

**COUNCIL BILL NO. 3 OF 2023
CITY OF TITUSVILLE, PENNSYLVANIA
ORDINANCE NO. 3295**

AN ORDINANCE OF THE CITY OF TITUSVILLE, CRAWFORD COUNTY, PENNSYLVANIA; AMENDING THE CITY OF TITUSVILLE POLICE PENSION PLAN AND PLAN DOCUMENT, AS AMENDED AND RESTATED AS OF AUGUST 20, 2013 AND JULY 14, 2014 TO AMEND THE DEFINITION OF ELIGIBLE CLASS OF EMPLOYEES TO PERMIT A PUBLIC SAFETY COMMISSIONER WHO ALSO SERVES AS THE POLICE CHIEF AND WHO WAS HIRED ON OR AFTER FEBRUARY 1, 2023 TO PARTICIPATE IN THE POLICE PENSION PLAN; PROVIDING FOR RATIFICATION, SEVERABILITY, A REPEALER, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of Titusville is authorized and empowered to establish a retirement plan for the benefit of police officers and certain of their dependents under Section 14301 *et seq.* of the Third Class City Code, 11 Pa.C.S. §14301, and pursuant to the Optional Third Class City Charter Law, 53 P.S. §41101 *et seq.*; and

WHEREAS, on July 15, 2014, the City of Titusville City Council adopted Ordinance Number 3226, which adopted the Plan Document for the City of Titusville Police Pension Plan (the “Police Pension Plan Document”); and

WHEREAS, the Police Pension Plan Document is the plan document controlling the administration of the Police Pension Plan; and

WHEREAS, Section 9.2 of the Police Pension Plan Document authorizes the City to make amendments to the Police Pension Plan; and

WHEREAS, the City has created the position of Public Safety Commissioner, which shall oversee and direct the operations of the City of Titusville Police Departments and Fire Departments, and the individual appointed as the Public Safety Commissioner shall serve as the Police Chief and the Fire Chief; and

WHEREAS, the City desires to designate that anyone who shall serve as the Public Safety Commissioner and as the Police Chief shall be determined to be eligible to serve within the Police Pension Plan, and to clarify that this individual shall not be eligible to participate in any other City pension plans.

NOW THEREFORE, this 6th day of March, 2023, **BE IT ORDAINED AND ENACTED** by the City Council, Titusville, Crawford County, Pennsylvania, the following:

Section 1. Recitals.

That the above recitals are incorporated as if more fully set forth herein.

Section 2. Amendment of Police Pension Plan Document.

The Police Pension Plan Document, as adopted by Ordinance Number 3226 on or about July 15, 2014, is hereby amended as follows:

(a) Eligible Class of Employees. For eligible employees hired on or after February 1, 2023, Plan Section 2.1(b) is amended to add the following underlined text:

Eligible Class of Employees. Employees of the employer who are employed as police officers on a regularly scheduled, full time basis shall be eligible to be covered under the plan. Any police officer employed as a temporary, special, part-time, or permanent part-time officer of the employer or as police chief (unless the police chief was a participant as a result of service as a police officer prior to assuming the position of police chief) shall not be considered a member of the eligible class of employees. A Public Safety Commissioner, whose duties include serving as Police Chief, and who was a participant as a result of service as a police officer (or having served as a police officer and then police chief) prior to assuming the position of Public Safety Director, shall be considered a member of the eligible class of employees. Notwithstanding anything to the contrary in this Section, no employee who is participating in any other City of Titusville pension plan shall be eligible to participate in this Police Pension Plan.

Section 3. Severability

The provisions of this ordinance are severable. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4. Repealer

Any ordinances, rules or resolutions, or parts of ordinances, rules, or resolutions, in conflict herewith shall be, and the same are hereby repealed.

Section 5. Ratification

In all other respects, and except for the change set forth above regarding the Eligible Class of Employees, the Police Pension Plan Document shall remain unchanged and in full force and effect, and is hereby confirmed and ratified.


Section 6. Effective Date

This Ordinance shall become effective twenty (20) days after adoption.

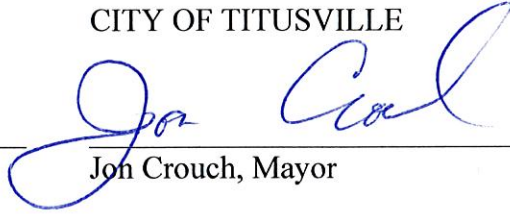
DULY ORDAINED AND ENACTED this 6th day of March, 2023, by the City Council of the City of Titusville, Crawford County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF TITUSVILLE



Neil R. Fratus, City Clerk



Jon Crouch, Mayor

First Reading: 2/20/23

Second Reading: 3/6/23

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