

1 RESOLUTION NO. 2017-021

2
3 SPONSOR Ms. Shapiro

4
5 DATE January 30, 2017 COMMITTEE Finance

6
7 **A Resolution to pick up (assume and pay) the statutorily required contribution to the Ohio**
8 **Public Employees Retirement System by County of Summit employees, pursuant to Section**
9 **414(h)(2) of the Internal Revenue Code, for the Fiscal Officer, and declaring an emergency.**

10
11 WHEREAS, pursuant to federal and Ohio laws, the federal and state income taxes on a
12 portion of the wages or salaries of the employees of the County of Summit will be deferred if the
13 County of Summit “picks up” (assumes and pays) the contributions statutorily required to be
14 made by such elected officials and covered employees to the Ohio Public Employees Retirement
15 System (“OPERS”); and

16
17 WHEREAS, the County of Summit will not incur any additional costs in the picking up
18 of such contributions; and

19
20 WHEREAS, this Council finds and determines after reviewing all pertinent information,
21 that it is necessary and in the best interest of the County of Summit to pick up the contributions
22 of County of Summit employees statutorily required to be made by such elected officials and
23 covered employees to OPERS;

24
25 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
26 of Ohio, that:

27
28 SECTION 1

29
30 Effective December 26, 2016, the full amount of the statutorily required employee
31 contributions to the Ohio Public Employees Retirement System (“OPERS”) shall be withheld
32 from the gross pay of each person within any of the classes established in Section 2 herein and
33 shall be “picked up” (assumed and paid to OPERS) by the County of Summit. This “pick up” by
34 the County of Summit shall be designated as public employee contributions and shall be in lieu
35 of contributions to OPERS by each person within any of the classes established in Section 2
36 herein. No person subject to this “pick up” shall have the option of choosing to receive the
37 statutorily required contribution to OPERS directly instead of having it “picked up” by the
38 County of Summit or of being excluded from the “pick up”. The County of Summit shall, in
39 reporting and making remittance to OPERS, report that the public employees contribution for
40 each person subject to this “pick up” has been made as provided by the statute. Therefore,
41 contributions, although designated as employee contributions, are employer-paid, and employees
42 do not have the option to receive the contributions directly. All contributions are paid by the
43 employer directly to the plan.

44
45 SECTION 2

46
47 The “pick up” by the County of Summit provided by this Resolution shall apply to all
48 persons that are employees of the County of Summit who are or become contributing members
49 of OPERS.
50

3
4 SECTION 3

5
6 The County of Summit's method of payment of salary to employees who are participants
7 in OPERS is hereby modified as described in the following Sections, in order to provide for a
8 salary reduction "pick up" of employee contributions to OPERS.

9
10 SECTION 4

11
12 The total salary for each employee shall be the salary otherwise payable under the County
13 of Summit's policies. Such total salary of each employee shall be payable by the County of
14 Summit in two parts: (a) deferred salary and (b) cash salary. An employee's deferred salary shall
15 be equal to that percentage of that employee's total salary which is required from time to time by
16 OPERS to be paid as an employee contribution by that employee, and shall be paid by the
17 County of Summit to OPERS on behalf of that employee as a "pick up" and in lieu of the
18 OPERS employee contribution otherwise payable by that employee. An employee's cash salary
19 shall be equal to that employee's total salary less the amount of the "pick up" for that employee,
20 and shall be payable, subject to applicable payroll deductions, to that employee. The County of
21 Summit shall compute and remit its employer contributions to OPERS based upon an
22 employee's total salary. The total combined expenditures of the County of Summit for such
23 employees' total salaries payable under applicable County of Summit policies and the "pick-up"
24 provisions of this Resolution shall not be greater than the amounts it would have paid for those
25 items had this provision not been in effect.

26
27 SECTION 5

28
29 The County Fiscal Officer is hereby authorized and directed to implement the provisions
30 of this Resolution to institute the "pick up" of the statutorily required contributions to OPERS for
31 those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and
32 state tax deferments.

33
34 SECTION 6

35
36 This Council hereby authorizes the County of Summit to "pick up" the contributions of
37 County of Summit employees statutorily required to be made by such elected officials and
38 covered employees to Ohio Public Employees Retirement System and directs the Fiscal Officer
39 to direct and implement the provisions of this Resolution.

40
41 SECTION 7

42
43 This Resolution is hereby declared an emergency in the interest of the health, safety and
44 welfare of the citizens of the County of Summit, and for the further reason to immediately "pick
45 up" the statutorily required contribution to the Ohio Public Employees Retirement System for
46 employees of the County of Summit pursuant to Section 414(h)(2) of the Internal Revenue Code.

47
48 SECTION 8

49
50 Provided this Resolution receives the affirmative vote of eight members, it shall take
51 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
52 effect and be in force at the earliest time provided by law.

1 RESOLUTION NO. 2017-021

2 PAGE THREE


3
4 SECTION 9

5
6 It is found and determined that all formal actions of this Council concerning and relating
7 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
8 deliberations of this Council and of any of its committees that resulted in such formal action,
9 were in meetings open to the public, in compliance with all legal requirements, including Section
10 121.22 of the Ohio Revised Code.

11
12
13 INTRODUCED January 9, 2017

14
15 ADOPTED January 30, 2017

16
17
18
19
20 
CLERK OF COUNCIL

21
22
23
24
25
26
27
28
29 
PRESIDENT OF COUNCIL

22 APPROVED January 31, 2017

24
25
26
27 
EXECUTIVE

28
29 ENACTED EFFECTIVE January 31, 2017

Voice Vote: YES 11-0 Crawford, Dickinson, Donofrio, Feeman, Hamilton,
Koehler, Prentice, Rodgers, Schmidt, Walters, Wilhite