

**FRENCHTOWN CHARTER TOWNSHIP**  
**401(a) DEFINED CONTRIBUTION PLAN ORDINANCE**  
**Ord. No. 168; Date of Adoption: November 1993**

An Ordinance to create and establish a 401(a) Defined Contribution Plan for the board members and employees of Frenchtown Charter Township and to authorize the Township Supervisor and Clerk to contract, in the name of the Township, for such plan; to define those classes of board members and employees who shall be covered by such plan; to set forth the respective contribution which Frenchtown Charter Township shall contribute to the plan and to further provide for the deduction of contributions from board members' and employees' compensation; to establish the time at which existing and future employees shall become eligible for such plan to set forth a date wherein each person covered under the plan shall have a vested right or interest in such plan; to ratify and confirm the validity of any plan in existence on the effective date of this Ordinance and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:**

**Section 1. Title.**

This Ordinance shall be known as the Frenchtown Charter Township 401(a) Defined Contribution Plan Ordinance.

Amended by Ordinance No. 168-3, December 15, 2015.

**Section 2. Retirement Plan Established.**

Pursuant to Public Act 77 of 1989, as amended, the Township of Frenchtown hereby confirms and, to the extent required by law, creates and establishes, a 401(a) Defined Contribution Plan for its eligible board members and employees, and for such purposes, also hereby authorizes any two of the Township Supervisor, Township Treasurer and Township Clerk to contract, in the name of the Township Board, with any company authorized to transact such business within the State of Michigan for 401(a) defined contribution plans.

Amended by Ordinance No. 168-3, December 15, 2015.

**Section 3. Eligible Employees and Officials.**

The 401(a) Defined Contribution Plan confirmed, created, established and contracted for under this Ordinance shall cover the (1) Township Supervisor, Township Clerk, Township Treasurer, (2) Township employees working Thirty (30) hours or more per week on a regular basis and (3) employees entitled to participate pursuant to an employment contract. Eligible employees shall not include Recreation Department employees unless specifically provided for by contract. Fire Department employees shall be eligible for benefits in accordance with the terms of their collective bargaining unit agreements.

Amended by Ordinance No. 168-1, June 13, 2000.

Amended by Ordinance No. 168-3, December 15, 2015.

Amended by Ordinance No. 168-4, December 21, 2021.

**Section 4. Contributions of Employer; Eligible Employees and Officials.**

Section 4 (A): The Township of Frenchtown shall annually contribute fifteen (15%) percent of the annual salary, or compensation as defined in the plan document, for (1) each Township Supervisor, Township Treasurer, Township Clerk (2) eligible employees if provided for by an employment agreement. Every employee or official who is eligible to participate in the plan shall become a participant on the first day of the month following the first year on which he or she began employment or took office with Frenchtown Charter Township. Subject to Section 5(C), said contributions shall commence upon meeting the participation requirements.

Amended by Ordinance No. 168-4, December 21, 2021.

Section 4 (B): The Township of Frenchtown shall annually contribute two (2%) percent of the annual salary, or compensation as defined in the plan document each year until the maximum contribution of ten (10%) is reached, or such other amount as agreed to pursuant to an employment contract for each employee employed by the Township who participates in the plan and who is entitled to benefits pursuant to an employment contract. Every employee who was eligible to participate in the plan shall become a participant on the first day of the month following the first year on which he or she began employment or took office with Frenchtown Charter Township. Subject to Section 5(C), said contributions shall commence upon meeting the participation requirements.

Amended by Ordinance No. 168-4, December 21, 2021.

Section 4 (C): Such contributions described in Sections 4(A) and (B) above, shall be distributed as required by the 401(a) Defined Contribution Plan authorized by the Frenchtown Charter Township Board and said funds shall be contributed to the plan from the applicable fund of the Township. Each participant shall be eligible to make after tax contributions to the plan and the Township Treasurer is hereby authorized to deduct the same from each such persons pay, salary or compensation and to contribute the same to the plan.

Section 4 (D): Any person desiring not to be so covered shall give written notice to the Township that he or she desires not to be covered and if the notice is received before the person has become covered under the plan he or she shall not be covered thereunder. If the notice is received after the individual has become covered, his or her coverage under the contract shall cease as provided for in the plan.

Amended by Ordinance No. 168-1, June 13, 2000.

Amended by Ordinance No. 168-3, December 15, 2015.

**Section 5. Vested Rights.**

Section 5 (A): Township Officials. The elected or appointed Township Supervisor, Clerk and Treasurer shall have a vested right or interest in such plan upon completion of thirty-six (36) months of participation in the plan.

Amended by Ordinance No. 168-4, December 21, 2021.

Section 5 (B): Employees Eligible to Participate in Plan. Each person so covered under the 401(a) Defined Contribution Plan shall have a vested right or interest in such plan upon completion of sixty (60) months of participation in the plan.

Amended by Ordinance No. 168-1, June 13, 2000.  
Amended by Ordinance No. 168-2, November 13, 2007.  
Amended by Ordinance No. 168-3, December 15, 2015.  
Amended by Ordinance No. 168-4, December 21, 2021.

Section 5(C): Break-in-Service. A break in service shall occur when an employee is absent from employment for any continuous period of 12 months or longer for reasons other than service in the armed forces of the United States or other leave which is specifically approved by the Township. In the event of a break in service by an employee prior to having a vested right or interest in plan funds, an employee recommencing employment following a break in service shall be required to comply with Section 5(B) above thereafter and any employment prior to the break in service shall not be considered.

Amended by Ordinance No. 168-3, December 15, 2015.

**Section 6. Existing Plan Ratified.**

The Township of Frenchtown hereby ratifies and confirms the validity of the 401(a) Defined Contribution Plan in existence on the effective date of this Ordinance.

**Section 7. Reservation of Right to Amend and/or Terminate.**

Frenchtown Charter Township reserves the right to amend and/or terminate this plan and the benefits offered pursuant to this Ordinance at any time. This Ordinance and the Plan shall not create any right on the part of any current or future:

1. Employee;
2. Board Member;
3. Retiree;
4. Spouse or former spouse of any employee, Board Member or Retiree

to have the benefits contemplated hereunder continued.

**Section 8. Repeal of Conflicting Ordinances.**

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

**Section 9. Effective Date.**

This Ordinance shall take effect immediately after passage and publication in the Monroe Evening News, a newspaper having general circulation in the Charter Township of Frenchtown, County of Monroe.