

ORDINANCE NO.: 07-O-02
SPONSOR: MAYOR BOLLAS
INTRODUCED: MAY 2, 2007

AUTHORIZATION FOR THE CITY OF NEW FRANKLIN TO CONTINUE TO PICK-UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION PATROL/CORPORAL AND SERGEANT/LIEUTENANT BARGAINING UNIT MEMBERS OF THE CITY PURSUANT TO I.R.C. SECTION 414 (H) (2).

WHEREAS, Pursuant to federal and Ohio laws, the employees of the City of New Franklin could defer the federal and state income taxes on a portion of their wages or salaries if the City of New Franklin would "pick up" (assume and pay) the statutorily required contribution of such elected officials and covered employees to the Ohio Public Employees Retirement System: and

WHEREAS, in 1988, the Franklin Township Board of Trustees authorized Franklin Township to pick-up the statutorily required contributions of eligible employees, and

WHEREAS, it is the desire of the City of New Franklin Council to continue this practice; and

WHEREAS, it is necessary to reaffirm the desire of the City of New Franklin Council to continue this practice through the passage of an Ordinance by New Franklin Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:

SECTION ONE:

Effective immediately, the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be withheld from the gross pay of each person within any of the classes established in Section 2 herein and shall be "pick up" (assumed and paid to the Public Employees Retirement System of Ohio) by the City of New Franklin. This "pick up" by the city of New Franklin is and shall be designated as public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio 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 contributions to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City of New Franklin or of being excluded from the "pick up".

The City of New Franklin shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employees contribution for each person subject to this "pick up" has been made as provided by the statute.

SECTION TWO:

The "pick up" by the City of New Franklin provided by this Ordinance shall apply to all persons that:

Are employees of the City of New Franklin who are bargaining unit members of the Ohio Patrolmen's Benevolent Association's Patrol/Corporal and Sergeant/Lieutenant agreements and are, or become, contribution members of the Ohio Public Employees Retirement System.

SECTION THREE:

The City's method of payment of salary to employees who are participants in PERS is hereby modified as follows, in order to provide for a salary reduction pick -up of employee contributions to PERS.

SECTION FOUR:

The total salary for each employee shall be the salary otherwise payable under the City policies. Such total salary of each employee shall be payable by the City in two parts: (a) deferred salary and (b) cash salary. An employee's deferred salary shall be equal to the percentage of that employee's total salary which is required from time to time by PERS to be paid as an employee contribution by that employee, and shall be paid by the City to PERS on behalf of that employee as a pick-up and in lieu of the PERS employee contribution otherwise payable by that employee. An employees cash salary shall be equal to that employees total salary less the amount of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions to the employee. The City shall compute and remit its employer contributions to PERS based upon an employee's total salary. The total combined expenditures of the City for such employee's total salaries payable under applicable City policies and the pick-up provisions of this Ordinance shall not be greater that the amounts it would have paid for those items had this provision not been in effect.

SECTION FIVE:

The Clerk/Treasurer is hereby authorized and directed to implement the provisions

of the Ordinance to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and state tax deferments and other benefits.


SECTION SIX:

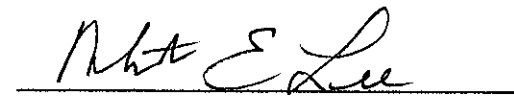
The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION SEVEN:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: May 2, 2007


Kathy A. Witwer, Clerk


Robert E. Lee, President, Pro-Tem

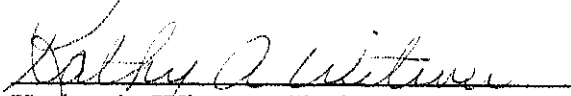
APPROVED: May 2, 2007


Al Bohas, Mayor

ENACTED EFFECTIVE: May 2, 2007

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| ROLL CALL: | Adamson, Yes. | Hess, Yes. | Jones, Yes. |
| | Lee, Yes. | Mobley, Yes. | Stock, Yes. |

Akron Legal News Publications on May 10, 2007 & May 17, 2007


Kathy A. Witwer, Clerk