

ORDINANCE NO. 4053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE CITY OF RIVIERA BEACH CODE OF ORDINANCES, CHAPTER 14, ENTITLED "PENSIONS AND RETIREMENT PROGRAMS," ARTICLE III ENTITLED "FIREFIGHTERS PENSION PLAN," SECTION 14-50 ENTITLED "RETIRMENT DISABILITY BENEFITS," BY AMENDING SUBSECTION (a) TO MAKE THE SECTION GENDER NEUTRAL AND CREATING SUBSECTION (b) WHICH PROVIDES OPTIONAL FORMS OF BENEFITS FOR DISABLED RETIREES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach has established a pension fund for its firefighters pursuant to Chapter 175 Florida State Statutes; and

WHEREAS, Chapter 175 was amended in 1999, to provide that the normal form of benefit for disability retirees who do not recover from the disability, must be for the lifetime of the disabled retiree, with a guarantee of 120 monthly payments, so that if the disabled retiree dies before receiving 120 monthly payments, the remainder will be paid to the designated beneficiary, or if none, to the estate; and

WHEREAS, Chapter 175 also was amended to provide that disabled retirees be allowed to choose certain optional forms of benefits; and

WHEREAS, Sec. 14-46 of the City's Code of Ordinance provides that the City of Riviera Beach Municipal Firefighters' Pension Trust Fund must be administered to comply with Chapter 175; and

WHEREAS, the Board of Trustees have administered the City of Riviera Beach Municipal Firefighters' Pension Trust Fund Retirement System by offering the normal form of benefit and optional form of benefit as required by Chapter 175, to all persons who have retired on a disability retirement after the passage of the 1999 changes to Chapter 175; and

WHEREAS, there are three (3) disabled retirees who received their disability retirement before the passage of the 1999 amendments and have been receiving the benefit as a life annuity and have never been offered the opportunity to receive optional forms of benefits; and

WHEREAS, the City is desirous of offering these three (3) disabled retirees the chance to choose an optional form of benefit, so long as it is the actuarial

equivalent to the benefit that they have been receiving, so that the entire cost of the option is borne by the disabled retiree and there is no cost to the City or the City of Riviera Beach Municipal Firefighters' Pension Trust Fund Retirement System.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA that:

SECTION 1. Chapter 14, Article III, of the Riviera Beach Code of Ordinances is hereby amended by making subsection 14-50(a) gender neutral and creating subsection 14-50(b) as follows:

Sec. 14-50. Retirement disability benefits.

(a) The amount of each monthly disability payment shall be computed in the same manner as for a normal retirement benefit, with the exception that if a firefighter became totally disabled while in the line of duty, his the monthly disability retirement benefit shall not be less than 60 percent of his the average monthly salary for the last year of credited service prior to the date of his the firefighter becoming totally disabled; or if a firefighter became totally disabled from any cause whatsoever while not in the line of duty, his the monthly disability retirement benefit shall not be less than 48 percent of his the firefighter's average monthly salary for the last year of credited service prior to the date of his the firefighter becoming totally disabled.

(b) A firefighter who retires with a disability retirement benefit may select an optional form of benefit. Retirees who began receiving retirement disability benefits prior to the effective date of this ordinance may select an optional form of benefit, provided that: (1) the optional form of benefit must be selected within ninety (90) days of the effective date of this ordinance, and, (2) there shall be no additional cost to the Plan. The actuary shall recalculate the retiree's benefit assuming that the retiree is five (5) years older than the chronological age, unless the retiree provides documentation satisfactory to the Board that he or she is in good health and it is determined there will be no additional cost to the Plan, in which case the actuary will recalculate the benefit in accordance with Section 14-59 and without the additional five (5) year age assumption.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the section of this ordinance may be renumbered to accomplish such intentions.

SECTION 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

SECTION 5. Specific authority is hereby granted to codify this ordinance.

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

PASSED AND APPROVED on first reading this 5TH day of NOVEMBER, 2014.

PASSED AND ADOPTED on second and final reading this 3RD day of DECEMBER, 2014.

APPROVED:

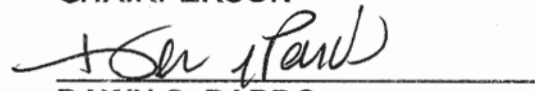

THOMAS A. MASTERS
MAYOR

MUNICIPAL SEAL

ATTEST:

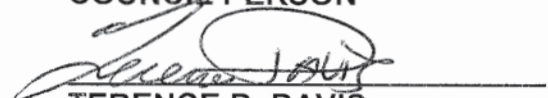

CARRIE E. WARD, MMC
CITY CLERK


JUDY L. DAVIS
CHAIRPERSON


DAWN S. PARDO
CHAIR PRO TEM


BRUCE A. GUYTON
COUNCIL PERSON

ABSENT
CEDRICK A. THOMAS
COUNCIL PERSON


TERENCE D. DAVIS
COUNCIL PERSON

1st READING

MOTIONED BY: C. THOMAS
SECONDED BY: D. PARDO

J. DAVIS	<u>AYE</u>
D. PARDO	<u>AYE</u>
B. GUYTON	<u>AYE</u>
C. THOMAS	<u>AYE</u>
T. DAVIS	<u>AYE</u>

2nd & FINAL READING

MOTIONED BY: D. PARDO
SECONDED BY: B. GUYTON

J. DAVIS	<u>AYE</u>
D. PARDO	<u>AYE</u>
B. GUYTON	<u>AYE</u>
C. THOMAS	<u>AYE</u>
T. DAVIS	<u>AYE</u>

APPROVED FOR LEGAL SUFFICIENCY

PAMALA H. RYAN, B.C.S., CITY ATTORNEY

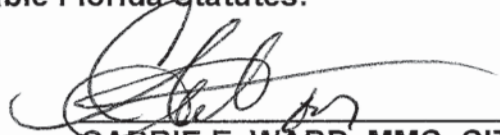
DATE: _____

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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.

12-3-14
DATE


CARRIE E. WARD, MMC, CITY CLERK