

**RESOLUTION NO. 2011-43**  
**INTRODUCED BY: Mr. Subel**

**A RESOLUTION**

**THAT THE VILLAGE OF CHAGRIN FALLS WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE EMPLOYEES OF THE VILLAGE OF CHAGRIN FALLS PURSUANT TO INTERNAL REVENUE CODE SECTION 414(h)(2).**

WHEREAS, pursuant to federal and Ohio laws, the federal and state income taxes on a portion of the wages or salaries of the employees of the Village of Chagrin Falls will be deferred if the Village of Chagrin Falls "picks up" (assumes and pays) the contributions statutorily required by such elected officials and covered employees to Ohio Public Employees Retirement System (OPERS); and

WHEREAS, the Village of Chagrin Falls will not incur any additional costs in the picking up of such contributions.

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

SECTION 1. Effective July 24, 2011, 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 of Chagrin Falls. This "pick up" by the Village of Chagrin Falls 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 Village of Chagrin Falls or of being excluded from the "pick up." The Village of Chagrin Falls 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 of Chagrin Falls provided by this resolution shall apply to all persons that are employees of the Village of Chagrin Falls who are or become contributing members of OPERS.

SECTION 3. The Village of Chagrin Falls' method of payment of salary to employees 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 shall be the salary otherwise payable under the Village of Chagrin Falls policies. Such total salary of each employee shall be payable to the Village of Chagrin Falls in two parts: (a) deferred salary and (b) cash salary. An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time

to time by OPERS to be paid as an employee contribution by that employee, and shall be paid by the Village of Chagrin Falls to OPERS on behalf of that employee as a pick up and in lieu of the OPERS employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total salary less the amount of the pick up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The Village of Chagrin Falls shall compute and remit its employer contributions to OPERS based upon an employee's total salary. The total combined expenditures of the Village of Chagrin Falls for such employees' total salaries payable under applicable expenditures of the Village of Chagrin Falls for such employees' total salaries payable under applicable Village of Chagrin Falls policies and the pick-up provisions of this resolution shall not be greater than the amounts it would have paid for those items had this provision not be in effect.

SECTION 5. 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 obtain the result in federal and state tax deferments.

SECTION 6. 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 7. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Resolution shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

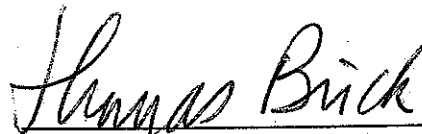
SECTION 8. That this Resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: July 11, 2011


  
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Council President

Submitted to the Mayor for  
his approval on this  
12 day of July, 2011

Approved by the Mayor  
July 12, 2011.

  
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Mayor

I hereby certify that Resolution 2011- 43 was duly enacted on the 11 day of July, 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