

HARMONY BOROUGH

ORDINANCE NUMBER 426

AN ORDINANCE AMENDING THE EXISTING BOROUGH OF HARMONY NON-UNIFORMED EMPLOYEES PENSION PLAN ("PLAN"), BUTLER COUNTY, PENNSYLVANIA, IN ORDER TO AMEND THE PLAN TO ADD DC FEATURES AND TO COMPLY WITH THE FEDERAL AND COMMONWEALTH OF PENNSYLVANIA LAWS AND REGULATIONS IN EFFECT AS OF JANUARY 1, 2016.

WHEREAS, Borough intends for this Plan to comply with the tax-exempt retirement plan requirement of the Internal Revenue Code of 1986 (as amended) Section 401(a) and, as a result, the Borough adopts the attached Plan amendments.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by Harmony Borough, Butler County, Pennsylvania and it is hereby ordained and enacted by the authority of the same as follows:

SECTION ONE: ESTABLISHMENT:

This Ordinance sets forth the details of the money purchase retirement plan provisions for full time non-uniform employees of Harmony Borough employees hired after January 1, 2016 pursuant to the provisions of Exhibit A and updates the Internal Revenue Code provisions as set forth in Exhibit A.

SECTION TWO: SAVINGS PROVISION:

In the event that any provisions, section, sentence, clause or part of this Retirement Plan shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of the Plan, it being the intent of Harmony Borough that such remainder shall remain in full force and effect.

SECTION THREE: AUTHORIZED SIGNATURE:

The Chairman or Vice-Chairman and Secretary or Assistant Secretary of the Harmony Borough Council are hereby authorized and directed to execute the Plan Documents.

ENACTED this 4th day of December 2018.

ATTEST:

HARMONY BOROUGH

Amy Brown

Gregory Hill (SEAL)

Colin H. Rapa (SEAL)

_____(SEAL)

I do hereby attest the above is a true and correct copy of proposed Harmony Borough Ordinance Number 426.

EXHIBIT A

1. **Sections 4.07 and 4.04** - Maximum Benefit Limitations and IRC 415 are deleted in its entirety and replaced by Article XII.
2. **Sections 5.03 and 5.04** – Required Distributions and Small Amounts are deleted in its entirety and replaced by Article XII.
3. **Section 3.05** – Rollovers from Qualified Plans is deleted in its entirety and replaced by **Article XII**.
4. **Article VII** – Additional Qualification Rules is deleted in its entirety and replaced by **Article XII**.
5. Any references to the above sections in Articles I through X shall be changed to references to **Article XII**.
6. **Articles XI and XII**– Money Purchase Plan Provisions for Full-Time Non-uniformed Employees hired after January 1, 2016 and Internal Revenue Code provisions are added to the Plan which will provide as follows in the attached: