

RESOLUTION # 3232

WHEREAS, the Warren County Solid Waste Authority (“Authority”) established a non-uniform pension plan for its employees on or about February 1, 1977, and with a municipal code number of 62-102-8 N (“Plan”); and

WHEREAS, the Pennsylvania Municipal System administered the Plan; and

WHEREAS, on October 26, 2022, Warren County passed Resolution No. 3228 reviving the existence of the Warren County Solid Waste Authority until December 31, 2022, which Authority had previously expired on February 16, 2021; and

WHEREAS, by establishing the final expiration of the Warren County Solid Waste Authority to be effective December 31, 2022, by operation of law under the Municipal Authorities Act, 53 P.S. §§5601 *et seq.*, the County has further agreed to assume any legal and financial responsibility for the Plan; and

WHEREAS, Warren County (“County”) has agreed to assume plan sponsorship of the Plan effective January 1, 2023;

WHEREAS, the Pennsylvania Municipal Retirement Board (“Board”) has agreed to permit the sponsorship and assignment of the Plan (including the assets and liabilities thereunder) as described herein.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that:

- 1) County hereby agrees to sponsor the Plan effective as of January 1, 2023.
- 2) County hereby accepts transfer of any and all of Authority’s rights, title and interest in and to the Plan, the duty and responsibility to perform any and all acts and obligations of Authority under the Plan and applicable law and the liabilities arising thereunder, and County agrees to accept and assume the same as if County had been an original party to the Plan.
- 3) County hereby accepts the assignment of the Plan and agrees to be bound by all of the requirements and provisions of the Plan, the Pennsylvania Municipal Retirement Law, 53 P.S. §881.101 *et seq.* (“Retirement Law”) and the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. §895.101 *et seq.*, and to assume all duties, obligations and responsibilities, financial and otherwise, placed upon member municipalities.
- 4) County hereby assumes full responsibility and liability for all future benefit payments to the existing retired members and their beneficiaries and for all acts performed directly or indirectly under the Plan, including acts committed by Authority prior to the effective date of this assignment.

- 5) County agrees that the Board shall continue to administer and provide the benefits set forth in the amended Plan entered into between the Board and the County (the "Contract").
- 6) County hereby assumes all responsibility and liability for any unfunded liability created due to the benefit structure set forth in the Contract and for all future benefit accruals and payments to the retired members and their beneficiaries and for all acts performed directly or indirectly under the Plan, including acts committed by the Authority prior to the effective date of this assignment.
- 7) Payment for any contribution obligation established by the adoption of this Resolution and the Contract shall be made by County in accordance with the Pennsylvania Municipal Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act.
- 8) The passage and adoption of this Resolution by County is an official acceptance of the Contract and the financial obligations resulting from the administration of the Contract.
- 9) County agrees to indemnify and hold the harmless PMRS, its Board, officers and employees from any liability arising under this assignment and/or any other actions taken to affect the intent of this Resolution.
- 10) A duly certified copy of this Resolution shall be filed with PMRS.
- 11) Any and all actions and decisions heretofore taken by any official of County or any person in connection with any transaction or objectives approved by the foregoing resolutions, and all transactions related thereto, were and are hereby authorized, affirmed, adopted, approved, ratified and confirmed in all respects; and any and all actions and decisions to be taken by such official or person in furtherance of the objectives of the preceding resolutions were and are hereby authorized, affirmed, adopted, approved, ratified and confirmed in all respects.

All Resolutions and resolutions inconsistent with this action are hereby repealed. This Resolution shall become effective immediately.

SO RESOLVED this 23rd day of November, 2022.

[SIGNATURE PAGE TO FOLLOW.]

WARREN COUNTY

Tricia D. Durbin

BY: _____
Commissioner Tricia D. Durbin, Chair

Benjamin Kafferlin

BY: _____
Commissioner Benjamin Kafferlin, Vice-Chair

Pamela Matve

ATTEST: _____
Pamela Matve, Chief Clerk

Jeff Eggleston

BY: _____
Commissioner Jeff Eggleston, Secretary

ATTEST

**PENNSYLVANIA MUNICIPAL
RETIREMENT BOARD**

BY: _____
PMRS Secretary

BY: _____
PMRS Board Chair

DATE: _____

Approved as to form and legality:

BY: _____
Chief Counsel, PMRS

BY: 49-FA-1.0
Office of General Counsel

BY: 49-FA-1.0
Office of Attorney General

