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# City of Willoughby Hills

Council  
CHRISTOPHER L. BIRO  
DAVID M. FIEBIG  
CHRISTOPHER HALLUM  
JANET R. MAJKA  
LAURA PIZMOHT

## ORDINANCE NO. 2017-71

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### **AN ORDINANCE TO AMEND AND/OR MODIFY THE PICK-UP OF MANDATORY CONTRIBUTIONS BY THE FULL-TIME EMPLOYEES OF THE FIRE DEPARTMENT IN THE CLASSIFICATION OF FIRE FIGHTER AND LIEUTENANT WHO ARE MEMBERS OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the Council of the City of Willoughby Hills, Lake County, Ohio met at a duly called and authorized meeting of the Council on the date set forth below, such meeting being duly called pursuant to a notice stating the time, place and purpose of the meeting received by all Council members, and the following resolutions were made, seconded, and adopted by those present at the meeting; and

**WHEREAS**, the eligible employees of the Fire Department participate in the Ohio Police & Fire Pension Fund; and

**WHEREAS**, the City of Willoughby Hills on June 27, 2013 adopted Ordinance No. 2013-38 establishing a Pick-Up Plan for all of the mandatory contributions required to be paid for the City's full-time employees of the Fire Department in the classification of Fire Fighter and Lieutenant who are members of the Ohio Police & Fire Pension Fund; and

**WHEREAS**, on June 12, 2014, the City of Willoughby Hills adopted Ordinance No. 2014-38 amending and/or modifying said Pick-Up Plan; and

**WHEREAS**, to provide for the City to be in compliance with the terms of the "*Agreement between the City of Willoughby Hills and the Willoughby Hills Fire Fighters IAFF Local #3149, 2017-2019*", the Council of the City of Willoughby Hills wish to reaffirm, amend and/or restate its existing Pick-Up Plan for all of the mandatory contributions required to be paid under Section 742.31 of the Ohio Revised Code for the full-time employees of the Fire Department in the classification of Fire Fighter, Lieutenant and Captain who are members of the Ohio Police & Fire Pension Fund.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:**

**SECTION 1.**     **Effective December 31, 2017**, the City of Willoughby Hills has determined to pick-up all of the 12.25% mandatory contributions by the full-time employees of the Fire Department, in the classification of Fire Fighter and Lieutenant, who are members of the Ohio Police & Fire Pension Fund; 10.25% through payroll reduction and 2% paying the contributions on behalf of the employee.

**SECTION 2.**     **Effective December 30, 2018**, the City of Willoughby Hills has determined to pick-up all of the 12.25% mandatory contributions by the full-time employees of the Fire Department, in the classification of Fire Fighter and Lieutenant, who are members of the Ohio Police & Fire Pension Fund; 9.25% through payroll reduction and 3% paying the contributions on behalf of the employee.

**SECTION 3.**     Said pick-up contributions paid through a payroll reduction and by paying the contributions on behalf of the employee, even though designated as employee contributions for state law purposes, are being paid by the City of Willoughby Hills in lieu of said contributions by the employee.

**SECTION 4.**     Said picked up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Ohio Police and Fire Pension Fund.

**SECTION 5.** Said picked up contributions will be included in the gross income of the employees, for employment tax purposes, as the contributions are made to the Ohio Police and Fire Pension Fund.

**SECTION 6.** Said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the City of Willoughby Hills to the Ohio Police and Fire Pension Fund.

**SECTION 7.** All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

**SECTION 8.** The actions of this Council concerning and relating to the passage of this legislation were conducted 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 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 9.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of a municipal department, and further provides for the City to continue the Pick-Up Plan for the full-time employees of the Fire Department in the classification of Fire Fighter and Lieutenant; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED November 22, 2017

Submitted to the Mayor for his approval  
on this 27 day of November, 2017

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council

Nancy E. Fellows  
Nancy E. Fellows  
President of Council

Approved by the Mayor

November 27, 2017

Robert M. Weger  
Robert M. Weger  
Mayor