

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

ORDINANCE 2025-15

AN ORDINANCE AUTHORIZING PAYMENT OF RETIREMENT BENEFITS AND WITHHOLDING OF REIMBURSEMENTS FROM AFFECTED EMPLOYEES

WHEREAS, since 1976, all full-time employees and all elected officials have been designated as eligible for contributions to the Indiana Public Retirement System (INPRS), formerly known as Public Employee Retirement Fund (PERF); and

WHEREAS, during 2024, the Board of Commissioners learned that an error had been made and that the County failed to make the required contributions for some members of the Board of Commissioners, members of the County Council, and other County officials; and

WHEREAS, in order to correct this error, the Board adopted a resolution which authorized certain corrective action to be taken and authorized the County Auditor to make the missed contributions for all affected elected officials and employees and authorized the Auditor to make additional contributions for each affected elected official and employee in order to account for any lost growth in the participant's account because of the delayed contributions; and

WHEREAS, in 2024, the Board of Commissioners also found that if any of the Commissioners, Council members, or employees are otherwise ineligible to participate in INPRS because of the rules of INPRS, then the County should

establish and fund a retirement account, in the form of a Section 457 plan or other retirement account, and make contributions to the account of each such person as if that person were otherwise eligible to participate in INPRS, which contributions were to include the base contribution and any additional contributions necessary to account for lost growth in the account because of the delayed contributions; and

AND WHEREAS, the contemplated corrective action has been taken, and the County Council has appropriated sufficient funds to fund these actions;

AND WHEREAS, the Board of Commissioners finds that in order to complete the corrective action needed, the County Auditor should pay to INPRS and to the Section 401(a) Plan that has been established the required employee share of the missed contributions and then withhold from each participant's pay in equal installments over a 24-month period the amount necessary to reimburse the County for the employee share payments made by the County;

AND WHEREAS, the Board of Commissioners finds that this supplemental correction action is the best interests of the citizens of the County, and should be approved;

IT IS, THEREFORE, ORDAINED that the County Auditor shall pay to INPRS and to the Section 401(a) Plan that has been established the required employee share of the missed contributions and then withhold from each participant's pay in equal installments over a 24-month period the amount necessary to reimburse the County for the employee share payments made by the

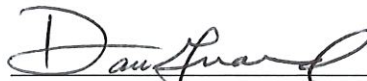
County;

IT IS ALSO ORDAINED that if a participant who benefits from the corrective action ceases to be on the County payroll, dies, or otherwise does not have sufficient funds in payroll to fully reimburse the County for the benefits paid by the County for that participant, the Auditor shall have the right to enforce the reimbursement obligation against the participant, the participant's estate, and the participant's heirs.

IT IS FURTHER RESOLVED that the President of the Board is hereby authorized to execute any and all documents and agreements necessary to effectuate this supplemental corrective action plan.

Adopted this 28 day of April, 2025.

A Majority of the Montgomery County Board
of Commissioners



Dan Guard, President



James D. Fulwider, Vice President



Jake Bohlander, Member

ATTEST:

A handwritten signature in blue ink, appearing to read "Jennifer Andel", written over a horizontal line.

Mindy Byers, Auditor

Jennifer Andel, Chief Deputy Auditor