

**City of Pottsville**

**September 9, 2024**

**Proposed Council Meeting Agenda  
6:00 p.m. Council Chambers, 2nd Floor.**

Regular Monthly Business

\*Departmental and Financial Reports

Work Session

Dan Koury regarding the St. Paddy's Day Parade

Megan Price speaking about bringing the International Film Festival to Schuylkill County

Resolutions are as follow:

Appointing Deborah Kapp to the position of School Crossing Guard

Authorizing the City Clerk to solicit bids for Gasoline and Diesel Fuel

Authorizing the City Clerk to solicit bids for Road Salt

Ratifying an agreement between Black Rock Brewing and the City of Pottsville

Designating the Mayor and City Clerk to execute all documents and agreements between the City and the Commonwealth of PA for 150,000 from the Statewide Local Share Assessment grant to re-chassis and refurbishment a fire engine for Yorkville Hose Company.

Authorizing the Mayor to sign the Cooperation Agreement or any necessary paperwork to conclude the RACP grant for the Pottsville Area School District.

Ordinances

First Reading of Bill 8/2024 – Amending the Codified Ordinance of the City of Pottsville – Chapter 46, Article I, Pensions and Retirement.

A copy of the above referenced ordinance is attached.

\*Public

None are Scheduled.

**FILE OF THE COUNCIL OF THE  
CITY OF POTTSVILLE, PA**

Ordinance Number \_\_\_\_\_

Bill Number 8/2024

Introduced by \_\_\_\_\_

Enacted by Council \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE  
CITY OF POTTSVILLE – CHAPTER 46, PENSIONS AND RETIREMENT**

The City Council of the City of Pottsville does hereby ordain that Chapter 46, Pensions and Retirement, Article I regarding the death benefit provided under the Police Pension Fund is hereby amended to reflect that the City of Pottsville is under the Third Class City Code and is thereby obligated to provide certain death benefits to the participant's parents if the participant is not survived by a spouse or minor children.

WHEREAS, the City of Pottsville previously established the City of Pottsville Police Pension Plan; and

WHEREAS, THE City of Pottsville in order to continue its compliance with the state law, desires to enact an amendment to the Plan recognizing the death benefits due to the participant's parents if the participant is not survived by a spouse or minor children under the Third-Class City Code.

NOW THEREFORE, be it ordained and enacted by the City of Pottsville that the attached amendment of the City of Pottsville Police Pension Plan is enacted and the City Clerk as agent of the Employer is authorized and directed to execute the attached amendment to the Plan.

ORDAINED AND ENACTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF POTTSVILLE**

\_\_\_\_\_  
Mayor Dave Clews

ATTEST:

\_\_\_\_\_  
Lisa M. Shuman, City Clerk

**AMENDMENT #2  
TO THE  
CITY OF POTTSVILLE POLICE PENSION PLAN**

As authorized by Section 9.2 of the City of Pottsville Police Pension Plan ("Plan") as amended and restated effective January 1, 2008, the employer, City of Pottsville, hereby amends the Plan in the following manner:

**FIRST: Death Benefits**

Article IV is amended to reflect that the City of Pottsville is under the Third Class City Code and is thereby obligated to provide certain death benefits to the participant's parents if the participant is not survived by a spouse or minor children. As amended, Section 4.1 and 4.2 shall read as follows:

**Section 4.1 – Death Benefit With Respect to Employee Contributions**

- (a) **Benefit Payable** – If a participant dies prior to his annuity starting date (as defined in Section 7.1(e)(12)) and if no death benefit is payable under Section 4.2, an amount equal to the participant's accumulated contributions as determined under Section 6.2 shall be payable to the participant's designated beneficiary in one lump sum.
- (b) **Beneficiary Designation** – The participant shall have the right to designate his beneficiaries, including a contingent beneficiary; and shall have the right at any time to change such beneficiaries. The designation shall be made in writing on a form supplied by the plan administrator. No designation shall be effective until filed with the plan administrator. If the participant fails to designate a beneficiary, or if the designated person or persons predeceases the participant, "beneficiary" shall mean the surviving spouse. If there is neither a named beneficiary nor a surviving spouse, then the benefit shall be payable to any eligible child (or children) of the participant. In the case of multiple eligible children, the benefit payable shall be divided equally among the children. If there is no named beneficiary, no surviving spouse, and no eligible child, the benefit shall be payable to the participant's parent or parents. If there is no surviving parent, the benefit shall be payable to the estate of the participant. However, in the event that no letters have been taken out on the estate within six months after death and the death benefit payable is less than \$100, the death benefit shall be paid to the undertaker or any person or municipality that paid the claim of the undertaker.
- (c) **Eligible Child** – For purposes of this Article IV, an eligible child is a child of the participant who is under the age of 18. Child shall include the adopted child of the participant.

**Section 4.2 – Survivor Benefit**

If a retired or disabled participant who is receiving a pension benefit dies or if an active participant dies, the participant's surviving spouse or eligible child (if any and as further described in Section 4.1(c)) shall receive a benefit equal to 50% of the retirement benefit that the participant was receiving or would have been receiving if the participant had been retired on the date of death and may receive the pension the member was receiving or would have been receiving had he been retired at the time of the participant's death.

Payment shall be in the form of a pension (without actuarial adjustment with respect to the age of the beneficiary) and shall commence as of the first day following the date of the participant's death. Payment to the surviving spouse shall cease upon the death of the surviving spouse.

If there is no surviving spouse or if the surviving spouse dies (thereby ceasing to be the surviving spouse of the participant), then the benefit shall be payable to any eligible child (or children) of the participant as defined in Section 4.1(c). In the case of multiple eligible children, the benefit payable shall be divided equally among the children. Payment shall cease upon the earlier of death or attainment of age 18.

The participant's spouse cannot waive receipt of this benefit. In the case of an unmarried participant who has no children under the age of 18, then the benefit shall be payable to the participant's parent or parents. If there is no surviving parent, no death benefit shall be payable under this Section 4.2, but a death benefit may be payable under Section 4.1. The death benefit payable shall not be less than the benefit payable under Section 4.1. In the event that there is no spouse or child eligible to

receive the death benefit payable under this Section 4.2, the death benefit provided under Section 4.1 shall be paid as described therein. The distribution shall comply with the Distribution Requirements of Section 7.2(d)(2).

If there is an acceptable domestic relations order in force with respect to the participant, the alternate payee shall receive a portion of the death benefit to the extent provided in the order, but only if the alternate payee has not died. However, no order shall be accepted if it provides that the alternate payee shall be the surviving spouse creating a right to a death benefit under this Section 4.2 as the death benefit payable hereunder is only payable with respect to a widow or widower or an eligible child.

**SECOND: Effective Date**

This amendment is made effective as of January 1, 2008.

**THIRD: Remaining Plan Provisions**

All other provisions of the Plan remain in full force and effect.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the duly authorized agent of City of Pottsville.

\_\_\_\_\_  
Title: \_\_\_\_\_