

TOWN OF GREENWICH, CT – Representative Town Meeting

ITEM NO: _____
DEPARTMENT: Law Department
CONTACT: John Wayne Fox, Town Attorney 622-7876
REFERRED TO:
VOTES: BET

RESOLVED, to adopt an ordinance pursuant to section 7-450(b) of the General Statutes of Connecticut, Revision of 1958, Revised to January 1, 2007 (the “Connecticut General Statutes”).

WHEREAS, the Town of Greenwich (the "Town") desires to establish and fund a trust (the "Trust") to hold assets to be used to pay non-pension post-employment benefits (also known as "other post-employment benefits" or "OPEB") to eligible retirees and their beneficiaries in accordance with the provisions of section 7-450 of the Connecticut General Statutes; and

WHEREAS, the Town intends that the Trust be exempt from tax under section 115 of the Internal Revenue Code of 1986, as amended, as a trust utilized in the exercise of an essential governmental function; and

WHEREAS, the Town desires to delegate its duties as trustee of the Trust assets to the Town Treasurer, who will have custody of the Trust assets as set forth in the Town of Greenwich Other Post-Employment Benefits Declaration of Trust which shall be executed on behalf of the Town by the Chairman of the Board of Estimate and Taxation; and

WHEREAS, the Town intends that the Trust be established and operated in accordance with the provisions of Governmental Accounting Standards Board Statements 43 and 45; and

WHEREAS, the Town desires to appoint a board to oversee the investment of the Trust (the “OPEB Board”); and

WHEREAS, the Town desires to transfer the whole of the existing reserve fund for other post-employment benefits to the Trust in accordance with the provisions of section 7-403a(e) of the Connecticut General Statutes.

NOW, THEREFORE, BE IT HEREBY ORDAINED,

1. That the Town of Greenwich (the “Town”), in accordance with the provisions of section 7-450(b) of the Connecticut General Statutes, hereby establishes and adopts the "Town of Greenwich Other Post-Employment Benefits Trust" (the "Trust") to hold assets that are set aside for the payment of other post-employment benefits, such trust to be administered and operated in accordance with the provisions of Governmental Accounting Standards Board Statements 43 and 45, as the same may be amended or superseded, and pursuant to the terms of the "Town of Greenwich Other Post-Employment Benefits Declaration of Trust", which is incorporated herein as though set forth in full, as presented at the Representative Town Meeting and as filed with the minutes thereof in the Office of the Town Clerk.

2. That the Town hereby delegates its duties as trustee of the Trust assets to the Town Treasurer (the "Trustee"). The duties of the Trustee shall be as set forth in the Town of Greenwich Other Post-Employment Benefits Declaration of Trust.

3. That the Chairman of the Board of Estimate and Taxation is hereby directed to execute the Declaration of Trust on behalf of the Town.

4. That the Town, in accordance with the provisions of section 7-403a(e) of the Connecticut General Statutes, hereby transfers the assets held in the reserve fund for other post-employment benefits to the Trust, subject to the final approval of the Board of Estimate and Taxation as to the timing and amount to be so transferred.

5. That immediately upon the enactment of this ordinance, there shall be established the OPEB Board as provided for in section 7-450(b) of the Connecticut General Statutes to oversee the investment of the Trust. The OPEB Board shall consist of three (3) members who shall be appointed by the Board of Estimate and Taxation, one to serve a term expiring June 30, 2009, one to serve a term expiring June 30, 2010 and one to serve a term expiring June 30, 2011. Thereafter, all terms shall be for three (3) years. Notwithstanding the term lengths set forth in the preceding sentences, the Board of Estimate and Taxation may at any time remove, effective immediately, a member of the OPEB Board and name a successor to fill the unexpired term. The Board of Estimate and Taxation shall designate one member of the OPEB Board as chair of said board upon enactment of this ordinance, and annually thereafter effective as of each July 1st. The members of said OPEB Board shall be residents of the Town of Greenwich and shall receive no compensation for serving. The Comptroller for the Town of Greenwich shall serve as an *ex officio*, non-voting member of the OPEB Board.