

ORDINANCE 09-2015

AN ORDINANCE TO PROVIDE FOR THE PICK-UP OF THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE EMPLOYEES AND ELECTED OFFICIALS OF THE VILLAGE OF MINERVA PARK PURSUANT TO INTERNAL REVENUE CODE SECTION 414(h)(2) AND DECLARING AN EMERGENCY

WHEREAS, Pursuant to Federal and Ohio laws, the Federal and State income taxes on a portion of the wages or salaries of the employees and elected officials of the Village of Minerva Park (the Village) will be deferred if Village “picks up” (assumes and pays) the contributions statutorily required by such covered employees and elected officials to Ohio Public Employees Retirement System (OPERS); and,

WHEREAS, The Village will not incur any additional costs in the picking up of such contributions;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK OHIO, THAT:

- Section 1.** Effective with the pay period beginning June 28, 2015, the full amount of the statutorily required employee contributions to OPERS shall be withheld from the gross pay of each person within any of the classes established in Section 2 herein and shall be “picked up” (assumed and paid to OPERS) by the Village. This “pick up” by the Village shall be designated as public employee contributions and shall be in lieu of contributions to OPERS by each person within any of the classes established in Section 2 herein. No person subject to this “pick up” shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it “picked up” by Village or of being excluded from the “pick up.” The Village shall, in reporting and making remittance to OPERS, report that the public employees contribution for each person subject to this “pick up” has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.
- Section 2.** The “pick up” by the Village provided by this ordinance shall apply to all persons that are employees and elected officials of the Village who are or become contributing members of OPERS.
- Section 3.** The Village method of payment of salary to employees and elected officials who are participants in OPERS is hereby modified as follows, in order to provide for a “salary reduction” pick up of employee contributions to OPERS.
- Section 4.** The total salary for each employee and elected official shall be the salary otherwise payable under the Village ordinances or resolutions. Such total salary of each employee and elected official shall be payable by the Village in two parts: (a) deferred salary and (b) cash salary. An employee or elected official’s deferred salary shall be equal to that percentage of that person’s total salary which is required from time to time by OPERS to be paid as an employee contribution by that employee or elected official, and shall be paid by the Village to OPERS on behalf of that employee or elected official as a pick up and in lieu of the OPERS employee contribution otherwise payable by that person. An employee or elected official’s cash salary shall be equal to that employee or elected official’s total salary less the amount of the pick up for that employee or elected official’s, and shall be payable, subject to

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(Continued)

applicable payroll deductions, to that employee or elected official. The Village shall compute and remit its employer contributions to OPERS based upon an employee or elected official's total salary. The total combined expenditures of the Village for such employees and elected officials total salaries payable under applicable Village ordinances or resolutions and the pick-up provisions of this ordinance shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

Section 5. The Fiscal Officer is hereby authorized and directed to implement the provisions of this ordinance to institute the "pick up" of the statutorily required contributions to OPERS for those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and state tax deferrals.

Section 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 7. All prior legislation, or any parts thereof, which is/are inconsistent with this ordinance is/are hereby repealed as to the inconsistent parts thereof.

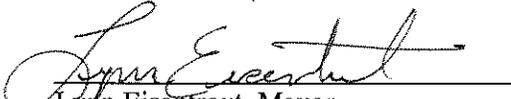
Section 8. Council declares this to be an emergency measure necessary for the health, safety and welfare of the residents of Minerva Park, such emergency arising out of the need to allow the employees to benefit as early as possible from the tax savings and increase in their net pay. Wherefore, this ordinance shall take effect and shall be in force immediately upon passage by Council.

First Reading: May 11, 2015
Second Reading: June 8, 2015
Third Reading: June 22, 2015
Passed: June 22, 2015

ATTESTS

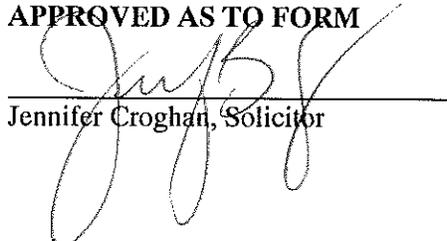


Jeffrey Wilcheck, Fiscal Officer



Lynn Eisentrout, Mayor

APPROVED AS TO FORM



Jennifer Croghan, Solicitor