

**ORDINANCE NO. 190-06-109**

**AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA, AMENDING THE CITY OF LAUDERHILL CODE OF ORDINANCE, CHAPTER 2, ADMINISTRATION, ARTICLE II, OFFICERS AND EMPLOYEES, DIVISION 3, RETIREMENT, PART 3, POLICE PENSION PLAN AND TRUST FUND, BY AMENDING SECTION 2-84, COMPLIANCE WITH THE INTERNAL REVENUE CODE, TO ALLOW FOR IN-SERVICE DISTRIBUTIONS FOR QUALIFYING PART-TIME RESERVE OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)**

WHEREAS, the City of Lauderhill (the "City") maintains a defined benefit pension plan for its certified police officers, which is known as the City of Lauderhill Police Officers Retirement Plan (the "Plan"), and which is codified in Chapter 2, Article II of the City Code; and

WHEREAS, the City wishes to allow certain members of the Plan who are eligible for unreduced retirement benefits upon reaching normal retirement to receive these benefits while continuing their employment with the City as part-time reserve officers (the "In-Service Distributions"); and

WHEREAS, the Plan should be amended to permit members who remain employed by the City as part-time reserve police officer to receive In-Service Distributions subject to the terms and conditions of the Plan as set forth below; and

WHEREAS, the City Commission finds that the adoption of this amendment is in the best interests of the citizens and taxpayers of the City;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, AS FOLLOWS:

**Section 1.** Each of the above stated recitals is hereby adopted and confirmed.

**Section 2.** Section 2-84 "Compliance with the Internal Revenue Code" of Chapter 2, Article II, Division 3, Part 3 "Police Pension Plan and Trust Fund" of the City Code is hereby amended by amending subsection (f) to read as follows:

Sec. 2-84. - Compliance with the Internal Revenue Code.

\* \* \* \* \*

(f) Notwithstanding any provision of this part to the contrary, the chief of police or any former member employed as a reserve officer for less than 30 hours per week, if eligible for an unreduced retirement and in the case of the chief of police, opts out of any future participation as an active member of the plan, or in the case of a part-time reserve officer, ineligible to participate in the plan, may receive an in service distribution provided the terms of any such distribution are consistent with the provisions of

the Internal revenue Code and corresponding regulations of the Department of the Treasury.

**Section 3.** 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 section, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, if being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4.** It is the intention of the City Commission, and it is hereby ordained that this Ordinance shall become and be made a part of the City of Lauderdale Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5.** That this Ordinance shall be effective immediately upon adoption on Second Reading, except as otherwise specifically provided herein.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

\_\_\_\_\_  
CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. BATES	_____	_____
H. BERGER	_____	_____
R. CAMPBELL	_____	_____
D. GRANT	_____	_____
K. THURSTON	_____	_____