

THE CITY OF WARWICK  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. .... Date .....

Approved. .... Mayor

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WARWICK  
AUTHORIZING THE ADOPTION OF THE TRUST’S OPEB FUNDING  
PROGRAM**

WHEREAS, the City of Warwick (the “City”) desires to establish an OPEB trust fund pursuant to the relevant provisions of the General Laws of Rhode Island § 45-21-65, as amended; and

WHEREAS, pursuant to R.I. Gen. Laws § 45-5-20.2 the Rhode Island Interlocal Risk Management Trust has established an OPEB Funding Program (the “Program”) designed to fund post-employment benefits for the City’s employees as specified in the City’s policies and/or applicable collective bargaining agreements; and

WHEREAS, the City is eligible to participate in the Program; and

WHEREAS, it is determined to be in the best interest of the City to adopt the Public Agencies Post-Retirement Health Care Plan Trust, a multiple employer tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the relevant statutory provisions of the State of Rhode Island; and

WHEREAS, the City’s adoption and operation of the Program has no effect on any current or former employee’s entitlement to other post-employment benefits; and

WHEREAS, the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Program; and

WHEREAS, the City’s funding of the Program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS, the City reserves all rights to make contributions, if any, to the Program; and

1 WHEREAS, although state law permits public entities to establish trusts and this  
2 Program for the purposes of funding post-employment benefits, any employer  
3 participating in the Program or participant in such Program shall hold harmless the State  
4 of Rhode Island and/or its, agents, employees, and servants from any cause of action  
5 arising from the administration of or participation in the Program.

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7 NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Warwick  
8 hereby:

- 9  
10 1. Approves the City participating in the OPEB Funding Program established by  
11 the Rhode Island Interlocal Risk Management Trust; and  
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- 13 2. Adopts the Public Agencies Post-Retirement Health Care Plan Trust,  
14 including the Public Agencies Post-Retirement Health Care Plan, effective  
15 \_\_\_\_\_, 2015 (the “Trust”); and  
16
- 17 3. Appoints the Treasurer of the City of Warwick or his successor or his  
18 designee as the City’s Plan Administrator for the Trust. The Plan  
19 Administrator shall act on behalf of the City in all matters relating to the  
20 City’s participation in the Trust, including, but not limited to, authorizing the  
21 investment of assets in the Trust, providing directions to the Trustee and/or  
22 the Trust Administrator, and authorizing disbursements from the City’s trust  
23 assets, and the City shall, pursuant to R.I. Gen. Laws §45-15-6, indemnify  
24 said Plan Administrator;  
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- 26 4. Delegates the oversight of the investment management of the City’s funds  
27 placed into the Program to the Rhode Island Interlocal Risk Management  
28 Trust’s Board of Trustees; and  
29
- 30 5. Authorizes the City’s Plan Administrator to execute the legal and  
31 administrative documents on behalf of the City and to take whatever  
32 additional actions are necessary to maintain the City’s participation in the  
33 Trust and to maintain compliance of any relevant regulations issued or as may  
34 be issued.  
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36 This Resolution shall take effect upon passage.

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38 SPONSORED BY: COUNCILMAN COLANTUONO,  
39 COUNCIL PRESIDENT DONNA TRAVIS, AND  
40 COUNCILWOMAN CAMILLE VELLA-WILKINSON  
41 ON BEHALF OF MAYOR AVEDISIAN

42  
43 COMMITTEE: ORDINANCE