

**TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ OF 2009

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 60 OF THE TOWNSHIP OF SOUTH FAYETTE'S CODE OF ORDINANCES, BY REVISING A PORTION OF ARTICLE 1, §60-15 PERTAINING TO COST OF LIVING INCREASES, BY CLARIFYING THE METHODOLOGY FOR THE CALCULATION OF COST OF LIVING INCREASES TO CONFORM TO THE PROVISIONS OF THE ACT OF MAY 29, 1956, P.L. 1804 AS AMENDED, KNOWN AS ACT 600.

WHEREAS, the Township of South Fayette's Board of Commissioners previously adopted, for the benefit of its Police Force, an Ordinance Establishing and Governing the Police Pension Plan; and

WHEREAS, said Pension Plan Ordinance (hereinafter referred to as "Plan Ordinance") was further amended by Ordinance No. 398 on August 19, 1996 and has been codified at Chapter 60 of the Township's Code of Ordinances; and

WHEREAS, the Township previously amended its Ordinance to allow for a Cost of Living Increase; and

WHEREAS, the Township's implementation of the Ordinance was not clear as to the calculations of the Cost of Living adjustments in the benefits permitted under Act 600; and

WHEREAS, the Township is desirous of correcting this practice in conformity with Act 600; and

WHEREAS, the Township wishes to confirm that the Cost of Living Increase be implemented in a consistent manner as a pension benefits for its Police Officers in order to provide an incentive for the members of its Police Force to maintain their tenure and to stay on active duty.

NOW THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the Commonwealth of Pennsylvania, BE IT ORDAINED AND ENACTED BY THE Commissioners of the Township of South Fayette as follows:

1. Chapter 60, Article I, Section 60-15 of the Township of South Fayette Code of Ordinances entitled "§60-15 Cost of Living Increase" is hereby amended by the addition of the following Paragraphs:

- E. The Cost of Living Adjustment will be calculated one time a year on December 1, by the Board of Commissioners of South Fayette Township, or their authorized agent, which shall be subject to the aforementioned limitations and the limitations of Act 600 and the discretion of the Commissioners, and shall be limited to an increase no greater than the same percentage as the increase in the Consumer Price Index for Urban and Clerical Workers(CPI-W), as maintained by the United States Bureau of Labor Statistics, for the 12 month period ending November 30 of the year that the Cost of Living calculation is performed.
- F. So long as the increase is in compliance with the relevant terms of this Ordinance, the Cost of Living Adjustment will take effect with the first Pension Payment of the following calendar year and it will be payable as of the first day of the month coincident with or next following a new participants retirement date during that year.

2. All Ordinances and parts of Ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeals shall be only to the extent of such inconsistency and in all other aspects this Ordinance shall be cumulative of the other Ordinances regulating and governing the subject matter covered by this Ordinance.

3. In the event any provision of this Ordinance or its application to any persons or under any circumstances shall be held unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

4. This Ordinance shall be in full force and effect from and after its passage, and shall be effective for any Police Officer currently receiving a Police Pension.

ORDAINED AND ENACTED INTO LAW, this ____ day of _____, 2009.

ATTEST:

TOWNSHIP OF SOUTH FAYETTE:

Township Secretary

By: _____
Thomas Sray , President
Board of Commissioners

(TOWNSHIP SEAL)