

Resolution # 6, 2018

**RESOLUTION ELECTING TO JOIN THE PUBLIC EMPLOYEES' RETIREMENT
FUND AS ADMINISTERED BY THE
INDIANA PUBLIC RETIREMENT SYSTEM**

WHEREAS, the Common Council for the City of Attica is the governing body of
the City of Attica, Indiana, a political subdivision or miscellaneous participating entity in the
STATE OF INDIANA; and

WHEREAS, for the purposes of this document and interpretation of statutes governing the Public
Employees Retirement Fund ("PERF"), "Plan" refers to the public employees' defined
contribution plan under IC 5-10.3-12 ("ASA Only"). "Fund" refers to the PERF Hybrid defined
benefit pension fund ("PERF Hybrid").

WHEREAS, political subdivisions may participate in ASA Only and choose whether employees
are required to become members of the **Plan**, the **Fund** or may choose membership in either the
Plan or the **Fund**.

WHEREAS, The governing body is fully cognizant that, if it is resolved that the governing body
will place any employees in the **Fund**, the percentage of cost of gross annual payroll of covered
employees has been set at ___% *[to be filled in by INPRS]* by the actuary of the Fund, and that
the Board of Trustees of the Indiana Public Retirement System directs the actuary to annually
review the status of the employees covered and shall adjust the cost percentage accordingly so
that the Fund will remain on an actuarially sound basis; and

WHEREAS, The governing body is fully cognizant that, if it is resolved that the governing body
will require employees to enter the **Plan** or offer employees a choice between **Fund** and **Plan**
membership, the governing body shall submit a resolution with the following information
regarding their participation in the **Plan**:

1. Specify the political subdivision's contribution rate to the plan as a percentage of each
member's compensation AND pay such contributions as required under IC 5-10.3-12-23;
and IC 5-10.3-12-24.5. Such rates must be greater than or equal to zero percent (0%)
and may not exceed the percentage that would produce the normal cost for participation
in the fund under IC 5-10.2-2-11.
2. Specify the political subdivision's matching rate that is the percentage of each member's
additional contributions to the plan that the political subdivision will match. A political
subdivision may specify only:
(1) zero percent (0%); or
(2) fifty percent (50%).
3. Specify whether the political subdivision will pay any part of a member's contribution on
behalf of the member;
4. Specify whether employees will automatically be enrolled in the **Fund** or the **Plan** if an
eligible employee does not make an affirmative election.

WHEREAS, if such governing body participates in **Fund**, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to retire the employees' prior service liability in an orderly manner and also fund the current cost accruing annually.

WHEREAS, if such governing body participates in **Plan**, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to meet all contribution obligations required by law.

WHEREAS, such governing body acknowledges and agrees to make a supplemental contribution to the fund in an amount necessary to pay the employer's share of the fund's actuarial unfunded liability that other employers would otherwise be required to pay because the employer's employees are becoming members of the plan instead of the fund.

WHEREAS, such governing body acknowledges and agrees, when an employee separates from service before the member is fully vested in the employer contribution subaccount, the amount in the employer contribution subaccount is forfeited as of the date the member separates from service and that such forfeited amounts shall be used to reduce the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4). Employers without an unfunded liability, such as employers joining PERF for the first time and offering only Plan membership, such forfeited amounts will be returned to the employer in the form of a credit to the employer contribution subaccount.

WHEREAS, the General Assembly of the State of Indiana has authorized covered employers to pick-up all or part of members' mandatory contributions.

NOW THEREFORE, BE IT ORDAINED by the governing body of the
City of Attica _____ in the State of Indiana:

SECTION ONE: The **City of Attica** _____ elects to become a participating political subdivision or miscellaneous participating entity in the Public Employees' Retirement Fund by including classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, and all Acts amendatory thereof and supplemental thereto.

SECTION TWO: The **City of Attica** _____ elects to offer the following retirement plan(s) under the Public Employees' Retirement Fund:

X

PERF Hybrid

ASA Only

Both PERF Hybrid and ASA Only to all employees, allowing the employee to choose in which retirement plan the employee will participate, as permitted by law.

- ASA Only, in addition to PERF Hybrid, for which this governing body has already submitted a resolution to join PERF Hybrid.
- PERF Hybrid only to certain classes of employees and ASA Only to certain classes of employees as set forth in an attached document.
- Both PERF Hybrid and ASA Only to certain classes of employees, as set forth in an attached document, allowing those employees to choose in which retirement plan the employee will participate, as permitted by law.

SECTION THREE: If an employee is eligible to choose membership in either the Fund or the Plan, and that employee fails to make an election within the period set forth in IC 5-10.3-12-20 and 35 IAC 1.3-4-1, said employee will be automatically and irrevocably enrolled in the following plan:

- PERF Hybrid
- ASA Only

SECTION FOUR: That, effective as of the 1 day of OCT, 2018, this governing political subdivision or miscellaneous participating entity shall pick up **all or** unchanged % of the mandatory contribution for **all or** Safety Officer (complete information about affected group; e.g. administrative assistants and IT personnel) employees who are members of PERF. Said employees shall not be entitled to choose to receive the contributed amounts directly instead of having them paid by the employer to the specified pension fund.

CHOOSE EITHER 4A OR 4B

4A. New Money Pick-Up - That the above contributions, even though designated as employee contributions for state law purposes, are being paid by the employer in addition to regular compensation as a supplemental contribution that is separate and distinct from the employees' current or future compensation, and in lieu of contributions by the employees. Such contributions will not be included in the gross income of the employees for any tax reporting purposes, such as for federal, state or local income tax withholding, or FICA taxes, until distributed either through a pension benefit or a lump sum payment. These contributions are made on a pre-tax basis and are paid by the employer on behalf of the employee.

4B. Salary Reduction Pick-Up - That said contributions, even though designated as employee contributions for state law purposes, are being paid by the employer via a reduction in salary. Such contributions will not be included in the gross income of the employees for certain tax reporting purposes, that is, for federal, state, or local income tax withholding, until distributed either through a pension benefit or a lump sum payment. Such contributions will be

included in the gross income of the employees for FICA taxes when they are made. These contributions are made on a pre-tax basis but are paid by the employee through a payroll deduction.

SECTION FIVE: The City of Attica, as a participating political subdivision, offering the Plan, agrees to pay a contribution rate to the Plan as a percentage of each member's compensation in the amount of ____%. This amount may range from 0% to the percentage that would produce the normal cost for participation in the fund under IC 5-10.2-2-11.

SECTION SIX: The City of Attica, as a participating political subdivision, offering the Plan, agrees to pay a matching rate in the amount of:

Fifty Percent (50%)

Zero Percent (0%)

which is the percentage of each member's additional voluntary contributions to the Plan that governing body will match.

SECTION SEVEN: The positions listed on an attached document are declared covered by the **Fund, the Plan, or Both** as indicated in the attached document.

SECTION EIGHT: It is hereby declared that none of the classifications or positions specified in Section Three are compensated on a fee basis or of an emergency nature, or in a part-time category.

SECTION NINE: The active participation membership of the City of Attica _____ (Name of Political Sub) shall begin on OCT 1, 2018.

SECTION TEN: This resolution shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Indiana Public Retirement System, except that active participating membership shall begin on the date set forth in Section Nine (9).

**RESOLUTION ELECTING TO JOIN THE PUBLIC EMPLOYEES' RETIREMENT
FUND:**

Adopted this 10 day of September, 2018

By: Duane Roderick Mayor Duane Roderick
Signature Title Printed Name
On Behalf of CITY OF ATTICA [Insert governing body]

