

TOWNSHIP OF PENINSULA
COUNTY OF GRAND TRAVERSE
STATE OF MICHIGAN

ORDINANCE NO. 10

DEFERRED COMPENSATION AGREEMENT ORDINANCE

ADOPTED APRIL 7, 1981

EFFECTIVE: IMMEDIATELY

An Ordinance to establish a non-qualifying deferred compensation plan under Section 457 of the Internal Revenue Code of 1954, as amended, for officers, officials and employees of the Township of Peninsula and to authorize the Township Supervisor and the Township Clerk to enter into an agreement in the name of the Township with officers, officials and employees of the Township who are participants in the plan; to define those persons who shall be eligible to participate in such plan; to establish the terms of said agreement including limitations on amount to be deferred; to establish the manner of payment of amounts deferred under said agreement; to repeal all ordinances or parts or portions of all ordinances inconsistent herewith and to set an effective date for said ordinance.

ORDINANCE #10
TOWNSHIP OF PENINSULA
COUNTY OF GRAND TRAVERSE
STATE OF MICHIGAN
ORDAINS:

Section I

NON-QUALIFIED DEFERRED COMPENSATION PLAN

The Township of Peninsula hereby establishes a non-qualified deferred compensation plan under Section 457 of the Internal Revenue Code of 1954, as amended, whereby an officer, official or employee of the Township may be eligible to defer that individual's compensation or a portion thereof, said amounts deferred to be paid by the Township or its agent to said officer, official or employee or said individual's beneficiary according to the terms of the agreement with said individual at a later date; said agreement shall be entered into by the Township Supervisor and the Township Clerk in the name of the Township; said deferred compensation shall be for the purpose of providing for the payment of said compensation in a different manner and at different times thereby more effectively providing for said officer, official or employee's retirement or death; said agreement shall be for the purpose of deferring federal and state income tax liability on said deferred compensation to the time of receipt by said officer, official or employee or said individual's beneficiary.

Section II

INDIVIDUALS COVERED

plan established hereinafter and may elect to participate in the plan by entering into a written deferred compensation agreement with the appropriate officials of the Township, which said agreement shall be as set forth in Exhibit A attached hereto and incorporated herein.

III

ADMINISTRATION AND INTERPRETATION OF THE PLAN

The plan shall be administered by the Township Board of the Township of Peninsula. The Board shall represent the Township in all matters concerning the administration of the plan. The Board or its authorized agent or official, shall investigate, review and approve any insurance company seeking to sell insurance, annuity or mutual fund contracts under this plan. The Board shall have full power and authority to adopt rules and regulations for the administration of the plan, provided that they are not inconsistent with the provisions of this Ordinance and to interpret, alter, amend or revoke any rules or regulations so adopted.

IV

TAX RAMIFICATIONS

It is the intention of the Township Board that this non-qualified deferred compensation plan and the agreement provided thereunder for the deferral of compensation complies with Section 457 of the Internal Revenue Code of 1954, as amended, pertaining to State deferred compensation plans. The participant's compensation which is deferred hereunder is intended to be nontaxable until actually received by said officer, official or employee or such individual's beneficiary. The administration of this non-qualified deferred compensation plan and the operation and interpretation of the agreement provided thereunder shall be done in such a manner so as not to result in the compensation deferred thereunder becoming taxable before actual receipt thereof by said officer, official or employee or such individual's beneficiary. Any provision contained herein which causes said deferred compensation to be taxed prior to receipt thereof shall be deemed null and void. However, although it is the opinion of the Township of Peninsula that the non-qualified deferred compensation plan and the agreement provided thereunder accomplishes the deferral of federal and state income tax for compensation deferred thereunder, no guarantee is given to any officer, official or employee or said individual's beneficiary as to its tax status and the Township hereby assumes no responsibility in the event of any adverse tax determination to any officer, official or employee or said individual's beneficiary.

Any provision of this non-qualified deferred compensation plan, the agreement or any Township rules or regulations pertaining thereto adopted thereunder, which are contrary to the Internal Revenue Code of 1954 or regulations adopted thereunder shall be deemed to be superseded by such Internal Revenue Code of 1954 or regulations adopted thereunder.

V

SEVERABILITY

This Ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

VI

EFFECTIVE DATE; REPEAL OF PRIOR INCONSISTENT ORDINANCES; ADOPTION

This Ordinance shall become effective immediately. Any Ordinance or parts of ordinances inconsistent herewith shall be deemed to be repealed by this Ordinance and shall be of no further force and effect. However, the validity of any non-qualified deferred compensation agreements made by Township officers, officials or employees pursuant to any previous plan shall not be affected by this Ordinance and Plan, but such previously executed non-qualified deferred compensation agreements shall be subject to the terms of this Ordinance and Plan hereafter.

THIS ORDINANCE WAS ADOPTED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF PENINSULA, AT A MEETING THEREOF HELD APRIL 7, 1981.

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the Township Board of the Township of Peninsula at a meeting thereof held on April 7, 1981.



Mary K. Belding, Township Clerk

known as Peninsula Township
Pension Plan Ordinance.

PURPOSE: Reaffirmation of pension plan for employees and officers of Peninsula Township, established in 1969, and including conditions of eligibility and function as amended in 1983 and as currently administered.

ADMINISTRATION: Clerk is Administrator. Clerk and Supervisor are authorized to transact business within the State of Michigan for pension plans.

COVERAGE: All full time employees, Township Board members, statutory appointees, and persons employed twenty hours per week on a regular basis.

COSTS: Township contributes 100% of premium and charges, such being secured from appropriate funds of eligible employees and officers, as resolved July 1, 1983.

ELIGIBILITY: On effective date of pension plan following 90-day probationary period of employ.

TERMINATION: Date of termination of employ or such date as status is altered as to create ineligibility. Any person not desiring coverage shall provide written notice to Administrator. If notice is received after coverage has been instituted, coverage shall cease as provided in contract.

VESTING: Twenty months from date of entry into plan.

EFFECTIVE DATE: Date of this publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Full copy of this Ordinance #19 available for inspection or purchase at Clerk's office, 17630 Smokey Hollow Rd., Traverse City, MI 49684.

Mary K. Belding, Clerk
(616) 223-7136

2) Subdivision Control Ordinance. Approval of revised ordinance.
Gray/Breadon moved to continue tabling Subdivision Control Ordinance until Amendment 91 is approved. Unan. Carried MOTION

Fulmer/Belding moved that a special meeting be arranged with the PC to discuss and resolve questions regarding Amend. 91. Unan. Carried MOTION

3) Unitarian Universalist Church - Approval of Site Plan
Discussion ensued re road access onto M-37 and plowing of emergency road. Belding/Gray moved to approve the site plan of the Unitarian Universalist Church with the recommendations of the PC. Unan. Carried. MOTION.

4) Road Improvement Priorities
Letter received from John Dost, 7478 Pen.Dr., re flooding of his basement due to Pen.Dr. sewer project. It was the consensus of the Board to rearrange the priority list and have McKinley Rd. next with Island View Rd. and Seven Hills Rd. to follow in that order.

5) Amend County Solid Waste Contract
Breadon/Fulmer moved to adopt the Resolution amending the G.T. County Solid Waste Contract to a voluntary system. Roll call. 5 ayes, Carried. MOTION

NEW BUSINESS:

1) Slide presentation by Glen Chown: Rescheduled for June meeting.

2) Road Name Change
Manigold/Breadon moved to change Greenwood & Bay View Ave to Bordeaux Bay and Evergreen Ave. to Cabernet Cove. Unan. Carried. MOTION

3) Chateau Grand Traverse Millage Question
Letters received re this issue were 16 against, 5 in favor. Fulmer/Gray moved that this millage issue not be placed on the August ballot. Unan. Carried. MOTION

* 4) Adopt Ordinance for Pension Plan
Fulmer/Belding moved to adopt Ordinance #19 - Pension Plan. Roll call, 5 ayes, Carried. MOTION

AUDIENCE COMMENTS: Dick Templeton suggested that a millage be considered that would set up a fund for scenic views in general.

There being no further business, the meeting adjourned at 10:27 p.m.

Minutes recorded by Joan Kroupa, Clerk's Assistant
Minutes stand for approval.

Mary K. Belding, Clerk

Approval date _____