

ORDINANCE NO.: 4066

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 4058, WHICH AMENDED ARTICLE I OF CHAPTER 14, ENTITLED "PENSIONS AND RETIREMENT PROGRAMS," OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH BY REMOVING POLICE OFFICERS FROM PARTICIPATION IN THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach (also referred to "City") offers retirement benefits for General employees, Firefighters and Police Officers using three separately administered pension plans; and

WHEREAS, the State of Florida permits cities to enroll in the Florida Retirement System (also referred to "FRS"); and

WHEREAS, the City, through its City Council, made a determination that it was in the best interests of the City to have its General employees, Firefighters, Police Officers, and Elected Officials participate in the FRS unless otherwise excluded by law if the existing employees chose to join; and

WHEREAS, the City Council passed ordinance number 4058 to reflect, among other things, its intention to have all of the City's future employees join FRS; and

WHEREAS, since then, FRS has advised the City that employees of any dependent special district of the City of Riviera Beach, including the Community Redevelopment Agency, are "employees" of the City of Riviera Beach for FRS pension purposes and therefore any reference to "General employees" herein includes those dependent special district employees for FRS pension purposes only; and

WHEREAS, by election, the City's Police Officers voted to remain in the City's current pension plan, entitled the "Police Officers' Pension Plan," and will therefore not participate in FRS, and the City's code of ordinances requires amendment to reflect the Police Officers' election to remain in the City's current pension plan.

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

SECTION 1. Chapter 14, entitled "Pensions and Retirement Programs," Article I, entitled "In General" of the Code of Ordinances of the City of Riviera Beach is hereby amended as follows (deleting is ~~stricken through~~ and adding is underlined):

ARTICLE I. 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 May June 1, 2015, and elected officials, as of March 1, 2015, shall participate in the Florida Retirement System as authorized by Chapter 121, Florida Statutes, except as excluded by law or by this chapter. General eEmployees and Firefighters hired before May June 1, 2015, shall on May 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 ballot provided by the Florida Retirement System, ~~prior to May 1, 2015~~, not to participate in the Florida Retirement System. 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 April 1, 2015, joining the Florida Retirement System,~~ a referendum election of coverage in which all General employees and Firefighters 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 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 of the City who shall become automatically compulsory members of Florida Retirement System without the right of election.

(c) Once made, the choice by the General employee or Firefighter 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, 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 ~~May~~, June 2015 for General Employees, and Firefighters, ~~and Police Officers~~.

Sec. 14-4. Employee and elected official withholding.

There shall be withheld from the periodic compensation of each General employee, Firefighter, 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 overage 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 Florida Retirement System.

Sec. 14-8. Custodian of funds.

The city's director of finance and administrative services is hereby designated 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 2. 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. Specific authority is hereby granted to codify this ordinance.

SECTION 4. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

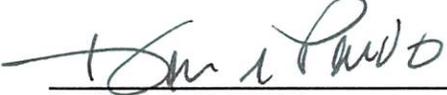
PASSED AND APPROVED on the first reading this 5TH day of AUGUST, 2015.

PASSED AND ADOPTED on the second and final reading, this 19TH day of AUGUST, 2015.

APPROVED:



THOMAS A. MASTERS
MAYOR



DAWN S. PARDO
CHAIRPERSON

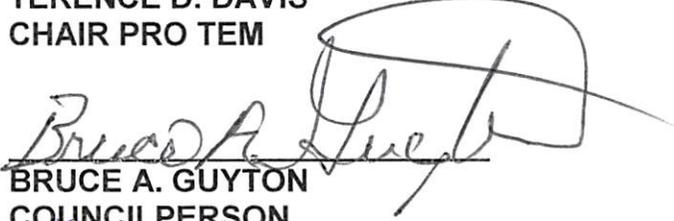
ATTEST:



CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK



TERENCE D. DAVIS
CHAIR PRO TEM



BRUCE A. GUYTON
COUNCILPERSON



KASHAMBA L. MILLER
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON

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1ST READING

MOTIONED BY: B. GUYTON

SECONDED BY: T. DAVIS

D. PARDO AYE

T. DAVIS AYE

B. GUYTON AYE

K. MILLER AYE

C. THOMAS ABSENT

2ND & FINAL READING

MOTIONED BY: B. GUYTON

SECONDED BY: T. DAVIS

D. PARDO AYE

T. DAVIS AYE

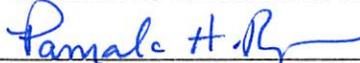
B. GUYTON AYE

K. MILLER AYE

C. THOMAS AYE

/PHR

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, B.C.S.
CITY ATTORNEY

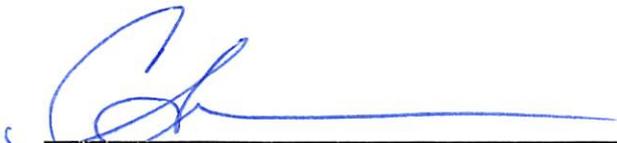
DATE: 8/19/15

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CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

8/19/15
DATE



Claudene L. Anthony, Certified Municipal Clerk
City Clerk