

RAYMOND C. SOMICH
President of Council

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VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
FRANK A. GERMANO
CHRISTOPHER HALLUM
JOHN PLECNIK

ORDINANCE NO. 2013-40

AN ORDINANCE DECLARING THAT THE CITY OF WILLOUGHBY HILLS HAS DETERMINED TO CONTINUE TO PICK-UP MANDATORY CONTRIBUTIONS BY THE CHIEF OF THE WILLOUGHBY HILLS FIRE DEPARTMENT WHO IS A PARTICIPATING MEMBER OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

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 Chief of the Willoughby Hills Fire Department participates in the Ohio Police and Fire Pension Fund; and

WHEREAS, the Council has previously adopted a pick-up of all of the mandatory contributions required to be paid under Section 742.31 of the Ohio Revised Code for the Chief of Fire as a member of the Ohio Police and Fire Pension Fund; and

WHEREAS, the OP&F Pension Fund has notified the City that the City Council must reaffirm the City's Pickup Plan using the new contribution rates for without this affirmation, the City's Pickup Plan would become taxable beginning with the first pay period in July; and

WHEREAS, pursuant to Finance Director Brichacek's Interoffice Memo, dated May 19, 2014, consisting of six (6) pages attached hereto as the **Exhibit "A"**, the Finance Director requests that legislation be adopted by the Members of Council due to the coming change in the employee contribution rate; and

WHEREAS, based upon the notification of the OP&F Pension Fund and the recommendation of the Finance Director, Administration and the Council of the City of Willoughby Hills wish to reaffirm, amend and/or restate its existing PickUp Plan for all of the mandatory contributions required to be paid under Section 742.31 of the Ohio Revised Code for the Chief of the Willoughby Hills Fire Department.

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

SECTION 1. **Effective July 6, 2014**, the City of Willoughby Hills has determined to continue to pick-up all of the 11.50% mandatory contributions by the Chief of the Willoughby Hills Fire Department, who is a member of the Ohio Police & Fire Pension Fund, through payroll reduction.

SECTION 2. **Effective July 5, 2015**, the City of Willoughby Hills has determined to continue to pick-up all of the 12.25% mandatory contributions by the Chief of the Willoughby Hills Fire Department, who is a member of the Ohio Police & Fire Pension Fund, through payroll reduction.

SECTION 3. Said pick-up contributions paid through a payroll reduction by the City of Willoughby Hills, even though designated as employee contributions for state law purposes, are being paid by the City of Willoughby Hills Council in lieu of said contribution by the Chief of the Willoughby Hills Fire Department.

SECTION 4. Said picked up contributions will not be included in the gross income of the employee 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 employee, for employment tax purposes, as the contributions are made to the Ohio Police and Fire Pension Fund.

SECTION 6. The Chief of the Willoughby Hills Fire Department 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 the Police Department, and further provides for the City to continue the Pick-Up Plan for the Chief of the Willoughby Hills Fire Department; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: _____, 2014

Raymond C. Somich
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2014

Approved by the Mayor
_____, 2014

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor