

## DIVISION 5. - RESTATED EMPLOYEES DEFINED BENEFIT RETIREMENT SYSTEM

### Sec. 62-176. - Definitions.

The following words and phrases, as used in this division, unless a different meaning is clearly indicated by the context, shall have the following meanings:

*Accumulated contributions* means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the employees contribution reserve, together with regular interest thereon.

*Average final compensation* means the annual average of the compensations paid a member by the city during the three years of his credited service in which the aggregate amount of his compensations was the highest. If a member has less than three years of credited service, his average final compensation shall be the annual average of his compensation for his total period of service.

*Beneficiary* means any person, except a retirant, who is in receipt of, or who is designated to receive, a pension or other benefit payable by this retirement system.

*Board* means the board of trustees provided in this division.

*Compensation* means the salary, wages, or allowances paid a member by the city for personal services rendered by him to the city. In case a member's compensation includes an allowance not paid in money the city commission shall fix the value of such allowance. All accumulated leave, compensatory time and overtime received by a member shall be excluded in determining a member's compensation on or after January 1, 1980. Notwithstanding anything in this division to the contrary, the compensation of an employee shall not exceed any applicable limit imposed by Section 401(a)(17) of the Internal Revenue Code.

*Contributing service* means membership service rendered by a member to the extent covered by contributions made by him to this retirement system or its predecessor and standing to his credit in the employee's contribution reserve.

*Credited service* means the number of years and months of service credited a member by the board, as provided in this division.

*Eligible retirement age* means, for persons who were members as of September 30, 1970, in the retirement system provided for by division 2 of this article as in effect on date of passage of the ordinance from which this division is derived, age 50 years. For all other persons who become members, age 55 years.

*Employee* means a person employed by the city on or before 30 days after the date of passage of the ordinance from which this division is derived and so classified in the personnel records of the city, including probationary and permanent employees, but excluding firefighters and police officers as those terms are defined in F.S. chs. 175 and 185, and, on or after August 29, 1996, employees and officers of the city golf commission.

*Final compensation* means a member's annual rate of compensation at the time his employment by the city last terminates.

*Member* means any person employed by the city who is included in the membership of this retirement system.

*Membership service* means service rendered after September 30, 1946.

*Pension allowance and retirement allowance* mean an annual amount payable in equal monthly installments by this retirement system throughout the future life of a person or for a temporary period, as provided in this chapter. The pension or retirement allowance shall include any amounts paid pursuant to

any annuities held as part of the assets of the retirement system or distributed to a retirant or his beneficiary.

*Pension reserve* means the present value of all future payments to be made on account of any person. A pension reserve shall be computed upon the basis of such mortality and other tables of experience, and regular interest, as the board shall from time to time adopt.

*Prior service* means service rendered prior to October 1, 1946.

*Regular interest* means interest at such rate or rates per annum, compounded annually, as the board shall from time to time adopt.

*Retirant* means any member who retires with a pension payable by this retirement system.

*Retirement system* and *system* mean the city's restated employees defined benefit retirement system.

*Service* means personal service rendered to the city by an officer or employee of the city. The term "service" shall also include service, if any, rendered by him to the West Palm Beach Water Company prior to December 1, 1955, provided he was in the employ of the water company November 30, 1955. It shall also include service, if any, rendered by him prior to October 1, 1962, as an employee of the city golf commission, provided he was in the employ of the golf commission September 30, 1962.

(Code 1979, § 2-314.1.1)

**Cross reference**— Definitions generally, § 1-2.

Sec. 62-177. - Retirement system continued; establishment and limitations.

- (a) The city's restated employees retirement system is hereby created and established effective 30 days after August 11, 1997. The former retirement system, established under division 2 of this article, was terminated effective as of 30 days after August 11, 1997, and certain of its assets and liabilities were transferred to this retirement system. All benefits accrued under this division, or under any future city employee pension or retirement system, at the time of any amendment thereto shall be preserved unimpaired until the rights of all beneficiaries thereunder shall have terminated by death of the beneficiaries, transfer to another plan, or for other reasons.
- (b) The retirement system may be amended by ordinance, and the city commission may establish and amend new or additional pension or retirement systems by ordinance when in the best interest of city officers and employees. City employment retirement systems may take the form of one pension and retirement system for all city officers and employees or separate pension and retirement systems for groups thereof and shall include provisions for relief as well as for normal retirement.
- (c) The city, by action of the city commission, may transfer assets and liabilities from this retirement system to any other retirement system it may establish and may terminate the defined benefit retirement system established by this division for any reason at any time. In case of the termination of the defined benefit retirement system established by this division, the rights of members to their benefits as of the date of the termination, to the extent then funded (or protected by law, if greater), shall be nonforfeitable. The funds of the retirement system shall be used for the exclusive benefit of persons entitled to benefits under the retirement system as of the date of termination; provided, the city may recover, without interest, the amount of any contributions it makes to the retirement system on account of a mistake in fact. In addition, upon termination of the retirement system, any funds not required to satisfy all liabilities of the retirement system for benefits shall be returned to the city.

(Code 1979, § 2-314.1.2)

Sec. 62-178. - Board of trustees—Functions generally, composition.

The general administration, management and responsibility for the proper operation of this retirement system and for construing and making effective the provisions of this division are vested in a board of trustees. The board shall consist of seven trustees, as follows:

- (1) *Ex officio trustees.* The mayor or mayor's designee, the employee relations manager or designee, and the finance director or designee.
- (2) *Appointed trustees.* The mayor shall appoint, subject to approval of such appointment by the city commission, a citizen who is not eligible to receive benefits under the retirement system.
- (3) *Elected trustees.* There shall be three elected trustees. The elected trustees shall be members of the retirement system and may be either retired or active employees. The elections shall be held under such rules and regulations as the board shall from time to time adopt.

(Code 1979, § 2-314.1.3; Ord. No. 4600-15, § 1, 10-26-2015)

Sec. 62-179. - Trustees' terms of office; oath of office; attendance and participation at meetings.

- (a) The term of office of the appointed and elected trustees of this retirement system shall be three years, one such term to expire annually.
- (b) Each trustee shall, within ten days after his appointment or election, take an oath of office to be administered by the city clerk.
- (c) Trustees, excluding ex officio trustees, shall be required to attend all regular and special meetings of such board. The mayor shall notify the city commission when an elected trustee or appointed trustee accumulates three consecutive absences or when a member fails to attend 60 percent of the meetings of such board. The city commission may direct that a new election be held to replace such trustee if such member is an elected trustee. The mayor shall, with the approval of the city commission, appoint a new trustee to complete the unexpired term of office should such member be the appointed trustee.
- (d) Each trustee of the board shall vote on every motion, however, in the event of a conflict of interest as defined by article VII of this chapter or F.S. ch. 112, pt. III, then such trustee shall not vote or participate in the discussion of such matter.

(Code 1979, § 2-314.1.4)

Sec. 62-180. - Vacancy; how filled.

In the event an elected trustee of the retirement system ceases to be employed by the city, or should any appointed or elected trustee fail to attend scheduled meetings of the board for three consecutive meetings, unless in each case excused by the remaining trustees attending such meeting, he shall be considered to have resigned from the board and the board shall, by resolution, declare his office of trustee vacated as of the date such resolution is adopted. If a vacancy occurs in the office of trustee, the vacancy shall be filled, within 60 days after the date of the vacancy, for the unexpired portion of the term, in the same manner as the office was previously filled.

(Code 1979, § 2-314.1.5)

Sec. 62-181. - Meetings; rules of procedure; record of proceedings; trustees' compensation.

- (a) The board shall hold meetings regularly, at least one in each quarter year, and shall designate the time and place thereof. The board shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the board shall be public.
- (b) The trustees shall serve without additional compensation for their services as trustees.

(Code 1979, § 2-314.1.6)

Sec. 62-182. - Quorum; voting.

Four trustees of the retirement system shall constitute a quorum at any meeting of the board. Each attending trustee shall be entitled to one vote on each question before the board. At least four concurring votes shall be necessary for a decision by the trustees.

(Code 1979, § 2-314.1.7)

Sec. 62-183. - Chair; retirement system officers.

- (a) *Chair; chair pro tem.* The board shall elect from its own number a chair and a chair pro tem.
- (b) *Administrator.* The administrator shall be appointed by the board on recommendation of the human resources department and the finance director.
- (c) *Finance director.* The finance director shall be custodian of the assets of the retirement system. All payments from moneys of the system shall be made according to the provisions of this Code only upon evidence of a specific or continuing resolution adopted by the board authorizing such payment.
- (d) *Legal advisor.* The city attorney, or an attorney recommended by the city attorney, shall be the legal advisor to the board.
- (e) *Actuary.* The board shall appoint an actuary who shall be the technical advisor to the board on matters regarding the operation of the retirement system. The actuary shall perform such other duties as are required of him under this division.
- (f) *Professional and other services.* The board may employ such professional and other services as are required for the proper operation of the retirement system.

(Code 1979, § 2-314.1.8)

Sec. 62-184. - System reports, records and cost; board adoption of experience tables and regular interest.

- (a) The secretary shall keep or cause to be kept such data as shall be necessary for an actuarial valuation of the assets and liability of the retirement system. The board shall annually render a report to the city commission showing the fiscal transactions of the system for the year ended the preceding September 30 and the system's last balance sheet showing its financial condition by means of an actuarial valuation of its assets and liabilities.
- (b) The board shall from time to time adopt such mortality and other tables of experience and a rate or rates of regular interest as are necessary in the operation of the retirement system on an actuarial basis.
- (c) That portion of the cost of the system to be borne by the city, city officers, and employees, including the provisions for benefits thereunder and the expenses of administration thereof, shall be determined actuarially on the basis of recognized mortality and service tables and shall be calculated and contributed as a uniform or decreasing percentage of the payroll of members. No system based on an increasing percentage of the payroll, whether to be paid as the contribution of either the members or the city, shall be established, but added benefits and additional contributions therefor may at any time be provided as regards any system by amendatory ordinance.

(Code 1979, § 2-314.1.9)

Sec. 62-185. - Membership of retirement system; conditions.

- (a) *Eligible members.* The membership of the retirement system shall include only those members of the former retirement system established under division 2 of this article who are officers or employees of the city 30 days after the date of passage of the ordinance from which this division derives and who are not members of the retirement system provided for in division 3 of this article. Persons who are officers or employees of the city golf commission on or after August 29, 1996, and persons who become officers or employees of the city or officers or employees of the West Palm Beach Water Company on or after 30 days after the date of passage of the ordinance from which this division derives shall not be members of the retirement system.
- (b) *Ineligible members.* The membership of the retirement system shall not include any person whose service to the city is compensated on a fee or contractual basis, nor any person employed in a part-time, temporary or reasonable (e.g. summer recreation program) position normally requiring less than 1,000 hours of work per annum, nor the medical director and the actuary, nor elected officers of the city, nor persons who are members of the city police pension fund, nor firefighters who are members of the city firefighter's pension fund, nor appointed officers who devote less than full time to the city, nor any officers and employees eligible and electing to participate in the defined contribution retirement system within this article unless otherwise provided in this article.
- (c) *Re-employment of retired person.* A person receiving pension or retirement benefits under the defined benefit system from the city may serve full-time or part-time for compensation in any city office or employment without waiving all such benefits while so serving. Such person shall acquire no further pension rights under the defined benefit system by such re-employment.
- (d) *Limitation of city's contribution.* No officer or employee of the city may simultaneously be a member of two pension and retirement systems of the city, whether established by ordinance or state law, if membership in such systems or plans requires the city to make contributions to both during the same time period. The foregoing limitation shall not preclude an officer or employee from simultaneously being a member of this retirement system and also receiving contributions under subsection 62-134(a)(1)b.
- (e) *Effect on Social Security benefits.* Nothing in this section shall adversely affect participation by city officers and employees in the benefits under Social Security legislation as existing at the time of adoption thereof as provided thereafter by federal or state law, and the city commission may take any valid action deemed necessary or expedient to place city officers and employees in the same status relative thereto as that of comparable officers and employees in private enterprise.

(Code 1979, § 2-314.1.10; Ord. No. 3812-04, § 2, 10-25-2004; Ord. No. 4106-08, § 1, 1-28-2008)

Sec. 62-186. - Termination of membership.

Any member who separates from the employ of the city for any reason except death may elect by written application to the board to receive a benefit under section 62-192 as in effect when his city employment terminates, payable at such time as he may elect, but not less than 30 days nor more than 90 days subsequent to the execution and filing of his election with the board. Any benefit payable under this section shall be reduced for early commencement as provided in subsection 62-192(b). A member shall not receive service credit for any period he was not an employee of the city, and his accumulated contributions shall not be credited with interest for such period. Upon his retirement or death, he shall thereupon cease to be a member. This section shall be subject to any other provision of this division which might be in conflict with this section.

(Code 1979, § 2-314.1.11)

Sec. 62-187. - Service credit.

- (a) In accordance with such rules and regulations as the board shall from time to time adopt, consistent with the provisions of this division, each member shall be credited with the service rendered by him; provided, not more than one year of service shall be credited any member for all service rendered by him in any calendar year.
- (b) If a part-time, temporary or seasonal employee subsequently becomes a full-time employee of the city, he shall not receive credited service for the period of employment as a part-time, temporary or seasonal employee under this retirement system.

(Code 1979, § 2-314.1.12)

Sec. 62-188. - Service in the uniformed services of the United States.

- (a) If an employee shall have been absent from service because of service in the uniformed services of the United States and if he shall have returned to service as an employee having applied to return while his reemployment rights were protected by law, that absence shall count as credited service.
- (b) If a member who returns to service as an employee in accordance with subsection (a) of this section makes the contributions that would have been required by section 62-207 had he not been in the uniformed services, his period of service in the uniformed services shall be counted as contributing service. The member may make those contributions at any time within a period beginning on his return to service as an employee which is equal to three times his period of service in the uniformed services, but not longer than five years. For purposes of determining the amount of the member's contributions that would have been required by section 62-207, a member's compensation during his period of service in the uniformed services shall be deemed to be the compensation he would have received for that period had he remained an employee of the city or, if that compensation is not reasonably certain, his average compensation for the 12-month period immediately preceding his service in the uniformed services.
- (c) For purposes of this section, the terms "service in the uniformed services of the United States" and "uniformed services" shall have the meaning given to those terms in sections 4303(13) and 4303(16) of the Uniformed Services Employment and Reemployment Rights Act of 1994, respectively.

(Code 1979, § 2-314.1.13)

Sec. 62-189. - Voluntary retirement.

Any member who has attained his eligible retirement age or who has at least 30 years of credited service may retire upon his written application to the board setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired. Upon his retirement he shall receive a retirement allowance provided in section 62-192, reduced for early commencement as provided in subsection 62-192(b).

(Code 1979, § 2-314.1.14)

Sec. 62-190. - Application procedures.

- (a) Any member seeking benefits pursuant to any provision of this article shall make a written request for such benefits upon an application form which shall be supplied by the pensions secretary. Such form shall be filed with the pensions secretary and will be considered a formal request to the board of trustees for pension benefits.
- (b) Upon receipt of the request for pension, the pensions secretary shall:
  - (1) In those cases where the applicant has applied for a service pension, place the request for benefits on the agenda of the next scheduled meeting of the board of trustees.

- (2) In those cases where the applicant has applied for pension benefits pursuant to section 62-197 (duty disability) or section 62-199 (nonduty disability), submit the complete application to the board for its review at its next scheduled meeting. A complete application for disability pension shall include a certificate signed by a medical doctor stating that the applicant has been personally examined by the doctor and found mentally or physically totally and permanently disabled in the further performance of the member's work duties in the employ of the city. The certificate shall be provided on a form to be supplied by the pensions secretary. All costs in completing the application, including medical fees, shall be paid by the applicant. Upon its review of the completed application, the board shall either approve the application, deny the application specifically stating the reasons therefor, or set up an appointment for the applicant with a doctor appointed and paid by the board of trustees. Upon receipt of the report from the board-appointed doctor, the board shall either approve the application or deny the application specifically stating the reasons therefor.
- (3) Give the applicant seven days' notice of such meeting by sending a letter to the applicant at the address listed on his application.
- (c) The board shall consider the request for pension benefits at the meeting and shall receive all materials they feel are relevant to the application. Within ten days after the meeting, the board of trustees shall do one of the following:
  - (1) Grant the requested benefits.
  - (2) Deny the benefits and inform the city attorney's office of the reasons for the denial. Within five days, the city attorney or one of his assistants shall then prepare a proposed order of denial specifically stating the reasons for the denial of such benefits.
- (d) The proposed order shall be sent to the pensions secretary, who will send a copy of such proposed order by certified mail to the applicant at the address listed on his application form.

(Code 1979, § 2-314.1.15)

Sec. 62-191. - Review procedures.

- (a) The applicant for benefits under this article may, within 20 days after being informed of the denial of his request for pension benefits, appeal such denial by filing a reply to the proposed order with the pensions secretary. If no appeal is filed within the time period, then the proposed order shall be final.
- (b) The board of trustees shall hold a hearing within 90 days of the receipt of the appeal. Written notice of such hearing shall be sent by certified mail to the applicant at the address listed on his application ten days prior to the hearing.
- (c) The procedures at the hearing shall be as follows:
  - (1) All parties shall have an opportunity to respond, to present physical and testimonial evidence and argument on all issues involved, to conduct cross examination, to submit rebuttal evidence, and to be represented by counsel. Medical reports and depositions may be accepted in lieu of live testimony, at the board's discretion.
  - (2) All witnesses will be sworn.
  - (3) The applicant and the board shall have an opportunity to question all witnesses.
  - (4) Formal rules of evidence and formal rules of civil procedure shall not apply. The proceedings shall comply with the essential requirements of due process and law.
  - (5) The record in a case governed by this subsection shall consist only of:
    - a. A tape recording of the hearing, to be taped and maintained as part of the official files of the board of trustees by the pensions secretary.
    - b. Evidence received or considered.

- c. All notices, pleadings, motions and intermediate rulings.
- d. Any decisions, opinions, proposed or recommended orders or reports by the board of trustees.
- (d) Within five days after the hearing, the board shall take one of the following actions:
  - (1) Grant the pension benefits by overturning the proposed order by majority vote.
  - (2) Deny the benefits and approve the proposed order as a final order after making any changes in the order that the board feels is necessary.
- (e) Findings of fact by the board shall be based on competent, substantial evidence on the record.
- (f) Within 20 calendar days after rendering its order, the board of trustees shall send by certified mail a copy of such order to the applicant.
- (g) The applicant may seek review of the order of the board of trustees by filing a petition for writ of certiorari with the circuit court within 30 days.

(Code 1979, § 2-314.1.16)

Sec. 62-192. - Pension.

- (a) Upon a member's retirement, as provided in this division, he shall receive a straight life pension. Prior to the date of his retirement he may elect to receive his pension under an option provided in section 62-195 in lieu of a straight life pension. A member's straight life pension shall consist of:
  - (1) A pension equal to 2.2 percent of his average final compensation multiplied by the number of years, and fraction of a year, of his prior service credit and his contributing service credit, subject to subsection (b) of this section; and
  - (2) A pension equal to three-fourths of one percent of his average final compensation multiplied by the number of years, and fraction of a year, of his membership service credit which is not contributing service; subject to subsection (b) of this section.
- (b) A member with less than 25 years of credited service or a member under age 55 years with less than 30 years of credited service who retires prior to his attainment of age 60 years shall have his pension reduced one-half of one percent multiplied by the number of complete months in the period from the date of his retirement to the date he would attain age 60 years, provided that such reduction shall not exceed 30 percent. This subsection shall not apply to pensions payable under section 62-198.
- (c) In the event a retirant dies before he has received in straight life pension payments an aggregate amount equal to, but not exceeding, his accumulated contributions standing to his credit in the employee's contribution reserve at the time of his retirement, the difference between his accumulated contributions and the aggregate amount of straight life pension payments received by him shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the board. If there be no such designated person surviving the retirant, such difference, if any, shall be paid to the retirant's estate. No benefits shall be paid under this subsection (c) of this section on account of the death of a retirant if he elected to receive his pension under an option provided in section 62-195 in lieu of a straight life pension.
- (d) Upon the death of a retirant, any straight life pension payment due him but not received prior to his death shall after his death be paid to such person or persons the retirant shall have nominated by written designation duly executed and filed with the board. If there be no such designated person surviving the retirant, such payment shall be made to the retirant's estate.

(Code 1979, § 2-314.1.17)



Sec. 62-193. - Cost of living adjustments.

(a) *Definitions.* The following words and phrases, as used in this section, shall mean:

*Base month* means the month and year of the retirement allowance effective date.

*Cumulative change in the CPI* means the percent change in the Consumer Price Index from the base month to the month of October in the year preceding the January 1 of adjustment.

*Cumulative COLA* means the total sum of all cost of living adjustments for the retirant from the retirement allowance effective date to the month of October in the year preceding the January 1 of adjustment.

*Consumer price index* means the consumer price index for urban wage earners and clerical workers as published by the United States Department of Labor, Bureau of Labor Statistics. Should the Bureau of Labor Statistics adopt a new base or modify the method of computation of the consumer price index so as to render it unsuitable, the board shall make appropriate adjustments. The board shall choose another index which it determines to be appropriate if the consumer price index is no longer published.

*Retirement allowance effective date* means the date as of which payments of a retirement allowance first commence. A new effective date does not occur when a retirant dies and a retirement allowance is paid to a beneficiary.

*Unadjusted amount of retirement allowance* means the amount of retirement allowance that would be paid a retirant or beneficiary if the provisions of this section were not applicable.

(b) *Adjustment.* Generally, a cost of living adjustment of two percent of the retirant's original retirement benefit will be effective each January 1 provided that the retirant has been retired at least one complete year. As of January 1, 1997, retirants who have been retired at least one year have a cumulative change in the Consumer Price Index (CPI) since first eligible, as well as a cumulative COLA.

As long as future annual changes in the CPI for urban wage earners and clerical workers as published by the United States Department of Labor, Bureau of Labor Statistics are at least two percent, all eligible retirants will receive an annual COLA of their original retirement benefit. However, should a change in the CPI be less than two percent, the COLA will be two percent of the original benefit, provided that after this adjustment the cumulative COLA is not more than the cumulative change in the CPI. If the cumulative COLA would otherwise exceed the cumulative change in the CPI, then this adjustment would be reduced sufficiently to remove the excess. If the COLA is calculated to be less than one percent, then the adjustment for that year would be zero.

Upon the death of the retirant, the COLA will continue to the designated beneficiary, if applicable. The amount of the beneficiary's COLA will be determined by first applying the COLA to the retirant's original benefit and then paying the beneficiary their applicable share (either 50 percent or 100 percent) of the adjusted benefit.

(Code 1979, § 2-314.1.18; Ord. No. 4330-11, § 1, 3-7-2011)

Sec. 62-194. - Vesting.

All members of the retirement system established under this division shall at all times be fully vested in, and have a nonforfeitable right to, their pension benefits under this retirement system.

(Code 1979, § 2-314.1.19)

Sec. 62-195. - Retirement allowance options.

- (a) Prior to the date of his retirement, but not thereafter, any member may elect to receive his retirement allowance as a straight life retirement allowance payable throughout his life. Upon death of a retirant who has chosen a straight life retirement allowance, the surviving spouse of the retirant shall receive a pension benefit, for life, equal to 50 percent of the deceased retirant's straight life retirement allowance. Alternatively, the member may elect to receive the actuarial equivalent, computed as of the date of his retirement, of his straight life retirement allowance payable in accordance with the provisions of option A, B, or C set forth in this subsection.
- (1) *Option A.* Ten years certain and life thereafter. The retirant shall receive a reduced retirement allowance payable throughout his life with the provision that if he dies before he has received 120 monthly retirement allowance payments, the payments shall be continued for the remainder of the period of 120 months to such person or persons as the retirant shall have nominated by written designation duly executed and filed with the board. If no one has been designated who survives the retirant, the board of trustees shall, in its discretion, direct that such remaining monthly retirement allowance payments be continued to the retirant's estate or that the actuarial present value of the remaining monthly retirement allowance payments be paid in a lump sum to the retirant's estate.
- (2) *Option B.* One hundred percent survivor allowance. Upon the death of the retirant, his reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the board prior to the date of his retirement.
- (3) *Option C.* Fifty percent survivor allowance. Upon the death of a retirant, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the board prior to the date of his retirement.
- (b) Upon the death of a retirant, who has elected option A, B, or C, any payment due him but not received prior to his death shall after his death be paid to the person the retirant shall have nominated by written designation to receive a retirement allowance.
- (c) If a retirant, who elected a straight life retirement allowance or option B or C provided in subsection (a) of this section, and his beneficiary both die before the total of the retirement allowance payments received by them equals the amount of the accumulated contributions standing to the retirant's credit in the employee's contribution reserve at the time of his retirement, the difference between his accumulated contributions and the total amount of retirement allowance payments shall be paid to the retirant's estate.
- (d) For purposes of this section actuarial equivalent shall be determined on the basis of the mortality table prescribed in section 62-202 and an interest rate of eight percent, compounded annually.

(Code 1979, § 2-314.1.20)

Sec. 62-196. - Nonduty death retirement allowances.

- (a) Any member may, by written declaration filed with the board in the manner and form prescribed by the board, elect option B provided in section 62-195 and nominate a beneficiary who has an insurable interest in his life. The election of option B and nomination of beneficiary may be revoked by the member at any time prior to the date of his retirement, and he may prior to the date of his retirement again elect option B and nominate a beneficiary as provided in this subsection. If any member who has an option B election in force dies while in the employ of the city, his beneficiary, if living, shall immediately receive a retirement allowance computed according to section 62-195 in the same manner as if the member had:
- (1) Retired the day preceding the date of his death, notwithstanding that he might not have attained his eligible retirement age; and
- (2) Elected the option B.

If any member has an option B election in force at the time of his retirement, his election of option B and nomination of beneficiary shall thereafter continue in force unless prior to the date of his retirement he elects to receive his retirement allowance as a straight life retirement allowance or under another option provided in section 62-195. No retirement allowance shall be paid under this subsection (a) of this section on account of the death of a member if any benefits are paid or payable under section 62-201 on account of his death.

(b) Any member who does not have an option B election as provided in subsection (a) of this section in force and dies while in the employ of the city, and leaves a widow, or in the case of a female member leaves a widower, the widow or widower shall immediately receive a retirement allowance computed according to section 62-192 in the same manner in all respects as if the member had:

- (1) Retired the day preceding the date of his death, notwithstanding that he might not have attained his eligible retirement age;
- (2) Elected option B provided in section 62-195; and
- (3) Nominated his widow or widower as beneficiary.

No retirement allowance shall be paid under this paragraph on account of the death of a member if any benefits are paid or payable under section 62-201 on account of his death.

(Code 1979, § 2-314.1.21)

#### Sec. 62-197. - Retirement for duty disability.

- (a) When a member becomes totally and permanently unable to perform the duties of the member's regular job or similar job offered by the city utilizing the member's training, education or work experience, as the proximate result of a personal injury or disease arising out of and in the course of the member's actual performance of work duties as an employee, such member shall be retired by the board, as provided in this article. No member shall be retired as a result of a duty disability unless and until a doctor's certificate shall be filed with the board as provided in section 62-189. The doctor shall certify that such member is mentally or physically totally and permanently incapacitated in the further performance of the member's work duties in the employ of the city.
- (b) No member shall be retired by the board for reason of a duty disability if the disability was self-inflicted by the member, or was brought about by the member during the commission of a crime for which the member has been convicted.

(Code 1979, § 2-314.1.22)

#### Sec. 62-198. - Duty disability benefits.

- (a) *Generally.* A member who is retired due to disability, as provided in section 62-197, shall be paid a disability pension according to subsections (b) and (c) of this section. A member's disability benefit period begins the date the member's application for duty disability retirement is filed with the board of trustees or the date the member terminates employment with the city, whichever comes later. Such benefits shall be subject to sections 62-204 and 62-205. A member's duty disability benefit ends the date the pension is terminated as provided in section 62-205, the end of the month in which the retired member dies, or the date the pension has been paid for the maximum disability period as set forth in subsection (b) of this section, whichever comes first. The member may elect to be paid the duty disability pension provided for in section 62-195 in lieu of a straight life pension.
- (b) *Maximum disability benefit period.* The maximum disability benefit period is as follows:
- (1) For a member less than age 60 years, the duty disability retirement shall be paid until the age of 65 years.

- (2) For a member age 60 years and over, the duty disability retirement shall be paid for a period of 60 months.
- (c) *Amount of duty disability pension.* The amount of a duty disability pension is the larger of the member's accrued pension computed according to section 62-192 or 60 percent of the member's average final compensation.
- (d) *Service credit.* If a member has less than 30 years of credited service at the time of duty disability retirement, the member's credited service shall be increased, upon termination of the member's duty disability benefit period, by the smaller of the member's duty disability benefit period, or the amount needed to increase the member's credited service to 35 years. In no case shall the amount of recomputed pension be less than 21.25 percent of the member's average final compensation.

(Code 1979, § 2-314.1.23)

Sec. 62-199. - Retirement for nonduty disability.

- (a) When a member becomes totally and permanently unable to perform the duties of the member's regular job or similar job offered by the city utilizing the member's training, education or work experience, as the proximate result of a personal injury or disease not arising out of and in the course of the member's actual performance of work duties as an employee, such member shall be retired by the board, as provided in this article. No member shall be retired as the result of a nonduty disability unless and until a doctor's certificate shall be filed with the board as provided in section 62-190. The doctor shall certify that such member is mentally or physically totally and permanently incapacitated in the further performance of the member's work duties in the employ of the city.
- (b) No member shall be retired by the board for reason of a nonduty disability if the disability was self-inflicted by the member or was brought about by the member during the commission of a crime for which the member has been convicted.

(Code 1979, § 2-314.1.24)

Sec. 62-200. - Nonduty disability benefits.

Upon a member's retirement on account of disability as provided in section 62-199, he shall receive a pension computed according to section 62-192. His pension shall be subject to sections 62-204 and 62-205. Prior to the date of his retirement he may elect to receive his pension under an option provided in section 62-195 in lieu of a straight life pension.

(Code 1979, § 2-314.1.25)

Sec. 62-201. - Death in line of duty benefits.

- (a) If a member dies as the natural and proximate result of a personal injury, illness or disease arising out of and in the course of his actual performance of duty in the employ of the city, and his death is found by the board to have resulted from his actual performance of duty in the employ of the city, the following applicable benefits shall be paid:
  - (1) *Accumulated contributions.* The accumulated contributions standing to the member's credit in the employee's contribution reserve at the time of his death shall be paid in accordance with the provisions of section 62-206.
  - (2) *Widow's benefits.* A pension of one-third of the deceased member's final compensation shall be paid to his widow. A widow's pension shall terminate upon her remarriage or death and shall be subject to subsection (b) of this section and to section 62-204.

- (3) *Children's benefit while widow is living.* If, in addition to a widow, an unmarried child or children under age 18 years also survives the deceased member, each such child shall receive a pension of an equal share of one-fourth of the deceased member's final compensation. Upon a child's adoption, marriage, death, or attainment of age 18 years, whichever occurs first, his pension shall terminate, and the board shall redistribute the shares of one-fourth of the deceased member's final compensation to his remaining eligible children under age 18 years. A child's pension shall be subject to subsection (b) of this section and to section 62-204.
  - (4) *Children's benefits if widow dies or remarries.* If the deceased member does not leave a widow, or if his widow dies or remarries before his youngest surviving unmarried child shall have attained age 18 years, his unmarried child or children under age 18 years shall each receive a pension of one-fourth of the deceased member's final compensation. If there are more than two such children surviving the deceased member, each such child shall receive a pension of an equal share of one-half of the deceased member's final compensation. Upon a child's adoption, marriage, death, or attainment of age 18 years, whichever occurs first, his pension shall terminate, and the board shall redistribute the shares of one-half of the deceased member's final compensation to his remaining eligible children under age 18 years; provided that, any such child's pension shall not exceed one-fourth of the deceased member's final compensation. A child's pension shall be subject to subsection (b) of this section and to section 62-204.
  - (5) *Dependent parents' benefits.* If there is neither a widow nor children eligible to receive pensions under this section surviving the deceased member, there shall be paid to each his dependent father or dependent mother, or both, and the board after investigation shall determine to have been actually dependent upon the member for at least 50 percent of their financial support, a pension of one-sixth of the deceased member's final compensation. A parent's pension shall:
    - a. Terminate upon his remarriage or death;
    - b. Not exceed \$600.00 per annum; and
    - c. Be subject to subsection (b) of this section or to section 62-204.
- (b) In all cases the board shall determine the eligibility of claimants for benefits payable under this section and the decision of the board shall be final.

(Code 1979, § 2-314.1.26)

#### Sec. 62-202. - Maximum benefit limitation.

Notwithstanding any provision of this division D to the contrary, the maximum annual benefit paid to a member shall not exceed the limitations imposed by Section 415 of the Internal Revenue Code (the "Code") and any regulations issued thereunder. The mortality table prescribed by the Secretary of the Treasury under Section 417(e)(3)(A)(ii)(I) of the Internal Revenue Code for the limitation year in which a pension is first payable to a member shall be used to the extent necessary to determine if the benefit exceeds the limitations imposed by Section 415 of the Internal Revenue Code. For purposes of this section, the limitation year shall be the 12-month period starting each October 1 and ending on the following September 30. To the extent the benefit provided under this division has to be combined with the benefits provided under any other plan of the city, the state, or any other employer for purposes of Section 415 of the Internal Revenue Code, any reductions in benefits required to comply with the provisions of Section 415 of the Internal Revenue Code shall, unless otherwise specified in any other such plan, be made first in the benefits provided under this division and second in the benefits provided under such other plans in the order specified in such other plans.

(Code 1979, § 2-314.1.27)

#### Sec. 62-203. - Required distributions.

Notwithstanding anything to the contrary in this division, the member's pension shall begin not later than the April 1 following the later of the calendar year in which he attains age 70½ or the calendar year in which he terminates his employment. Further, all distributions from this retirement system shall conform to the regulations issued under Section 401(a)(9) of the Internal Revenue Code, including the incidental death benefit provisions of Section 401(a)(9)(G) of the Internal Revenue Code. Further, such regulations shall override any provision of this division D that is inconsistent with Section 401(a)(9) of the Internal Revenue Code. The life expectancies of members and their spouses shall not be recalculated.

(Code 1979, § 2-314.1.28)

Sec. 62-204. - Pensions offset by compensation benefits.

Any workers' compensation payment whether paid or payable to a member, retirant or beneficiary, on a periodic basis or as a lump sum, on account of a member's disability or death, shall be offset against any pensions payable by the retirement system on account of the same disability or death, to the extent that the total of both the workers' compensation payment and pension payment exceed the member's average monthly wage. The term "average monthly wage" as used in this section means the member's average monthly wage, as determined under the state workers' compensation law. For the purpose of calculating the offset required by this section when the workers' compensation payment is in the form of a lump sum, the lump sum shall be commuted to a series of monthly payments of equal value over the lifetime of the member, retirant or beneficiary.

(Code 1979, § 2-314.1.29)

Sec. 62-205. - Re-examination of disability retirants; return to city employment; adjustment of retirement allowance, etc.

- (a) *Generally.* Once each year during the first five years following the retirement of a member with a disability pension, and at least once in every three-year period thereafter, the board may, and upon the retirant's application shall, require the disability retirant, if he has not attained his eligible retirement age, to undergo a medical examination to be made by a physician appointed by the board. Should the retirant refuse to submit to such medical examination in any such period his disability pension may be discontinued by the board until his withdrawal of such refusal. Should such refusal continue for one year his disability pension may be revoked by the board. If upon such medical examination of a disability retirant the board-appointed physician reports to the board that the retirant is physically able and capable of resuming employment with the city, and his report is concurred in by the board, the retirant shall be returned to city employment and his disability pension shall be terminated. In returning a retirant to city employment, as provided in this subsection, reasonable latitude shall be allowed the mayor in placing him in a position commensurate to his type of work and compensation at the time of his retirement.
- (b) *Adjustment of disability pension for work earnings.* If a disability retirant, who has not attained his eligible retirement age, is or becomes engaged in gainful occupation, business or employment, and the total of his pay or earnings from such occupation, business or employment, and his disability pension exceeds his final compensation, his pension shall be reduced to an amount which together with the amount so earned by him shall equal his final compensation. Should his earnings be later changed, his pension shall be correspondingly adjusted. Prior to March 1 each year during the first five years of retirement, a disability retiree shall submit to the board an affidavit on a form to be provided by the pensions secretary of work income earned during disability retirement in the previous calendar year. Failure to file such affidavit shall result in the termination of all benefits until filed. At the March meeting of the board, the secretary shall report concerning the work income of each disability retiree during the preceding calendar year during disability. The board may require additional evidence to verify the content of the affidavit. The board shall adjust the duty disability pension benefits as required in this section.

- (c) *Disability retirant returned to city employment.* A disability retirant who returns to city employment, as provided in this section, shall again become a member of the retirement system. A disability retirant's credited service at the time of his retirement shall be restored to full force and effect. A disability retirant shall be given contributing service credit for the period he was receiving a disability pension under subsection 62-198(b), notwithstanding that he did not make contributions to the system during such period. A disability retirant shall not be given service credit for the period he was receiving a disability pension under section 62-200.

(Code 1979, § 2-314.1.30)

Sec. 62-206. - Refund of accumulated contributions.

- (a) *Generally.* In no event shall the actuarially equivalent present value of a member's benefit under the retirement system be less than his accumulated contributions standing to his credit in the employee's contribution reserve. As permitted by law, the member may instruct the board to roll over all or part of the taxable portion of his accumulated contributions to another qualified retirement plan or to an individual retirement account (IRA). The member must timely provide in writing information required to effect the rollover. The board will provide timely notice of the right to make a direct rollover.
- (b) *Refund of accumulated contributions upon death.* Should a member die and no retirement allowance becomes payable by the retirement system on account of his death, except as provided in sections 62-196 or 62-201, his accumulated contributions standing to his credit in the employee's contribution reserve at the time of his death shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the board. If there be no such designated person surviving the member, his accumulated contributions shall be paid to his estate or representative, as determined by the board. A surviving spouse who receives a refund of accumulated contributions before the maximum age permitted by the Internal Revenue Code may instruct the board to roll over all or part of the taxable portion of the payment to an individual retirement account (IRA) and must timely provide in writing all information required to effect the rollover. The board will provide timely notice of the right to make a direct rollover.
- (c) *Payment of burial expense.* If a member dies intestate, without heirs, and without having nominated a beneficiary, as provided in subsection (b) of this section, his accumulated contributions standing to his credit in the employee's contribution reserve at the time of his death may be used to pay his burial expense, not to exceed a reasonable sum to be determined by the board, provided that he leaves no other estate sufficient for such purpose.
- (d) *Method of refunding accumulated contributions.* The return of a member's accumulated contributions, as provided in this section, may be made in installments, according to such rules and regulations as the board shall from time to time adopt.

(Code 1979, § 2-314.1.31)

Sec. 62-207. - Employee's contribution reserve.

- (a) The employee's contribution reserve, formerly called annuity savings fund, shall be the fund in which shall be accumulated, at regular interest, the contributions deducted from the compensation of members, and from which shall be made refunds and transfers of accumulated contributions, as provided in this division. The contributions by a member to the retirement system shall be 5.5 percent of the compensation paid him by the city.
- (b) The officer responsible for preparing the payroll shall cause the contributions provided in this section to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, so long as he remains a member. Each of such amounts, when deducted, shall be paid to the retirement system and, when so paid, shall be credited to the individual employee's contribution reserve account of the member from whose compensation such deduction

was made. The members' contributions provided for in this division shall be made notwithstanding that the minimum compensation provided by law for any member shall be thereby changed. Each member shall be deemed to consent and agree to the deductions made and provided for in this division. Payment of his compensation less such deductions shall be a full and complete discharge and acquittance of all claims and demand whatsoever for service covered by such payment, except as to benefits provided by the retirement system.

- (c) A member who is employed in the water department shall have the right to deposit in the employee's contribution reserve such amounts as he would have deposited during the period of his employment with the West Palm Beach Water Company from September 30, 1946, to the date the water department employees become covered by the retirement system. Such deposits shall be made according to such rules and regulations as the board shall from time to time adopt.
- (d) Upon the retirement of a member his accumulated contributions shall be transferred from the employee's contribution reserve to the retirant's benefits reserve. At the expiration of a period of three years from the date he ceases to be a member any balance of accumulated contributions standing to his credit in the employee's contribution reserve, unclaimed by him or his legal representative, shall be transferred to the income fund; provided that he does not have entitlement to a retirement allowance payable by the retirement system.

(Code 1979, § 2-314.1.32)

Sec. 62-208. - Retirant's benefits reserve.

All pensions payable as provided in this division shall be paid from the retirant's benefits reserve. Should a disability retirant return to the employ of the city, his pension reserve, computed at the date of his return, shall be transferred from the retirant's benefits reserve to the employee's contribution reserve and employer's contribution reserve in the same proportion as the reserve was originally transferred from the employee's contribution reserve and employer's contribution reserve to the retirant's benefits reserve. The amount transferred to the employee's contribution reserve shall be credited to the member's individual account therein. In the event the balance in the retirant's benefits reserve exceeds 105 percent of the present value of amounts likely to be paid retirants and beneficiaries on rolls, as determined by actuarial valuation, the board of trustees may transfer such excess to the income fund.

(Code 1979, § 2-314.1.33)

Sec. 62-209. - Employer's contribution reserve.

- (a) The employer's contribution reserve shall be the fund to which shall be credited contributions made by the city to the retirement system and from which shall be made transfers as provided in this section. Upon the basis of such mortality and other experience tables, and regular interest, as the board shall from time to time adopt, the actuary shall annually compute the annuity and pension reserves for retirement allowances being paid retirants and beneficiaries, and covering service rendered and to be rendered by members. The annual contributions to be made by the city shall be determined according to subsections (a)(1)—(3) of this section. The board shall annually certify to the city commission the amounts of contributions so determined and the city commission shall appropriate and the city shall pay such amounts to the retirement system.
  - (1) The city's annual appropriation for members' current service shall be a percentage of their annual compensations which will produce an amount which is paid annually by the city during their future service which will be sufficient to accumulate the pension reserves, at the time of their retirements, for the portions of the pensions to be paid them based upon their future service.
  - (2) The city's annual appropriation for members' accrued service shall be a percentage of their annual compensations which will produce an amount which is paid annually by the city over a



period of years which will amortize at regular interest the unfunded pension reserves, if any, for the accrued service portions of the pensions to be paid them.

- (3) The city's annual appropriation for retirement allowances being paid retirants and beneficiaries shall be a percentage of the annual compensations of members which will produce an amount which is paid annually by the city over a period of years which will amortize at regular interest the unfunded annuity and pension reserves, if any, for retirement allowances being paid retirants and beneficiaries.
- (b) The city's contributions on account of employees in any revenue-supported department, board or commission of the city shall be an obligation of the revenue-supported department, board or commission and shall be paid from their revenues.
- (c) The pension reserves for pensions payable upon a member's retirement or death shall be transferred from the employer's contribution reserve to the retirant's benefits reserve. If at the end of any fiscal year the balance in the retirant's benefits reserve is less than its actuarial liabilities, the amount of the deficiency shall be transferred from the employer's contribution reserve to the retirant's benefit reserve.

(Code 1979, § 2-314.1.34)

Sec. 62-210. - Expense fund.

The expense fund shall be the fund to which shall be credited money provided by the city to pay the administration expenses of the retirement system and from which shall be paid the administration expenses of the system. The board shall annually certify to the city commission the amount of appropriation necessary to administer the system during the ensuing fiscal year and the city shall appropriate such amount to the credit of the expense fund. Each board in the retirement system shall at the end of each fiscal year reimburse the city for its pro rata share of administration expenses.

(Code 1979, § 2-314.1.35)

Sec. 62-211. - Management of assets; investment authority.

- (a) The board shall be the trustees of the assets of the retirement system. It shall have full power to invest and reinvest the assets subject to the conditions set out in this section and the Laws of Florida. Such investments and reinvestments may include, but shall not be limited to, the following:
  - (1) Direct obligations of the United States government or any agency thereof and other evidence of indebtedness which are fully guaranteed by the United States government or any other agency thereof for payments of principal and interest.
  - (2) Deposits in savings and loan associations up to the amount, as to each bank or association, guaranteed by the United States government or any agency thereof, and debt securities, including tax sale certificates limited to those of the city, of any other municipality within the state, and the county.
  - (3) Insurance or annuity contracts issued by an insurance company licensed to do business in the state.
  - (4) All corporate and association securities and mutual funds issued by a corporation or other legal person incorporated or otherwise organized within the United States and domiciled therein or securities of foreign corporations listed on the New York Stock Exchange.

The trustees shall set an investment policy for the retirement system's assets and shall review that policy at least annually. The trustees shall be required to engage the services of professional investment counsel to assist and advise the trustees in the performance of their duties.

- (b) The board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the moneys of the retirement system have been invested, as well as the proceeds of such investments and any moneys belonging to the system.
- (c) There shall be kept on deposit available cash to the extent the board deems prudent. Except as set forth in section 62-177 and section 62-210, all assets of the system shall be held for the sole purpose of meeting disbursements for retirement allowances and other payments authorized by this division and shall be used for no other purpose.
- (d) The description of the various reserves of the retirement system shall be interpreted to refer to the accounting records of the system and not to the segregation of moneys in the reserves of the system.

(Code 1979, § 2-314.1.36)

Sec. 62-212. - Income fund; allowance of regular interest.

- (a) The income fund shall be the fund to which shall be credited all interest, dividends and other income derived from investments of the retirement system, all gifts and bequests received by the system, all unclaimed accumulated contributions as provided in this division, and all other moneys received by the system the disposition of which is not specifically provided in this division. There shall be paid from the income fund all investment expenses, administration expenses and all amounts required to credit regular interest to the employee's contribution reserve, retirant's benefit reserve and employer's contribution reserve as provided in this article. Whenever the board determines the balance in the income fund is more than sufficient to cover current charges to the fund, such excess amount, or any part thereof, may be used to provide contingency reserves or to meet special requirements of the other funds of the system, as the board shall determine. Whenever the balance in the income fund is insufficient to meet the charges to the fund, the amount of the insufficiency shall be transferred from the employer's contribution reserve to the income fund. A member's accumulated contributions transferred from the employee's contribution reserve to the income fund may be paid from the income fund upon claim for such payment approved by the board.
- (b) The board shall, at the end of each fiscal year, allow and credit regular interest to each member's account in the employee's contribution reserve, such interest to be computed upon the member's balance at the beginning of the fiscal year. The amounts of interest so allowed shall be paid from the income fund.
- (c) At the end of each fiscal year the balance of the income fund shall be transferred to the employer's contribution reserve.

(Code 1979, § 2-314.1.37)

Sec. 62-213. - Assignments prohibited.

- (a) The right of a person to a pension, to the return of accumulated contributions, the pension itself, any optional benefit, or any other right accrued or accruing to any person under the provisions of this division shall be unassignable and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law whatsoever, except as is specifically provided in this article.
- (b) If a member is covered by a group insurance or prepayment plan participated in by the city and should he be permitted to, and elect to, continue such coverage as a retirant, he may authorize the board to have deducted from his pension the payments required of him to continue coverage under such group insurance or prepayment plan. The city shall have the right of set-off for any claim arising from embezzlement by or fraud of a member, retirant or beneficiary.

(Code 1979, § 2-314.1.38)

Sec. 62-214. - Correction of errors in records.

Should any change or error in the records result in any person receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the board shall correct such error and, as far as practicable, shall adjust the payment of the benefit in such a manner that the actuarial equivalent of the benefit to which such person was correctly entitled shall be paid.

(Code 1979, § 2-314.1.39)

Sec. 62-215. - Additional appropriation and tax for retirement system.

The city commission from time to time shall appropriate available monies from the city general operating fund to whatever extent may be necessary to meet the contributions due by the city to each pension and retirement system. From time to time the city commission shall levy, in addition to any and all other ad valorem taxes to be levied by the city for other purposes, an ad valorem tax, not to exceed 1½ mils, upon the taxable property in the city, except homesteads, as defined and exempted by article X, as amended, of the Constitution of Florida, for the purpose of providing revenues and funds for the retirement system, and the collections from which shall be specifically appropriated and earmarked for the system, except any revenue-supported department's participation in the system, and for no other use or purpose. The rate of any tax levied in carrying out the provisions of this section shall be based on actuarial analyses of the amount necessary to preserve the financial soundness of each system so analyzed, and no fixed limitation of rate shall apply to any retirement system plan.

(Code 1979, § 2-314.1.40)

Sec. 62-216. - Additional city contributions.

The city shall pick up the member contributions required by this division for all compensation earned after 30 days after the date of passage of the ordinance from which this division is derived. The contributions so picked up shall be treated as contributions being paid by the employer in lieu of contributions by the employee in determining tax treatment under the United States Internal Revenue Code. The city shall pick up the member contributions from funds established and available in the salaries account, which funds would otherwise have been designated as member contributions and paid to the pension plan.

(Code 1979, § 2-314.1.41)

Secs. 62-217—62-235. - Reserved.