

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA AMENDING CHAPTER 14, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE GENERAL EMPLOYEES' PENSION PLAN; AMENDING SECTION 14-26 TO PERMIT THE PAYMENT OF ACCUMULATED LEAVE TO THE CITY MANAGER; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach offers retirement benefits for employees who are not members of the Florida Retirement System; and

WHEREAS, the City Manager is the chief administrative officer of the City, a position defined in the City Charter; and

WHEREAS, the City Manager and City are also governed by an employment agreement between the parties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH:

Section 1. Chapter, 14, Article II, of the City Code of Ordinances of the City of Riviera Beach is hereby revised by amending Section 14-26 as follows:

Sec. 14-26. – Optional forms of retirement benefits.

Each member at time of actual retirement shall have the right at any time prior to actual retirement to elect to have such benefit payable under any one of the options set forth in this section in lieu of the retirement benefits otherwise provided herein, and to revoke any such elections and make a new election at any time prior to actual retirement. The value of optional benefits shall be actuarially equivalent to the value of benefits otherwise payable. The member shall make such an election by written request to the board and such an election shall be subject to the approval of the board.

Option 4. Deferred retirement option program (DROP). In general, and subject to the provisions of this section, the board is authorized to establish and maintain a deferred retirement option program, hereinafter referred to as DROP. The DROP is a program under which an eligible

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member of the retirement system may elect to participate by deferring receipt of retirement benefits while continuing employment with the city. Upon entry into DROP a member's accrued vacation and sick leave balances not used in calculation of normal retirement benefits shall be carried forward and the DROP member shall accrue additional vacation and sick leave during participation in the DROP. However, any accrued vacation or sick leave balance at termination of the DROP period shall be forfeited, except in the case of the City Manager whose contract shall supersede this provision. Upon termination of employment, the member shall begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of the DROP.

Section 2. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings on invalidity shall not affect this remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part herein, and the remainder of the Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 3. Repeal of Conflicting Ordinances

All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date

Except as otherwise provided, this Ordinance shall become effective upon passage.

Council Member _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____ and upon being put to a vote, the vote was as follows:

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PASSED AND APPROVED on the first reading the 20th day of February, 2019.

PASSED AND ADOPTED on second and final reading this _____ day of _____, 2019.

APPROVED:

THOMAS A. MASTERS
MAYOR

TONYA DAVIS JOHNSON
CHAIRPERSON

ATTEST:

LYNNE L. HUBBARD
CHAIR PRO TEM

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KASHAMBA MILLER-ANDERSON
COUNCILPERSON

JULIA A. BOTEL
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

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1ST READING

2ND & FINAL READING

MOTIONED BY: _____

MOTIONED BY: _____

SECONDED BY: _____

SECONDED BY: _____

L. HUBBARD _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

T. DAVIS JOHNSON _____

J. BOTEL _____

J. BOTEL _____

T. DAVIS _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY

DATE: _____