

By: 

ORDINANCE NO. 4 -89

An Ordinance to ratify and confirm the adoption of an agreement between the City and the Ohio Public Employees Deferred Compensation Board to administer the Ohio Public Employees Deferred Compensation Program for eligible employees of the City and to declare an emergency.

WHEREAS, the City has participated in the Ohio Public Employees Deferred Compensation Program (the "Program") since 1977; and

WHEREAS, the City entered into an agreement for the administration of the Program in 1977 with the Ohio Public Employees Deferred Compensation Board (the "Board"), but the Board cannot locate a copy of said agreement; and

WHEREAS, it is necessary for the City to confirm its participation in the Program by the execution of a new agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1: That the participation of the City in the Program is hereby ratified, confirmed and approved and that the Mayor and Auditor are hereby authorized and directed to execute an Adoption Agreement, in the form attached hereto, with the Board.

Section 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to assure uninterrupted participation in the Program, and shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: July 14, 1989


President of Council

Attest:


Clerk of Council

APPROVED: July 14, 1989


David H. Madison, Mayor

Jan. 10, 1989 - 1st reading

Jan. 24, 1989 - 2nd reading

July. 14, 1989 - ~~Final~~ Passage

**OHIO PUBLIC EMPLOYEES
DEFERRED COMPENSATION PROGRAM**

**ADOPTION AGREEMENT
Adoption of Plan under the Program by Eligible Employer**

*This Agreement has been approved as to form
by the Ohio Attorney General.*

This Agreement made by and between the Ohio Public Employees Deferred Compensation Board, an entity created by Section 145.72 of the Ohio Revised Code [the "Board"] and the Eligible Employer named below, an employer of "eligible employee(s)" (as defined by Ohio Revised Code Section 145.71(A)0, and an agency or political subdivision of the State of Ohio created pursuant to applicable State law [the "Eligible Employer"].

WHEREAS, the Board has developed, as required by Section 145.73 of the Ohio Revised Code [the "Enabling Statute"] a uniform "eligible deferred compensation plan", known as the Ohio Public Employees Deferred Compensation Program [the "Program"] for use by agencies and political subdivisions of the State of Ohio that are employers of "eligible employees"; and

WHEREAS, the Eligible Employer, by a Resolution of its Governing Body, has adopted a Plan under the Program; and

WHEREAS, the Board is authorized to administer any and all Plans adopted under the Program; and

WHEREAS, the Eligible Employer, by a Resolution of its Governing Body, has directed its responsible official to enter into this Adoption Agreement, so as to provide for the Board to administer the Plan under the Program.

NOW THEREFORE, in consideration of the premises recited above, and in consideration of the provisions set forth by this Adoption Agreement, the parties agree as follows:

The Eligible Employer delegates to the Board any and all responsibility for the administration of the Plan, to the extent not otherwise provided by this Adoption Agreement or by applicable Rules and Regulations, and authorizes the Board to do all things necessary or proper for the lawful administration of the Plan.

These responsibilities may include but shall not be limited to:

- o to execute the Plan on behalf of the Eligible Employer;
- o to execute a Participation Agreement with any "eligible employee" of the Eligible Employer;
- o to invest contributions under the Plan in accordance with any proper investment designations made under the Program;
- o to make or decline to make any payments under the Plan;
- o to assess service charges against Plan accounts, as provided by the Plan or by applicable Rules and Regulations;
- o to amend or terminate the Plan, as provided by the terms of the Plan, consistent with any applicable laws and Rules and Regulations.

The Board represents to the Eligible Employer that it shall provide sufficient services to administer the Plan as described above, and to appropriately respond to inquiries by "eligible employees".

The Eligible Employer's Plan shall be the uniform Plan as promulgated by and as amended from time to time by the Board.

The Eligible Employer shall permit the Board (by its Administrator) to conduct group or individual meetings for the purpose of explaining the Plan or enrolling "eligible employees" on the Eligible Employer's premises during normal working hours, subject to such reasonable restrictions that the Eligible Employer communicates in writing to the Board and which are accepted by the Board.

The Eligible Employer shall be responsible for remitting contributions under the Plan to the Ohio Public Employees Retirement System or to any other custodian(s) appointed by the Board in accordance with the Rules and Regulations or any Procedures promulgated by the Board. The Eligible Employer shall be responsible for the correct reporting and withholding of employees' wages under United States and Ohio income tax laws.

The Eligible Employer shall complete an "Organization Chart" and a "Payroll Information Form" on the forms designated by the Board or its Administrator.

The Eligible Employer acknowledges and agrees that all amounts deferred under the Plan and all insurance contracts or other investments or other property purchased with such amounts shall be held by the Board in its name for the benefit of the Eligible Employer and all employers participating under the Program.

The Board represents and warrants to the Eligible Employer that it shall comply with all applicable laws affecting the Program.

This Adoption Agreement shall become effective on the date that it is accepted by the Board. It is the intention of the parties that this Agreement shall be ongoing in nature and shall remain in full force and effect until terminated by providing the other party at least 120 days notice, unless the parties mutually agree in writing to earlier termination. Following the termination of this Agreement, the Board shall have no continuing obligation (except as otherwise then provided by a separate written agreement by and between the parties) with respect to any undertaking made in this Agreement.

This Adoption Agreement (including any applicable laws or Rules and Regulations or Procedures incorporated in this Agreement by reference) sets forth the entire agreement and understanding of the parties relating to the subject matter of this Agreement, and supersedes all prior or contemporaneous agreements and understandings, proposals, representations, and warranties, written or oral, relating to the subject matter of this Agreement.

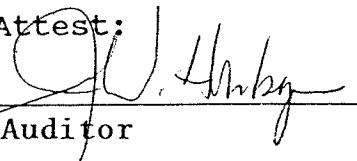
This Agreement may be amended from time to time by the Board, without the consent of the Eligible Employer, consistent with any requirements of the Enabling Statute and any Rules and Regulations thereunder. The Eligible Employer shall have no right to amend this Agreement.

IN WITNESS WHEREOF, the duly authorized responsible official has executed this Adoption Agreement on behalf of the Eligible Employer, and the Board has accepted this Adoption Agreement as of the date written below.

This Adoption Agreement replaces a similar agreement between the two parties that was executed in February, 1977.

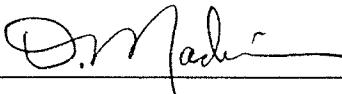
CITY OF BEXLEY, OHIO
Eligible Employer

Attest:



Auditor

BY:



Mayor

Accepted by Ohio Public Employees Deferred Compensation Board

date

Administrator