

Resolution 85

A RESOLUTION OF THE GOVERNING BOARD OF NORCOM APPROVING THE RESOLUTION OF A DISPUTE WITH THE WASHINGTON STATE DEPARTMENT OF RETIREMENT SYSTEMS OVER PENSION CONTRIBUTION ISSUES.

WHEREAS, NORCOM, a consolidated, regional public safety communications center serving police, fire, and emergency medical service providers in northeast King County, entered into Professional Services Agreements with Chris Fischer (“Fischer”) in the period from 2008 to 2011 to obtain consulting services such as those that would be provided by an Interim Executive Director; and

WHEREAS, NORCOM entered into a Professional Services Agreement with Bissonnette Environmental Solutions LLC in the period 2011-2012 to have its member Pam Bissonnette (collectively “Bissonnette”) provide consulting services such as those that would be provided by an Interim Executive Director (Fischer and Bissonnette are collectively referred to below as “Consultants”); and

WHEREAS, the Professional Services Agreements with the Consultants expressly provided that the Consultants were independent contractors and not employees of NORCOM; and

WHEREAS, the Washington State Department of Retirement Systems (“DRS”) has notified NORCOM that as the result of a compliance audit, DRS determined that NORCOM incorrectly characterized the Consultants as independent contractors and that NORCOM should have reported the Consultants to DRS as employees, with the failure to do so giving rise to a claim by DRS against NORCOM for the recovery of purported excess pension payments by DRS and the PERS retirement system to the Consultants; and

WHEREAS, NORCOM disagrees with DRS’s assertions, but wishes to resolve the dispute and has negotiated with DRS over the amount to be paid; and

WHEREAS, DRS has agreed that payment by NORCOM of the amount specified in its Invoice No(s). 1086510 and 1086512 (the “Invoices”) will resolve the dispute;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of NORCOM as follows:


Section 1. Payment Approved. NORCOM agrees to pay to DRS the amount specified in the Invoices in satisfaction of the claims relating to the alleged overpayment of pension benefits to the Consultants. Such payment is authorized to be made on or before February 15, 2015.

Section 2. Further Authority; Prior Acts. All NORCOM officials, their agents, and representatives are hereby authorized and directed to undertake all action necessary or desirable from time to time to carry out the terms of, and complete the transactions contemplated by, this resolution. All acts taken pursuant to the authority of this resolution but prior to its effective date are hereby ratified and confirmed.

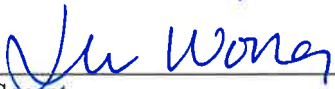
Section 3. Effective Date. This resolution shall take effect immediately upon its passage and adoption.

Passed by a majority vote of the Governing Board in an open meeting on this 13th day of February, 2015.

Signed in authentication thereof on this 13th day of February, 2015.



Chair

Attest: 

Secretary