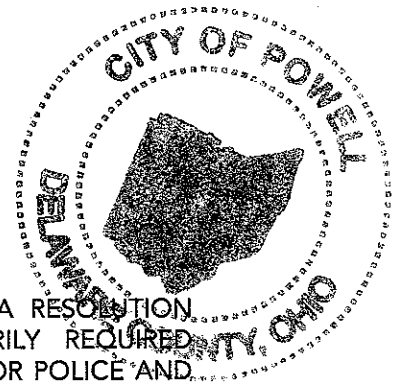


This ordinance or resolution has been read in three (3) public places as defined in ordinance

94-11 dated 4-3-94  
on this date 2/20/04

*[Signature]*  
Clerk of Council

Resolution 2004-02  
Passed February 3, 2004



A RESOLUTION AMENDING AND RESTATING RESOLUTION 91-04: A RESOLUTION AUTHORIZING THE VILLAGE OF POWELL TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO OR POLICE AND FIREMAN'S DISABILITY AND PENSION FUND FOR THE EMPLOYEES OF THE VILLAGE PURSUANT TO IRC SECTION 414 (H) (2).

WHEREAS, the eligible employees of the Powell Police Department participate in the Ohio Police and Fire Pension Fund ("OP&F");

WHEREAS, the Council of the City of Powell has previously adopted a pick-up of all of the ten percent (10%) mandatory contributions required under by Section 742.31 of the Ohio Revised Code for participating employees of the Police Department who are members of the OP&F;

WHEREAS, OP&F has adopted new procedures for reporting picked up contributions in order to properly prepare 1099-R forms for its members;

WHEREAS, the Council of the City of Powell wishes to reaffirm and amend and restate its prior resolution in order to continue the pick-up under the new procedures;

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That effective as of 2/3/2004, the Council of the City of Powell has determined to continue to pick up all of the ten percent (10%) mandatory contributions by the employees who are members of the Ohio Police and Fire Pension Fund through a payroll reduction.

Section 2: That said picked up contributions paid through a payroll reduction, even though designated as employee contributions for state law purposes, are being paid by the City of Powell in lieu of said contributions by the employee;

Section 3: That 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 4: That 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; and

Section 5: That 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 Powell to the Ohio Police and Fire Pension Fund.

Section 6: That it is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Resolution shall take effect at the earliest possible date permitted by law.

VOTE ON RESOLUTION 2004-02:  
*[Signature]* 2/17/04  
DAN WIENCEK DATE  
MAYOR

Y 6 N 0 (Abstain: Kaisa)  
*[Signature]* 2/17/04  
DAWN NAUMAN DATE  
CLERK OF COUNCIL