

LAKELAND REGIONAL SEWER DISTRICT

AMENDED AND RESTATED RESOLUTION NO. 2023-03

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

WHEREAS, the Board of Trustees, hereinafter "the Board," is the governing body of the Lakeland Regional Sewer District, hereinafter "the District," a political subdivision in the STATE OF INDIANA; and

WHEREAS, this Resolution amends and restates Resolution No. 2023-02, adopted by the Board of Trustees on May 17, 2023, to reflect the accurate percentage of cost of gross annual payroll of covered employees as set by the actuary of the Fund (as hereinafter defined) and to reflect that new unit participation must start as of the first day of the month;

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 ("PERF My Choice: Retirement Savings Plan"). "Fund" refers to the PERF Hybrid defined benefit pension fund ("PERF Hybrid"); and

WHEREAS, political subdivisions may participate in the PERF 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; and

WHEREAS, the Board is fully cognizant that, if it is resolved that the Board will place any employees in the Fund, the percentage of cost of gross annual payroll of covered employees has been set at 11.2% 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 Board is fully cognizant that, if it is resolved that the Board will require employees to enter the Plan or offer employees a choice between Fund and Plan membership, the District shall submit a resolution with the following information regarding their participation in the Plan:

1. Specify the District'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 District's matching rate that is the percentage of each member's additional contributions to the plan that the District will match. The District may specify only:
 - (1) Zero percent (0%); or
 - (2) Fifty percent (50%).
3. Specify whether the District 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 the Board participates in Fund, it 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 the Board participates in Plan, it 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, the Board 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, the Board 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 RESOLVED BY THE BOARD OF TRUSTEES OF THE LAKELAND REGIONAL SEWER DISTRICT, AS FOLLOWS:

SECTION ONE: The District elects to become a participating political subdivision or miscellaneous participating entity in the Public Employees' Retirement Fund by including classes

of employees as stated in Appendix A in the coverage under Chapter 340 of the Acts of 1945, and all Acts amendatory thereof and supplemental thereto.

SECTION TWO: The District elects to offer the following retirement plan under the Public Employees' Retirement Fund:

X PERF My Choice: Retirement Savings Plan

PERF Hybrid retirees will not be allowed to participate in PERF My Choice

SECTION THREE: That, effective as of the 1st day of June, 2023, the District shall pick up all of the mandatory contribution for all 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. 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.

SECTION FOUR: The District, 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 1%. 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 FIVE: The District, as a participating political subdivision offering the Plan, will not pay a matching contribution of each member's additional voluntary contributions to the Plan.

SECTION SIX: The positions listed on Appendix A are declared covered by the Plan.

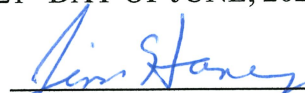
SECTION SEVEN: It is hereby declared that none of the classifications or positions specified in Appendix A are compensated on a fee basis or of an emergency nature, or in a part-time category.

SECTION EIGHT: The active participation membership of the District shall begin on June 1, 2023.


SECTION NINE: 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 Eight.

AMENDED AND RESTATED RESOLUTION ELECTING TO JOIN THE PUBLIC EMPLOYEES' RETIREMENT FUND

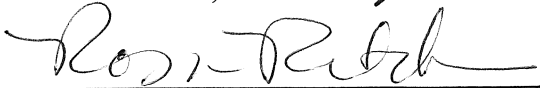
ALL OF WHICH IS DULY RESOLVED THIS 21st DAY OF JUNE, 2023.




Jim Haney, President



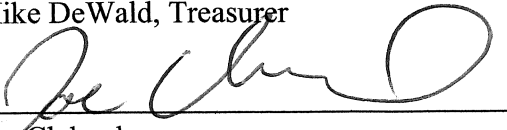
Bob Marcuccilli, Vice President/Asst Secretary



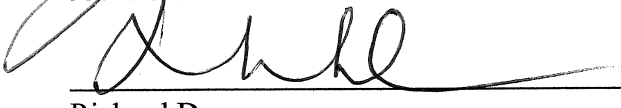
Rosa Ritchie, Secretary



Mike DeWald, Treasurer

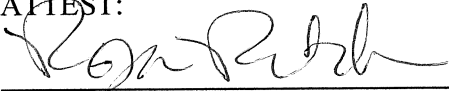


Joe Cleland



Richard Dan

Emily Shipley

ATTEST:


APPENDIX A

COVERED POSITION(S) in the PERF My Choice: Retirement Savings Plan:

District Administrator