

CLEVELAND PUBLIC LIBRARY

Human Resources Committee

December 13, 2022

RESOLUTION APPOINTING BENEFIT RESOURCES, INC. AS THIRD-PARTY ADMINISTRATOR OF THE CLEVELAND PUBLIC LIBRARY'S FLEXIBLE SPENDING ACCOUNT AND COMMUTER BENEFITS PLAN, AUTHORIZING CONTRACT, AND AMENDING FLEXIBLE SPENDING ACCOUNT PLAN

WHEREAS, In January 2012, the Board of Trustees of the Cleveland Public Library adopted a Restated Flexible Spending Account Plan for employees of the Cleveland Public Library in accordance with Internal Revenue Code Section 125 (Cafeteria Plan) permitting employees to make pre-tax contributions to health and dependent care Flexible Spending Accounts for qualified out-of-pocket expenses; and

WHEREAS, On January 21, 2021, this Board appointed North Coast Administrators, Inc. as the third-party administrator of the Flexible Spending Account Plan and Commuter Benefits Plan effective January 1, 2021 and ratified the Flexible Spending Accounts and Commuter Accounts Service Agreement entered into between the Library and North Coast Administrators, Inc. for the term of January 1, 2021 through December 31, 2022; and

WHEREAS, Benefit Resources, Inc. acquired North Coast Administrators, Inc. on August 1, 2022, and on December 1, 2022, Benefit Resources, Inc. assumed all of North Coast Administrators, Inc.'s obligations for the remainder of the term of the Flexible Spending Accounts and Commuter Accounts Service Agreement; and

WHEREAS, The Library desires to continue working with Benefits Resources, Inc. to administer the Library's Flexible Spending Account and Commuter Benefits Accounts for a term of one or more years beginning January 1, 2023. The total cost of services under the agreement is not expected to exceed \$25,000 for the year 2023; and

WHEREAS, In October 2022, the Internal Revenue Service released Revenue Procedure 2022-38, which increases the voluntary employee health FSA contribution limit for 2023 from \$2,850 to \$3,050; and

WHEREAS, In order to allow employees to get the full benefit of the increased contribution limit, the Library must adopt a plan amendment to its Cafeteria Plans; now therefore be it

EXHIBIT 17

RESOLVED, That Benefit Resources, Inc. is hereby appointed the third-party administrator of the Flexible Spending Account Plan and Commuter Benefits Plan effective December 1, 2022; and be it further

RESOLVED, That the Board of Trustees of the Cleveland Public Library hereby authorizes the Executive Director, CEO or his designee to execute a services agreement with Benefit Resources, Inc. to provide third-party administrator services for the Library's Flexible Spending Accounts and Commuter Benefits Accounts for a term of one or more years beginning on January 1, 2023; and be it further

RESOLVED, That the Board of Trustees of the Cleveland Public Library hereby adopts and approves the attached amendment to the Cleveland Public Library's health care Flexible Spending Account Plan, to increase the voluntary employee health FSA contribution limit to the maximum allowed by the Internal Revenue Service, which changes shall be effective January 1, 2023, and authorizes the Executive Director, CEO or his designee to execute the Plan amendment and any other instruments, documents, and amendments to Plans and agreements as may be necessary or appropriate to effectuate the terms of this Resolution.

FIFTH AMENDMENT TO THE CLEVELAND PUBLIC LIBRARY FLEXIBLE SPENDING ACCOUNT PLAN

This Fifth Amendment (“Amendment”) to the Cleveland Public Library’s Flexible Spending Account Plan (the “Plan”) is hereby adopted by the Cleveland Public Library (the “Employer”) and is effective as of January 1, 2023.

WHEREAS, the Employer adopted the restated Plan in January 2012 for the benefit of its employees; and

WHEREAS, on December 16, 2022, the Cleveland Public Library Board of Trustees adopted a resolution permitting the Employer to amend the Plan for a fifth time; and

WHEREAS, the Employer desires to amend the Plan to make the limit that eligible employees may contribute to the Health Care Reimbursement Plan equal to the limit set by the Internal Revenue Service;

NOW, THEREFORE, this Amendment is adopted as follows:

1. The third paragraph of Article IV, Section 1.A titled, “Health Care Reimbursement Plan?” shall be modified to provide as follows:

“You may contribute to the Health Care Reimbursement Plan up to the limit set by the Internal Revenue Service, which limit may be revised from time to time by the Internal Revenue Service. In order to be reimburse for a health care expense, you must submit to the Administrator an itemized bill from the service provider. Amounts reimbursed from the Plan may not be claimed as a deduction on your personal income tax return.”

IN WITNESS WHEREOF, this Amendment is hereby adopted to be effective as of the date set forth above.

CLEVELAND PUBLIC LIBRARY

By: _____

Title: Executive Director, CEO

Date: _____