

ORDINANCE NO. 2881

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, AMENDING CHAPTER 14 ARTICLE III ENTITLED "FIREFIGHTERS' PENSION PLAN" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH; AMENDING SECTION 14-46(b), TO PROVIDE FOR CONFORMANCE TO FLORIDA STATE STATUTE CHAPTER 175, AS AMENDED; AMENDING SECTION 14-47, TO MAKE IT GENDER NEUTRAL; AMENDING SECTION 14-48(a), TO DELETE UNNECESSARY LANGUAGE; AMENDING SECTION 14-48(b), TO DELETE UNNECESSARY LANGUAGE; DELETING SECTION 14-49(3) TO DELETE UNNECESSARY LANGUAGE; AMENDING SECTION 14-51(a), TO PROVIDE FOR REFUNDS OF CONTRIBUTIONS ~~AND FOR PAYMENT OF VESTED BENEFITS~~; AMENDING SECTION 14-54, TO AMEND THE NORMAL RETIREMENT DATE; PROVIDING A CONFLICT ~~CLAUSE~~, AND A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current language in the Firefighters Pension Ordinance does not conform to Florida State Statute Chapter 175; and

WHEREAS, the amendment has been prepared for conformity; and

WHEREAS, the Firefighter Pension Ordinance addresses a single gender;
and

WHEREAS, the amendments have been made to address both genders;
and

WHEREAS, some of the language in the Ordinance is unnecessary and is therefore deleted; and

WHEREAS, the Plan is amended to provide for refunds of contributions and for payments of vested benefits; and

WHEREAS, the Plan is amended to include the normal retirement date; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:

SECTION 1: Article III, Chapter 3, entitled "Firefighters' Pension Plan" of the Code of the City of Riviera Beach is hereby amended to read as follows:

Sec. 14-46. Created; administration.

(b) This article is to be administered pursuant to the provisions

of F.S. ch. 175, as it may be amended from time to time, and all of terms thereof are hereby incorporated into this article by reference and made a part hereof.

Sec 14-47. Board of trustees; created, powers, duties.

There is hereby created a board of trustees of the City firefighters' pension trust fund. The board of trustees shall consist of five members, two of whom shall be legal residents of the city who shall be appointed by the city council, and two of whom shall be full-time firefighters as defined in F.S. § 175.032(1), who shall be elected by a majority of the firefighters who are members of the plan. The fifth member shall be chosen by majority of the previous four members as provided for in this section, and such person's name shall be submitted to the city council. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board of trustees as its fifth member. The fifth member shall have same rights as each of the other four members appointed or elected as provided in this section and may be succeeded himself in office. Each resident member shall serve as trustee for a period of two years from October 1, 1986, unless sooner replaced by the city council, at whose pleasure he the resident member shall serve, and may be succeeded himself as a trustee. Each firefighter member shall serve as a trustee for a period of two years from October 1, 1986, unless he the firefighter sooner leaves the employment of the city as a firefighter, whereupon the city council shall choose his a successor in the same manner as an original appointment. Each firefighter may be succeeded himself in office. The board of trustees shall be a legal entity with which, in addition to other powers and responsibilities contained in this section, shall have the power to bring and defend lawsuits of every kind, nature and description. The trustees shall by a majority vote elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law. The board of trustees may:

(1) Invest the assets of the firefighters' pension fund as authorized by F.S. ch. 175, except the board of trustees may invest not more than three five percent of its assets in the common stock or capital stock of any one issuing company, nor exceed three five percent of the outstanding capital stock of that company, nor shall the aggregate of its investments in common stock at cost exceed 60 percent of the assets of the fund.

Sec.14-48. Retirement monthly income.

- (a) The amount of the monthly retirement income payable to a firefighter who retires on or after his the firefighter's normal retirement date shall be an amount equal to the number of his the firefighter's years of credited service multiplied by three percent of his the firefighter's average final compensation. ~~If a firefighter has been contributing only three percent of his salary, his monthly income shall be an amount equal to the number of years credited service multiplied by one and one-half percent of his final average compensation.~~
- (b) ~~The retirement income shall be reduced for moneys received under the disability provisions of this article.~~

Sec. 14-49. Disability retirement.

For disability retirement, all of the terms and conditions as set forth in F.S. § 175.191, which are made a part of this article, shall apply with the following exceptions:

- (3) ~~Disability benefits shall not apply to any firefighter who has attained his normal retirement date unless the firefighter is employed by the fire department of the City as a full-time active firefighter.~~

Sec. 14-51. Refund of contributions.

- (a) If a firefighter leaves the service of the City as a firefighter prior to ten years of actual service, ~~Should a firefighter leave the services of the City as a firefighter,~~ such firefighter shall be entitled to a refund of all his contributions paid to the City firefighters' pension trust fund with interest. The rate of interest shall be 5.5 percent per annum, simple interest. A refund of contributions shall be in lieu of any other benefits to which a member may otherwise be entitled.
- (b) This article applies to distribution s made on or after January 1, 1993. Notwithstanding any provisions for the plan to the contrary that would otherwise limit a distributee's election under this article, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
- (c) Definitions. The following words, terms and phrases, as used in this section, shall have the meanings ascribed to them in this subsection, unless the context clearly indicates otherwise:

- (1) *Eligible rollover distribution* means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:
 - (a) Any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;
 - (b) Any distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code; and
 - (c) The portion of any distribution that is not includible in gross income.
- (2) *Eligible retirement plan* means an individual retirement account described in section 408(a) of the Internal Revenue Code, an individual retirement annuity described in section 403(a) of the Internal Revenue Code, or a qualified trust described in section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.
- (3) *Distributee* includes an employee or former employee. In addition, the employee's or former employee's surviving spouse are distributees with regard to the interest of the spouse.
- (4) *Direct rollover* means a payment by the plan to the eligible retirement plan specified by the distributee.

~~Sec. 14-54. Normal retirement date and amount.~~

~~The amount of the monthly retirement income benefit payable to a firefighter who retired after 20 years of service regardless of age, and the contribution of eight percent of his annual salary to the City firefighters' pension trust fund from the date of October 21, 1981, or from the date of his employment if hired at a later date shall be three percent of the number of years of his credited service time the amount of his final average monthly compensation.~~

Section 14-54. Normal retirement date and amount.

The normal retirement age will be upon completion of twenty years of service regardless of age; or completion of ten or more years of creditable service and attaining age 55. The amount of the monthly retirement income benefit payable to a firefighter on a normal retirement will be three percent of the number of years of his the firefighter's credited service times the amount of the firefighters' final monthly average compensation.

SECTION 2: That all sections or parts of sections of the code in conflict herewith be and the same are hereby repealed to the extent of the conflict.

SECTION 3: That this ordinance shall be made a part of the Riviera Beach City Code and the provisions herein may be renumbered for such purpose.

SECTION 4: This ordinance shall be effective December 31, 1999.

SECTION 5: Special authority is hereby granted to codify this Ordinance.

SECTION 6: That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED and APPROVED on first reading this 15th day of

November 2000.


PASSED and APPROVED on second and final reading this 20th day of

December 2000.

APPROVED:

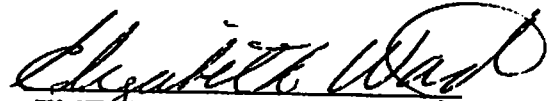


MICHAEL D. BROWN
MAYOR



EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

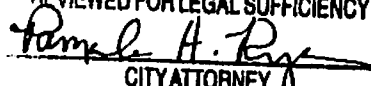

ELIZABETH WADE
CHAIRPERSON PRO TEM

ATTEST


CARRIE E. WARD, CMC/AEE


DONALD WILSON


SYLVIA LEE BLUE

REVIEWED FOR LEGAL SUFFICIENCY

PAMELA H. RYE
CITY ATTORNEY
CITY OF RIVIERA BEACH


DAVID SCHNYER
COUNCIL MEMBERS

DATE: 11/7/00

MOTIONED BY: S. Blue

MOTIONED BY: S. Blue

SECONDED BY: D. Schnyer

SECONDED BY: E. Wade

	1 ST READING	2 ND & FINAL READING
E. RODGERS	<u>aye</u>	<u>aye</u>
E. WADE	<u>absent</u>	<u>aye</u>
D. WILSON	<u>absent</u>	<u>aye</u>
S. BLUE	<u>aye</u>	<u>aye</u>
D. SCHNYER	<u>aye</u>	<u>aye</u>

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

12/30/00
DATE

C. E. Ward
CARRIE E. WARD, CMC/AE, CITY CLERK

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: _____

DP/cw/10/11/00

STATE OF FLORIDA
COUNTY OF PALM BEACH
CITY OF RIVIERA BEACH

88.

I, CARRIE E. WARD, CMC/AE, CITY CLERK OF
THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY,
FLORIDA, DO HEREBY CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF Ordinance 2881

AS SHOWN IN THE RECORDS OF THE CITY ON FILE IN
THE OFFICE OF THE CITY CLERK.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND AFFIXED THE SEAL OF THE CITY OF
RIVIERA BEACH, FLORIDA, THIS 30th DAY OF
December, 2000

(SEAL)

C. E. Ward
CARRIE E. WARD, CMC/AE