AofD 7-17-19

Previous action taken by Assembly related to Sheriff's Liability

BARNSTABLE COUNTY

In the Year Two Thousand and Eighteen

Resolution 18-01

Whereas House Bill 4513 filed on behalf of Barnstable County to resolve a funding inequity regarding the Sheriff's unfunded pension obligation passed from Second Reading to Third Reading in the House on August 22, 2016 and remains in third Reading,

Now Therefore,

Be It Hereby Resolved that the Barnstable County Assembly of Delegates requests the esteemed members of our Delegation act towards advancing House Bill 4513 through Third Reading to the Floor for a Vote prior to the end of this 190th Session.

Attachment to Barnstable County Assembly of Delegates
Resolution 18-01

Bill H. 4513
SECTION 1: Chapter 64D of the general laws, as appearing in the 2014 official edition, is hereby amended by inserting the following new section:
Section 11A. There shall be established upon the books of Barnstable County, being a county of a transferred sheriff, the government of which county has not been abolished by Chapter 34B or other law, a fund, maintained separate and apart from all other funds and accounts of each county, to be known as the Deeds Excise Fund.
[Second paragraph effective until July 1, 2014. For text effective July 1, 2024 see below.]
Notwithstanding any general or special law to the contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is sufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be held separate and apart from all other funds and from which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.
[Third paragraph effective July 1, 2024. For text effective until July 1, 2024 see above.]
Notwithstanding any general or special law contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is

insufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year plus an additional 10 percent of the combined maintenance of effort for fiscal year 2010 to fiscal year 2016 and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.
SECTION 2. This act shall take effect upon its passage.

The foregoing Resolution 18-01 was adopted by the Barnstable County Assembly of Delegates, by a roll call vote of 81.97% voting "YES", 9.15% voting "NO", and 8.88% were "ABSENT" at the regular meeting held on April 18, 2018.

Attested by:

Janice O'Connell, Clerk
Assembly of Delegates