

ORDINANCE NO.: 4154

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING SECTIONS 14-1 THROUGH AND INCLUDING 14-8 OF CHAPTER 14, TITLED, "PENSIONS AND RETIREMENT PROGRAMS," TO REQUIRE RIVIERA BEACH POLICE OFFICERS' PARTICIPATION IN THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article IV of the Code of Ordinances permitted the City of Riviera Beach to create a pension fund for its Police Officers to offer retirement compensation titled the "Riviera Beach Police Pension Fund"; and

WHEREAS, Section 1-7 of Chapter 1 of the Code of Ordinances permits amendments to the Code of Ordinances; and

WHEREAS, the Riviera Beach Police Pension Fund is a self-funded administered pension plan; and

WHEREAS, Chapter 121 of the Florida Statutes permits municipalities to enroll into the Florida Retirement System; and

WHEREAS, on April 30, 2020 and May 1, 2020, by election, the City of Riviera Beach's Police Officers voted to participate in the Florida Retirement System and against continued participation in the Riviera Beach Police Pension Fund; and

WHEREAS, the City of Riviera Beach ("the City") has determined it is in the best interests of the City to require its Police Officers to participate in the Florida Retirement System, unless otherwise excluded by law, by requiring all new Police Officers to participate in the Florida Retirement System and allowing existing Police Officers, who elect to transfer to the Florida Retirement System, to participate in the Florida Retirement System; and

WHEREAS, on August 19, 2020, the City Council passed Resolution 71-20 approving an agreement with the Department of Management Services, Division of Retirement, of the State of Florida, enrolling current and new Police Officers into the Florida Retirement System; and

WHEREAS, the City's Code of Ordinances requires amendment to reflect the Police Officers' participation in the Florida Retirement System.

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

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

SECTION 2. That Chapter 14 of the City's Code of Ordinances shall be amended by requiring newly hired Riviera Beach Police Officers and current Officers who elect to enroll into the Florida Retirement System and closing the Riviera Beach Police Pension Fund to Riviera Beach Police Officers hired on or after December 1, 2020.

SECTION 3. That sections 14-1, through and including, 14-8 of Chapter 14, titled, "Pensions and Retirement Programs," of the Code of Ordinances, City of Riviera Beach, Florida, is hereby amended to read as follows:

Words in ~~strike-through~~ type are deletions to the text; words in underline type are additions to the existing text; and asterisks (***) indicate existing text that is not shown.

ARTICLE I. - IN GENERAL

Sec. 14-1. - Participation in the Florida Retirement System.

All General employees and Firefighters of the City of Riviera Beach hired on or after June 1, 2015, ~~and Elected Officials, as of March 1, 2015, and Police Officers hired on or after December 1, 2020~~ shall participate in the Florida Retirement System as authorized by F.S. Ch. 121, except as excluded by law or by this chapter. General employees and Firefighters hired before June 1, 2015, shall on June 1, 2015, become compulsory participants in the Florida Retirement System, except for such General employees or Firefighters who, pursuant to section 14-2, elect by a ballot provided by the Florida Retirement System, not to participate in the Florida Retirement System. Police Officers hired before December 1, 2020 shall on December 1, 2020, become compulsory participants in the Florida Retirement System, except for such Police Officers who, pursuant to section 14-2, elect by a ballot provided by the Florida Retirement System, not to participate in the Florida Retirement System. Police Officers' positions shall be included in the Special Risk Class of the Florida Retirement System, effective

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December 1, 2020. The City's Elected Officials' positions shall be included in the Elected Officers' Class of the Florida Retirement System, effective as of March 1, 2015. ~~Police Officers shall participate only in the City of Riviera Beach Police Officers' Pension Plan.~~

Sec. 14-2. - Election of the Florida Retirement System.

- (a) Prior to joining the Florida Retirement System, a referendum election of coverage in which General employees, ~~and Firefighters, and Police Officers~~ (collectively, employees) in the City having the right to participate in the Florida Retirement System shall be held on a date fixed by the City Manager or the City Manager's designee.
- (b) Only those ~~General employees and Firefighters~~ employees who elected coverage under the Florida Retirement System by an affirmative vote in this referendum election shall be eligible for such participation, as well as, future ~~General employees and Firefighters~~ employees of the City who shall become automatically compulsory members of the Florida Retirement System without the right of election.
- (c) Once made, the choice by the ~~General employees and Firefighter~~ employee to participate in the Florida Retirement System shall be irrevocable.

Sec. 14-3. - Agreement Execution.

- (a) The Mayor, or in the Mayor's absence, the Chairperson of the City Council, is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Administrator of the Florida Retirement System for the purpose of extending the benefits provided by it to the City's ~~General employees, Firefighters~~ employees and Elected Officials.
- (b) As provided herein, such agreements shall provide for the methods of administration of this retirement plan by the City that are found by the Administrator of the Florida Retirement System to be necessary and proper and shall be effective for any employment covered by such agreements for employee services performed on and after the first day of March, 2015, for Elected Officials, ~~and~~ on and after the first day of June 2015 for General Employees and Firefighters, and on and after the first day of December 2020 for Police Officers.

Sec. 14-4. - Employee and Elected Official Withholding.

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There shall be withheld from the periodic compensation of each ~~General employee, Firefighter.~~ employee and Elected Official sufficient funds to remit to the Florida Retirement System for Social Security contributions and retirement contributions as required by applicable state laws or regulations which shall be paid over by the city to the Florida Retirement System Administrator designated by state law or regulations to receive such amounts.

Sec. 14-5. - Appropriation and Pay from City funds.

There shall be appropriated and paid to the lawfully designated Administrator of the Florida Retirement System in the manner provided by applicable state laws and regulations such amounts from available city general or special funds derived from ad valorem tax and non-ad valorem tax sources, and at such times as may be required to pay promptly the contributions and assessments of the City as a Florida Retirement System employer at the times and in the manner provided by state law and regulation.

Sec. 14-6. - Records.

The City shall keep such records and make such reports as may be required by applicable state laws or regulations, and shall adhere to all laws and regulations relating to the Florida Retirement System.

Sec. 14-7. - Benefits and Coverage Conditions.

The City hereby adopts the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining to the Florida Retirement System for and on behalf of its ~~elected officials, firefighters, and the General employees of the city's departments and agencies~~ to be covered under the agreements with the Florida Retirement System.

Sec. 14-8. - Custodian of Funds.

The City's Director of Finance and Administrative Services is hereby designated as the custodian of all Florida Retirement System sums withheld from the compensation of ~~General employees, Firefighters,~~ and Elected Officials as authorized herein and of the appropriate funds from the employer's contributions. Also, the Director of Finance and Administrative Services is hereby designated the withholding and reporting agent and charged with the duty of maintaining records for the purposes of this chapter.

SECTION 4. That all ordinances or parts of ordinances, all City Code

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sections, or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. That should any section or provision of this Ordinance or any portion thereof, and paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

SECTION 6. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Riviera Beach, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

SECTION 7. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS ____ DAY OF _____, 2020.

PASSED SECOND READING THIS ____ DAY OF _____, 2020.

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APPROVED:

RONNIE L. FELDER
MAYOR

JULIA A. BOTEL, Ed.D
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

DOUGLAS A. LAWSON
CHAIR PRO TEM

TRADRICK MCCOY
COUNCILPERSON

KASHAMBA MILLER-ANDERSON
COUNCILPERSON

SHIRLEY D. LANIER
COUNCILPERSON

MOTIONED BY: _____

REVIEWED AS TO LEGAL SUFFICIENCY

SECONDED BY: _____

DAWN S. WYNN, CITY ATTORNEY

T. MCCOY: _____

Date

K. MILLER-ANDERSON: _____

S. LANIER: _____

J. BOTEL: _____

D. LAWSON: _____

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