TOWN OF WHITESTOWN, INDIANA
RESOLUTION NO. 2020-04

AN AMENDED AND RESTATED RESOLUTION TO EXPAND PERF OPTIONS FOR ELIGIBLE EMPLOYEES

WHEREAS, the Whitestown Town Council is the governing body of the Town of Whitestown, a political subdivision in the State of Indiana ("Town").

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 I.C. 5-10.3-12 ("My Choice: Retirement Savings Plan"), and "Fund" refers to the PERF Hybrid defined benefit pension fund ("PERF Hybrid").

WHEREAS, political subdivisions may participate in the My Choice: Retirement Savings Plan 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 Town has previously elected to participate and is a member of the **Fund**, prior to the option to choose membership in the **Plan**, and now desires to provide the option for eligible employees to elect to choose membership in 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 be set at ____% [to be filled in INPRS] by the actuary of the **Fund**, and that the Board of Trustees of the Indiana Public Retirement System direct the actuary to annually review the status of the employees covered and shall adjust the cost percentage accordingly so the **Fund** will remain on an actuarially sound basis; and

WHEREAS, the governing body is fully cognizant that, if in resolving that the governing body will offer eligible 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 I.C. 5-10.3-12-23; and I.C. 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 I.C. 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 the **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 the **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.

WHEREAS, the governing body has previously adopted Resolution 2019-33, A Resolution to Expand PERF Options for Eligible Employees, which is amended and restated by this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitestown, Indiana in the State of Indiana:

Section One: The Town of Whitestown elects to become a participating political subdivision 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 Town of Whitestown elects to offer the following retirement plan(s) under the Public Employees' Retirement Fund:

_____ PERF Hybrid

_____ My Choice: Retirement Savings Plan

_____ Both PERF Hydrid and My Choice: Retirement Savings Plan to all employees, allowing the employee to choose which retirement plan the employee will participate, based upon the employee's previous participation in the Fund or the Plan.

XXXX Both My Choice: Retirement Savings Plan, 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 My Choice: Retirement Savings Plan to certain classes of employees as set forth in an attached document.

_____ Both PERF Hybrid and My Choice: Retirement Savings Plan 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, based upon the employees' previous participation in the **Fund** or the **Plan**.

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

XXXX My Choice: Retirement Savings Plan

Section Four: That this participating political subdivision shall pick up 0% of the mandatory contribution for all employees who are members of PERF.

Section Five: The Town of Whitestown, 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 3.8%. 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 Town of Whitestown, as a participating political subdivision, offering the Plan, agrees to pay a matching rate in the amount of:

XXXX 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 Town of Whitestown, to the extent not already actively participating, shall begin immediately to the extent permitted by applicable law.

Section Ten: This resolution shall be in full force and effect from the 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).

PASSED AND ADOPTED BY THE WHITESTOWN, INDIANA TOWN COUNCIL THIS _____ DAY OF _____, 2020.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
_____ Clinton Bohm, President	_____
_____ Susan Austin, Vice-President	_____
_____ Eric Miller	_____
_____ Jeffrey Wishek	_____
_____ Rob Worl	_____

ATTEST:

_____
Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

3773547

APPENDIX A

Covered Position(s)	Eligible Plan(s)
All employees, where eligible under applicable law	Both