

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 4:30 p.m., on the 25th day of April, 2017, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Michael Inderhees, Greg Insko, Jeffrey F. Ritter

Mr. Jeffrey F. Ritter introduced the following resolution and moved its adoption:

RESOLUTION NO.: 19 -17

RESOLUTION AUTHORIZING ADMINISTRATOR TO EXECUTE SETTLEMENT AGREEMENT BETWEEN OHIO POLICE AND FIRE PENSION FUND AND COLERAIN TOWNSHIP FIRE DEPARTMENT

WHEREAS, a Settlement Agreement has been entered into effective upon signing by and between Colerain Township Fire Department and Ohio Police & Fire Pension Fund and its Board of Trustees (collectively "OP&F"), and when referred to jointly they are designated as the "Parties"; and

WHEREAS, the Parties disagree as to whether Colerain Township Fire Department Firefighter IIB classification had positions designated "part-time" which were in fact "full-time" under Chapter 742 of the Revised Code, throughout calendar year 2015 ; and

WHEREAS, OP&F and Colerain Township wish to settle the dispute, agree, for purposes of this settlement agreement only, that there were 23 firefighters in the IIB program who each worked full time hours in 2015 (2200 hours or more in 2015) and should have been considered full-time employees of the Colerain Township Fire Department under O.R.C. 742 and contributing to the pension fund; and

WHEREAS, OP&F and Colerain Township Fire Department wish to resolve their dispute in regard to the definition of "part-time" for firefighters, do hereby agree that Colerain Township Fire Department owes \$349,705.06 in employer and member contributions for the 23 firefighters listed in Exhibit A; and

WHEREAS, the Settlement Agreement shall never be treated as, or claimed to be, an admission of liability by or fault on the part of OP&F or Colerain Township, and all claims and demands for relief are, and remain, disputed and denied by OP&F and Colerain Township;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. That the Board hereby authorizes the Administrator to execute the Settlement Agreement attached hereto as Exhibit A.

2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

3. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.

4. That this Resolution shall be effective at the earliest date allowed by law.

Mr. Inderhees seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Inderhees Aye, Mr. Ritter AYE, Mr. Insko Aye.

ADOPTED this 25th day of April, 2017.

BOARD OF TRUSTEES:

[Signature]
Michael Inderhees, Trustee

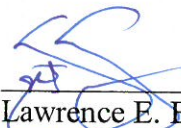
[Signature]
Jeffrey F. Ritter, Trustee

[Signature]
Greg Insko, Trustee

ATTEST:


[Signature]
Heather E. Harlow,
Fiscal Officer

Resolution prepared by and approved as to form:


ASSJ. LAW DIRECTOR
Lawrence E. Barbieri (0027106)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 583-4200
Colerain Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 25th day of April, 2017.


Heather E. Harlow,
Colerain Township Fiscal Officer

**SETTLEMENT AGREEMENT BETWEEN OHIO POLICE AND FIRE PENSION
FUND AND COLERAIN TOWNSHIP FIRE DEPARTMENT**

This Settlement Agreement is entered into and effective April 25, 2017, by and between Colerain Township Fire Department and Ohio Police & Fire Pension Fund and its Board of Trustees (collectively "OP&F"), and when referred to jointly they are designated as the "Parties."

WHEREAS, the parties disagree as to whether Colerain Township Fire Department Firefighter IIB classification had positions designated "part-time" which were in fact "full-time" under Chapter 742 of the Revised Code, throughout calendar year 2015 ; and

WHEREAS, OP&F and Colerain Township wish to settle the dispute, agree, for purposes of this settlement agreement only, that there were 23 firefighters in the IIB program who each worked full time hours in 2015 (2200 hours or more in 2015) and should have been considered full-time employees of the Colerain Township Fire Department under ORC 742 and contributing to the pension fund; and

WHEREAS, OP&F and Colerain Township Fire Department wish to resolve their dispute in regard to the definition of "part-time" for firefighters, do hereby agree that Colerain Township Fire Department owes \$349,705.06 in employer and member contributions for the 23 firefighters listed in Exhibit A; and

WHEREAS, this Settlement Agreement shall never be treated as, or claimed to be, an admission of liability by or fault on the part of OP&F or Colerain Township, and all claims and demands for relief are, and remain, disputed and denied by OP&F and Colerain Township;

NOW THEREFORE, in consideration of the amount owed by the Colerain Township Fire Department to OP&F for the failure to pay contributions that should have

been paid by the employer and employees of the Firefighter IIB program who worked full time in 2015, and due to the mutual covenants, promises and valuable consideration set forth herein, the Parties agree as follows:

1. In future, a person who works as a Firefighter IIB of the Colerain Township Fire Department who works in excess of 75% of the standard full time schedule of full time firefighters as designated or collectively bargained by Colerain Township and its bargaining units shall be considered a full-time employee.
2. Full-time firefighters of Colerain Township Fire Department shall contribute to the Ohio Police and Fire Pension Fund in accordance with the Ohio Revised Code, Chapter 742.
3. Members of the Colerain Township Fire Department IIB program in 2015 who worked 2200 hours or more shall be and are hereby considered full-time employees; who owed employer and employee contributions to the Ohio Police & Fire Pension Fund; OP&F shall waive statutory penalties and interest associated with the failure to pay the contribution amounts.
4. The Colerain Fire Department owes to the Ohio Police & Fire Pension Fund the amount of \$349,705.06 which includes both the employer's share and the contribution share of the 23 full-time employees of the IIB Program delineated in Exhibit A. The back contributions may be paid in equal monthly installments, which installments will include 3% per cent annual interest payments, over a period of 3 years, commencing May 1, 2017 and ending May 1, 2020. There is no penalty for early repayment.

5. In future, a Colerain Township Fire Department firefighter working less than 75% of Colerain's full-time firefighting schedule shall be considered a part-time employee and therefore not subject to the pension contribution requirement under Ohio Revised Code 742.
6. The Parties will act with reasonable diligence to carry out the terms of the Settlement Agreement.
7. The Settlement Agreement contains the entire agreement between Colerain Township Fire Department and OP&F with regard to the matters set forth herein. There are no other understandings or agreements, verbal or otherwise, in relation thereto, between the parties except as expressly set forth herein and the terms of this Release are contractual and not a mere recital.

The Parties have read this Settlement Agreement, understand all its terms, and have executed it voluntarily.

This Settlement Agreement may be signed in counterparts.

WHEREFORE, to show their agreement hereto, the parties and their counsel have executed this Settlement Agreement on the dates set forth below.

_____ Date	_____ Colerain Township Fire Department and its Board of Trustees, by its authorized agent
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_____ Date	_____ Lawrence E. Barbieri, Counsel for Colerain Township Fire Department
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_____ Date	_____ Ohio Police & Fire Pension Fund and its Board of Trustees By its authorized agent
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_____ Date	_____ Mary Beth Foley, General Counsel for OP&F
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