

CITY OF KIRTLAND

RESOLUTION NUMBER 24-R-3

A RESOLUTION THAT THE CITY OF KIRTLAND WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE DIRECTOR OF LAW, AS AN EMPLOYEE OF THE CITY OF KIRTLAND AND PURSUANT TO IRC SECTION 414(h)(2), AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Federal and Ohio laws, the City of Kirtland may offset future salary increases and “pick up” (assume and pay) the contributions statutorily required by such elected officials and covered employees to the Ohio Public Employees Retirement System (OPERS) and such individuals will not be required to pay Federal and State income taxes on such contributions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I: Effective January 3, 2024, the full amount of the statutorily required employee contributions to OPERS shall be picked up and paid as a fringe benefit by the City of Kirtland for each person within any of the classes established in Section 2 herein. The pick-up shall be an offset against future salary increases. This “pick up” by the City of Kirtland 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 the City of Kirtland or of being excluded from the “pick up.” The City of Kirtland shall, in reporting and making remittance to OPERS, report that the public employee 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 II: The “pick up” by the City of Kirtland provided by this Resolution shall apply only to the Director of Law who is an employee of the City of Kirtland and has been a contributing member of OPERS.

SECTION III: Under the fringe-benefit method of employer pick up, salary is not modified; however, the employer will pay the employee’s statutorily required contribution to OPERS.

SECTION IV: The Treasurer and/or the Clerk are hereby authorized and directed to implement the provisions of this Resolution 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 have their employee contributions paid by their employer.

SECTION V:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide for the usual and customary operations of the City; wherefor, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this ____ day of
_____, 2024.

ATTEST:

Approved by the Mayor, this _____ day
of _____, 2024.

Clerk of Council
PERS Contribution Pick Up for Law Director

Mayor Kevin F. Potter