

1  
2 RESOLUTION NO. 2016-215

First Reading Passage Requested  
(J. Dodson)

3  
4 SPONSOR Mr. Pry

5  
6 DATE June 13, 2016

COMMITTEE Committee of the Whole

7 **A Resolution authorizing the County Executive to execute a Payment Agreement with the Ohio**  
8 **Public Employee Retirement System whereby the County agrees to pay all prior and future**  
9 **public employer pension contributions for employees of the Edwin Shaw Hospital for**  
10 **Rehabilitation, for the Executive's Department of Law, Insurance and Risk Management, and**  
11 **declaring an emergency.**

12       Whereas, the County has been a party to certain administrative proceedings of the Ohio  
13 Public Employees Retirement System ("OPERS") regarding the status of certain former public  
14 employees of the Edwin Shaw Hospital for Rehabilitation ("ESHR") as carryover public employees  
15 as defined and covered by Section 145.01(A)(2) of the Ohio Revised Code; and

16       WHEREAS, the OPERS Board of Trustees has determined that the former ESHR public  
17 employees constitute carryover public employees and that the County is liable for the employer  
18 portion of the public pension contribution of those employees to OPERS; and

19       WHEREAS, the aforementioned obligation for public pension contributions for those  
20 employees includes \$3,156,415.80 in accumulated past contributions and interest through May 18,  
21 2016, as well as the obligation to continue making payment for the 13 remaining carryover public  
22 employees who have not already retired or otherwise separated from employment; and

23       WHEREAS, the County Executive and OPERS staff have negotiated a proposed Payment  
24 Agreement whereby the County will pay to OPERS the sum of \$3,156,415.80 by October 31, 2016  
25 to resolve all prior obligations through May 18, 2016, and, going forward, the County will make all  
26 employer contribution payments for the remaining carryover public employees. A copy of the  
27 Payment Agreement is attached hereto as Exhibit A and incorporated herein by reference; and

28       WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
29 that it is necessary and in the best interest of the County to authorize the County Executive to  
30 execute the Payment Agreement with OPERS;

31       NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of  
32 Ohio, that:

33 SECTION 1

34       The County Executive is hereby authorized to execute the Payment Agreement with OPERS,  
35 a copy of which is attached hereto as Exhibit A. The County Executive is further authorized to make  
36 revisions prior to the execution of the Payment Agreement that are not inconsistent with the form  
37 attached hereto as Exhibit A, and approved by this Council, and any such revisions that are made  
38 prior to execution shall be deemed conclusively approved by this Council upon execution of the  
39 revised Payment Agreement.

40 SECTION 2

41       This Resolution is hereby declared an emergency in the interest of the health, safety and  
42 welfare of the citizens of the County of Summit, and for the further reason of immediately  
43 authorizing the execution of the Payment Agreement so that the County Executive may proceed  
44

1 RESOLUTION NO. 2016-215

2 PAGE TWO

3 SECTION 2 (Cont.)

4 with the payment set forth therein and resolve the past obligations of the County as soon as  
5 practical.

6 SECTION 3

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

10 SECTION 4

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

16  
17 INTRODUCED June 13, 2016

18  
19 ADOPTED June 13, 2016

20  
21  
22  
23 CLERK OF COUNCIL

24  
25  
26  
27  
28  
29  
30  
  
PRESIDENT OF COUNCIL

24  
25 APPROVED June 13, 2016

26  
27  
28  
29 EXECUTIVE

30 ENACTED EFFECTIVE June 13, 2016

Voice Vote: 9-0 YES: Crawford, Donofrio, Feeman, Kostandaras, Prentice,  
Rodgers, Schmidt, Walters, Wilhite  
ABSENT: Lee, Shapiro