

Article XVII — Administration

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Article XVII – Administration

§ 18-1701 In General.

The Plan Administrator and named fiduciary of this Plan shall be the Borough of Alburdis Pension Committee.

[Ord. 415 10-29-2003]

§ 18-1702 Powers & Duties.

(a) **In General.** The Administrator shall administer the Plan in accordance with its terms, shall direct the Trustees to make payments in accordance with the Plan from the Trust under § 18-1609, and shall have all powers necessary to carry out the provisions of the Plan. The Administrator shall have absolute and exclusive discretion to decide all issues arising in the administration, interpretation, and application of the Plan, including eligibility for benefits. The Administrator may from time to time set forth rules of interpretation and administration, subject to modification as appropriate in the light of experience. No such rule will be ineffective by reason of the fact that such rule may amend the purely administrative provisions of the Plan or conform to any changes in the Plan or applicable law relating to qualified retirement plans. Decisions and rules established by the Administrator shall be conclusive and binding on all persons. The Administrator shall act without discrimination among persons similarly situated at any given time, although it may change its policies from time to time.

(b) **Delegation.** Subject to the prohibitions of § 18-1801, the Administrator may delegate to any person or group of persons its authority to perform any act under this Plan and Trust, including those matters involving the exercise of discretion, *provided* that such delegation shall be subject to revocation at any time at the Administrator's discretion.

(c) **Designation of Chief Administrative Officer.** The Administrator shall designate, from time to time, an individual to be the Chief Administrative Officer of the Plan for purposes of the Municipal Pension Plan Funding Standard and Recovery Act, 53 PA. STAT. ANN. § 895.101 *et seq.*, subject to the control of the Administrator.

(d) **Employment of Professionals & Others.** Subject to the prohibitions of § 18-1801, the Administrator may appoint such accountants, counsel, specialists, consultants, and other persons as it may deem necessary or desirable in connection with the administration of this Plan, including persons who may also be engaged by the Employer or who may be Trustees. The Administrator shall be entitled to rely exclusively upon, and shall be fully protected in any action taken in good faith by it in relying upon, any opinions or reports which shall be furnished to it by any such accountant, counsel, specialist, or other consultant.

(e) **Records.** The Administrator shall keep a record of all its proceedings and acts, and shall keep all such books of account, records, and other data as may be necessary for the proper administration of the Plan under ERISA.

(f) **Notifications.** The Administrator shall notify the Trustees of all its actions, and, when required by law, it shall also notify any other interested persons of its actions.

(g) **Reports, Documents, and Communications.** The Administrator shall prepare and file all reports and documents required to be filed with a governmental agency, shall prepare and provide or make available all reports and documents required to be provided or made available to persons with an interest under the Plan, **and** shall communicate with employees and other persons with respect to all matters relating to the Plan and Trust, including rights and benefits under this Plan.

§ 18-1703 Direction of the Trustees.

(a) **Direction to Request Approval.** The Administrator may at any time direct the Trustees in writing to obtain the written approval of the Administrator before exercising certain of the powers granted the Trustees under this Plan and Trust. Any such direction may be of a continuing nature or otherwise, and may be revoked in writing by the Administrator at any time.

(b) **Funding Policy and Method.** The Administrator shall, from time to time, establish a funding policy and investment objectives and guidelines for the Trust consistent with the purposes of the Plan and state and federal law, and shall direct the Trustees to comply with such policy, objectives, and guidelines. The Administrator shall periodically review the operation of the Trust and all financial reports, investment reviews, and other reports prepared for the Plan or Trust.

(c) **Duty to Question Direction by Administrator.** Neither the Trustees nor any other person shall be under any duty to question a direction by the Administrator under this Section.

[Ord. 415 10-29-2003]

§ 18-1704 Compensation & Expenses.

All expenses incident to the administration of the Plan by the Administrator, including but not limited to fees of accountants, counsel, consultants, and other specialists, and other costs of administering the Plan, may be paid by the Employer, but until and unless they are paid by the Employer they shall constitute a charge upon the Trust Fund.

[Ord. 415 10-29-2003]

§ 18-1705 Standard of Care.

The Administrator and all accountants, counsel, specialists, consultants, and other retained by it under § 18-1702(d) shall be subject to the fiduciary requirements detailed in Article XVIII.

[Ord. 415 10-29-2003]