haven. Admission to membership shall be automatic by virtue of such employment and each person so employed shall and must become a member of the Association. [*Ord. 130B*]
- B. Each active member of the police force shall contribute to the fund in accordance with this Part from the date of his employment as a member of the police force.

(*Ord. 506A, 3/26/1963, §7; as amended by Ord. 6B, 3/7/1977, §1; and by Ord. 130B, 4/20/1981, §1*)

§1-808. Duties of the Association.

The members of the Association shall, subject to the limitations of this Part and of law:

- A. Establish rules and regulations for the administration and transaction of its business.
- B. Elect officers in accordance with established rules and regulations to represent the Association.
- C. Certify to the Board and Council annually a list of the members of the Association in good standing and the amount of salaries and wages paid to each member as a member of the police force of the City, together with a list of members of the Association who were during said year dismissed, or who resigned or terminated their service and the date thereof.
- D. Furnish to the Board and Council, upon request, such information relative to the subject of this Part as the Board or Council shall require.

(*Ord. 506A, 3/26/1963, §8*)

§1-809. Direction of the Fund.

The fund shall be under, and is hereby committed to, the direction and control of the Board.

(*Ord. 506A, 3/26/1963, §10*)

§1-810. Annual Appropriation by the City.

The City of Lock Haven shall annually appropriate and pay into the fund not less than the minimum obligation as required by the Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984) as certified to the Council of the City by the chief administrative officer in accordance with §304 of the aforesaid Act.

(*Ord. 506A*, 3/26/1963, §11; as amended by *Ord. 233B*, 3/3/1986, §III)

§1-811. [Reserved].

(*Ord. 506A*, 3/26/1963, §12, as amended by *Ord. 6B*, 3/7/1977, §2; by *Ord. 620B*, 10/1/2001; and by *Ord. 670*, 2/24/2003, §1)

§1-812. Investment of Funds.

The depository shall invest the principal of the fund and any accumulated interest thereon not necessary for the immediate payment of pensions hereunder in:

- A. The bonds or obligations of the United States or the United States Treasury, or those for the payment of principal and interest on which the faith and credit of the United States is pledged.
- B. Bonds or other interest bearing obligations of the Commonwealth of Pennsylvania, or those for the payment of principal and interest on which the faith and credit of the Commonwealth is pledged.
- C. Bonds or other interest bearing obligations of any county, city, borough, township or school district of the Commonwealth of Pennsylvania, or those for the payment of which the faith and credit of such political subdivision is pledged; provided, that at the date of the investment in such bonds or other interest bearing obligations, such political subdivision is not in default in payment of principal or interest owed by it on any part of its bonded indebtedness.
- D. Any other investment which is legal for fiduciaries.

(*Ord. 506A*, 3/26/1963, §13, as amended by *Ord. 762A*, 3/3/1970, §4)

§1-813. Inalienability of Pension Payments.

The pension herein provided for shall not be subject to attachment or execution and shall be payable only to the beneficiary designated and shall not be subject to assignment or transfer.

(*Ord. 506A*, 3/26/1963, §14)

ADMINISTRATION AND GOVERNMENT

§1-814. Eligibility for Retirement; Amount of Pension Payment; Widow's and Survivor's Benefits; Service Increments.

1. Any member of the Association who has attained 20 years of service as an active member of the police force shall be entitled to a pension in accordance with the terms of subsections (2) and (3), hereof.
2. Payments in the amount provided in subsection (3) hereof shall be payable to members of the Association who are entitled to a pension pursuant to subsection (1) hereof upon attaining age 50 or retiring from active service as a police officer, whichever event occurs later.
3. Upon becoming eligible for the commencement of payments pursuant to subsections (1) and (2) herein, the member shall apply to the Board and, after the aforesaid date, the Board shall pay said member from the fund during the remainder of his or her natural life, in monthly installments, a pension in an amount annually equal to 50% of the highest 1 year's W-2 earnings during the last 3 years of service immediately preceding retirement from active service as a police officer. [Ord. 482B]
4. The surviving spouse of a member of the Association who retires on pension or is killed while in actual discharge of duties, or who dies from sickness or disease contracted while in actual discharge of duties, shall be entitled to benefits. The surviving spouse shall be eligible for benefits the remainder of the surviving spouse's lifetime or until the surviving spouse remarries. If no spouse survives, or if the surviving spouse subsequently dies or remarries, then the child or children, under 18 years of age, of the member of the Association who retired on pension or is killed while in actual discharge of duties, or died from injuries sustained while in the actual discharge of duties or who died from disease contracted while in the actual discharge of duties shall be entitled to benefits until reaching the age of 18 years. Such benefits shall be paid in monthly installments to those entitled to receive benefits and shall be calculated as follows:
 - A. Where the deceased member of the Association has retired on pension prior to death, at the rate of 50% of the pension the member was receiving at the time of death.
 - B. Where the deceased member of the Association was not yet receiving a pension, in an annual amount equal to years of service time 1¼% not to exceed 25%, time the deceased members last salary prior to death.

Application for such benefit shall be made to the Board after the death of the member of the Association. Each member of the Association shall contribute monthly to the fund an amount equal to ½% of the member's monthly salary for survivor's benefits.

5. "Salary" as used in this Section shall be construed to mean the base minimum compensation, plus the longevity increment received by the member and shall not be construed to include any overtime pay received by the member.

6. In addition to the retirement allowance which is authorized to be paid from the police pension fund and notwithstanding the limitations therein placed upon such retirement allowances and upon contributions, every contributor who shall become entitled to the retirement allowance shall also be entitled to the payment of a "service increment" in accordance with and subject to the conditions hereafter set forth:
 - A. "Service increment" shall be the sum obtained by computing the number of whole years after having served the minimum required by this Part for the vesting of a pension during which a contributor has been employed by such City and paid out of the City treasury and multiplying the said number of years so computed by an amount equal to 1/40 of the retirement allowance which has become payable to such contributor in accordance with the provisions of this Part. No service increment shall be paid in excess of \$100 per month.
 - B. Each contributor, from and after the effective date of this amendment, shall pay into the retirement fund a monthly sum for the service increment contribution which shall be equal to ½% of his or her salary; provided, that such payment shall not exceed the sum of \$1 per month.
 - C. Service increment contribution shall be paid at the same time and in the same manner as retirement contributions and may be withdrawn in full, without interest, by persons who leave the employment of such City, subject to the same conditions by which retirement contributions may be withdrawn, or by persons who retired before becoming entitled to any service increment.

(Ord 506A, 3/26/1963, §14; as amended by Ord. 533A, 2/2/1965, §1; by Ord. 542A, 11/30/1965; by Ord. 561A, 2/1/1966, §1; by Ord. 664A, 7/2/1968, §1; by 709A, 2/18/1969, §1; by Ord. 762A, 3/3/1970, §§5,6; by Ord. 809A, 12/20/1971, §1; by Ord. 6B, 3/7/1977, §3; by Ord 40B, 6/20/1977, §1; by Ord. 41B, 6/20/1977, §1; by Ord. 233B, 12/30/1985, §IV; by Ord. 236B, 3/3/1986 and by Ord. 482B, 12/19/1994, §1)

§1-815. Eligibility for Vesting After 12 Years of Service.

1. Effective for police officers who terminate employment on or after January 1, 1999, a limited vested benefit shall be available pursuant to the provisions below. As such, should a member of the Police Pension Fund ("Fund"), before completing the minimum age and minimum period of continuous service requirements, but after having completed 12 years of full-time service with the City of Lock Haven Police Department ("Service") so elect the member shall be entitled to vest his pension benefit subject to the following conditions:
 - A. The member must file with the Police Pension Board ("Board") of the fund a written notice of his or her intention to vest.
 - B. The member must include in the notice, the date the member intends to terminate his or her service and must acknowledge that there is no entitlement to post retirement medical benefits pursuant to this limited vested benefit unless the

ADMINISTRATION AND GOVERNMENT

member shall have accrued at least 20 years of service, then any possible entitlement to post retirement medical benefits shall be as described in the Act 111 Arbitration Award (14 L 360 01572 94J) dated February 5, 1996.

- C. The member must be in good standing with the Police Department on the date of notice to vest.
 - D. The Board shall indicate on the notice to vest the highest 1 year's W-2 earnings during the last 3 years of service preceding said date.
 - E. The member shall forego any other benefits under the Plan.
2. Upon reaching the date which would have been the member's retirement date had the member continued his full-time employment with the Police Department, the member shall notify the Board, in writing, that the member desires to collect his or her pension. The amount of retirement benefits the member is entitled to receive pursuant to this provision shall be computed as follows:
- A. The initial determination of the member's base retirement benefits shall be computed on the highest 1 year's W-2 earnings during the last 3 years of service indicated on the notice to vest.
 - B. The portion of the base retirement benefits due the member shall be determined by applying to the base amount the ratio determined by the number of years of service at termination divided by 20, which represents the minimum number of years of service required to receive base retirement benefits. These benefits will not be payable until the member reaches the age of 50.

EXAMPLES

Years at Vesting	Normal ¹ Retirement Years	Actual Benefit ² Multiplier for Vesting	% of Salary at Retirement
12	20	12/20	30%
13	20	13/20	32.5%
14	20	14.20	35/5
15	20	15.20	37.5%
16	20	16/20	40%
17	20	17/20	42.5%
18	20	18/20	45%
19	20	19/20	47.5%
20	20	20/20	50%

¹Normal Retirement = 20 years of service.

²To be multiplied by the base amount of retirement at normal retirement.

(*Ord. 506A*, 3/26/1963, §15: as amended by *Ord. 533A*, 2/2/1965, §1; by *Ord. 542A*, 11/30/1965; by *Ord. 561A*, 2/1/1966, §1; by *Ord. 664A*, 7/2/1968, §1; by *Ord. 709A*, 2/18/1969, §1; by *Ord. 762A*, 3/3/1970, §§5, 6; by *Ord. 809A*, 12/20/1971, §1; by *Ord. 6B*, 3/7/1977, §3; by *Ord. 40B*, 6/20/1977, §1; by *Ord. 41B*, 6/20/1977, §1; by *Ord. 233B*, 12/30/1985, §IV; by *Ord. 236B*, 3/3/1986; by *Ord. 482B*, 12/19/1994, §I; and by *Ord. 620B*, 10/1/2001, §D)

§1-816. Definitions; Disability Benefits.

1. Definitions.

INJURY - only violence to the physical structure of the body and such disease or infection as naturally results therefrom.

INJURY SUSTAINED WHILE IN THE COURSE OF ACTIVE DUTY AS A MEMBER OF THE POLICE FORCE - shall not include an injury caused by an act of a third person intended to injure the member because of reasons personal to him, but shall include all other injuries sustained while the employee is actually engaged in the furtherance of his duties as a member of the police force.

PERMANENT DISABILITY - a physical condition that permanently prevents the member from discharging the duties of an active member of the police force.

The terms "salary," "wage," "monthly salary," "monthly wage or salary," "salaries and wages" or any other similar term as used throughout this Part shall be construed to mean the base minimum compensation, plus longevity increment received by the member and shall not be construed to include any overtime pay received by the member.

[*Ord. 233B*]

2. **Disability Benefits.** The Board shall pay to each member of the Association who, after 1 year of service on the police force, shall be permanently disabled as a result of an injury sustained in the course of active duty as a member of the police force, a monthly disability benefit equal to 2 1/2% of the member's final monthly salary times the member's complete years of service; provided, however, that the maximum disability benefit shall be 50% of the member's final monthly salary. [*Ord. 236B*]
3. The pension provided for in this Section shall be paid in monthly installments and during such periods as there shall be sufficient principal in the fund to make the payments.
4. A pension provided for in this Section shall be paid in addition to any Workmen's Compensation or benefits which the member shall receive by reason of disability.

ADMINISTRATION AND GOVERNMENT

5. The surviving spouse of an Association member receiving disability pension hereunder at the time of death shall be eligible for benefits the remainder of the surviving spouse's lifetime or until the surviving spouse remarries. If there is no surviving spouse, or if the surviving spouse subsequently dies or remarries, then the child or children under 18 years of age of such deceased member of the Association shall be entitled to benefits until reaching the age of 18. Such benefits shall be paid in monthly installments to those entitled to receive benefits and shall be calculated at the rate of 50% of the disability pension the member was receiving at the time of death. Application for such benefit shall be made to the Board after the death of the member of the Association. [*Ord. 233B*]

(*Ord. 506A*, 3/26/1963, §16; as amended by *Ord. 789A*, 3/2/1971, §1; as amended by *Ord. 233B*, 12/30/1985, §§V, VI, VII; and by *Ord. 236B*, 3/3/1986, §II)

§1-817. Refund of Member's Contribution; Status of Military Service.

1. If a member of the Association contributing to the fund shall be dismissed by the City, or for any cause cease to be a member of the Association before he becomes entitled to a pension hereunder, the total amount of the contribution paid into the fund by the member, except life insurance premiums, shall upon request be refunded in full, without interest.
2. If a member of the Association enters into the active military or naval service of the United States government and shall, at the time of his entry into such service or immediately thereafter, file with the City Treasurer a statement under oath setting forth that he intends to retain his position with the City of Lock Haven and resume his duties at the expiration of his military or naval service, and such member shall pay to the fund monthly during the time he is in such military or naval service a sum equal to that which he would have paid had he been a member during the period for which he desires credit, then in such case the period of his military or naval service shall be included in computing his years of service in the employ of the City. [*Ord. 670*]
3. In the event of the death of a member of the Association before he becomes entitled to the pension herein provided for, the total of the contributions paid into the fund by said member shall be paid to the estate of said deceased employee, without interest.
4. In the event of the death of a member of the Association while receiving pension hereunder, but before the amount of the pension received shall equal the total amount of contributions paid into the fund, the difference between the amount received as pension and the amount contributed to the fund by the deceased member shall be paid to the estate of said deceased employee, without interest .
5. A member of the police pension fund who is a contributor or who serviced in the armed forces of the United States subsequent to September 1, 1940, and who was not a member of the police pension plan fund prior to such military service, shall be entitled to have full credit for each year or fraction thereof, not to exceed 3 years of such service, upon his payment to the police pension fund an amount equal to that which he would have paid had he been a member during the period for which he desires credit and his

payment to such fund of an additional amount as the equivalent of contributions of the City on account of such military service. The amount to be paid by the member for purchase of military service shall be determined by the fund's actuary. [Ord 539BA]

(Ord. 506A, 3/26/1963, §17; as amended by Ord. 539B-A, 1/19/1998, §§I, II; as amended by Ord. 670, 2/24/2003, §1)

§1-818. Elected Officials Ineligible for Pension Payments.

A person receiving a pension hereunder, who serves in any City office to which he was elected by popular vote, during the term of said office, the said person shall not be entitled to the said pension.

(Ord. 506A, 3/26/1963, §18)

§1-819. Disbursements from Fund.

All disbursements from the fund shall be by check or order drawn by the authorized depository.

(Ord. 506A, 3/26/1963, §19; as amended by Ord. 762A, 3/3/1970, §7)

§1-820. Pension Payments Charged Against Pension Fund Only.

Payments of pensions or allowances under this Part shall be made solely out of the moneys and property in the police pension fund and shall not be a charge on any other fund in the treasury of the City or under its control.

(Ord. 506A, 3/26/1963, §20)

§1-821. Treasurer's Bond.

The treasurer shall give surety bond approved by the Board in such sum as the Board may determine for the faithful performance of his duties. The premium for such bond shall be paid by the Board out of the funds entrusted to them.

(Ord. 506A, 3/26/1963, §21)

ADMINISTRATION AND GOVERNMENT

§1-822. Treasurer's Duties.

It shall be the duty of the treasurer to keep account of all moneys coming into his hands belonging to the Board and of all disbursements of the same. All moneys received by the treasurer shall forthwith be deposited in the depository chosen by the said Board in the name of the police pension fund.

(*Ord. 506A, 3/26/1963, §22*)

§1-823. Financial Report by Depository.

The depository or someone employed by it shall at least once a year submit to the Board and to the Council of the City of Lock Haven a statement of the financial condition of the fund and of the accounts received and paid out during the year, and of all investments made by the depository and the condition of such investments.

(*Ord. 506A, 3/26/1963, §23; as amended by Ord. 762A, 3/3/1970, §8*)

§1-824. Retirement Committee.

There is hereby created a Retirement Committee composed of the Treasurer of the Board and the Secretary of the Board. The Committee shall receive applications for benefits, shall approve or disapprove applications and shall transmit approved applications to the depository for benefit payments in accordance therewith. The Board may designate the Committee to execute any document(s) on behalf of the Board, in which event the Board shall notify the depository in writing of such action.

(*Ord. 506A, 3/26/1963; as added by Ord. 106B, 4/21/1980, §IV*)

§1-825. Applicable Provisions of the Internal Revenue Code.

1. **Explanation.** In recognition of the fact that the Plan must comply in form, content and operation with certain provisions of the Internal Revenue Code of 1986 (the "Code") and in spite of the limited applicability of such provisions to the normal operation of the Plan, the following subsections detail the limitations and parameters applicable to maintaining favorable tax treatment of funds contributed to the Plan under Federal law.
2. **Definitions.** The following words and phrases are hereby introduced and defined for purposes of this Section only:

ACCRUED BENEFIT - a participant's retirement benefit exclusive of vesting.

ACTUARIAL EQUIVALENT - a form of benefit differing in time, period or manner of payment from a specific benefit provided under the Plan, but having the same value when computed using the Plan factors. Effective January 1, 1995, for purposes of §415

of the Code, effective the first limitation year beginning after December 31, 1994, the applicable mortality table shall be utilized. This applies to all benefit, including benefits accrued before the first limitation year beginning after December 31, 1994. The applicable mortality table is the mortality table described in Revenue Ruling 95-6, 1995-1 C B. 80.

ANNUAL ADDITIONS - the sum credited to a participant's account for any limitation year of (1) City contributions, (2) employee contributions, (3) forfeitures, (4) amounts allocated after March 31, 1984, to an individual medical account, as defined in Code §415(1)(2) which is part of a pension or annuity plan maintained by the City and (5) amounts derived from contribution paid or accrued after December 31, 1985, in taxable years ending after such date, which are attributable to post-retirement medical benefits allocated to the separate account of a key employee (as defined in Code §419A(d)(3) under a welfare benefit plan (as defined under Code §419(e)) maintained by the City. Except; however, the percentage limitation referred to in Code §415(c)(1)(B) below shall not apply to (1) any contribution for medical benefits (within the meaning of Code §419A(f)(2) after separation from service which is otherwise treated as an annual addition under Code §415(I)(1). Notwithstanding the foregoing, for limitation years beginning prior to January 1, 1987, only that portion of employee contributions equal to the lesser of employee contributions in excess of 6% of "415 Compensation" or one -half of employee contributions shall be considered an annual addition.

ANNUAL BENEFIT - the benefit payable under the terms of the Plan (exclusive of any benefit not required to be considered for purposes of applying the limitations of Code §415 to the Plan) payable in the form of a straight life annuity with no ancillary benefits. If the benefit under the Plan is payable in any other form, the annual benefit shall be adjusted to the equivalent of a straight life annuity using the greater of the interest rate assumption specified in the definition of actuarial equivalent or 5%.

In addition to other applicable limitations set forth in the Plan and notwithstanding any other provision of the Plan to the contrary, for plan years beginning on or after January 1, 1996, the annual compensation of each employee who becomes a participant in the Plan on or after such date shall not exceed the OBRA 93 annual compensation limit. The OBRA 93 annual compensation limit is \$150,000, as adjusted by the Commissioner for increases in the cost of living in accordance with Code §401(a)(17)(B). The cost of living adjustment in effect for a calendar year applies to any period, not exceeding 12 months, over which compensation is determined (determination period) beginning in such calendar year. If a determination period consists of fewer than 12 months, the OBRA 93 annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period and the denominator of which is 12.

For plan years beginning on or after January 1, 1996, and any reference in this Plan to the limitation under Code §401(a)(17) shall mean the OBRA 93 annual compensation limit set forth in this provision.

With respect only to an employee who becomes a participant in the Plan on or after January 1, 1996, if compensation for any prior determination period is taken into account in determining such employee's benefits accruing in the current plan year, the

ADMINISTRATION AND GOVERNMENT

compensation for that prior determination period is subject to the OBRA 93 annual compensation limit in effect for that prior determination period. For this purpose, for determination periods beginning before the first day of the first Plan year beginning on or after January 1, 1996, the OBRA 93 annual compensation limit is \$150,000.

EMPLOYEE - any person who is employed by the City, but excludes any person who is an independent contractor. Employee shall include leased employees within the meaning of Code §§414(n)(2) and 414(o)(2) unless such leased employees are covered by a plan described in Code §414(n)(5) and such leased employees do not constitute more than 20% of the recipient's non-highly compensated work force.

415 COMPENSATION - with respect to the participant shall mean such participant's wages as defined in Code §3401(a) and all other payments of compensation by the City (in the course of the City's business) for a plan year for which the City is required to furnish the participant with a written statement under Code §§6041(d), 6051(a)(3) and 6052. "415 compensation" must be determined without regard to any rules under Code §3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code §3401(a)(2)).

LEASED EMPLOYEE - any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person ("leasing organization") has performed services for the recipient (or for the recipient and related persons determined in accordance with Code §414(n)(6) on a substantially full-time basis for a period of at least 1 year and such services are under primary direction and control of the recipient. Contributions or benefits provided a leased employee by the leasing organization, which are attributable to services performed for the recipient employer, shall be treated as provided by the recipient employer. A leased employee shall not be considered an employee of the recipient:

- A. If such employee is covered by a money purchase pension plan providing:
 - (1) A non-integrated employer contribution rate of at least 10% of compensation, as defined in Code §415(c)(3), but including amounts contributed pursuant to a salary reduction agreement which are excludable from the employee's gross income under Code §§125, 402(a)(8), 402(h) or 403(b).
 - (2) Immediate participation.
 - (3) Full and immediate vesting.
- B. If leased employees do not constitute more than 20% of the recipient's non-highly compensated work force.

LIMITATION YEAR - the plan year, for purposes of applying the limitations under the current Article.

PARTICIPANT'S ACCOUNT - the account established and maintained by the Administrator for each participant with respect to his total interest in the defined contribution plan maintained by the City resulting from annual additions.

PLAN YEAR - the 12 month period beginning on January 1 and ending on December 31 of each year.

REGULATION - the Income Tax Regulations, as amended from time to time, as promulgated by the Secretary of the Treasury or his delegate.

3. Maximum Annual Benefit.

- A. Subject to the exceptions below, the maximum annual benefit payable to a participant under this Plan in any limitation year shall equal \$90,000.
- B. Notwithstanding anything in this Section to the contrary, to the extent the Plan was in existence on May 6, 1986, and had complied at all times with the requirements of Code §415 (including any pertinent elections) the maximum annual benefit for any individual who was a participant as of the first day of the limitation year beginning after December 31, 1986, shall not be less than the "current accrued benefit." "Current accrued benefit" shall mean a participant's accrued benefit under the Plan, determined as if the participant had separated from service as of the close of the last limitation year beginning before January 1, 1987, when expressed as an annual benefit within the meaning of Code §415(b)(2). In determining the amount of a participant's "current accrued benefit," the following shall be disregarded (1) any change in the terms and conditions of the Plan after May 5, 1986, and (2) any adjustment for cost of living occurring after May 5, 1986.
- C. The dollar limitation under Code §415(b)(1)(A) stated in subsection (A) above shall be adjusted annually as provided in Code §415(d) pursuant to the regulations thereunder. The adjusted limitation is effective as of January 1st of each calendar year and is applicable to limitation years ending with or within that calendar year.
- D. For the purpose of this Section, all qualified defined benefit plans (whether terminated or not) ever maintained by the City shall be treated as one defined benefit plan and all qualified defined contribution plans (whether terminated or not) ever maintained by the City shall be treated as one defined contribution plan.
- E. For the purpose of this Section, if this Plan is a Code §413(c) plan, all employers of a participant who maintain this plan will be considered to be a single employer, namely the City.

4. Adjustments to Annual Benefit and Limitations.

- A. If the annual benefit begins before age 62, then the \$90,000 limitation shall be reduced so that it is the actuarial equivalent of the \$90,000 limitation beginning at age 62. The \$90,000 shall not be actuarial reduced; however, to less than (1)

ADMINISTRATION AND GOVERNMENT

\$75,000 if the annual benefit commences on or after age 55 or (2) the amount which is the actuarial equivalent of the \$75,000 limitation at age 55 if the annual benefit commences prior to age 55. For purposes of adjusting the \$90,000 limitation applicable prior to age 62 or the \$75,000 limitation applicable prior to age 55, the adjustment shall be made using the parameters specified in the definition of actuarial equivalent, except that the interest rate assumption shall be the greater of 5% or the rate specified in said definition and any mortality decrement shall be ignored to the extent that a forfeiture does not occur at death. In no event, however, shall the aforesaid dollar limitation be reduced to an amount less than \$50,000.

- B. If the annual benefit begins after age 65, the \$90,000 limitation shall be increased so that it is the actuarial equivalent of the \$90,000 limitation at age 65.
 - C. For purposes of adjusting the \$90,000 limitation applicable after age 65, the adjustment shall be made using the parameters specified in the definition of actuarial equivalent, except that the interest rate assumption shall be the lesser of 5% or the rate specified in said definition and the mortality decrement shall be ignored to the extent that a forfeiture does not occur at death.
 - D. For purposes of the annual benefit and subsections (A) and (B) above, no adjustments under Code §415(d) shall be taken into account before the limitation year for which such adjustment first takes effect.
 - E. For purposes of the annual benefit, no adjustment is required for qualified joint and survivor annuity benefits, pre-retirement death benefits and post-retirement medical benefits.
 - F. To the extent applicable, the above provisions and limitations shall be governed by Code §§415(b)(2)(F) and 415(b)(2)(G).
5. **Annual Benefit Not in Excess of \$10,000.** Subject to the provisions of any applicable State law, this Plan may pay an annual benefit to any participant in excess of his or her maximum annual benefit if the annual benefit derived from City contributions under this Plan and all other defined benefit plans maintained by the City does not in the aggregate exceed \$10,000 for the limitation year or for any prior limitation year and the City has not at any time maintained a defined contribution plan in which the participant participated. For purposes of this subsection, if this Plan provides for voluntary or mandatory employee contributions, such contributions will not be considered a separate defined contribution plan maintained by the City.
6. **Participation or Service Reductions.** In the case of a member who is not receiving a disability benefit under the Plan, if a participant has less than 10 years of participation in the Plan at the time he begins to receive benefits thereunder, the limitations of the maximum annual benefit above shall be reduced by multiplying such limitations by a fraction, the numerator of which is the number of years of participation (or part thereof) in the Plan and the denominator of which is 10; provided, however, that said fraction shall in no event be less than 1/10th. Additionally, for Plan years beginning after

December 31, 1986, the reductions to the limitations described in the maximum annual benefit above shall be applied separately with respect to each change in the benefit structure of the Plan.

7. **Multiple Plan Reduction.**

- A. If an employee is (or has been) a participant in one or more defined benefit plans and one or more defined contribution plans maintained by the City, the sum of the defined benefit plan fraction and the defined contribution plan fraction for any limitation year may not exceed 1.0.
- B. **Defined Benefit Fraction.** The defined benefit plan fraction for any limitation year is a fraction, the numerator of which is the sum of the participant's projected annual benefits under all the defined benefit plans (whether or not terminated) maintained by the City and the denominator of which is the lesser of 125% of the dollar limitation determined for the limitation year under Code §§415(b) and (d) or 140% of the highest average compensation, including any adjustments under Code §415(b).

Notwithstanding the above, if the participant was a participant as of the first day of the first limitation year beginning after December 31, 1986, in one or more defined benefit plans maintained by the City which were in existence on May 6, 1986, the denominator of this fraction will not be less than 125% of the sum of the annual benefits under such plans which the participant had accrued as of the close of the last limitation year beginning before January 1, 1987, disregarding any changes in the terms and conditions of the plan after May 5, 1986. The preceding sentence applies only if the defined benefit plans individually and in the aggregate satisfied the requirements of Code §415 (including any applicable elections) for all limitation years beginning before January 1, 1987.

- C. **Defined Contribution Fraction.** The defined contribution plan fraction for any limitation year is a fraction, the numerator of which is the sum of the annual additions to the participant's account under all the defined contribution plans (whether or not terminated) maintained by the City for the current and all prior limitation years (including the annual additions attributable to the participant's nondeductible employee contributions to all defined benefit plans, whether or not terminated, maintained by the City and the annual additions attributable to all welfare benefit funds, as defined in Code §419(e) and individual medical accounts, as defined in Code §415(l)(2), maintained by the City) and the denominator of which is the sum of the maximum aggregate amounts for the current and all prior limitation years of service with the City (regardless of whether a defined contribution plan was maintained by the City). The maximum aggregate amount in any limitation year is the lesser of 125% of the dollar limitation determined under Code §§415(b) and (D) in effect under Code §415(c)(1)(A) or 35% of the participant's compensation for such year.

ADMINISTRATION AND GOVERNMENT

If the employee was a participant as of the end of the first day of the first limitation year beginning after December 31, 1986, in one or more defined contribution plans maintained by the City which were in existence on May 6, 1986, the numerator of this fraction will be adjusted if the sum of this fraction and the defined benefit fraction would otherwise exceed 1.0 under the terms of this Plan. Under the adjustment, an amount equal to the product of (1) the excess of the sum of the fractions over 1.0 times (2) the denominator of this fraction, will be permanently subtracted from the numerator of this fraction. The adjustment is calculated using the fractions as they would be computed as of the end of the last limitation year beginning before January 1, 1987, and disregarding any changes in the terms and conditions of this Plan made after May 5, 1986, but using the Code §415 limitation applicable to the first limitation year beginning on or after January 1, 1987. The annual addition for any limitation year beginning before January 1, 1987, shall not be recomputed to treat all employee contributions as annual additions.

- D. If the sum of the defined benefit plan fraction and the defined contribution plan fraction shall exceed 1.0 in any limitation year for any participant in this Plan, the Administrator shall limit, to the extent necessary, the annual additions to such participant's account for such limitation year. If, after limiting the annual additions to such participant's account for the limitation year, the sum of the defined benefit plan fraction and the defined contribution plan fraction still exceed 1.0, the Administrator shall then adjust the numerator of the defined benefit plan fraction so that the sum of both fractions shall not exceed 1.0 in any limitation year for such participant.

NOTE: The provisions of this Plan §12.07 shall be applicable until limitation years as of December 31, 1999, and after such time the provisions shall no longer apply.

8. **Incorporation of Code §415 by Reference.** Notwithstanding anything contained in this Plan or this Section to the contrary, the limitations, adjustments and other requirements prescribed in this Section shall at all times comply with the provisions of code §415 and the regulations thereunder as such apply to governmental plans, the terms of which are specifically incorporated herein by reference. Thus, for the first §415 limitation year beginning December 31, 1994, the applicable mortality table described in Rev. Ruling 95-6, 1995-1 C.B. 80, shall be utilized and effective for Plan years beginning after December 31, 1997, the term compensation for Code §415 purpose, accordance with §415(c)(3)(D) of the Code and Treasury Regulation §1.415-2(d) shall include:
- A. An elective deferral (as defined in code §402(g)(3); and,
- B. Any amount which is contributed or deferred by the employer at the election of the employee and which is includible in gross income of the employee by reason of Code §§125 or 457.
9. **Required Distributions.** Notwithstanding any provision in this Plan to the contrary, the distribution of a participant's benefits shall be made in accordance with the requirements and conditions and shall otherwise comply with Code §401(a)(9) and the regulations thereunder (including Regulation §(1.401(a)(9)-2):

- A. A participant's benefits shall be distributed to him not late than April 1st of the calendar year following the later of:
 - (1) The calendar year in which the participant attains age 70½.
 - (2) The calendar year in which the participant retires.
 - B. Distribution to a participant and his beneficiaries shall only be made in accordance with the incidental death benefit requirements of Code §401(a)(9)(G) and the regulations thereunder.
 - C. Distributions made under subsections (A) and (B) of these required distributions provisions shall be subject to the provisions of survivor provisions of the Plan.
10. **Domestic Relations Order.** All rights and benefits, including elections, provided to a participant in this Plan may be subject to the rights afforded to any "alternate payee" pursuant to a domestic relations order as provided by applicable State law. In evaluating any such domestic relations order, the Plan Administrator may use a guide, Code §414(p).
11. **Direct Rollover.**
- A. This subsection applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this subsection, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
 - B. For purposes of this subsection, the following definitions shall apply:
 - (1) An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary or for a specified period of 10 years or more, any distribution to the extent such distribution is required under Code §401(a)(9) and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).
 - (2) An eligible retirement plan is an individual retirement account described in Code §408(a), an individual retirement annuity described in Code §408(b), an annuity plan described in Code §403(a) or a qualified trust described in

ADMINISTRATION AND GOVERNMENT

Code §401(a), that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

- (3) A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse for former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code §414(p) are distributees with regard to the interest of the spouse or former spouse.
- C. A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee. This subsection shall apply to distributions made after December 31, 2001:
- (1) **Modification of Definition of Eligible Retirement Plan.** For purposes of the direct rollover provisions in this subsection of the Plan, an eligible retirement plan shall also mean an annuity contract described in §403(b) of the Code and an eligible plan under §457(b) of the Code which is maintained by a state, political subdivision of a state or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in §414(p) of the Code.
 - (2) **Modification of Definition of Eligible Rollover Distribution to Include After-Tax Employee Contributions.** For purposes of the direct rollover provisions in this subsection of the Plan, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that re not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in §408(a) or (b) of the Code or to a qualified defined contribution plan described in §§401(a) or 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which in includible in gross income and the portion of such distribution which is not so includible.
12. **Credit for Qualified Military Service.** Notwithstanding any provision of this Plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with §414(u) of the Code.

(Ord. 506A, 3/26/1963; as added by Ord. 625B, 12/17/2001, §I)

B. City of Lock Haven City Employees Retirement Fund.

§1-831. City Employees Retirement Fund Established

The City employees retirement fund be and the same is hereby established by the City of Lock Haven, which shall be known and designated as the "City Employees Retirement Fund," and shall be as follows:

(Ord. 52B, 2/29/1977, §B)

§1-832. Name of Plan.

The plan shall be known as the "City Employees Retirement Fund," hereinafter referred to as the "plan" and is established to provide income for the employees at the close of their employment.

(Ord. 52B, 2/29/1977, Art. I)

§1-833. Definitions.

The following words and phrases, as used herein, shall have the following meanings unless a different meaning is plainly required for intelligent interpretation of the context:

AGE - a person's age at his or her birthday.

AMENDMENT DATE - January 1, 1978.

ANNIVERSARY DATE - each January 1 subsequent to the effective date.

BENEFICIARY - that person, persons or trusts who has been designated by the participant to receive any benefits hereunder upon the death of the participant or pensioner and, in the event of no designation by the participant, the participant's spouse, if living, otherwise to his children, if living, otherwise to his parents, if living, otherwise to his brothers and sisters, if living, otherwise to his estate. Any amounts payable to two or more persons as beneficiary should be paid to them in equal shares unless the beneficiary designation provides otherwise. The word "children" as used herein or in a beneficiary designation will not be construed to have the broad meaning of descendants.

CITY EMPLOYEES RETIREMENT FUND BOARD or RETIREMENT BOARD - as defined in §1-840(1) of this Part.

EARNINGS - the gross wages, compensation or salary of an employee, excluding amounts paid for overtime and including any longevity pay. [Ord. 234B]

EFFECTIVE DATE - February 1, 1966.

ADMINISTRATION AND GOVERNMENT

EMPLOYEE - any person who is employed on a full-time and permanent basis by the City, excluding all policemen, whose most recent date of employment is subsequent to December 31, 1977, and including elected or appointed officials of the City of Lock Haven other than those who first serve as Mayor, members of Council or Controller on or after January 7, 1986. [Ord. 234B]

EMPLOYER - the City of Lock Haven.

FUND - all monies, contracts or other property received in any manner by the trustees.

MONTH - 15 or more days during any calendar month.

PARTICIPANT - any employee who has met the eligibility requirements under the provisions of §1-834, herein.

PENSIONER - a participant who has become certified to the trustee by the Retirement Committee as one entitled to receive retirement benefits hereunder.

RETIREMENT COMMITTEE - the City Treasurer, City Manager and Secretary of the Retirement Fund Board.

SERVICE - the total number of months of employment from February 1, 1956, and the total number of months shall be reduced to years. Service shall not be deemed to be interrupted by vacations, temporary illness, disability preventing the participant from engaging in any gainful employment with the City or by leave of absence; provided, that no such interruption shall exceed 1 year. Leaves of absence shall not be granted on a discriminatory basis. If an employee shall be excluded from the payroll, as a result of the reasons stated in this definition, he shall pay back all contributions due.

TRUSTEE - the depository selected by the City to hold and invest the fund pursuant to 1-838.

(Ord. 52B, 2/29/1977, Art. II; as amended by Ord. 234B, 12/30/1985, §§I, II)

§1-834. Eligibility and Participation.

1. **Present Participants.** Any present participant of the plan on January 1, 1978, shall remain eligible and shall participate in this plan as of the amendment date.
2. **Present Nonparticipating Employees.** Any employee of the City whose date of hire precedes January 1, 1978 and, who at that date is not a part of the plan, shall be eligible to be a participant of the plan as of that date but for the purposes of this Part shall be considered as a future employee.

3. **Future Employees.** Any employee of the City whose date of employment is subsequent to January 1, 1978, shall become eligible and shall participate on the date of his hire. [Ord. 105B]

(Ord. 52B, 2/29/1977, Art. III; as amended by Ord. 105B, 4/21/1980, §I)

§1-835. Eligibility for Benefits.

1. **Normal Retirement.** The normal retirement date of a participant shall be the first of the month coincident with or next following the participant's 65th birthday and the completion of 10 years service. The normal retirement date shall not be construed by the employer as a mandatory retirement date. [Ord. 105B]
2. **Early Retirement.** Any participant may retire within 15 years prior to his normal retirement date providing he has completed at least ten (10) years of service.
3. **Death Benefit.** Death benefit as defined in §1-836(4) shall be paid.

(Ord. 52B, 2/29/1977, Art. IV; as amended by Ord. 105B, 4/21/1980, §II)

§1-836. Benefits.

1. **Benefits Upon Normal Retirement.** Upon retirement on his normal retirement date, a participant shall be entitled to receive a monthly retirement benefit, payable for his lifetime, equal to: [Ord. 105B]
 - A. For participants who were employed prior to January 1, 1978, by the police force: \$3 multiplied by the participant's years of service. [Ord. 105B]
 - B. For individuals who participated in the City Employees Retirement Fund under Ordinance No. 562A, as amended, and who were employed and left City Employment prior to January 1, 1978, and who did not withdraw their contributions at the time their employment was terminated: \$3 multiplied by the participant's years of service. [Ord. 105B]
 - C. For individuals who participated in the City Employees Retirement Fund only while first serving prior to January 1, 1978, as either Mayor, a member of Council or Controller of the City of Lock Haven: \$7 multiplied by the participant's years of service in said capacity. [Ord. 234B]
 - D. For individuals who participated in the City Employees Retirement Fund while serving as either Mayor, a member of Council or Controller of the City of Lock Haven and also participate in said fund while serving the City of Lock Haven in some other capacity subsequent to December 30, 1985: \$7 multiplied by the participant's years of service as Mayor, member of Council or Controller, plus the participant's years of service in such other capacity multiplied by 1.8% of the

ADMINISTRATION AND GOVERNMENT

average monthly earnings during the best 5 consecutive years of the 10 years immediately prior to retirement or, if the years of service in such other capacity is less than 10 years, 1.8% of the average monthly earnings during the best 5 consecutive years of service in such capacity or the entire period if such period of service is less than 5 years. [Ord. 562B]

- E. For individuals who participated in the City Employees Retirement Fund under Ordinance No. 562A, as amended, and who were employed and left City employment prior to January 1, 1978, and who withdrew their contributions at the time their employment was terminated and who are later reemployed and who repay the amount withdrawn, or those who left City employment prior to January 1, 1978, and who did not withdraw their contributions and who are later reemployed: \$3 multiplied by the participant's years of service during the original employment period, plus the participant's years of service during the reemployment period multiplied by 1.8% of the average monthly earnings during the best 5 consecutive years out of the 10 years immediately prior to retirement or, if such reemployment period is less than 10 years, 1.8% of the average monthly earnings during the best 5 consecutive years of the reemployment period or the entire reemployment period if less than 5 years. [Ord. 562B]
 - F. For all other participants 1.8% of the average monthly earnings during the best 5 consecutive years out of the 10 years immediately prior to retirement multiplied by the participant's years of service. Beginning April 1, 1999, the contribution rate for the City Employee Retirement Fund members, other than police employees and elected officials, shall be decreased from 8% of annual salary to 6% of annual salary. This rate of contribution shall be in effect through April 1, 2001, at which time the rate will be re-examined. The City, at its discretion, may annually look at and may, at its discretion, maintain the employee contribution rate at 6% rather than 8% if, in its discretion, it believes that savings related to Worker's Compensation premiums related to the fund members warrants reduction from 8% to 6%. [Ord. 576]
2. In lieu of the normal form of benefit distribution set forth in subsection (1), above, a participant shall have the option to elect to have his retirement benefits paid in one of the following forms:
- A. **Sixty Months Certain and Life Annuity.** A participant may elect to receive an actuarial equivalent pension payable for life, with a stipulation that should he die prior to receiving 60 monthly payments, the balance of such payments shall continue to be paid to his designated beneficiaries or, if none, to his estate.
 - B. **One Hundred Twenty Months Certain and Life Annuity.** A participant may elect to receive an actuarial equivalent pension payable for life, with a stipulation that should he die prior to receiving 120 monthly payments, the balance of such payments shall continue to be paid his designated beneficiaries or, if none, to his estate.

- C. **Joint and 50% Survivor Annuity.** A participant who is married on his retirement date may elect to receive an actuarial equivalent pension for life with payments continuing after his death to his spouse for the continued lifetime of such spouse, equal to 50% of the reduced pension payable to him.

Such optional forms of payment shall be the actuarial equivalents of the amount of benefit the participant and his beneficiary were entitled to under the plan.

[Ord. 388B]

- 3. **Benefits Upon Early Retirement.** A participant who retires on early retirement shall be entitled to elect to receive, upon making application to the City Employees Retirement Fund therefor, either:
 - A. A deferred pension, commencing at normal retirement date computed under the provisions of subsection (1), above.
 - B. An immediate pension commencing at the time of early retirement equal to the deferred pension to which he would have been eligible under subsection (2)(A), above, had he so elected, reduced to the following percentages:

Age of Retirement	Percentage
50	55.0%
51	58.0%
52	61.0%
53	64.0%
54	67.0%
55	70.0%
56	73.0%
57	76.0%
58	79.0%
59	82.0%
60	85.0%
61	88.0%
62	91.0%
63	94.0%
64	97.0%
65	100.0%

ADMINISTRATION AND GOVERNMENT

Interpolated to the completed month.

[*Ord. 549B*]

4. **Death Benefits.**

A. In the event of the death of a participant before he becomes entitled to the pension herein provided for, the total of the contributions paid into the fund by said participant shall be paid to the beneficiary, without interest, or his estate, without interest. Payment shall be made upon request to the City Employees Retirement Fund Board by the beneficiary or the estate with proof of death submitted at the time of request.

B. In the event of the death of a participant while receiving pension hereunder, but before the amount of the pension received shall equal the total amount of contributions paid into the plan, the difference between the amount received as pension and the amount contributed to the plan by the deceased participant shall be paid to the beneficiary without interest, or to the estate without interest. Payment shall be made upon request to the City Employees Retirement Fund Board by the beneficiary or the estate with proof of death submitted at the time of the request.

5. **Termination of Employment.** If a participant should terminate his employment with the City for any reason other than as provided in §1-835, he shall be entitled to receive the amount of his employee contributions without interest. If a participant has completed at least 10 years of service prior to terminating his employment with the City for any reason other than as provided in §1-835, he shall be entitled to receive either the amount of his employee contributions without interest or a deferred pension, commencing at his normal retirement date, as calculated under the provisions of subsection (1), above, or early retirement as calculated under the provisions of subsection (3), above, and based on service to the date such participant terminated his employment with the City.

(*Ord. 52B, 2/29/1977, Art. V; as amended by Ord. 93B, 11/29/1979, §I; by Ord. 105B, 4/21/1980, §I; by Ord. 179B, 6/6/1983, §I; by Ord. 234B, 12/30/1985, §III; by Ord. 288BA, 12/7/1987, §I; by Ord. 380B, 6/17/1991; by Ord. 388B, 8/5/1991, §I; by Ord. 477B, 11/24/1994, §I; by Ord. 536B, 12/1/1997, §II by Ord. 549B, 6/1/1998, §I; by Ord. 562B, 10/5/1998, §I; and by Ord. 576B, 8/23/1999, §I*)

§1-837. **Financing.**

1. **Amount of Contributions.**

A. **By Participants.** Each participant shall contribute to the fund by payroll withholding: [*Ord. 234B*]

- (1) For participant's who are employed by the police force: \$3 each month. [Ord. 234B]
- (2) For participant's who are serving as Mayor, a member of Council or Controller of the City of Lock Haven: \$8 each month. [Ord. 234B]
- (3) For all other participants: 8% of earnings due participant each pay period. [Ord. 536B]

NOTE: Beginning April 1, 1999, the contribution rate for the City Employee Retirement Fund members other than police employees and elected officials, shall be decreased from 8% of annual salary to 6% of annual salary. The City, at its discretion, may annually look at and may, at its discretion, maintain the employee contribution rate at 6% rather than 8% if, in its discretion, it believes that savings related to Workers' Compensation premiums related to the fund members warrants reduction from 8% to 6%. [Ord. 576]

- B. **By the City.** The City shall annually appropriate and pay unto the fund not less than the minimum obligation as required by the Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984) as certified to Council of the City by the chief administrative officer in accordance with §304 if aforesaid Act. [Ord. 234B]

(Ord. 52B, 2/29/1977, Art. VI; as amended by Ord. 234B, 12/30/1985, §IV; by Ord. 380B, 6/17/1991, §II; by Ord. 477B, 11/21/1994, §I; by Ord. 536B, 12/1/1997, §I; and by Ord. 576, 8/23/1999, §1)

§1-838. Trustee.

1. **Designation.** The City shall appoint a trustee to hold and invest the fund in accordance with the terms of a trust agreement between the City and the trustee. The City may, from time to time, change the trustee then serving under the trust agreement for another trustee.
2. **Expenses.** The fund shall be used to pay benefits as provided in the plan and to pay such expenses of administering the plan are permitted under the provisions of Act 205 of 1984, December 18, 1984, P.L. 1005. No benefits or expenses shall be paid out of the fund without prior authorization by the Retirement Board. [Ord. 237B]

(Ord. 52B, 2/29/1977, Art. VII; as amended by Ord. 237B, 3/3/1986, §I)

§1-839. Amendment and Termination.

1. **Amendment.** The City shall have the right at any time, and from time to time, to amend, in whole or in part, any or all of the provisions of this plan. However, no such amendment shall authorize or permit any part of the fund (other than such part as is required

ADMINISTRATION AND GOVERNMENT

to pay taxes and administrative expense) to be used for or diverted to purposes other than for the exclusive benefit of the participants or their beneficiaries or estates; no such amendment shall cause any reduction in the amount theretofore credited to any participant, or cause or permit any portion of the fund to revert to or become the property of the City.

2. **Termination; Discontinuance of Contributions.** The City shall have the right at any time to discontinue the contributions hereunder and to terminate this plan hereby created. In the event of termination or complete discontinuance of contributions, the trustee shall dispose of the fund until it is depleted in the following order:
 - A. First, provide for each pensioner who is retired under the terms of this plan and for whom no annuity contracts have been obtained which will provide the amount of retirement benefits to which he is entitled.
 - B. Second, provide for each participant who is eligible for retirement under the terms of §1-835(1) of this plan and for whom no annuity contracts have been obtained which will provide the amount of retirement benefits to which he is entitled.
 - C. Third, to provide for each participant who is eligible for retirement under the terms of §1-835(2) of this plan or for whom no annuity contracts have been obtained which will provide the amount of retirement benefits to which he is entitled.
 - D. Fourth, distribute any remaining assets of the fund equitably among the remaining participants.
3. **Irrevocability of Contributions.** All contributions made to the fund by the City shall be irrevocable during the existence of the plan and shall be maintained exclusively for the benefit of the participants hereunder and at no time will they be returned to or in any manner used for the benefit of the City, exclusive of such actions that would be considered investment in nature and conducted within an arm's length transaction; provided, however, that any contributions in excess of the amount required under this plan which are paid to the trustee by reason of clerical or actuarial error may be returned to the City if all liabilities, contingent as well as fixed, with respect to participants and their beneficiaries under this plan have been satisfied.

(Ord. 52B, 2/29/1977, Art. VIII)

§1-840. Employees Retirement Fund Board.

1. **Composition.** A Board of 11 members, which shall be known and designated as the "City Employees Retirement Fund Board," and hereinafter referred to in this Part as the Board and which shall consist of the following:
 - A. Four members of Council of the City of Lock Haven, selected at their discretion, whose terms of office shall be concurrent with their terms of office on Council.

- B. Six employees of the City of Lock Haven, one of whom shall be elected from each of the following employee subgroups; administration and finance; police; fire, code and civilian police; streets/parks; sewer and water. Each of said members shall be elected by a vote of the majority of the employees within their respective subgroup and shall serve for a term of 2 years or until their successor is elected. A vacancy occurring during a term shall be filled for the unexpired term by the election of a successor in the same manner as his predecessor.
 - C. One retired employee of the City of Lock Haven who is a participant of the plan, who shall be elected by a vote of the majority of the retired employees who are participants in the plan. Said member shall serve for a term of 2 years. A vacancy occurring during a term shall be filled for the unexpired term by the election of a successor in the same manner as his predecessor.
2. **Actions.** The Retirement Board shall act by a majority of its members at the time in office, and such action may be taken either by vote at a meeting or in writing without a meeting, and shall meet at least annually. The Retirement Board may authorize any one or more of its members to execute any document or documents on behalf of the Retirement Board, in which event the Retirement Board shall notify the trustee in writing of such action and the name or names of its member or members so designated. The trustee shall thereafter accept and rely upon any document executed by such member or members as representing the action of the Retirement Board until the Retirement Board shall file with the trustee a written revocation of such designation. The Retirement Board may authorize the Retirement Committee to receive the application for benefits from the plan, to approve or disapprove the application, and to notify the trustee of the approval of the application in order that the trustee might make the payments in accordance therewith.
 3. **Records.** The Retirement Board shall keep a record of all its proceedings and acts, and shall keep all such books of account, records and other data as may be necessary for proper administration of the plan. The Retirement Board shall notify the trustee and the City of any action taken by the Retirement Board and, when required, shall notify any other interested person or persons.
 4. **Actuarial Service.** City Council shall engage an accredited actuarial service which shall present to the City actuarial statements as required by law as to the sufficiency of the fund in accordance with generally accepted actuarial standards.
 5. **Expenses.** Unless otherwise determined by the City, the members of the retirement Board shall serve without compensation for services as such. Expenses of the Retirement Board not payable pursuant to §1-838(2) shall be paid by the City. [*Ord. 237B*]
 6. **Immunity from Liability.** No member of the Retirement Board shall incur any liability for any action or failure to act, excepting only liability for his own gross negligence or wilful misconduct. The City shall indemnify each member of the Retirement Board

ADMINISTRATION AND GOVERNMENT

against any and all claims, loss, damages, expense and liability arising from any action or failure to act pursuant to his actions as a member of the Retirement Board, except when the same is judicially determined to be due to the gross negligence or willful misconduct of such member.

(Ord. 52B, 2/29/1977, Art. IX; as amended by Ord. 237B, 2/3/1986, §II; and by Ord. 560B, 8/3/1998, §§I, II)

§1-841. Miscellaneous.

1. **City Not Liable for Payment of Benefits.** The City shall have no liability for the payment of the benefits under this plan, nor shall the City have any liability for the administration of the plan or of the funds or assets paid over to the trustee and each participant and pensioner shall look solely to the assets of the trust for any payments or benefits under the plan.
2. **City's Rights to Discharge Any Employee.** The establishment of the plan shall not be construed as conferring any legal rights upon any employee or any person for continuation of employment, nor shall it interfere with the rights of the City to discharge any employee without regard to the effect which such action might have upon him as a participant in the plan.
3. **Spendthrift Clause.** The right of any participant or beneficiary to any benefit, to any payment hereunder or to any separate account shall not be subject to alienation or assignment. If such participant shall attempt to assign, transfer or dispose of such right, or should such right be subjected to attachment, execution, garnishment, sequestration or other legal, equitable or other process, it shall, *ipso facto*, pass to such one or more beneficiaries as may be appointed by the Retirement Board from among the beneficiaries, if any, theretofore designated by such participant and the spouse and blood relative of the participant. However, the Retirement Board in its sole discretion may reappoint the participant to receive any payment thereafter becoming due either in whole or in part. Any appointment made by the Retirement Board hereunder may be revoked by the Retirement Board at any time and a further appointment made by it.
4. **Delegation of Authority by City.** Whenever the City, under the terms of this plan, is permitted or required to do or perform any act or matter or thing, it shall be done and performed by any officer thereunto duly authorized by the City.
5. **Construction of Agreement.** This plan shall be construed according to the laws of the Commonwealth of Pennsylvania and all provisions hereof shall be administered according to the laws of such Commonwealth.
6. **Limitation on Liability; Legal Actions; Payment of Expenses.** It is expressly understood and agreed by each employee who becomes a participant hereunder that, except for his, its or their wilful neglect or fraud, neither the City, its officers or agents, nor the trustee, its officers or agents nor members of the Retirement Board shall be in any way subject to any suit or litigation, or to any legal liability for any cause or reason or

thing whatsoever, in connection with this plan or its operation. In any action or proceeding involving the fund, or any property constituting part or all thereof or the administration thereof, the City, the Retirement Board and the trustee shall be the only necessary parties and no employees or former employees of the City or their beneficiaries or any other person having or claiming to have an interest in the fund or under the plan shall be entitled to any notice of process. Any final judgment that may be entered in any such action or proceeding shall be binding and conclusive on the parties thereto and all persons having or claiming to have any interest in the fund or under the plan or in the administration of the plan.

(Ord. 52B, 2/29/1977, Art. X)

§1-842. Applicable Provisions of the Internal Revenue Code.

1. **Explanation.** In recognition of the fact that the Plan must comply in form, content and operation with certain provisions of the Internal Revenue Code of 1986 (the "Code") and in spite of the limited applicability of such provisions to the normal operation of the Plan, the following subsections detail the limitations and parameters applicable to maintaining favorable tax treatment of funds contributed to the Plan under Federal law.
2. **Definitions.** The following words and phrases are hereby introduced and defined for purposes of this Section only:

ACCRUED BENEFIT - a participant's retirement benefit exclusive of vesting.

ACTUARIAL EQUIVALENT - a form of benefit differing in time, period or manner of payment from a specific benefit provided under the Plan, but having the same value when computed using the Plan factors. Effective January 1, 1995, for purposes of §415 of the Code, effective the first limitation year beginning after December 31, 1994, the applicable mortality table shall be utilized. This applies to all benefit, including benefits accrued before the first limitation year beginning after December 31, 1994. The applicable mortality table is the mortality table described in Revenue Ruling 95-6, 1995-1 C B.80.

ANNUAL ADDITIONS - the sum credited to a participant's account for any limitation year of (1) City contributions, (2) employee contributions, (3) forfeitures, (4) amounts allocated after March 31, 1984, to an individual medical account, as defined in Code §415(I)(2) which is part of a pension or annuity plan maintained by the City and (5) amounts derived from contributions paid or accrued after December 31, 1985, in taxable years ending after such date, which are attributable to post-retirement medical benefits allocated to the separate account of a key employee (as defined in Code §419A(d)(3) under a welfare benefit plan (as defined under Code §419(e)) maintained by the City. Except, however, the percentage limitation referred to in Code §415(c)(1)(B) below shall not apply to (1) any contribution for medical benefits (within the meaning of Code §419A(f)(2) after separation from service which is otherwise treated as an annual addition or (2) any amount otherwise treated as an annual addition under Code §415(I)(1). Notwithstanding the foregoing, the limitation years beginning prior to

ADMINISTRATION AND GOVERNMENT

January 1, 1987, only that portion of employee contributions equal to the lesser of employee contributions in excess of 6% of "415 compensation" or one-half of employee contributions shall be considered an annual addition.

ANNUAL BENEFIT - the benefit payable under the terms of the plan (exclusive of any benefit not required to be considered for purposes of applying the limitation of Code §415 to the Plan) payable in the form of a straight life annuity with no ancillary benefits. If the benefit under the Plan is payable in any other form, the annual benefit shall be adjusted to the equivalent of a straight life annuity using the greater of the interest rate assumption specified in the definition of "actuarial equivalent" or 5%.

In addition to other applicable limitations set forth in the Plan and notwithstanding any other provision of the Plan to the contrary, for Plan years beginning on or after January 1, 1996, the annual compensation of each employee who becomes a participant in the Plan on or after such date shall not exceed the OBRA 93 annual compensation limit. The OBRA 93 annual compensation limit is \$150,000 as adjusted by the Commissioner for increases in the cost of living in accordance with Code §401(a)(17)(B). The cost of living adjustment in effect for a calendar year applies to any period, not exceeding 12 months, over which compensation is determined (determination period) beginning in such calendar year. If a determination period consists of fewer than 12 months, the OBRA 93 annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period and the denominator of which is 12.

For Plan years beginning on or after January 1, 1996, and any reference in this Plan to the limitation under Code §401(a)(17) shall mean the OBRA 93 annual compensation limit set forth in this provision.

With respect only to an employee who becomes a participant in the Plan on or after January 1, 1996, if compensation for any prior determination period is taken into account in determining such employee's benefits accruing in the current Plan year, the compensation for that prior determination period is subject to the OBRA 93 annual compensation limit in effect for that prior determination period. For this purpose, for determination periods beginning before the first day of the first Plan year on or after January 1, 1996, the OBRA 93 annual compensation limit is \$150,000.

EMPLOYEE - any person who is employed by the City, but excludes any person who is an independent contractor. Employee shall include leased employees within the meaning of Code §§414(n)(2) and 414(o)(2) unless such leased employees are covered by a plan described in Code §414(n)(5) and such leased employees do not constitute more than 20% of the recipient's non-highly compensated work force.

415 COMPENSATION - with respect to any participant shall mean such participant's wages as defined in Code §3401(a) and all other payments of compensation by the City (in the course of the City's business) for a Plan year for which the City is required to

furnish the participant with a written statement under Code §§6041(d), 6051(a)(3) and 6052. "415 compensation" must be determined without regard to any rules under Code §3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code §3402(a)(2)).

LEASED EMPLOYEE - any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person ("leasing organization") has performed services for the recipient (or for the recipient and related persons determined in accordance with Code §414(n)(6)) on a substantially full-time basis for a period of at least 1 year and such services are under primary direction and control of the recipient. Contributions or benefits provided a leased employee by the leasing organization, which are attributable to services performed for the recipient employer, shall be treated as provided by the recipient employer. A leased employee shall not be considered an employee of the recipient:

A. If such employee is covered by a money purchase pension plan providing:

- (1) A non-integrated employer contribution rate of at least 10% of compensation, as defined in Code §415(c)(3), but including amounts contributed pursuant to a salary reduction agreement which are excludable from the employee's gross income under Code §§125, 402(a)(8), 402(h) or 403(b).
- (2) Immediate participation.
- (3) Full and immediate vesting.

LIMITATION YEAR - the Plan year, for purposes of applying the limitations under the current Article.

PARTICIPANT'S ACCOUNT - the account established and maintained by the Administrator for each participant with respect to his total interest in the defined contribution plan maintained by the City resulting from annual additions.

PLAN YEAR - the 12 month period beginning on January 1 and ending on December 31 of each year.

REGULATION - the Income Tax Regulations, as amended from time to time, as promulgated by the Secretary of the Treasury or his delegate.

3. **Maximum Annual Benefit.**

A. Subject to the exceptions below, the maximum annual benefit payable to a participant under this Plan in any limitation year shall equal \$90,000.

ADMINISTRATION AND GOVERNMENT

- B. Notwithstanding anything in this Section to the contrary, to the extent the Plan was in existence on May 6, 1986, and had complied at all times with the requirements of Code §415 (including any pertinent elections) the maximum annual benefit for any individual who was a participant as of the first day of the limitation year beginning after December 31, 1986, shall not be less than the "current accrued benefit." "Current accrued benefit" shall mean a participant's accrued benefit under the Plan, determined as if the participant had separated from service as of the close of the last limitation year beginning before January 1, 1987, when expressed as an annual benefit within the meaning of Code §415(b)(2). In determining the amount of a participant's "current accrued benefit," the following shall be disregarded (1) any change in the terms and conditions of the Plan after May 5, 1986 and (2) any adjustment for cost of living occurring after May 5, 1986.
 - C. The dollar limitation under Code §415(b)(1)(A) stated in subsection (A) above shall be adjusted annually as provided in Code §415(d) pursuant to the regulations thereunder. The adjusted limitation is effective as of January 1st of each calendar year and is applicable to limitation years ending with or within that calendar year.
 - D. For purpose of this Section, all qualified defined benefit plans (whether terminated or not) ever maintained by the City shall be treated as one defined benefit plan and all qualified defined contribution plans (whether terminated or not) ever maintained by the City shall be treated as one defined contribution plan.
 - E. For the purpose of this Section, if this Plan is a Code §413(c) plan, all employers of a participant who maintain this Plan will be considered to be a single employer, namely the City.
4. **Adjustments to Annual Benefit and Limitations.**
- A. If the annual benefit begins before age 62, then the \$90,000 limitation shall be reduced so that it is the actuarial equivalent of the \$90,000 limitation beginning at age 62. The \$90,000 shall not be actuarial reduced; however, to less than (1) \$75,000 if the annual benefit commences on or after age 55 or (2) the amount which is the actuarial equivalent of the \$75,000 limitation at age 55 if the annual benefit commences prior to age 55. For purposes of adjusting the \$90,000 limitation applicable prior to age 62 or the \$75,000 limitation applicable prior to age 55, the adjustment shall be made using the parameters specified in the definition of actuarial equivalent, except that the interest rate assumption shall be the greater of 5% or the rate specified in said definition and any mortality decrement shall be ignored to the extent that a forfeiture does not occur at death. In no event; however, shall the aforesaid dollar limitation be reduced to an amount less than \$50,000.
 - B. If the annual benefit begins after age 65, the \$90,000 limitation shall be increased so that it is the actuarial equivalent of the \$90,000 limitation at age 65.

- C. For purposes of adjusting the \$90,000 limitation applicable after age 65, the adjustment shall be made using the parameters specified in the definition of "actuarial equivalent," except that the interest rate assumption shall be the lesser of 5% or the rate specified in said definition and the mortality decrement shall be ignored to the extent that a forfeiture does not occur at death.
 - D. For purpose of the annual benefit and subsections (A) and (B) above, no adjustments under Code §415(d) shall be taken into account before the limitation year for which such adjustment first takes effect.
 - E. For purposes of the annual benefit, no adjustment is required for qualified joint and survivor annuity benefits, pre-retirement death benefits and post-retirement medical benefits.
 - F. To the extent applicable, the above provisions and limitations shall be governed by Code §§415(b)(2)(F) and 415(b)(2)(G).
5. **Annual Benefit not in Excess of \$10,000.** Subject to the provisions of any applicable state law, this Plan may pay an annual benefit to any participant in excess of his or her maximum annual benefit if the annual benefit derived from City contributions under this Plan and all other defined benefit plans maintained by the City does not in the aggregate exceed \$10,000 for the limitation year or for any prior limitation year and the City has not at any time maintained a defined contribution plan in which the participant participated. For purposes of this subsection, if this Plan provides for voluntary or mandatory employee contributions, such contributions will not be considered a separate defined contribution plan maintained by the City.
6. **Participation or Service Reduction.** In the case of a member who is not receiving a disability benefit under the Plan, if a participant has less than 10 years of participation in the Plan at the time he begins to receive benefits thereunder, the limitations of the maximum annual benefit above shall be reduced by multiplying such limitations by a fraction, the numerator of which is the number of years of participation (or part thereof) in the Plan and the denominator of which is 10; provided, however, that said fraction shall in no event be less than 1/10th. Additionally, for Plan years beginning after December 31, 1986, the reductions to the limitations described in the maximum annual benefit above shall be applied separately with respect to each change in the benefit structure of the Plan.
7. **Multiple Plan Reduction.**
- A. If an employee is (or has been) a participant in one or more defined benefit plans and one or more defined contribution plans maintained by the City, the sum of the defined benefit plan fraction and the defined contribution plan fraction for any limitation year may not exceed 1.0.

ADMINISTRATION AND GOVERNMENT

- B. **Defined Benefit Fraction.** The defined benefit plan fraction for any limitation year is a fraction, the numerator of which is the sum of the participant's projected annual benefits under all the defined benefit plans (whether or not terminated) maintained by the City and the denominator of which is the lesser of 125% of the dollar limitation determined for the limitation year under Code §§415(b) and (d) or 140% of the highest average compensation, including any adjustments under Code §415(b).

Notwithstanding the above, if the participant was a participant as of the first day of the first limitation year beginning after December 31, 1986, in one or more defined benefit plans maintained by the City which were in existence on May 6, 1986, the denominator of this fraction will not be less than 125% of the sum of the annual benefits under such plans which the participant had accrued as of the close of the last limitation year beginning before January 1, 1987, disregarding any changes in the terms and conditions of the plan after May 5, 1986. The preceding sentence applies only if the defined benefit plans individually and in the aggregate satisfied the requirements of Code §415 (including any applicable elections) for all limitation years beginning before January 1, 1987.

- C. **Defined Contribution Fraction.** The defined contribution plan fraction for any limitation year is a fraction, the numerator of which is the sum of the annual additions to the participant's account under all the defined contribution plans (whether or not terminated) maintained by the City for the current and all prior limitation years (including the annual additions attributable to the participant's nondeductible employee contributions to all defined benefit plans, whether or not terminated, maintained by the City and the annual additions attributable to all welfare benefit funds, as defined in Code §419(e) and individual medical accounts, as defined in Code §415(I)(2), maintained by the City) and the denominator of which is the sum of the maximum aggregate amounts for the current and all prior limitation years of service with the City (regardless of whether a defined contribution plan was maintained by the City). The maximum aggregate amount in any limitation year is the lesser of 125% of the dollar limitation determined under Code §§415(b) and (d) in effect under Code §415(c)(1)(A) or 35% of the participant's compensation for such year.

If the employee was a participant as of the end of the first day of the first limitation year beginning after December 31, 1986, in one or more defined contribution plans maintained by the City which were in existence on May 6, 1986, the numerator of this fraction will be adjusted if the sum of this fraction and the defined benefit fraction would otherwise exceed 1.0 under the terms of this Plan. Under the adjustment, an amount equal to the product of (1) the excess of the sum of the fractions over 1.0 times (2) the denominator of this fraction, will be permanently subtracted from the numerator of this fraction. The adjustment is calculated using the fractions as they would be computed as of the end of the last limitation year beginning before January 1, 1987, and disregarding any changes in the terms and conditions of the Plan made after May 5, 1986, but using the Code §415 limitation applicable to the first limitation year beginning on or after January 1, 1987. The annual addition for any limitation year beginning before January 1, 1987, shall not be recomputed to treat all employee contributions as annual additions.

- D. If the sum of the defined benefit plan fraction and the defined contribution plan fraction shall exceed 1.0 in any limitation year for any participant in this Plan, the Administrator shall limit, to the extent necessary, the annual additions to such participant's account for such limitation year. If, after limiting the annual additions to such participant's account for the limitation year, the sum of the defined benefit plan fraction and the defined contribution plan fraction still exceed 1.0, the Administrator shall then adjust the numerator of the defined benefit plan fraction so that the sum of both fractions shall not exceed 1.0 in any limitation year for such participant.

NOTE. The provisions of this Plan §12.07 shall be applicable until limitation years as of December 31, 1999, and after such time the provisions shall no longer apply.

8. **Incorporation of Code §415 by Reference.** Notwithstanding anything contained in this Plan of this Section to the contrary, the limitations, adjustments and other requirements prescribed in this Section shall at all times comply with the provisions of Code §415 and the regulations thereunder as such apply to governmental plans, the terms of which are specifically incorporated herein by reference. Thus, for the first §415 limitation year beginning after December 31, 1994, the applicable mortality table described in Revenue Ruling 95-6, 1995-1 C.B.80 shall be utilized and effective for Plan years beginning after December 31, 1997, the term compensation for Code §415 purposes, in accordance with §415(c)(3)(D) of the Code and Treasury Regulation §1.415-2(d) shall include:
- A. An elective deferral (as defined in Code §402(g)(3)).
- B. Any amount which is contributed or deferred by the employer at the election of the employee and which is includible in gross income of the employee by reason of Code §§125 or 457.
9. **Required Distributions.** Notwithstanding any provision in this Plan to the contrary, the distribution of a participant's benefits shall be made in accordance with the requirements and conditions and shall otherwise comply with Code §401(a)(9) and the regulations thereunder (including regulation §(1.401(a)(9)-2):
- A. A participant's benefits shall be distributed to him not later than April 1st of the calendar year following the later of:
- (1) The calendar year in which the participant attains age 70½.
- (2) The calendar year in which the participant retires.

Alternatively, distributions to a participant must begin no later than the applicable April 1st as determined under the preceding sentence and must be made over a period not exceeding the life of the participant's or the life expectancy of the participant in accordance with regulations.

ADMINISTRATION AND GOVERNMENT

- B. Distribution to a participant and his beneficiaries shall only be made in accordance with the incidental death benefit requirements of Code §401(a)(9)(G) and the regulations thereunder.
 - C. Distributions made under subsections (A) and (B) of this subsection provisions shall be subject to the provisions of survivor provisions of the Plan.
10. **Domestic Relations Order.** All rights and benefits, including elections, provided to a participant in this Plan may be subject to the rights afforded to any "alternate payee" pursuant to a domestic relations order as provided by applicable State law. In evaluating any such domestic relations order, the Plan Administrator may use a guide, Code §414(p).
11. **Direct Rollover.**
- A. This Section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
 - B. For purposes of this Section, the following definitions shall apply:
 - (1) An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary or for a specified period of 10 years or more, any distribution to the extent such distribution is required under Code §401(a)(9) and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).
 - (2) An eligible retirement plan is an individual retirement account described in Code §408(a), an individual retirement annuity described in Code §408(b), an annuity plan described in Code §403(a) or a qualified trust described in Code §401(a) that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or an individual retirement annuity.

- (3) A distributee includes an employer or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code §414(p) are distributees with regard to the interest of the spouse or former spouse.
 - C. A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee. This Section shall apply to distributions made after December 31, 2001.
 - (1) **Modification of Definition of Eligible Retirement Plan.** For purposes of the direct rollover provisions in this Section of the Plan, an eligible retirement plan shall also mean an annuity contract described in §403(b) of the Code and an eligible plan under §457(b) of the Code which is maintained by a state, political subdivision of a state or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under the qualified domestic relation order, as defined in §414(p) of the Code.
 - (2) **Modification of Definition of Eligible Rollover Distribution to Include After-Tax Employee Contributions.** For purposes of the direct rollover provisions in this Section of the Plan, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in §408(a) or (b) of the Code, or to a qualified defined contribution plan described in §§401(a) or 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.
12. **Credit for Qualified Military Service.** Notwithstanding any provision of this Plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with §414(u) of the Code.

(Ord. 52B, 2/29/1977; as added by Ord. 626B, 12/17/2001, §I

C. Death Benefits for Retired Police.

§1-851. Police Death Benefits Fund Established.

A police death benefits fund be, and the same is hereby established by the City of Lock Haven, which shall be known and designated as the "Police Death Benefits Fund" and shall hereafter be referred to in this Part as "the fund."

(Ord. 40B, 6/20/1977, §2)

§1-852. Maintenance, Direction and Distribution of the Fund.

The fund shall be maintained, directed, applied and distributed pursuant to the provisions herein contained and the regulations adopted pursuant thereto for the benefit of the members of the Association herein created.

(Ord. 40B, 6/20/1977, §3)

§1-853. Police Death Benefit Fund Board Created; Membership.

A board of seven members is hereby constituted and created, which shall consist of the same members as the Police Pension Fund Board, and being known as the "Police Death Benefits Fund Board," and hereinafter referred to in this Part as "the Board." Said Board shall have the terms of office as the Police Pension Fund Board.

(Ord. 40B, 6/20/1977, §4)

§1-854. Compensation of Board Members; Reimbursement of Expenses.

The members of the Board shall serve without compensation, but shall be reimbursed from the fund for any necessary expenditures, and no member shall suffer loss of salary or wages through serving on the Board.

(Ord. 40B, 6/20/1977, §5)

§1-855. Powers of the Board; Corporate Depository; Duties.

The Board may, from time to time, with approval of Council of the City and subject to the limitations of this Part and of law:

ADMINISTRATION AND GOVERNMENT

- A. Establish rules and regulations for the administration of the fund and the transaction of its business. All such rules and regulations shall, however, be subject to the approval of Council; and Council may, from time to time, by ordinance, alter, modify, change or repeal such rules and regulations and establish new rules and regulations for the administration of the fund by the Board and the transaction of its business.
- B. Appoint a secretary and such medical, clerical and other employees as may be necessary.
- C. Determine and fix the compensation of all persons employed by the Board.
- D. A corporate depository chosen by the Board shall care for, manage, invest and dispose of (as part of the fund) all money or property, real, personal or mixed, taken by the City of Lock Haven by gift, grant, devise or bequest, in trust, for the benefit of such pension fund, subject to the provisions of this Part and future regulations by Council, and subject to such directions not inconsistent therewith as the donors of such funds and property may prescribe.

(Ord. 40B, 6/20/1977, §6)

§1-856. Duties of the Board; Meetings; Report of Depository; Designation of Depository.

The Board shall, with the approval of Council of the City and subject to the limitations of this Part and of law:

- A. Hold an annual meeting during the second calendar quarter of each year and there at present the annual report of the depository showing the condition of the investments of the fund and evidencing receipts, charges and disbursements during the previous year, which depository report will be made a part of the record of the proceedings and a copy of which shall be filed with the Council of the City of Lock Haven and copies of which shall be furnished to each member of the Association requesting the same. [Ord. 670]
- B. Hold such special meetings as the efficient discharge of their duties requires and the chairman may, and upon request in writing of three members of the Board shall, call special meetings of the Board upon 24 hours notice to each member, which notice shall state whether such meeting is to be convened for special or general business; but such notice may be waived by unanimous consent of the members.
- C. At the annual meeting, or as soon thereafter as is practical, designate a depository or depositories for the fund, which designation shall be valid for the period of 1 year, or until such time as another is designated by similar action; and the treasurer of the Board shall, upon the designation of the depository, immediately deposit all monies in the fund therein in the name of the fund.

- D. Keep all records and accounts as shall be necessary for the efficient execution of this Part.
- E. Furnish to Council such financial and other reports as it may, from time to time, request.

(Ord. 40B, 6/20/1977, §7; as amended by Ord. 670, 2/24/2003, §1)

§1-857. Association Established.

An association is hereby constituted to be the basis for receiving benefits hereunder and which association shall be known and designated as the "Police Pension Fund Association," herebefore established and herein referred to as the Association.

(Ord. 40B, 6/20/1977, §8)

§1-858. Direction of the Fund.

The fund shall be under, and is hereby committed to, the direction and control of the Board.

(Ord. 40B, 6/20/1977, §9)

§1-859. Appropriation by the City.

The City of Lock Haven shall appropriate and pay into the fund at the time of enactment of this fund the sum of \$16,000 and any and all costs or expenses incidental thereto hereafter.

(Ord. 40B, 6/20/1977, §10)

§1-860. Investment of Funds.

The depository shall invest the principal of the fund, and any accumulated interest thereon not necessary for the immediate payment of pensions hereunder, in:

- A. The bonds or obligations of the United States or the United States Treasury, or those for the payment of principal and interest on which the faith and credit of the United States is pledged.
- B. Bonds or other interest bearing obligations of the Commonwealth of Pennsylvania, or those for the payment of principal and interest on which the faith and credit of the Commonwealth is pledged.

ADMINISTRATION AND GOVERNMENT

- C. Bonds or other interest bearing obligations of any county, city, borough, township or school district of the Commonwealth of Pennsylvania, or those for the payment of which the faith and credit of such political subdivision is pledged; provided, that at the date of the investment in such bonds or other interest bearing obligations, such political subdivision is not in default in payment of principal or interest owed by it or any part of its bonded indebtedness.
- D. Any other investment which is legal for fiduciaries.

(Ord. 40B, 6/20/1977, §11)

§1-861. Inalienability of Death Benefit Payments.

The death benefits herein provided for shall not be subject to attachment or execution and shall be payable only to the beneficiary designated and shall not be subject to assignment or transfer.

(Ord. 40B, 6/20/1977, §12)

§1-862. Eligibility for Death Benefits.

Upon the later of attaining age 55 or from retiring from active service as a police officer after a minimum of 20 years service, a member of the Association shall be entitled to a death benefit in the amount of \$4,000 for which the fund itself shall be liable and which shall be paid to the designated beneficiary of the member.

(Ord. 40B, 6/20/1977, §13; as amended by Ord. 233B, 12/30/1985, §VIII)

§1-863. Disbursement of Fund.

All disbursements from the fund shall be by check or order drawn by the authorized depository.

(Ord. 40B, 6/20/1977, §14)

§1-864. Death Benefits Payments Charged Against the Pension Fund Only.

Payments of death benefits under this Part shall be made solely out of the moneys and property in the Police Death Benefits Fund and shall not be a charge on any other fund in the treasury of the City or under its control.

(Ord. 40B, 6/20/1977, §15)

§1-865. Treasurer's Bond.

The treasurer shall give surety bond approved by the Board in such sum as the Board may determine for the faithful performance of his duties. The premium for such bond shall be paid by the Board out of the funds entrusted to them.

(Ord. 40B, 6/20/1977, §16)

§1-866. Treasurer's Duties.

It shall be the duty of the treasurer to keep account of all moneys coming into his hands belonging to the Board and of all disbursements of the same. All moneys received by the treasurer shall forthwith be deposited in the depository chosen by the said Board in the name of the Police Death Benefits Fund.

(Ord. 40B, 6/20/1977, §17)

§1-867. Financial Report by Depository.

The depository, or someone employed by it, shall, at least once a year, submit to the Board and to the Council of the City of Lock Haven a statement of the financial condition of the fund and of the documents received and paid out during the year and of all investments made by the depository and the condition of such investments.

(Ord. 40B, 6/20/1977, §18)

PART 9

REAL ESTATE REGISTRY

§1-901. Registration of Real Estate Department Established; Supervision.

There be, and is hereby, established and created in the City of Lock Haven, a department for the registration of the ownership of all real estate situated in said City, which said department shall be under the direction and supervision of the City Engineer.

(Ord. 193A, 4/17/1939, §1)

§1-902. Duties of City Engineer; Maintenance of Books, Maps and Plans; Approval Required.

The City Engineer of said City shall cause to be made all necessary books, maps and plans of the City showing the situation and dimensions of each property therein, with the street number and name of the owner or owners of each lot, with provisions for the names of future owners and dates of future transfers of title, and for such purpose the said Engineer shall cause to be made search in any of the public records wherein the information necessary to determine said ownership may be obtainable and in any other place for any monuments or evidences of title requisite for the completion of said books, maps or plans. The said books, maps and plans shall be carefully preserved in the office of the City Engineer of said City and shall be so kept by addition, from time to time, or otherwise, as to show the ownership of every lot or piece of real estate or subdivision thereof within the City of Lock Haven, with the successive transmissions of title from the date of the commencement of such plans; but nothing herein shall invalidate any municipal or tax claim by reason of the fact that the same is not assessed or levied against the registered owner. The said books, maps and plans so prepared by the City Engineer, before the final adoption thereof, shall be approved by the City Solicitor and by the City Council.

(Ord. 193A, 4/17/1939, §2)

§1-903. Duty of Owners of Unregistered Real Estate; Duty of Purchasers of Real Estate.

It shall be the duty of all owners of unregistered real estate within the City of Lock Haven, within 10 days of the date of the approval of this Part and of every subsequent purchaser, devisee or person acquiring title by partition or otherwise, to any real estate in the said City, within 1 month after acquiring said title, to furnish the City Engineer, at his office, descriptions of their respective properties upon blanks to be furnished by the City, and at the same time to present their conveyance to be stamped by the City Engineer, without charge, as evidence of the registration thereof. Provided, that, the presentation of said deeds for registry and certification by the Recorder of Deeds or Sheriff, as now provided by law, shall be in lieu of such presentation by the owner.

(Ord. 193A, 4/17/1939, §3)

ADMINISTRATION AND GOVERNMENT

§1-904. Duty of Persons Acquiring Real Estate or Interest Therein.

It shall be the duty of all persons acquiring real estate, or any interest therein, within the limits of the City of Lock Haven, whether by will or by inheritance under the Intestate Law of Pennsylvania, within 10 days after acquiring such interest in real estate, to furnish the City Engineer, at his office, descriptions of any such property or properties, upon blanks to be furnished by the City. If said property or properties are acquired by will, the devisees thereunder at the same time shall furnish a certified copy of said will for registry with the City Engineer; and if said property is acquired under the Intestate Law of Pennsylvania, said owner or owners shall at the same time advise said City Engineer of the name of the decedent, the date of his or her death and the names of all persons acquiring title by reason of said death.

(*Ord. 193A, 4/17/1939, §4*)

§1-905. Duty of County Sheriff In Reference to Judicial Sales; Fees and Expenses.

The Sheriff of Clinton County shall present for registry, on forms furnished by the City Engineer prior to the recording thereof, the deeds for all properties within the limits of the City of Lock Haven sold by him at any judicial sale or sales, whether by execution, in partition or otherwise. On all such deeds which the Sheriff is required to present for registry, he shall be entitled to a fee for each deed, as provided in the Sheriff Fee Act, 42 Pa.C.S.A. §21101 *et seq.*, in addition to the mileage provided by law, which fees and mileage shall be paid by the purchaser.

(*Ord. 193A, 4/17/1939, §5; as amended by Ord. 670, 2/24/2003, §1*)

§1-906. Duty of County Recorder of Deeds; Fees.

The Recorder of Deeds of Clinton County shall, within 10 days after any deed conveying real estate within the limits of the City of Lock Haven bearing date subsequent to the approval of this part has been received by said Recorder for record, unless said deed shall have been already registered, present such deed for registry with the City Engineer on a form furnished by said City Engineer, as herein provided, before delivery of such deed to the party entitled to receive the same. On all such deeds which the Recorder is required to have registered, he shall be entitled to a fee, as provided for Recorder of Deeds in the Judicial Code, 42 Pa.C.S.A. §21051.

(*Ord. 193A, 4/17/1939, §6; as amended by Ord. 670, 2/24/2003, §1*)

§1-907. Storage of Books, Maps and Plans.

The books, maps or plans made by the City Engineer, or under his direction, under the provisions of this Part shall remain in the office of the City Engineer and under his custody and control, and in no event, for any purpose, shall be removed therefrom by any person or persons.

(Ord. 193A, 4/17/1939, §8)

§1-908. Availability of Records to Board of Revision of Taxes and Appeals.

The Board of Revision of Taxes and Appeals shall at all times have full and free use of said books, plans, etc., without removal from the office of the City Engineer.

(Ord. 193A, 4/17/1939, §9)

§1-909. Penalty for Violation.

Any person, firm or corporation neglecting or refusing to comply with the provisions of this Part for a period of 30 days after public notice of the requirements thereof and 10 days notice by the City Engineer to said person, firm or corporation of the requirements of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 193A, 4/17/1939, §10; as amended by Ord. 670, 2/24/2003, §1)

PART 10

EMPLOYEE BENEFITS

§1-1001. Overtime Pay.

All full-time hourly employees, both regular and temporary, in the Department of Public Works shall be compensated for hours worked over eight per day or 40 per week at the rate of 1 1/2 times their normal hourly rate.

(Ord. 823A, 4/3/1972, §1)

§1-1002. Call-In Pay.

All regular full-time hourly employees in the Department of Public Works shall be guaranteed a minimum of 4 hours pay at 1 1/2 times their normal hourly rate in the event they are required to perform work during off duty hours and providing they have left their work site.

(Ord. 823A, 4/3/1972, §2)

§1-1003. Longevity Pay.

All regular full-time hourly and salary employees, except the City Manager and City Treasurer, hired prior to January 1, 1984, shall be entitled to longevity pay in accordance with Schedule A hereof. Employees hired on or after this date shall not receive longevity pay.

- A. The longevity date shall be the January 1 nearest in time to the employee's date of hire. An eligible employee shall be entitled to longevity pay in the year beginning on the fifth anniversary of his longevity date, shall receive the maximum longevity pay on the twentieth anniversary of his longevity date and shall then continue to receive the same amount for the duration of his employment. Longevity pay shall not be included in the computation of overtime pay.
- B. The payment of longevity pay shall be made in a lump sum amount on the first scheduled payday in November; those leaving City employment prior thereto shall be paid a prorated sum based on actual service.

Schedule A

Anniversary of Longevity Date	Longevity Pay (Annual)
5th	\$200
10th	\$400
15th	\$600

ADMINISTRATION AND GOVERNMENT

Schedule A

Anniversary of Longevity Date	Longevity Pay (Annual)
20th	\$800

(*Ord. 823A*, 4/3/1972, §3; as amended by *Ord. 156B*, 4/19/1982, §I; and by *Ord. 202B*, 9/10/1984, §II)

§1-1004. Applicability of Certain Provisions.

The provisions of this Part are applicable to all full-time employees of the City of Lock Haven, Pennsylvania not covered by Labor Agreements .

(*Ord. 823A*, 4/3/1972; as added by *Ord. 926A*, 6/16/1975, §1; and as amended by *Ord. 33B*, 4/18/1977, §1)

§1-1005. Sick Leave.

1. Each permanent full-time employee who has completed his probationary period is entitled to sick leave with pay on the basis of one day for each full calendar month of service, wherein the employee works 75% of the scheduled work days in said month, and said sick leave shall be accumulative up to 200 days. [*Ord. 382B*]
2. Each regular part-time employee who has completed his probationary period is entitled to sick leave with pay on the basis of 1/2 day for each full calendar month of service, wherein the employee works 75% of the scheduled work days in said month, and said sick leave shall be accumulative up to 100 days. [*Ord. 382B*]
3. A doctor's certificate is required for an absence from work due to sickness for 3 or more consecutive days. For absences of less than 3 days, a doctor's certificate may be required where, in the opinion of the City, the employee has been abusing his sick leave privileges.
4. An employee who is eligible for Workmen's Compensation benefits shall not be eligible for sick leave pay. The City may, however, grant sick leave benefits for the period not initially covered by Workmen's Compensation but, upon the applicability of coverage due to extended loss of time from work for which an employee is paid retroactive Workmen's Compensation benefits, the employee shall reimburse the City for the advanced sick leave and, upon so doing, his sick leave eligibility schedule shall be accordingly increased.
5. If an employee claims sick leave pay to which he is not entitled under this Section, he will be subject to disciplinary action.

- 6. Sick leave may be used to prevent loss of pay when absent for personal illness or injury of the employee only.
- 7. **Sick Leave Buy-Back Policy.** The City of Lock Haven hereby adopts a policy applicable to all full-time permanent employees in positions not covered by a Labor Agreement, a "sick leave buy-back policy," specifically conditioned as described below:
 - A. Employees who retire shall be paid for their accumulated, unused sick leave benefits in accordance with the schedule below, if they retire under the conditions set forth in subsection (B).

Days Available at Retirement	Percent	Maximum Buy-Out
0 to 100	30%	30 days
101 to 200	40%	80 days

- B. Eligibility for payment of benefits under subsection (A) is as follows:
 - (1) Superannuation retirement with at least 5 years credited service in the employ of the City.
 - (2) Disability retirement which requires at least 5 years of City service.
 - (3) After 7 years of service, death prior to retirement or separation of service.
 - (4) Such payments shall not be made for partial days of accumulated sick leave.
 - (5) Such payments shall not be construed to add to the credited service of retiring members or to the retirement covered compensation of the member. This buy-back will not be used in the calculation of retirement benefits.

[Res. 575]

(Ord. 823A, 4/3/1972, §4; as amended by Ord. 926A, 6/16/1975, §2; by Ord. 33B, 4/18/1977, §2; by Ord. 156B, 4/19/1982, §III; by Ord. 217B, 5/6/1985, §II; by Ord. 382B, 6/17/1991, §II; as added by Res. 575, 3/15/1999)

§1-1006. Holidays.

- 1. The following days shall be recognized as paid holidays:
 - A. New Year's Day (January 1).
 - B. Good Friday.

ADMINISTRATION AND GOVERNMENT

- C. Memorial Day (last Monday in May).
 - D. Independence Day (July 4).
 - E. Labor Day (first Monday in September).
 - F. Veterans Day (on designated Federal holiday).
 - G. Thanksgiving Day.
 - H. Day after Thanksgiving. [*Ord. 670*]
 - I. Christmas Day.
 - J. Personal day.
 - K. Personal day.
 - L. President's Day. [*Ord. 202B*]
 - M. Personal day. [*Ord. 202B*]
 - N. Personal day. [*Ord. 670*]
2. Eligible full-time employees who are off work due to the observance of one of the above named holidays will receive their normally scheduled day's pay for such holiday not worked.
3. An "eligible" employee shall have:
- A. Completed his probationary period prior to the date of such holiday.
 - B. Worked the full work day immediately preceding such holiday and the full work day immediately following such holiday unless his absence on either of such days has been with the permission of the City.
 - C. Performed work for the City during the week in which the above named holidays fall, unless he was absent on vacation.
 - D. Reported as scheduled and actually performed assigned work when the employee is scheduled to work on such holiday.
4. Holidays occurring on Sunday shall be treated for all purposes under this Part as falling on the following Monday and shall for such purposes be observed on that Monday only. In like manner, any of the holidays occurring on Saturday shall be treated for all purposes under this Part as falling on the preceding Friday and shall for such purposes be observed on the Friday only.

5. An employee whose vacation period includes a holiday shall receive holiday pay in addition to vacation pay.
6. An employee to be eligible to take the holiday (personal day), in addition to the requirements of subsection (3) shall have:
 - A. Filed a written request with the City at least 1 calendar week prior to the day of his choice.
 2. Obtained permission from the City, which will be governed by operational requirements.
7. Personal days shall not be cumulative.
8. Fire truck drivers shall be entitled to the holiday time off provided for in this Section, but the same shall be used as vacation time in accordance with §1-1007 and shall be in addition to the schedule set forth therein.
9. Each regular part-time employee who is determined to be an eligible employee under subsections (3) and (6) and who is off work due to the observance of one of the holidays named in subsection (1), is entitled to one work day at straight time rate of pay for each holiday not worked. "Work day" shall be defined as the number of hours that employee normally works in one regularly scheduled work day. [*Ord. 217B*]

(*Ord. 823A, 4/3/1972, §5; as amended by Ord. 926A, 6/16/1975, §3; by Ord. 33B, 4/18/1977, §3; by Ord. 94B, 12/3/1979, §II; by Ord. 202B, 9/10/1984, §III; by Ord. 217B, 5/6/1985, §III; and by Ord. 670, 2/24/2003, §1*)

§1-1007. Vacations.

1. Employees will earn vacation credits as of their date of hire. Vacations shall be earned according to the following annual schedule and such schedule shall be proportionally reduced to reflect monthly vacation credits. Full-time and regular part time employees will earn vacation credits as of their date of hire.
 - A. Vacation to the nearest half day shall be pro-rated on the date the employee starts to work the first year and then computed on each succeeding January 1 for the calendar year.
 - B. All vacations will be pro-rata during the 1st calendar year of employment and during each calendar year of the employee's 2nd, 5th, 10th, 15th, 20th and 25th anniversary date.
 - C. Pro-ration shall be based on number of months from the starting or anniversary date to December 31. The starting or anniversary month will count provided the employee was hired on or before the 15th day of the month.

ADMINISTRATION AND GOVERNMENT

- D. Earned vacation during the calendar year of the anniversary date shall be as follows:

Anniversary Date	Vacation Entitlement
1 st	5 days
3-4	10 days
6-9	13 days
11-14	15 days
16-19	17 days
21-24	22 days
25	25 days
26	26 days
27	27 days
28	28 days
29	29 days
30	30 days

- E. When an employee is not actively employed reimbursement from the employee's last pay shall be made for all paid but unearned vacation.

[Ord. 670]

2. To qualify for vacation an eligible employee must:
 - A. Complete his probationary period.
 - B. Be in a payroll status all of the scheduled work days during each month to qualify for vacation credit. An employee is not in payroll status if he is not entitled to be paid for any scheduled work day.
3. Vacation pay shall be employee's regular straight rate of pay on the pay day immediately preceding the employee's vacation period.
4. Length of continuous employment shall be computed from the employee's first day of continuous employment for the City.

5. It is the responsibility of the City to administer the vacation program. Vacation schedules shall be governed by the operational requirements of the City. The wishes of each employee shall be taken into consideration and where there is a conflict in the choice of vacation time among employees in any classification, seniority shall prevail.
6. If a holiday or holidays fall during an employee's vacation, that employee shall receive holiday pay for the holiday or holidays in addition to his vacation pay provided he has worked the full day prior and following the vacation, unless his absence on either of such days has been with the permission of the City.
7. Vacations are not cumulative.
8. If an employee with more than 6 months past service quits with 2 weeks notice to the City, he shall be paid for any vacation pay to which he is eligible.
9. Senior employees shall be given preference of dates they prefer to take their vacation over junior employees provided their choice is made prior to April 1. If no choice is made prior to April 1, or if a choice has been made prior to April 1, and subsequently the employee desires to change the date, the employee, if senior, will not be allowed to select a date which interferes with a date which has previously been selected by a junior employee.
10. Fire truck drivers shall take vacation time off in multiples of 1 week.
11. Each regular part-time employee who is determined to be an eligible employee under subsection (2), and who has been continuously employed for the periods contained in subsection (1), is entitled to straight time pay for one work day for each vacation day contained in subsection (1). "Work day" shall be defined as the number of hours that employee normally works in one regularly scheduled work day. [Ord. 217B]

(Ord. 823A, 4/3/1972, §6; as amended by Ord. 926A, 6/16/1975, §4; by Ord. 33B, 4/18/1977, §4; by Ord. 217B, 5/6/1985, §IV; by Ord. 246B, 9/8/1986, §II; and by Ord. 670, 2/24/2003, §1)

§1-1008. Workmen's Compensation.

1. All regular full-time hourly and salaried employees unable to work due to injury caused by accident occurring during and in the course of employment shall be entitled to payment of their wages or salaries for the remainder of the scheduled workday on which the accident occurs. The employee may further use sick or vacation leave benefits, if unable to work on the second through seventh consecutive workdays following the day of the accident. If the employee is still unable to work after the seventh consecutive workday, the employee shall then be entitled to benefits under the Worker's Compensation insurance coverage carried by the City. If the employee is unable to work after the fourteenth consecutive workday after the day of the accident, the Workers' Compensation insurance benefit will be come retroactive to the day of the accident. The employee must then reimburse the City for any sick or vacation benefits received for the period between the day of the accident and the fourteenth consecutive workday. In no

ADMINISTRATION AND GOVERNMENT

event shall an employee receive a combined payment of wages from the City and from Workers' Compensation insurance in an amount greater than he would have received if working.

2. Employees are required to report accidents immediately to their supervisor and each request for payment of wages and salaries for time off due to injury on the job shall be accompanied by a written statement from a medical provider on the list of designated Workers' Compensation health care providers, stating the nature of the injury and the employee's availability for work. The days paid under Workers' Compensation benefits are not chargeable to an employee's normal sick leave benefit.

(Ord. 823A, 4/3/1972, §7)

§1-1009. Mileage.

An employee who is required by the City to use his personal vehicle for City business shall receive a mileage allowance equivalent to the Federally approved Internal Revenue Service rate for each mile driven in his personal vehicle when on City business. Prior approval of the trip and method of travel must be obtained from the City Manager. Expense sheets must be filled out immediately upon return and approved by the employee's supervisor.

(Ord. 823A, 4/3/1972; as added by Ord. 926A, 6/16/1975, §5; and as amended by Ord. 33B, 4/18/1977, §5; by Ord. 94B, 12/3/1979, §III; and by Ord. 439B, 4/19/1993, §I)

§1-1010. Life Insurance.

1. The City agrees to pay the premium for a group term life insurance policy in the amount of \$19,000 for each full-time eligible employee who has completed his probationary period. [Ord. 670]
2. The City agrees to pay the premium for a group term life insurance policy in the amount of \$12,000 for each regular part-time eligible employee who has completed his probationary period. [Ord. 670]
3. The insurance shall terminate at the end of the month in which the employee's active employment with the City ends.
4. The group term life insurance is a contract between the employer and the insurance carrier. No dispute over a claim for life insurance will be subject to the grievance procedure in any collective bargaining agreement.

5. It is agreed and understood that the employer does not accept, nor is the employer to be charged with hereby, any responsibility in any manner connected with the determination of liability for payment of life insurance. It is agreed that the employer's liability shall be limited to the payment of premiums.

(Ord. 823A, 4/3/1972; as added by Ord. 926A, 6/16/1975, §6; and as amended by Ord. 33B, 4/18/1977, §6; by Ord. 94B, 12/3/1979, §IV; by Ord. 156B, 4/19/1982, §IV; by Ord. 202B, 9/10/1984, §IV; by Ord. 217B, 5/6/1985, §V; by Ord. 246B, 9/8/1986, §III; by Ord. 330B, 10/2/1989, §IV; by Ord. 382B, 6/17/1991, §III; and by Ord. 670, 2/24/2003, §1)

§1-1011. Hospital and Medical Insurance.

1. The City agrees to pay the premium, except as specified in subsection (2), below, for each eligible employee and employee's eligible dependents on the active payroll of a group hospital and medical service plan (insurance carrier to be selected by employer) having benefits equal to the Blue Cross/Blue Shield Plan 100 with major medical in the amount of \$250,000. The insurance program shall be based on the principle of coordination of benefits. An employee may opt for Blue Cross Access Care II in lieu of Plan 100, the employee shall be responsible for any additional premium cost above Plan 100. [Ord. 670]
2. Any increase in the premium for hospital and medical insurance that becomes effective after July 1, 1989 shall be shared equally by the employer and the employee; providing, however, that the contribution of each employee shall not exceed \$10 per month. [Ord. 670]
3. New employees shall be eligible for insurance coverage upon completion of their probationary period. The insurance coverage shall terminate at the end of the policy month in which the employee's active employment with the employer ends. However, premiums will be paid up to 6 months when the employee is not working due to illness and his sick leave and vacation time have been exhausted.
4. The hospitalization and medical service plan is in a form of a contract between the employer and the insurance carrier. No dispute over a claim for any benefits extended by the hospitalization and medical service plan shall be subject to the grievance procedure established in any collective bargaining agreement.
5. It is agreed and understood that the employer does not accept, nor is the employer to be charged with hereby, any responsibility in any manner connected with the determination of liability to any employee claiming under any of the benefits extended by the hospitalization and medical service plan. It is agreed that the employer's liability shall be limited to the payment of premiums as stated above.

(Ord. 823A, 4/3/1972; as added by Ord. 926A, 6/16/1975, §7; and as amended by Ord. 330B, 10/2/1989, §III; and by Ord. 670, 2/24/2003, §1)

ADMINISTRATION AND GOVERNMENT

§1-1012. National Guard Training Leave.

All full-time employees who are National Guardsmen shall, subject to operational requirements and written request with 1 month notice, be granted a leave of absence to attend 2 weeks annual training program. Such employees shall be entitled to receive the difference between the amount received for National Guard training and the amount they could have received at work. The differential shall be paid only for scheduled work days lost at straight time rates.

(Ord. 823A, 4/3/1972; as added by Ord. 33B, 4/18/1977, §7)

PART 11

APPOINTMENT OF COUNCIL MEMBERS TO BOARDS AND COMMISSIONS

§1-1101. Ineligibility of Members.

Members of City Council shall not be eligible for or appointed to the:

- A. Planning Commission of the City of Lock Haven.
- B. Code Enforcement Board of Appeals and Review.
- C. Civil Service Commission of the City of Lock Haven.
- D. Board of Health.
- E. Annie Halenbake Ross Library Board of Directors.
- F. Zoning Hearing Board.
- G. Recreation and Parks Board.

Any member of Council presently serving as a member on one of these agencies shall continue for the balance of the current term of office.

(Ord. 309B, 12/29/1988, §I)

§1-1102. Appointment of Pension Funds.

Members of City Council shall continue to be eligible for appointment to the Board of the Police Pension Fund and the Board of the City Employees Retirement Fund.

(Ord. 309B, 12/29/1988, §I)

PART 12

ORGANIZATIONAL STRUCTURE FOR CITY PERSONNEL

§1-1201. Organizational Structure.

The personnel for the City be organized in an organizational structure as set forth in "Exhibit A," which is attached hereto and made a part hereof.

(Ord. 125B, 1/26/1981, §I)

§1-1202. Guidelines and Policies.

The personnel for the City shall operate under the guidelines and in accordance with the policies set forth in the Administrative Code of the City.

(Ord. 125B, 1/26/1981, §II)

§1-1203. Abolishment of Positions.

All positions heretofore created by the City and not contained in "Exhibit A" hereof are hereby abolished.

(Ord. 125B, 1/26/1981, §III)

EXHIBIT A

POSITION TITLE	FULL/PART TIME	NUMBER OF POSITIONS
DEPARTMENT OF ADMINISTRATION:		
City Manager	Full	One(1)
City Engineer	Full	One(1)
Planner/Development Coordinator	Full	One(1)
Assistant Administrator	Full	One(1)
Receptionist/Clerk	Full	One(1)
City Solicitor	Part	One(1)
Chaplain	Part	One(1)
	TOTAL DEPARTMENT	7
DEPARTMENT OF FINANCE:		
City Treasurer	Full	One(1)
Chief Clerk	Full	One(1)
Payroll Clerk	Full	One(1)
	TOTAL DEPARTMENT	3
DEPARTMENT OF PUBLIC SAFETY/POLICE DIVISION:		
Chief of Police	Full	One(1)
Sergeant (Acting)	Full	Four(4)
Detective/Sergeant	Full	One (1)
Patrolman	Full	Seven (7)
Stenographer	Full	One(1)
Clerk	Full	One(1)
Meter Custodian/3	Part	One(1)
Meter Enforcement Officer/7	Part	One(1)
Auxiliary Policeman	Part	Ten(10)

ADMINISTRATION AND GOVERNMENT

POSITION TITLE	FULL/PART TIME	NUMBER OF POSITIONS
DEPARTMENT OF PUBLIC SAFETY/FIRE DIVISION:		
Fire Chief	Part	One(1)
Assistant Fire Chief	Part	Two(2)
Fire Truck Driver	Full	Three(3)
Relief Fire Truck Driver	Part	Six(6)
DEPARTMENT OF PUBLIC SAFETY/CODE DIVISION:		
Code Enforcement Officer	Full	One(1)
Zoning Officer	Full	One(1)
Clerk/Typist	Full	One(1)
Health Officer	Part	One(1)
	TOTAL DEPARTMENT	43
DEPARTMENT OF PUBLIC WORKS:		
Public Works Director	Full	One(1)
DEPARTMENT OF PUBLIC WORKS/STREETS-PARKS DIVISION:		
Foreman	Full	One(1)
Mechanic1/1	Full	One(1)
Mechanic 2/4	Full	One(1)
Equipment Operator III/4	Full	Three (3)
Semiskilled Laborer/5	Full	One (1)
Recreation Director	Part	One(1)
Beach Caretaker	Part	One(1)
DEPARTMENT OF PUBLIC WORKS/WATER DIVISION:		
Water Superintendent [<i>Ord. 181B</i>]	Full	One(1)
Equipment Operator I/2 [<i>Ord. 181B</i>]	Full	One(1)
Pipefitter/3 [<i>Ord. 181B</i>]	Full	One(1)

POSITION TITLE	FULL/PART TIME	NUMBER OF POSITIONS
Meter Reader/3 [Ord. 181B]	Full	One(1)
Semiskilled Laborer/5 [Ord. 181B]	Full	Two (2)
Bookkeeper [Ord. 181B]	Full	One(1)
Clerk/Typist [Ord. 181B]	Full	One(1)
DEPARTMENT OF PUBLIC WORKS/SEWER DIVISION:		
Sewer Superintendent	Full	One(1)
Chief Operator	Full	One(1)
Foreman	Full	One(1)
Laboratory Technician /2	Full	One(1)
Maintenance Man/1	Full	One(1)
Operator 2/3	Full	One(1)
Equipment Operator III/4	Full	Four(4)
Semiskilled Laborer/5	Full	One(1)
LEVEE DIVISION		
Levee Superintendent	Full	One (1)
Semiskilled Laborer /5	Full	One (1)
DEPARTMENT OF PUBLIC WORKS/BUILDINGS DIVISION:		
Building Custodian/6	Part	One(1)
	TOTAL DEPARTMENT	31

(Ord. 125B, 1/26/1981, Exhibit A; as amended by Ord. 143B, 10/19/1981, §I; by Ord. 181B, 7/25/1983, §I; and by Ord. 670, 2/24/2003, §1)

PART 13

REWARD POLICY

§1301. Award.

The Manager of the City of Lock Haven and/or Police Chief of the City of Lock Haven is hereby authorized to offer an award of up to \$500 for information leading to the arrest and conviction of any individual committing a crime, including vandalism, on or against the property of the City of Lock Haven or any property managed or maintained by the City.

(Ord. 497B, 10/2/1995, §I)

§1302. Reimbursement.

Any individual who pleads guilty or is convicted of any crime or vandalism occurring against any City owned/managed/maintained property shall be obligated to reimburse the City of Lock Haven for the costs of those damages in accordance with §1106(d) of the Crimes Code, 18 Pa.C.S.A. §1106(d).

(Ord. 497B, 10/2/1995, §II)

