

**ORDINANCE NO. 200-10-145**

**AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA, AMENDING THE POLICE OFFICERS RETIREMENT PLAN BY AMENDING SECTION 2-84, OF THE CITY CODE, ENTITLED COMPLIANCE WITH THE INTERNAL REVENUE CODE; AMENDING SECTION 2-87.3, ENTITLED POST RETIREMENT SUPPLEMENT; AMENDING SECTION 2-87.1, ENTITLED DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)**

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 2, Division III, Part 3 of the City Code; and

WHEREAS, effective January 1, 2020, the Internal Revenue Code was amended by increasing the required minimum distribution age from 70<sup>1/2</sup> to 72; and

WHEREAS, pursuant to the 2019-2020 Collective Bargaining Agreement between the Florida State Lodge Fraternal Order of Police and the City, there have been changes to the post retirement supplement benefit afforded to retirees and to Deferred Retirement Option Plan (DROP) eligibility; and

WHEREAS, the Board of Trustees has prepared this ordinance to implement these changes; and

WHEREAS, the City Commission finds that it is in the best interests of the City, its employees and its citizens and taxpayers to amend the Pan;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Lauderhill:

**Section 1.** That each of the above-stated recitals are hereby adopted and confirmed.

**Section 2.** That Section 2-84 of the City Code is hereby amended to read as follows: Sec. 2-84. - Compliance with the Internal Revenue Code.

\* \* \*

- (a) It is the intention of the city and of the board that the plan remain at all times a qualified plan, as that term is defined under the Internal Revenue Code and the corresponding Treasury Regulations applicable to a governmental defined benefit retirement plan.
- (b) No member's annual benefit shall exceed the amounts permitted in Section 415 of the Internal Revenue Code.
- (c) In no event may a member's retirement benefit be delayed beyond the later of April 1 following the calendar year in which the member attains age seventy and one-half ( $70\frac{1}{2}$ ) for members who attain age seventy and one-half ( $70\frac{1}{2}$ ) before January 1, 2020, and age seventy-two (72) for members who attain age seventy and one-half ( $70\frac{1}{2}$ ) on or after January 1, 2020; or April 1st of the year following the calendar year in which the member retires.

When a distribution of the participant's entire interest is not made in a lump sum, the distribution will be made in or more of the following ways: over the life of the participant; over the life of the participant and designated beneficiary; over a period certain not extending beyond the life expectancy of the participant; or over a period certain not extending beyond the joint life and last survivor expectancy of the participant and a designated beneficiary.

- (d) If the distribution has commenced before the participant's death, the remaining interest will be distributed at least as rapidly as under the method of distribution being used as of the date of the participant's death.

The method of distribution, if the participant dies before distribution is commenced, must satisfy the following requirements:

- (1) Any remaining portion of the participant's interest that is not payable to a beneficiary designated by the participant will be distributed within five (5) years after the participant's death;
- (2) Any portion of the participant's interest that is payable to a beneficiary designated by the participant will be distributed either: (i) within five (5) years after the participant's death; or (ii) over the life of the beneficiary, or over a period certain not extending beyond the life expectancy of the beneficiary, commencing not later than the end of the calendar year following the calendar year in which the participant died (or, if a designated beneficiary is the participant's surviving spouse, commencing not later than the end of the calendar year following the calendar year in which the participant would have

attained age seventy and one-half (70<sup>1/2</sup>) for participants who would have attained age seventy and one-half (70<sup>1/2</sup>) before January 1, 2020, and age seventy-two (72) for participants who would have attained age seventy and one-half (70 1/2) on or after January 1, 2020.

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**Section 3.** That Section 2-87.3 of the City Code is hereby amended to read as follows:

**Sec. 2-87.3. - Post retirement supplement.**

- (a) In addition to the monthly retirement benefits provided by this plan, there shall be a supplemental payment of ten dollars (\$10.00) per month per year of service for all members employed by the city on or after April 25, 2011 and retired on or before September 28, 2016, provided such member has at least twenty (20) years of credited service with the city or provided such members left the city at age fifty-five (55) or older with more than five (5) years of credited service with the city. This benefit shall commence on the fifth anniversary date of termination of service and shall cease upon the member reaching sixty-five (65) years of age.
- (b) For bargaining unit employees employed by the city on or after September 28, 2016 who retire before July 1, 2020, ~~the provision of the supplemental payment shall be based on the following: ten dollars (\$10.00) per month per year of service up to a maximum of twenty (20) years of service (\$200.00/month) shall be provided to all members employed by the city on or after September 28, 2016, provided such member is eligible to begin drawing his/her normal retirement benefit immediately upon separation. This benefit shall cease upon the member reaching sixty-five (65) years of age.~~
- (c) Effective June 29, 2020, all members employed by the city as of July 1, 2020, who retire after June 29, 2020, the supplemental payment shall be: twenty-five dollars (\$25.00) per month for each year of service up to a maximum of six hundred dollars (\$600.00/month), provided such member is eligible to begin drawing his/her normal retirement benefit immediately upon separation. This benefit will commence the first full month following his/her retirement from city service and will cease upon the retiree reaching sixty-five (65) years of age.

**Section 4.** That Section 2-87.1 of the City Code is hereby amended to read as follows:

**Sec. 2-87.1 – Deferred Retirement Option Plan**

- (a) A deferred retirement option plan ("DROP") is hereby created.
- (b) Eligibility to participate in the DROP is based upon eligibility for service retirement in the plan. Notwithstanding any provision to the contrary, effective June 29, 2020, members who have fifteen (15) or more years of service as of July 1, 2020, may enter the DROP at any time after attaining age fifty (50). All other DROP provisions remain in effect.

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**Section 5. Severability.** Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

**Section 6. Repeal.** All sections or parts of sections of the Code of Ordinances of the City of Lauderhill, 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 7. Inclusion in the Code.** It is the intention of the City Commission of the City of Lauderhill that the provisions of this ordinance shall become and be made a part of the Code of the City of Lauderhill, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 8. Effective Date.** This ordinance shall become effective immediately upon its passage, unless otherwise provided.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2020

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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CITY CLERK

FIRST READING

SECOND READING

MOTION  
SECOND

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MOTION  
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M. BATES  
H. BERGER  
R. CAMPBELL  
D. GRANT  
K. THURSTON

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M. DUNN  
D. GRANT  
L. MARTIN  
S. MARTIN  
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