

CHARTER TOWNSHIP OF HAMPTON

ORDINANCE NO. 24-1

FIRST AMENDMENT TO

THE

PENSION PLAN ORDINANCE OF THE CHARTER TOWNSHIP OF HAMPTON

BAY COUNTY, MICHIGAN

An ordinance to amend and restate the Charter Township of Hampton Pension Plan Ordinance, being Ordinance Number 24.

The Charter Township of Hampton, Bay County, Michigan, ordains that Pension Plan Ordinance Number 24, adopted October 21, 1974 and effective October 26, 1974, is hereby amended and restated in its entirety to read as follows:

An Ordinance to provide for the creation, establishment and administration of an annuity or pension plan for all full time employees of Hampton Township and all members of the Hampton Township Board, pursuant to Act 27 of the Public Acts of 1960.

Section I

This Ordinance shall be known and cited as the Hampton Township Pension Plan Ordinance, First Amended Version.

Section II

Pursuant to Act #27 of the Public Acts of 1960, as amended, the Township of Hampton shall create and establish an annuity or pension plan and program for the pensioning of its officers and employees. The Township Supervisor and the Township Clerk are authorized to contract, in the name of the Township Board, with any company authorized to transact such business within the State of Michigan for annuities or pensions as approved by the Township Board.

Section III

The Township Board is authorized:

1. To establish a retirement system for all full time employees of the Township and all members of the Township Board of said township and to exercise all authority granted to the Township by Act 27 of the Public Acts of 1960, as amended.
2. To provide for financing, funding and payment of benefits in the same manner and to the same extent as permitted counties under Section 12a of Act Number 156 of Public Acts of 1951, as amended, being Section 46.12a of the Compiled Laws of 1948.
3. To make contracts of insurance with any insurance company authorized to transact business within the state.
4. To contract with any such company granting annuities or pensions for the pensioning of all members of the Township Board and all full time employees and for such purposes may pay any part of the premium or charges for such insurance, prepayment plan coverage, annuities or pensions.

5. To negotiate with collective bargaining units of the Township on the subject of pensions under this plan.
6. To define those classes of officers and employees who shall be covered by such annuity or pension plan.
7. To set forth the respective per centum shares which Hampton Township and the officers and employees shall contribute to the premium or charges arising under such annuity or pension contract.
8. To provide for the deduction of contributions from officers' and employees' compensation.
9. To establish the time at which existing and future participants shall become eligible for such plan.
10. To establish retirement dates under the plan.
11. To provide a method for non-coverage of persons who do not wish to be a participant.
12. To set forth a date wherein each person covered under the annuity or pension plan shall have a vested right or interest in such plan.
13. To ratify and confirm the validity of any annuity or pension plan in existence on the effective date of this Ordinance.
14. To exercise all authority granted to said Township by Act 27 of the Public Acts of 1960.
15. Notwithstanding any other provision of law, the proper disbursing officer of the Township is authorized to deduct from the officers' or employees' pay, salary or compensation such part of the premium or charge as is payable by the officer or employee.
16. Any contract of insurance or arrangement for prepayment plan coverage procured pursuant to this Ordinance may provide that each elected or appointed officer or employee becoming eligible for insurance or coverage thereunder shall become insured or covered automatically when he becomes eligible, subject to any actively-at-work requirements specified in the contract or arrangement. If the insurance or coverage under the contract or arrangement requires contributions from the individual, any individual desiring not to be so insured or covered shall give written notice to his employing office that he desires not to be insured or covered, and if the notice is received before the individual has become insured or covered under the contract or arrangement, he shall not be insured or covered thereunder. If the notice is received after the individual has become insured or covered, his insurance or coverage under the contract or arrangement shall cease as provided for in the contract or arrangement.
17. The provisions of this Ordinance shall not effect the validity of any retirement program or contract of group insurance or arrangement for prepayment plan coverage previously entered into by the Township.
18. The authority hereby given shall be in addition to

and not in derogation of any power existing in the Township under the provisions of any statute or any charter now in effect.

19. The Township may exercise the powers granted hereunder by ordinance without necessity of amending its charter.

#### Section IV

1. The annuity or pension plans created, established and contracted for under this Ordinance shall cover each person within the following classes of officers, trustees and employees:

CLASS I: All members of the Township Board and full time employees of the Township not covered by collective bargaining agreements.

CLASS II: All full time employees of the Township covered by collective bargaining agreements, each bargaining unit constituting a separate class.

2. For those persons in Class I, the Township of Hampton and each individual in Class I shall contribute annually to said pension plan an amount equal to the per centum of each person's pay, salary or compensation as hereinafter set forth:

Township of Hampton - As determined from time to time by resolution of the Township Board.

Class I Individuals - As determined from time to time by resolution of the Township Board.

3. For those persons in Class II, the Township of Hampton and each individual in Class II shall contribute annually to said pension plan an amount equal to the per centum of each person's pay, salary or compensation as hereinafter set forth:

Township of Hampton - As determined by the applicable collective bargaining agreement.

Class II Individuals- As determined by the applicable collective bargaining agreement.

4. Such contributions by the Township shall be secured from the general fund of the Township. Each participant within the above classes shall be responsible for the remainder of the premium or charges and the Township Treasurer is hereby authorized to deduct the same from each person's pay, salary or compensation and apply the same to each person's responsibility.

#### Section V

Sections III and IV shall be retroactive to October 26, 1974 and this Ordinance ratifies all contributions made by the Township to date of enactment of this Ordinance 24-1.

#### SECTION A

#### PUBLICATION

Publication of a copy of this Ordinance shall be published in a newspaper circulated within the Charter Township

of Hampton, Bay County, Michigan, within ten days following the adoption hereof.

SECTION B

EFFECTIVE DATE

The amendment to this Ordinance Number 24-1 shall become effective thirty (30) days after the last required publication.

SECTION C

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION D

SEVERABILITY AND SAVING CLAUSE

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not effect the validity of this ordinance as a whole or any part thereof, other than the part declared to be invalid.