

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 599.22

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 24, "PERSONNEL," ARTICLE II, "RETIREMENT," DIVISION 1 "GENERAL EMPLOYEES" BY AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN AT SECTION 24-33 "BENEFIT AMOUNTS AND ELIGIBILITY" AND CREATING SECTION 24-40 "TRANSFERS FROM GENERAL EMPLOYEE MEMBER TO POLICE OFFICER MEMBER"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach, Florida ("Town Council") has established the Town of Golden Beach Employees' Pension Plan (the "Plan") for members of the Plan as defined in Section 24-31 of the Town's Code of Ordinances ("Members"); and

WHEREAS, the Town Council desires to allow Members who transfer from general employee membership to police officer membership to port their accrued credited service; and

WHEREAS, the Town Council desires to provide a pre-retirement death benefit for the spouse or non-spousal beneficiary of a vested Member who dies in a manner unrelated to his or job duties before reaching normal retirement; and

WHEREAS, to accomplish the pension reform goals of not adversely impacting Members upon transferring, as well as granting a pre-retirement death benefit in the event a Member dies in a manner unrelated to providing services, it is necessary to adopt an ordinance amending the Plan as set forth in Chapter 24, Article II of the Code of Ordinances; and

WHEREAS, the Town Council finds that adopting this Ordinance is in the best interest of the Town of Golden Beach, Florida (the "Town").

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, HEREBY ORDAINS AS FOLLOWS:¹

Section 1. Recitals Adopted. Each of the above recitals is hereby adopted and incorporated as if fully set forth in this Section.

Section 2. Code Amended. That Section 24-33 "Benefit amounts and eligibility" of Division 1 "General Employees" of Article II "Retirement" of the Town Code is hereby amended to read as follows:

Sec. 24-33. Benefit amounts and eligibility.

(d) *Death Benefits.*

(1) *Death Prior to Retirement as a result of performing job duties.* In the event of the death of a Member prior to his Normal Retirement Date and as a result of the performance of his duties as an Employee, the Member's Spouse shall be paid from the Fund an amount equal to the Member's Accrued Benefit commencing on the first day of the month following his date of death. This benefit may not be less than 12 percent of the Member's monthly Earnings nor more than the Member's Accrued Benefit in effect on the date of death. In the event that there is no Spouse surviving the Member, the benefit shall be paid to each surviving child in equal shares until each attains his 18th birthday. The benefit shall be paid to the Spouse until the Spouse's death. In the event that a Member dies on or after his Normal Retirement Date but before his actual retirement, a death benefit shall be paid from the Fund to his Beneficiary. The amount of the benefit shall be computed as though the Member had retired on his date of death and had chosen a 100 percent joint and last survivor option, as specified in section 24-34.

(2) *Death Prior to Retirement unrelated to performing job duties.* In the event of the death of a Member prior to his Normal Retirement Date, which was not a result of the performance of his duties as an Employee, the Member's **designated beneficiary Spouse** shall be paid an immediate benefit reduced in the same manner as for early retirement, which benefits shall be computed based upon the assumption that the Member had retired on the date of death and had elected the

¹Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strikethrough~~. Changes between first and second reading are indicated with **highlight**.

100 percent joint and survivor optional form of benefit as specified in section 24-34. The designated beneficiary Spouse shall be paid the benefit for ten (10) years. In the event that there is no Spouse surviving the Member, the benefit shall be paid to each surviving child in equal shares for ten (10) years.

- (3) The spousal beneficiary may, in lieu of any benefit provided for in subsection (2) above, elect to receive a refund of the deceased Member's accumulated contributions, if any.

(4) If there is no surviving beneficiary as of the Member's death, and the estate is to receive the benefits, and the actuarial equivalent of the Member's entire interest must be distributed by December 31 of the calendar year containing the fifth anniversary of the Member's death.

- (4) The Uniform Lifetime Table in Treasury Regulations § 1.401(a)(9)-9 shall determine the payment period for the calendar year benefits commence, if necessary to satisfy the regulations.

- (5) ~~(2)~~ *Death Subsequent to Retirement.* In the event of the death of a retiree, death benefits, if any, shall be paid in accordance with the form of benefit chosen at the time of retirement.

Section 2. Code Amended. That Section 24-40 "Transfers from general employee Member to police officer Member" of Division 1 "General Employees" of Article II "Retirement" of the Town Code is hereby created to read as follows:

Sec. 24-40. Transfers from general employee member to police officer member

- (a) In the case of a General Employee Member who transfers from a position of civilian employment that is covered by this Division to a Police Officer Member covered by Division 2, the Member's retirement benefits with respect to his or her service shall be based on the following:
- (1) Average Monthly Earnings shall be calculated using the combined service as a General Employee Member and a Police Officer Member, with the multiplier for the years of Credited Service as a General Employee Member based on Section 24-33(a)(1)(b)-(d) and the multiplier for the years of Credited Service as a Police Officer Member based on Section 24-33(a)(1)(e)-(f).
 - (2) Vesting shall be based on service credit earned under both as a General Employee Member and a Police Officer Member;

- (3) The years of service requirement for Normal Retirement of a Police Officer Member shall be based only on years of eligibility service and Credited Service earned while a Police Officer Member.
- (4) Members shall contribute all contributions set forth in section 24-35.
- (b) Notwithstanding any other plan provisions to the contrary, General Employee Members who transfer from a position of civilian employment that is covered by this Division to a Police Officer Member covered by Division 2 shall nevertheless have the option to elect benefits otherwise payable in this Division 1. In such case, the Member's retirement benefits with respect to his or her service shall be based on the following:
- (1) Benefit accrual in this Division shall cease but vesting credit shall continue to accrue for both the benefits covered by this Division and the benefits covered as a Police Officer Member.
- (2) Benefits, vesting and retirement eligibility for retirement as a Police Officer shall be based on the Member's service as a Police Officer Member if the Member elects benefits payable in this Division.
- (3) Upon the commencement of a service retirement, the Member shall receive payment for services covered by this Division in an amount based on the Credited Service accrued as a General Employee Member. In addition, the Member shall be eligible for a benefit for services as a Police Officer Member, as appropriate, based on the years of Credited Service as a Police Officer Member and other applicable requirements therein.
- (c) Notwithstanding any other plan provisions to the contrary, General Employee Members who transfer from a position of civilian employment that is covered in this Division to a Police Officer Member covered by Division 2 shall have the option of a refund of Member contributions paid while in this Division. In such case, vesting shall be based on service credit earned under both as a General Employee Member and a Police Officer Member, but benefits and retirement eligibility shall be based on the Member's Credited Service as a Police Officer Member.

Section 3. Repealer. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Severability. 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 affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they

shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. That it is the intention of the Town Council, and hereby ordained, that the provisions of the Ordinance shall become and be made a part of the Code of the Town of Golden Beach; that the sections of this Ordinance may be re-numbered and/or re-lettered to accomplish such intentions; and that the word, "Ordinance," shall be changed to "Section" or such other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

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

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Luskin	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

PASSED AND ADOPTED on first reading this 15th day of February, 2022.

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

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Jaime Mendal	<u>Aye</u>
Councilmember Judy Luskin	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

PASSED AND ADOPTED on second reading this 15th day of March, 2022.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY