

**AN ORDINANCE  
AMENDING SUBSECTION (b) OF SECTION 149.20 OF THE  
CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN  
FALLS RELATING TO EMPLOYEE CONTRIBUTIONS TO  
OPERS AND OP&F, AND DECLARING AN EMERGENCY.**

WHEREAS, this Council, in order to comply with the mandates of Senate Bill 5, enacted Ordinance No. 2011-26, on May 23, 2011, amending Section 149.20 of the Codified Ordinances; and

WHEREAS, Ordinance No. 2011-26 was forwarded to the Ohio Public Employee Retirement System ("OPERS") for review and approval; and

WHEREAS, OPERS approved the language of Ordinance No. 2011-26; and

WHEREAS, a portion of subsection (b) of Section 149.20 authorizes an official or employee to have contributions made on a pre-tax basis by signing a form requesting such action; and

WHEREAS, OPERS, upon further review (after the enactment of the ordinance), has concluded that such provision could be interpreted as being in conflict with IRS regulations prohibiting pension plans from being discriminatory; and

WHEREAS, OPERS is recommending that the Village remove such provision from Section 149.20; and

WHEREAS, Ohio law authorizes certain elected officials to choose to pay into Social Security in lieu of OPERS; and

WHEREAS, such choice is not available to elected officials who are already a member of OPERS through previous elective service or are retired from OPERS or another Ohio retirement system; and

WHEREAS, this Council desires to amend subsection (b) of Section 149.20 to clarify that OPERS membership for elected officials, consistent with Ohio law, is optional unless an elected official meets the mandatory membership criteria established by OPERS.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

**SECTION 1.** That existing subsection (b) of Section 149.20, Employee Contributions To OPERS and OP&F, of the Codified Ordinances of the Village of Chagrin Falls be, and the same is hereby amended to read and provide, in its entirety, as follows:

**"149.20 EMPLOYEE CONTRIBUTIONS TO OPERS AND OP&F.**

Effective June 26, 2011, the Village hereby adopts the following policies and procedures, in accordance with Ohio law, to perform the "employer pick-up" of employee contributions to the Ohio

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**INTRODUCED BY: MR. SUBEL**

Public Employee Retirement System ("OPERS") and the Police and the Ohio Police and Fire Pension ("OP&F"):

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(b) This section shall apply to all Village officials and/or employees in the following categories: Police Department personnel, Fire Department Personnel, Public Service Department personnel, support personnel, elected officials, appointed officials, and all other employees who are not members of the above groups. This section shall not apply to non Village employees who are hired temporarily in order to provide traffic control at private construction projects and shall not apply to elected officials who, consistent with Ohio law and OPERS regulations, decline OPERS membership.

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SECTION 2. That existing subsection (b) of Section 149.20, Employee Contributions to OPERS & OP&F, of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict herewith, be and the same are hereby repealed.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 5. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the Village may timely comply with IRS regulations and OPERS requirements relating to OPERS membership; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: June 27, 2011

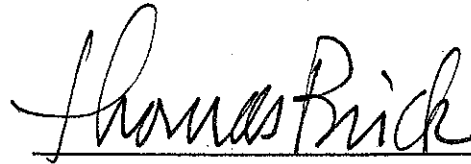
  
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Council President

Submitted to the Mayor for  
his approval on this  
28 day of June, 2011

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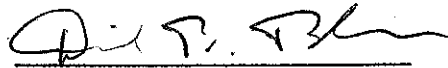
Approved by the Mayor

June 28, 2011



Mayor

I hereby certify that Ordinance No. 2011- 37 was duly enacted on the 27 day of June, 2011, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council