

Ordinance No. 261

3-12-46

AN ORDINANCE OF THE CITY OF WEST PALM BEACH IN PALM BEACH COUNTY, FLORIDA, CREATING AND ESTABLISHING A PENSION AND RETIREMENT SYSTEM FOR CERTAIN OFFICERS AND EMPLOYEES OF SAID CITY; CREATING AND ESTABLISHING A BOARD OF TRUSTEES FOR THE ADMINISTRATION AND MANAGEMENT OF SAID PENSION AND RETIREMENT SYSTEM, AND THE FUNDS TO BE PROVIDED THEREFOR, AND DESIGNATING THE RIGHTS, POWERS AND DUTIES OF SAID BOARD; AUTHORIZING THE LEVY OF A SPECIAL TAX, AND OTHERWISE PROVIDING SOURCES OF REVENUE FOR SAID PENSION AND RETIREMENT SYSTEM; PRESCRIBING THE BENEFITS AND BENEFICIARIES UNDER SAID PENSION AND RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

BE IT, AND IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH IN PALM BEACH COUNTY, FLORIDA:

Name and Effective Date.

Section 1. The City of West Palm Beach Employees Retirement System, hereinafter referred to as the Retirement System, is hereby established for the purpose of providing retirement allowances and death benefits for employes of the City of West Palm Beach under the provisions of this Amendment to the Charter of the City of West Palm Beach, Florida. The effective date of the Retirement System shall be the first day of October, 1946.

Definitions.

Section 2. The following words and phrases as used in this Amendment, unless a different meaning is plainly required by the context, shall have the following meanings:

- (a) "City" shall mean the City of West Palm Beach, Florida.
- (b) "City Commission" shall mean the City Commission of the City of West Palm Beach, Florida.
- (c) "Board" shall mean the Board of Trustees provided for in Section 3.
- (d) "Member" shall mean any person employed by the City who is included in the membership of the Retirement System.
- (e) "New member" shall mean any member without prior service credited to his service account.

(f). "Original member" shall mean any member with prior service credited to his service account.

(g). "Service" shall mean service rendered as an officer or employe of the City.

(h). "Prior service" shall mean service rendered as an officer or employe of the City prior to the effective date of the Retirement System.

(i). "Membership service" shall mean service rendered as an officer or employe of the City after the effective date of the Retirement System.

(j). "Regular interest", for a period of five years from the effective date of the Retirement System, shall be interest at three per cent per annum, compounded annually. For each subsequent five year period thereafter, regular interest shall be such rate of interest as the Board, in its discretion, may determine.

(k). "Accumulated contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to his individual account in the Annuity Savings Fund, together with regular interest thereon.

(l). "Average final compensation" shall mean the average of the highest annual pay received by a member during a period of five consecutive years of service contained within his ten years of service immediately preceding his retirement. In cases where compensation is not all paid in money, the Board shall fix the value of that part of the compensation not paid in money.

(m). "Final compensation" shall mean the annual rate of pay earned or earnable by a member at the time of termination of employment with the City.

(n). "Annuity" shall mean annual payments derived from the accumulated contributions of a member.

(o). "Pension" shall mean annual payments derived from money provided by the City, or any instrumentality of the City.

(p). "Retirement allowance" shall mean the sum of the annuity and the pension and shall be paid in equal monthly instalments thereof.

(q). "Retirement" shall mean withdrawal from active service with a retirement allowance, pension, or annuity granted in accordance with the provisions of the Retirement System.

(r). "Beneficiary" shall mean any person in receipt of an annuity, pension, or retirement allowance granted in accordance with the provisions of the Retirement System.

(s). "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity, or benefit in lieu of annuity, computed upon the basis of such mortality tables and regular interest, as the Board shall adopt.

(t). "Pension reserve" shall mean the present value of all payments to be made on account of any pension, or benefit in lieu of any pension, computed upon the basis of such mortality tables, regular interest, and other tables as the Board shall adopt.

(u). "Eligible retirement age" shall be age sixty years. The Board may, during time of war engaged in by the United States, or other national emergency, extend the age at which any member is eligible to retire.

(v). "Fireman" shall mean an employe of the Fire Department of the City holding the rank of pipeman or firefighter, or higher rank, but it shall not include (1) any civilian employe of the Fire Department, nor (2) any privately employed fireman, nor (3) any person temporarily employed as a fireman during an emergency.

(w). "Policeman" shall mean an employe of the Police Department of the City holding the rank of patrolman, or higher rank, but it shall not

include (1) any civilian employe of the Police Department, nor (2) any privately employed policeman, nor (3) any person temporarily employed as a policeman during an emergency.

(x) Words of the masculine gender shall include words of the feminine gender and vice-versa, and words of the singular number in relation to persons shall include words of the plural number and vice-versa.

Board of Trustees.

Section 3. There is hereby created a Board of Trustees in whom is vested the general administration, management and responsibility for the proper operation of the Retirement System and for making effective the provisions of this Amendment. The Board shall be organized immediately after three trustees have qualified. The Board shall consist of five trustees, as follows:

(a) The Mayor of said City.

(b) The City Manager.

(c) The City Commission shall appoint a citizen who is an elector and a freeholder of the City and who is not eligible to receive benefits under the Retirement System.

(d) Two members of the Retirement System to be elected by the members of the Retirement System, under such rules and regulations as the Board shall adopt to govern such election. Provided, that no more than one employe member of the Board shall be from any one City department.

(e) Pending the first election, the City Manager by and with the consent of the City Commission, shall appoint the two employe members of the Board to serve until their successors have been elected and have qualified. The Board so constituted, including the members provided for in paragraphs (a), (b) and (c) of this Section, shall order and arrange for an election by the members of the Retirement System to be held within 90 days following the effective date of the Retirement System. The initial term of office of the appointed citizen member of the Board shall be 3 years; the

employe trustee with the greater number of votes shall serve 3 years; the employe trustee with the next greater number of votes shall serve 1 year.

Trustees Regular Term of Office.

Section 4. The regular term of office of the trustees provided for in Section 3 paragraphs (c) and (d) shall be three years. Each trustee shall within ten days after his appointment take an oath of office to be administered by the City Clerk.

Vacancy on Board.

Section 5. If a vacancy occurs in the office of trustee, the vacancy shall be filled, within thirty days after the date of the vacancy, for the unexpired term, in the same manner as the office was previously filled.

Meetings of the Board.

Section 6. The Board shall hold meetings regularly, at least one in each month, 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. The members of the Board shall serve without compensation for their services as trustees.

Quorum - Each Trustee Entitled to Vote.

Section 7. Three trustees shall constitute a quorum at any meeting of the Board. Each trustee shall be entitled to one vote in the meetings of the Board at least three concurring votes shall be necessary for a decision by the trustees.

Chairman of Board - Officers.

Section 8. The Board shall elect from its members a Chairman and a Chairman Pro-tem.

(a) Secretary. The Assistant City Treasurer shall be Secretary of the Board.

(b) Treasurer. The City Treasurer shall be Treasurer of the Retirement System and the custodian of its funds. All payments from the funds of the Retirement System shall be made according to Charter provisions only upon evidence of a resolution adopted by the Board authorizing such payment or payments.

(c) Legal Advisor. The City Attorney shall be the Legal Advisor to the Board.

(d). 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 and who shall perform such other duties as are required in connection therewith.

(e). Medical Director. The Board shall appoint as Medical Director, a physician who is not eligible to membership in the Retirement System. The Medical Director shall arrange for and pass upon all medical examinations required under the provisions of the Retirement System; he shall investigate all essential statements and certificates of a medical nature by or on behalf of a member or beneficiary in connection with an application for disability benefits or accidental death benefits; and he shall report in writing to the Board his conclusions on matters referred to him.

(f). Employment of Professional and Clerical Services. The Board may employ such professional and clerical services as are required for the proper operation of the Retirement System.

Records of Retirement System - Annual Report.

• Section 9. (a). The Secretary shall keep, or cause to be kept, in convenient form, such data as shall be necessary for an actuarial valuation of the assets and liabilities of the Retirement System. The Board shall render a report to the City Commission on or before the first day of March of each year showing the fiscal transactions of the Retirement System for the year ending the preceding thirtieth day of September and the last balance sheet showing the financial condition of the Retirement System by means of an actuarial valuation of the assets and liabilities of the Retirement System.

(b). Mortality and Other Tables. The Board shall adopt such mortality and other tables of experience as are necessary in the operation of the Retirement System on an actuarial basis.

Membership Consists of.

Section 10. (a) The membership of the Retirement System shall consist of (1) all officers and employes of the City who were in the service of the City on the day preceding the effective date of the Retirement System and who continue in the service of the City on and after the effective date of the Retirement System, and (2) all persons who become officers or employes of the City on and after the effective date of the Retirement System; except as provided in paragraph (b) of this section.

(b) Persons Excluded from Membership. The membership of the Retirement System shall not include (1) any person whose services are compensated for on a fee or contractual basis; nor (2) any person whose compensation in a period of three consecutive years averages less than four hundred dollars a year; nor (3) the Medical Director; nor (4) City Commissioners; nor (5) elected officials; nor (6) policemen who are members of the City of West Palm Beach Police Pension and Relief Fund; nor (7) firemen who are members of the West Palm Beach Firemen's Relief and Pension Fund.

(c) Right to Decide Membership. In all cases of doubt, the Board shall decide who is a member within the meaning of the provisions of the Retirement System.

Termination of Membership.

Section 11. Except as provided in Sections 13 and 17 (e), should a member separate from the service of the City or should he become a beneficiary or die, he shall thereupon cease to be a member and any prior service and membership service which may be credited to his service account at the time of his separation from service shall be forfeited by him. Should such person be re-employed by the City within a period of four years following the date of his last separation from service, any prior service and membership service which may have been credited to him at the time of his said separation from service shall be restored to him.

Service Creditable.

Section 12. The Board shall fix and determine by appropriate rules and regulations how much service in any calendar year is equivalent to a year of service, but in no case shall less than ten days' service in a calendar month constitute a month of service; nor shall less than nine months service in a calendar year constitute a year of service; nor shall more than one year of service be creditable for all service rendered in one calendar year.

War Service Credit.

Section 13. Should an employe who while employed by the City be called or enlists, or was called or enlisted, in the military, naval, marine, or other armed service of the United States Government during time of war, or other national emergency recognized by the Board, and should such member be re-employed by the City within one year from the date of termination of his required enlistment, then such war service shall be credited to him as City service; provided, that in all cases of doubt, the Board shall decide the amount of service to be credited to such person. During the period of such service rendered by a member to the Federal Government, his contributions to be credited to the Annuity Savings Fund shall be suspended and his balance in the Annuity Savings Fund at the last payroll date preceding his leave of absence from City service shall be accumulated at regular interest.

Members' Service Accounts.

Section 14. The Board shall credit each member's service account with the number of years and months of prior service and membership service to which he may be entitled.

Optional Retirement from Service.

Section 15. Any member who has attained his eligible retirement age, as defined in section 2 (u), may retire from City service upon his written

application to the Board setting forth at what time not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired.

Compulsory Retirement from Service.

Section 16. (a). Subject to the provisions of paragraph (b) of this section, any member who has attained age sixty-five years shall be retired forthwith by the Board.

(b). Extensions of Service. Upon the written request of a member who has attained the age of compulsory retirement according to the provisions of paragraph (a) of this section, approved by his department head, the Board may continue such member in service for periods not to extend beyond (1) the member's attainment of age seventy years, or (2) four years from the effective date of the Retirement System whichever is the later date.

Service Retirement Allowance.

Section 17. Upon retirement from service, as provided in sections 15 and 16, a member who has ten or more years of service credited to his service account shall receive a service retirement allowance consisting of:

(a). Annuity. An Annuity which shall be the actuarial equivalent of the member's accumulated contributions standing to his credit in the Annuity Savings Fund at the time of his retirement; and

(b). Basic Pension. A basic pension of one hundred dollars per annum; and

(c). Membership Service Pension. A membership service pension equal to one/one hundred thirty-fifth (1/135) his average final compensation for each year of membership service credited to the member's service account, not to exceed thirty years; provided, that the membership service pension when added to the basic pension shall not exceed nine hundred dollars per annum, or the amount of his annuity, whichever amount is the greater; and

(d). Prior Service Pension. A prior service pension equal to two/one hundred thirty-fifths ($2/135$) his average final compensation for each year of prior service credited to his service account, not to exceed thirty years; provided, that if the membership service when added to the prior service exceeds thirty years, then the membership service credit shall be reduced so that the total of membership service credit and prior service credit is not greater than thirty years; provided further, that the total of the pension portions, provided by the City in paragraphs (b), (c) and (d) of this section, shall not exceed eighteen hundred dollars per annum.

(e). Deferred Retirement Benefits. Should any member (1) who has fifteen or more years of service credited to his service account, and (2) who has attained age fifty years, separate from the service of the City for reasons other than his death or becoming a beneficiary, he shall remain a member during the period of his absence from City service for the exclusive purpose only of receiving a service retirement allowance provided for in this section; said retirement allowance to begin at the attainment of his eligible retirement age; provided, that if a member should withdraw all or part of his accumulated contributions standing to his credit in the Annuity Savings Fund, he shall thereupon cease to be a member.

Optional Retirement Allowances.

Section 18. Until the effective date of his service retirement, any member may elect to receive his service retirement allowance in a retirement allowance payable throughout life (to be known as a regular retirement allowance); or he may elect to receive the actuarial equivalent, at that time, in a reduced retirement allowance payable throughout life in accordance with the provisions of option I, II, or III, as hereinafter set forth:

Option I. Cash Refund Annuity. If a beneficiary dies before the total of the annuity portions of his reduced retirement allowance equals the amount of his accumulated contributions standing to his credit in the Annuity Savings Fund at the time of his retirement, the difference shall be

paid in a single sum to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board, or if there be no such designated person or persons, then such difference shall be paid to his legal representative; or

Option II. Joint and Last Survivorship Allowance. If a beneficiary dies, 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 at the time of his retirement; or

Option III. Modified Joint and Last Survivorship Allowance. If a beneficiary dies, one-half 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 at the time of his retirement.

Duty Disability Incurred.

Section 19. Upon the application of a member, or his department head, a member who becomes totally incapacitated for duty as the natural and proximate result of the actual performance of duty as an employe of the City, without wilful negligence on his part, shall be retired by the Board; provided, the Medical Director after a medical examination of such member, shall certify (1) that such member is mentally or physically totally incapacitated for the further performance of duty in the service of the City, and (2) that such member should be retired; provided further, that the report of the Medical Director is concurred in by the Board.

Duty Disability Benefits - Retirement After Eligible Retirement Age.

Section 20. (a). Upon retirement for disability, as provided for in section 19, a disability beneficiary who (1) has attained his eligible retirement age, and (2) has ten or more years of service credited to his

service account, shall receive a service retirement allowance according to the provisions of section 17, paragraphs (a), (b), (c) and (d).

(b). Retirement Before Eligible Retirement Age. Upon retirement for disability, as provided for in section 19, a disability beneficiary who has not attained his eligible retirement age shall receive a disability retirement pension equal to one-half his average final compensation to continue from the date of his application for disability benefits to his attainment of his eligible retirement age; provided, that such disability retirement pension (1) shall not exceed fifteen hundred dollars per annum, and (2) shall be subject to the provisions of sections 24 and 25. Upon attaining his eligible retirement age, such disability beneficiary shall receive a pension provided for in section 17, paragraphs (b), (c) and (d); provided, that in computing the amount of such pension, membership service credit shall be given such disability beneficiary for the period he was receiving a disability pension. In addition to his pension, such disability beneficiary, upon attaining his eligible retirement age shall receive an annuity equivalent to the annuity he would have received had he continued his contributions to the Annuity Savings Fund; said contributions to be based upon his final compensation at the time of his disability retirement.

(c). Member's Contributions Suspended. During the period a disability beneficiary is receiving a disability retirement pension, provided for in paragraph (b) of this section, his contributions to the Annuity Savings Fund shall be suspended and his balance in the Annuity Savings Fund shall remain in the said Fund and shall be accumulated at regular interest. Upon attaining his eligible retirement age, the accumulated contributions of such disability beneficiary shall be transferred from the Annuity Savings Fund to the Annuity Reserve Fund. If such disability beneficiary should die before attaining his eligible retirement age, the amount of his accumulated contributions standing to his credit in the Annuity Savings Fund shall be paid in accordance with the provisions of section 26.

Non-Duty Disability Incurred.

Section 21. Upon the application of a member, or his department head, a member who (1) is in the service of the City, and (2) has ten or more years of service credited to his service account, becomes totally and permanently incapacitated for duty to the City as the result of causes occurring not in the actual performance of duty to the City, may be retired by the Board; provided, the Medical Director after a medical examination of such member shall certify (1) that such member is mentally or physically incapacitated for the further performance of duty to the City, and (2) that such incapacity is likely to be permanent, and (3) that such member should be retired.

Non-Duty Disability Benefits.

Section 22. Upon retirement for disability, as provided for in section 21, a disability beneficiary who has attained his eligible retirement age shall receive a service retirement allowance according to the provisions of section 17. A disability beneficiary who has not attained his eligible retirement age shall receive the following benefits:

(a). Cash Refund Annuity. A cash refund annuity which shall be the actuarial equivalent of his accumulated contributions standing to his credit in the Annuity Savings Fund at the time of his retirement; and

(b). Disability Retirement Pension. A disability retirement pension equal to the pension provided by section 17, paragraphs (b), (c) and (d); provided, that the disability pension shall be subject to the provisions of sections 24 and 25.

Death Incurred in Line of Duty.

Section 23. If a member is killed in the performance of his actual duty to the City, or dies as the result of illness contracted or injuries received while in the performance of his actual duty to the City, and such death, illness or injuries resulting in death be found by the Medical

Director to have resulted from the actual performance of his duty in the service of the City, and the report of the Medical Director is concurred in by the Board, there shall be paid:

(a). Accumulated Contributions. The accumulated contributions standing to the member's credit in the Annuity Savings Fund, at the time of his death, shall be paid in accordance with the provisions of section 26.

(b). Widow's Benefits. A pension of one-third the deceased member's final compensation shall be paid to his widow, if he leave a widow, to continue during her widowhood; provided, that such widow shall be the person to whom he was married at the time of his retirement from service as provided in sections 19 and 20 if his retirement preceded his death. The benefits payable under this paragraph shall be subject to the provisions of paragraph (f) of this section and to section 24.

(c). Children's Benefits While Widow is Living. If, in addition to a widow, a child or children under age eighteen years also survive the deceased member, each child under age eighteen years shall receive a pension equal to a proportionate share of one-fourth the deceased member's final compensation. If any child dies, marries, or attains age eighteen years, there shall be a redistribution by the Board to the surviving children under age eighteen years, but in no event shall any child receive a pension greater than one-fourth the deceased member's final compensation. The benefits payable under this paragraph shall be subject to the provisions of paragraph (f) of this section and to section 24.

(d). Children's Benefits If Widow Dies or Remarries. If there be no widow, or if the widow dies or remarries before the youngest surviving child of such deceased member shall have attained age eighteen years, then his child or children under age eighteen years, if he leave children, shall each receive in lieu of all other benefits, except as provided for in paragraph (a) of this section, a pension equal to one-fourth the deceased member's final compensation, but in no event shall the total so paid in

any one year exceed one-half the deceased member's final compensation. If there be more than two children surviving under age eighteen years, each child shall receive a pension equal to a proportionate share of one-half the deceased member's final compensation. If any child dies, marries, or attains age eighteen years, there shall be a redistribution by the Board to the surviving children under age eighteen years; but in no event shall any child receive more than one-fourth the deceased member's final compensation in any one year. Any benefits payable under this paragraph shall be subject to the provisions of paragraph (f) of this section and to section 24.

(e). Dependent Parents' Benefits. If there be neither widow, nor children under age eighteen years eligible to receive benefits under the provisions of this section, there shall be paid to the dependent father and/or dependent mother, as the Board after investigation shall determine to have been actually dependent upon such deceased member through absence of earning power due to physical disability, a pension of one-sixth the deceased member's final compensation to each such dependent parent; provided, that in no event shall the amount to be paid to either parent exceed six hundred dollars per annum, nor shall the amount to be paid to both parents exceed nine hundred dollars per annum. Any benefits payable under this paragraph shall be subject to the provisions of section 24.

(f). Limitations. The total of the pensions provided for in paragraphs (b), (c) and (d) of this section payable to a widow and/or children of any deceased member shall not exceed fifteen hundred dollars per annum. In all cases the Board shall determine the eligibility of claimants for benefits payable under the provisions of this section and the decision of the Board shall be final.

Pensions Offset by Compensation Benefits.

Section 24. Any amounts which may be paid or payable under the provisions of any workmen's compensation, or pension, or similar law, including any pensions allowed and payable by the Federal or State

Governments on account of service performed in the armed forces of the United States or the State, to a member or to the dependents of a member on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of funds provided by the City under the provisions of the Retirement System on account of the same disability or death. In case the present value of the total benefits payable under the said workmen's compensation, pension, or similar law, or the said Federal or State pension, is less than the pension reserve covering the pensions otherwise payable from the funds provided by the City under the provisions of the Retirement System, then the present value of the said benefits shall be deducted from the pension reserve and such pensions as may be provided by the pension reserve so reduced shall be payable under the provisions of the Retirement System.

Re-Examination of Disability Beneficiaries.

Section 25. (a). Once each year during the first five years following retirement of a member with a disability retirement pension or allowance, and at least once in every three year period thereafter, the Board may, and upon the beneficiary's application shall, require any disability beneficiary who has not attained his eligible retirement age to undergo a medical examination by or under the direction of the Medical Director. Should any disability beneficiary, who has not attained his eligible retirement age, refuse to submit to such medical examination in any such period, his disability retirement pension or allowance may be discontinued by the Board and should such refusal continue for one year, all his rights in and to his disability retirement pension or allowance shall be revoked by the Board. If upon such medical examination of a beneficiary, the Medical Director reports that such beneficiary is physically able and capable of resuming employment with the City, and his report is concurred in by the Board, then such beneficiary shall be restored to active service with the City and his disability pension or allowance shall be discontinued.

(b). Adjustment of Disability Pension. Should the Secretary report and certify to the Board that such disability beneficiary is engaged in a gainful occupation, business or employment, and that the total of his pay or earnings from such occupation, business or employment, and his disability retirement pension or allowance, provided for by the Retirement System, exceeds his final compensation and should the Board concur in the Secretary's report, then the amount of his disability pension shall be reduced to an amount which together with his annuity, if any, and the amount earned by him shall equal his final compensation. Should his earnings be later changed, his disability pension shall be correspondingly adjusted. This paragraph shall not apply after a disability beneficiary has attained his eligible retirement age.

(c). Disability Beneficiary Restored to Service. A disability beneficiary who has been or shall be restored to active service with the City, as provided in this section, shall from the date of such restoration again become a member of the Retirement System and he shall contribute to the Retirement System thereafter in the same manner as he paid prior to his disability retirement. Any prior service and membership service credited to him at the time of his disability retirement shall be restored to full force and effect. He shall be given membership service credit for the period he was receiving a disability retirement pension provided for in section 20 (b); he shall not be given service credit for the period he was receiving a disability retirement allowance provided for in section 22, paragraphs (a) and (b).

Refund of Members' Contributions.

Section 28. (a). Should a member cease to be an employe of the City (1) before attaining his eligible retirement age, for reasons other than becoming a beneficiary or dying, or (2) after attaining his eligible retirement age and not be entitled to a pension, he shall be paid all or part of the accumulated contributions standing to his credit in the Annuity Savings Fund as he shall demand in writing on forms furnished by the Board.

(b). Refund of Deceased Members' Accumulated Contributions. Should a member die before his service retirement becomes effective, the amount of his accumulated contributions standing to his credit in the Annuity Savings Fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board. If there be no such designated person or persons, his accumulated contributions shall be paid to his legal representative.

(c). Payment of Burial Expense. If a member dies intestate without heirs and without having nominated a beneficiary, as provided in paragraph (b) of this section, the amount of his accumulated contributions standing to his credit in the Annuity Savings Fund, at the time of his death, may be used to pay his burial expenses, not to exceed a reasonable sum to be determined by the Board; provided such deceased member leave no other estate sufficient for such purpose.

(d). Method of Refunding Accumulated Contributions. Payment of such refund of accumulated contributions may be made in monthly instalments thereof, according to such rules and regulations as the Board shall adopt.

Annuity Savings Fund.

Section 27. (a). The Annuity Savings Fund is hereby created. The Annuity Savings Fund shall be the Fund in which shall be accumulated, at regular interest, the contributions from the compensation of members to provide for their annuities. The contribution of a member to the Annuity Savings Fund shall be five percent of his compensation paid to him by the City.

(b). Members' Contributions Deducted from Pay. The officer or officers responsible for making up the payroll shall cause the contributions, provided for in paragraph (a) of 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 in the employ of the City; and each of said amounts when deducted by the officer or officers responsible for signing City vouchers and checks shall be paid into the funds of the Retirement System and when so paid shall be credited to the individual Annuity Savings Fund account of the member from whose compensation said deduction was made. The members' contributions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be changed thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full compensation and payment of his compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to benefits provided by the Retirement System.

(c). Repayment of Contributions Previously Refunded. In addition to the contributions deducted from the compensation of a member, as hereinbefore provided, any member may redeposit in the Annuity Savings Fund, by a single payment or by an increased rate of contribution, an amount equal to the total amount, or any part thereof, which he may have previously withdrawn therefrom as provided by the Retirement System.

(d). Transfer of Accumulated Contributions. Upon retirement of a member, his accumulated contributions shall be transferred from the Annuity Savings Fund to the Annuity Reserve Fund. At the expiration of a period of three years from the date an employe ceases to be a member any balance of accumulated contributions standing to his credit in the Annuity Savings Fund, unclaimed by such member, shall be transferred to the Pension Reserve Fund.

Annuity Reserve Fund.

Section 28. The Annuity Reserve Fund is hereby created. The Annuity Reserve Fund shall be the Fund from which shall be paid all annuities, and all benefits in lieu of annuities, payable as provided by the Retirement

System. Should a beneficiary retired on account of disability be restored to active service, his annuity reserve shall be transferred from the Annuity Reserve Fund to the Annuity Savings Fund and shall be credited to his individual account therein.

Pension Reserve Fund.

Section 29. (a). The Pension Reserve Fund is hereby created. The Pension Reserve Fund shall be the Fund in which shall be accumulated reserves for the payment of all pensions and other benefits payable from the contributions made by the City and any instrumentalities of the City, and from which shall be paid all pensions, and all benefits in lieu of pensions, to members and beneficiaries of the Retirement System. Contributions by the City and any instrumentalities of the City to the Retirement System shall be made according to the provisions of paragraphs (b), (c) and (d) of this section.

(b). Contributions for New Members. Upon the basis of such mortality tables, regular interest, and other tables as the Board shall adopt, the Actuary shall compute the amount of contribution which if paid annually by the City during the prospective service of new members will be sufficient to provide the pension reserves required at the time of their discontinuance from City service to cover pensions to which they might be entitled or which might be payable on account of their service rendered as new members. The Board shall have appropriated annually the amount of contributions so ascertained and the City shall pay such amount into the Pension Reserve Fund in the ensuing fiscal year.

(c). Contributions for Original Members. Upon the basis of such mortality tables, regular interest, and other tables as the Board shall adopt, the Actuary shall annually compute the pension reserve liabilities covering pensions payable or which might be payable on account of service rendered and to be rendered by original members, and (2) pensions payable

to beneficiaries who were original members and to the dependents of original members. The amount of the pension liabilities so computed shall be amortized in such manner as the Board shall determine subject to the approval of the City Commission; provided, however, until the amount accumulated in the Pension Reserve Fund equals or exceeds the pension reserves covering all pensions and other benefits thereafter payable from the Pension Reserve Fund on account of service rendered by new and original members, the amount of the contribution so determined shall not be less than the total of the amounts payable from the Pension Reserve Fund in the ensuing fiscal year. The Board shall have appropriated annually the amount of the contribution so ascertained and the City shall pay such amount into the Pension Reserve Fund in the ensuing fiscal year.

(d). Deficiency Appropriations. If the amounts appropriated in the budget in any year, as hereinbefore provided, be insufficient to pay in full the amounts due in said year to all beneficiaries of the Retirement System, the amount of such insufficiency shall thereupon be provided by the appropriating authorities of the City.

Expense Fund.

Section 30. The Expense Fund shall be the Fund to which shall be credited all money provided by the City to pay the administration expense of the Retirement System, and from which shall be paid all expenses necessary in connection with the administration of the Retirement System. The Board shall annually certify to the appropriating authorities of the City the amount of appropriation necessary to administer the Retirement System during the ensuing fiscal year, and the City shall appropriate such amount to the credit of the Expense Fund.

Management of Funds.

Section 31. (a). The Board shall be the trustees of the funds of the Retirement System and shall have full power to invest and reinvest

such funds subject to all terms, conditions, limitations, and restrictions imposed by the State of Florida upon life insurance companies in the making and disposing of their investments, except that notes, bonds, or obligations of the City of West Palm Beach shall not be subject to said restrictions and limitations. The Board shall have the power to purchase notes, bonds or other obligations of the City of West Palm Beach before or after the same are offered to the public and with or without advertising for bids.

(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 funds of the Retirement System have been invested, as well as the proceeds of said investments and any moneys belonging to the Retirement System. There shall be kept on deposit available cash not to exceed ten per centum of the total assets of the Retirement System. All funds of the Retirement System shall be held for the sole purpose of meeting disbursements for pensions, annuities, and other payments authorized by the provisions of the Retirement System and shall be used for no other purpose.

(c). The description of the various Funds of the Retirement System shall be interpreted to refer to the accounting records of the Retirement System and not to the segregation of moneys in the funds of the Retirement System.

Allowance of Regular Interest.

Section 32. The Board annually shall allow regular interest on the mean amount of assets credited to the various funds of the Retirement System except the Expense Fund; provided, that interest on contributions from members credited to the Annuity Savings Fund within any one fiscal year shall begin on the first day of the fiscal year next following and shall be computed at the end of the fiscal year. The amounts of interest so allowed shall be due and payable to said funds of the Retirement System and shall be annually credited thereto by the Board from interest and

other earnings on moneys of the Retirement System. Any additional amount necessary to allow regular interest on the funds of the Retirement System shall be paid from the Pension Reserve Fund, and all interest and other earnings from deposits and investments not required for the allowance of regular interest shall be credited to the Pension Reserve Fund.

Assignments Prohibited.

Section 33. The right of a person to an annuity, a pension, a retirement allowance, to the return of accumulated contributions, the annuity, the pension, or the retirement allowance itself, any optional benefit, any other right accrued or accruing to any member or beneficiary under the provisions of the Retirement System and the moneys belonging to the Retirement System 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 by the provisions of the Retirement System.

Errors.

Section 34. Should any change or error in the records result in any member or beneficiary 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 member or beneficiary was correctly entitled shall be paid.

Modification in Event of Federal or State Coverage.

Section 35. Should the employees of the City be required by law now enacted or which may be enacted, or any amendments thereto or rulings in connection therewith having the force of law, to accept coverage under any Federal or State annuity, pension, retirement or old-age system, and

should the City and/or the employes of the City be required to make contributions to or be subject to payroll taxes in support of such system, then all benefits of whatever nature contained in the Retirement System, accrued or accruing to members and beneficiaries of the Retirement System, except the right to refund of any member's accumulated contributions, shall be modified in such manner as the City Commission shall determine by ordinance.

Section 36. Additional Appropriation and Tax For Retirement Fund. From time to time, the City Commission shall levy, in addition to any and all other ad valorem taxes to be levied by said city for other purposes, an ad valorem tax, not to exceed one and one-half mills ($1\frac{1}{2}$) upon all taxable property in said 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 said Pension and Retirement System, and the collections from which shall be specifically appropriated and ear-marked for said Pension and Retirement System, and for no other use or purpose.

Other Provisions of Charter or Ordinance.

Section 37. (a) No other provision of law, charter or ordinance which provides wholly or partly at the expense of the City for pensions or retirement benefits for employes of the City, their widows, children or other dependents shall apply to members or beneficiaries of the Retirement System, their widow, children, or other dependents.

(b) All provisions of law inconsistent with the provisions of the Retirement System are hereby repealed to the extent of such inconsistency.

Validity.

Section 38. If any provision, section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or inoperative, or shall be held by any Court to be

unconstitutional, the remainder of the provisions of this ordinance shall nevertheless continue in full force and effect.

Effective Date of Ordinance.

Section 39. This ordinance shall become effective upon its enactment by the City Commission of the City of West Palm Beach, and upon its approval by a majority of the registered voters of the City of West Palm Beach in Palm Beach County, Florida, actually voting at an election on the approval or disapproval thereof to be held and conducted in said city at the time of and in connection with the Annual General Election on April 2, 1946. The form of ballot to be used at said election shall be substantially as follows, to-wit:

"SHALL ORDINANCE NUMBER 261 OF THE CITY OF WEST PALM BEACH IN PALM BEACH COUNTY, FLORIDA, ENTITLED -

'AN ORDINANCE OF THE CITY OF WEST PALM BEACH IN PALM BEACH COUNTY, FLORIDA, CREATING AND ESTABLISHING A PENSION AND RETIREMENT SYSTEM FOR CERTAIN OFFICERS AND EMPLOYEES OF SAID CITY; CREATING AND ESTABLISHING A BOARD OF TRUSTEES FOR THE ADMINISTRATION AND MANAGEMENT OF SAID PENSION AND RETIREMENT SYSTEM, AND THE FUNDS TO BE PROVIDED THEREFOR, AND DESIGNATING THE RIGHTS, POWERS AND DUTIES OF SAID BOARD; AUTHORIZING THE LEVY OF A SPECIAL TAX, AND OTHERWISE PROVIDING SOURCES OF REVENUE FOR SAID PENSION AND RETIREMENT SYSTEM; PRESCRIBING THE BENEFITS AND BENEFICIARIES UNDER SAID PENSION AND RETIREMENT SYSTEM; AND FOR OTHER PURPOSES'

BE APPROVED OR DISAPPROVED?

FOR
APPROVAL OF PENSION
AND RETIREMENT SYSTEM.
ORDINANCE NUMBER 261

AGAINST
APPROVAL OF PENSION
AND RETIREMENT SYSTEM.
ORDINANCE No. 26

Lever

Lever

Directions to Voters

If you approve of Pension and Retirement System, Ordinance No. 261, pull down Lever under the words 'For Approval of Pension and Retirement System, Ordinance No. 261.'

If you disapprove of Pension and Retirement System, Ordinance No. 261, pull down the Lever under the words 'Against Approval of Pension and Retirement System, Ordinance No. 261.' "

The Clerk of said City is hereby authorized, empowered and directed to give notice of said election by publication in the Palm Beach Post, a newspaper of general circulation printed and published in said city, once a week for two (2) consecutive weeks, the first publication to be at least twenty (20) days next preceding the date of said election, which notice shall be in the following form, to-wit:

NOTICE OF ELECTION

TO THE REGISTERED AND QUALIFIED ELECTORS OF THE CITY OF WEST PALM BEACH IN PALM BEACH COUNTY, FLORIDA:

You and each of you will please take notice that on the 2nd day of April, A. D. 1946, an election will be held in connection with the General Election to be held on said date for the purpose of approving or disapproving said city's Ordinance Number 201, entitled -

'AN ORDINANCE OF THE CITY OF WEST PALM BEACH IN PALM BEACH COUNTY, FLORIDA, CREATING AND ESTABLISHING A PENSION AND RETIREMENT SYSTEM FOR CERTAIN OFFICERS AND EMPLOYEES OF SAID CITY; CREATING AND ESTABLISHING A BOARD OF TRUSTEES FOR THE ADMINISTRATION AND MANAGEMENT OF SAID PENSION AND RETIREMENT SYSTEM, AND THE FUNDS TO BE PROVIDED THEREFOR, AND SIGNATING THE RIGHTS, POWERS AND DUTIES OF SAID BOARD; AUTHORIZING THE LEVY OF A SPECIAL TAX, AND OTHERWISE PROVIDING SOURCES OF REVENUE FOR SAID PENSION AND RETIREMENT SYSTEM; PROVIDING THE BENEFITS AND BENEFICIARIES UNDER SAID PENSION AND RETIREMENT SYSTEM; AND FOR OTHER PURPOSES'

You will please govern yourselves accordingly.

Dated this ____ day of March, A. D. 1946.

CITY OF WEST PALM BEACH IN PALM BEACH COUNTY, FLORIDA

By _____
As City Clerk

Publish: Palm Beach Post March _____ and _____, 1946."

FIRST READING the 5th day of March, A. D. 1946.

SECOND and FINAL READING and PASSAGE, subject to the above mentioned provisions for a referendum, the 12th day of March, A. D. 1946.

ATTEST

J.P.S.
City Clerk

Stanley Peder
W.A.K.A.
Grace McCampbell
G. Dinsley Keltch
City Commission