

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 557.13

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN (THE "PLAN") CODIFIED IN DIVISION 1 "GENERAL EMPLOYEES" OF ARTICLE II "RETIREMENT" OF CHAPTER 24 "PERSONNEL" IN THE TOWN'S MUNICIPAL CODE OF ORDINANCES TO CHANGE THE DEFINITION OF "FULL-TIME EMPLOYMENT" TO AT LEAST 40 HOURS PER WEEK AND AT LEAST SIX MONTHS PER YEAR; BY AMENDING SECTION 24-31 "DEFINITIONS" OF ARTICLE II "RETIREMENT"; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Golden Beach (the "Town") currently maintains a defined benefit pension plan for its general employees and police officers, which is known as the Town of Golden Beach Employees Pension Plan (the "Plan") as provided for in Chapter 24 "Personnel" of the Town's Municipal Code of Ordinances;

WHEREAS, the Town desires to change the definition of "full-time employment" from at least 20 hours per week and at least five months per year to at least 40 hours per week and at least six months per year and;

WHEREAS, the Town Council finds that it is in the best interest of the Town to change the definition of "full-time employment" on or after the ratification date of this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA:¹

Section 1. Recitals Adopted. That the foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Town Code Amended. That Section 24-31 "Definitions" of Chapter 24 "Personnel" of the Town's Municipal Code of Ordinances is hereby amended as follows:

Sec. 24-31. - Definitions

* * *

Employee means any person who is employed by the City on a full-time basis and whose salary or wages are subject to withholding for purposes of federal income taxes and the Federal Insurance Contributions Act. For this purpose, "full-time employment" shall mean at least 40 hours per week and at least six months per year ~~at least 20 hours per week and at least five months per year~~. Persons employed under contract for a definite period or for the performance of a particular, special service shall not be eligible for participation in the Plan.

* * *

Section 3. Repeal. That all sections or parts of sections of the Town Municipal Code of Ordinances, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the

¹ Proposed additions to existing Town Code text are indicated by an underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~.

validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, and they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in Code. That it is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town Municipal Code of Ordinances and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinances" may be changed to "Chapter," "Section," "Article," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 6. Effective Date. That this Ordinance shall take effect upon adoption on second reading.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Lusskin, seconded by Councilmember Bernstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Judy Lusskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Amy Isackon-Rojas	<u>Aye</u>

PASSED AND ADOPTED on first reading this 20th, day of August, 2013.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Luskin,
seconded by Councilmember Einstein and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Luskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Absent</u>
Councilmember Bernard Einstein	<u>Aye</u>

PASSED AND ADOPTED on second reading this 18th day of September, 2013.



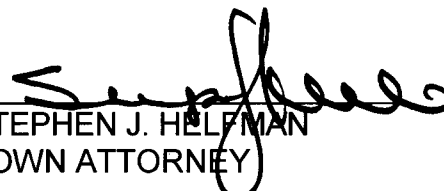
MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY

Retirement Plan for Employees of the Town of Golden Beach
Actuarial Impact of Proposed Amendment

The attached proposed **Town Of Golden Beach, Florida Ordinance No. XXX.13** would amend The Town Of Golden Beach Employees Pension Plan (The "Plan") Codified In Division 1 "General Employees" Of Article II "Retirement" Of Chapter 24 "Personnel" in the Town's Municipal Code Of Ordinances to change the definition of "full-time employment" for purposes of determining plan eligibility from "at least 20 hours per week and at least five months per year" to "at least 40 hours per week and at least six months per year".

The Town of Golden Beach has confirmed that no employees currently participating in the Retirement Plan would be affected by this change. Therefore, all current participants will meet the requirements for participation under the amended plan. So, in this instance there will be no immediate cost or savings to implementing the amendment.

The proposed amendment complies with my understanding of Chapter 112, Part VII, Florida Statutes and Section 14 Article X of the Florida Constitution.



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August 14, 2013
Date