

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 598.21

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 24-31 "DEFINITIONS," SECTION 24-32 "MEMBERSHIP," SECTION 24-33 "BENEFIT AMOUNTS AND ELIGIBILITY," AND SECTION 24-36 "ADMINISTRATION"; 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 change the method of calculating average monthly earnings for all of the Members; and

WHEREAS, the Town Council desires to prospectively increase the multiplier used in calculating the normal monthly retirement benefit for general employees, with the timing of such increase based on vesting and employment status; and

WHEREAS, consistent with the Town Council's negotiation with the Town Manager regarding amending his employment agreement, the multiplier used in calculating the normal monthly retirement benefit for the Town Manager will be prospectively increased, with the timing of such increase based on years of service as town manager; and

WHEREAS, the Town Council desires to correct non-substantive scrivener's errors throughout the Plan and clarify the applicability of outdated provisions; and

WHEREAS, to accomplish the pension reform goals of changing the method of calculating average monthly earnings and increasing the multiplier, as well as correcting scrivener's errors and clarifying the status of outdated provisions, it is necessary to adopt an ordinance amending the Plan as set forth in Chapter 24, Article II of the Town Manager's Code of Ordinances; and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 24-31 "Definitions" of Division 1 "General Employees" of Article II "Retirement" of the Town Code is hereby amended to read as follows:

Sec. 24-31. - Definitions.

As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Average Monthly Earnings means ~~one-sixteenth~~ one-sixtieth (1/60) ~~one thirty-sixth~~ of Earnings of a Member during the three years of employment, within the last ten years of employment, which is greater than the total during any other three years during said ten-year period. However, any member of the Plan who was eligible to retire and who retired prior to October 1, 2021 [Insert Second Reading Date], had his or her retirement benefits calculated on the basis of five years of employment and one-sixtieth of Earnings, within the last ten years of employment, which is greater than the total during any other five years during said ten-year period; provided that if a Member ~~was~~ shall have been

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.

employed for fewer than five years, such average was shall be taken over the period of actual employment.

Earnings means a Member's total cash compensation, which includes annual lump sum wage payments, from the Town exclusive of any lump sum payments for unused sick or vacation time, allowances for education, food or uniforms, and any other extraordinary compensation.

Section 3. Code Amended. That Section 24-32 "Membership" of Division 1 "General Employees" of Article II "Retirement" of the Town Code is hereby amended to read as follows:

- (f) Election of increased benefits and employee contributions. Each member of the plan as of the date this section becomes effective shall, within 60 days following such effective date, make a written election either to continue no member contributions to the plan or to begin contributing three and one-half percent of earnings to the plan in the case of general employee members or three and three-tenths percent of earnings in the case of police officer members. Each such member who elects not to contribute shall be subject to a lower benefit accrual rate, as provided in Section 24-33(a)(1). Each such member who elects to begin contributing at the rates provided above shall be subject to a higher benefit accrual rate, as provided in Section 24-33(a)(1). The aforementioned contribution amounts have since been modified pursuant to Section 24-35(a).

Section 4. 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:

(a) Normal Retirement Benefit.

- (1) Amount. Each Member who retires on or after his or her Normal Retirement Date shall be eligible to receive his or her normal retirement benefit commencing on his or her actual retirement date.
- a. The monthly normal retirement benefit for each member who does not contribute to the plan shall be an amount equal to two percent of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.

- b. The monthly normal retirement benefit for each general employee member who is vested as of **October 1, 2021 [Insert Second Reading Date]** and contributes to the plan shall be an amount equal to two and one-quarter percent (2.25%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service rendered prior to **October 1, 2021 [Insert Second Reading Date]**. For Credited Service rendered on and after **October 1, 2021 [Insert Second Reading Date]**, the monthly benefit shall be an amount equal to two and one half percent (2.5%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
- c. The monthly normal retirement benefit for each general employee member who is not vested as of **October 1, 2021 [Insert Second Reading Date]** and contributes to the plan shall be an amount equal to two and one-quarter percent (2.25%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service for the first ten years of Credited Service. For Credited Service rendered after the first ten years, the monthly benefit shall be an amount equal to two and one half percent (2.5%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
- d. The monthly normal retirement benefit for each general employee member hired after **October 1, 2021 [Insert Second Reading Date]** shall be an amount equal to two and one-quarter percent (2.25%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service for the first ten years of Credited Service. For Credited Service rendered after the first ten years, the monthly benefit shall be an amount equal to two and one half percent (2.5%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
- e. e. The monthly normal retirement benefit for each police officer member and the Town Manager member who contributes to the plan and retires after September 30, 2003, shall be an amount equal to 2¾-percent of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
- f. d. Effective October 1, 2006 the monthly normal retirement benefit for each Police Officer Member and the Town Manager Member, who contributes to the Plan and retires, shall be an amount equal to three percent of Average Monthly Earnings multiplied by the length of Credited Service rendered on or after October 1, 2006. The aforementioned multiplier for the Town Manager Member has since been modified in accordance with Section 24-33(a)(1)(g) below.
- g. e. Effective upon joining the Plan, which requires at least ten preceding years of service, the monthly normal retirement benefit for a Town Manager Member who contributes to the Plan shall be an amount equal to a percent

of Average Monthly Earnings based on the length of eligible Credited Service as follows:

Completed Years of Credited Service After Becoming a Plan Member	Normal Retirement Benefit as a Percentage of Average Monthly Earnings:
0 - 2	15% × Credited Service (formula used in calculating first two years only). The calculation of subsequent service years will be based on different benefits formulas as detailed below.
3 - 4 After 2	3% × Credited Service (formula used in calculating third and fourth year only) in excess of 2 years
5 - 6	6% × Credited Service (formula used in calculating fifth and sixth year only)
After 7	3% × Credited Service (formula used in calculating the seventh year and each year thereafter)

Section 5. Code Amended. That Section 24-36 “Administration” of Article II “Retirement” of Division 1 “General Employees” of Article II “Retirement” of the Town Code is hereby amended to read as follows

Sec. 24-36. - Administration.

- (c) The elective Trustees shall be elected in the following manner, to wit: By vote of all actively employed Police Officer General Employee Members and the Town Manager Member at meetings to be held at places designated by the Board, of which meetings all qualified Members entitled to vote shall be notified in Person or by written notice of ten (10) ~~seven~~ days in advance of said meeting. The Police Officer and General Employee receiving the highest number of votes shall be declared elected and shall take office immediately upon commencement of the term of office for which elected or as soon thereafter as he shall qualify therefore. An election shall be held not more than 30 and not less than ten days prior to the commencement of the terms for which Trustees are to be elected. The Board shall establish and administer the election procedure for each election. The Board of Trustees shall meet, organize, and elect one of their members as Chairman, one member as Vice Chairman, and one member as Secretary within ten days after all the Trustees are elected and duly qualified.

Section 6. 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 7. 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 8. 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 9. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

The Motion to adopt the foregoing Resolution 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 31st day of August, 2021.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Mendal, 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 Bernard Einstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

PASSED AND ADOPTED on second reading this 27th day of September, 2021.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY