

CITY CLERK
CITY OF SUNRISE

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SUNRISE, FLORIDA

ORDINANCE NO. 124-X-17-B

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 11 "RETIREMENT AND PENSIONS;" AMENDING PROVISIONS OF THE GENERAL EMPLOYEES' RETIREMENT PLAN, POLICE OFFICERS' RETIREMENT PLAN AND FIREFIGHTERS' RETIREMENT PLAN CONCERNING THE APPLICATION OF SECTION 415 OF THE INTERNAL REVENUE CODE; AMENDING SECTION 11-48, "LIMITATION ON BENEFITS;" AMENDING SECTION 11-52, "SUPPLEMENTAL BENEFIT FOR POLICE OFFICERS; DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE OFFICERS;" AMENDING SECTION 11-53 "RETIREMENT BENEFITS FOR MANAGEMENT AND SENIOR MANAGEMENT PERSONNEL HIRED PRIOR TO OCTOBER 1, 2009;" AMENDING SECTION 11-55, "DEFERRED RETIREMENT OPTION PROGRAM;" PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. That section 11-48 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 11-48. – Limitation on benefits.

- (1) In no event may a member's annual benefit exceed the lesser of:
- (a) The maximum amount provided in Section 415(b) of the Internal Revenue Code ("Section 415(b) benefit limit") (adjusted for cost of living in accordance with the Internal Revenue Code and regulations adopted thereunder but only for the year in which such adjustment is effective), or

* * *

(5) Effective September 29, 2016, the Section 415(b) benefit limit in subsection (1)(a) above shall be applied to retired members, non-bargaining unit employees, and

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~~scored through~~ words are deletions and
underscored words are additions

bargaining unit employees upon agreement with the union representing the bargaining unit, as follows:

Upon retirement the Section 415(b) benefit limit will not be reduced to account for the value of any cost-of-living-adjustment. In determining the annual update to the Section 415(b) benefit limit after retirement, the cost of living adjustment shall not operate to increase the limitation on benefits contained in Section 415(b)(1) of the Internal Revenue Code, and in no event will the amount payable to a member in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Section 415(d) of the Internal Revenue Code and the regulations thereunder. The Section 415(b) benefit limit shall be applied when a member retires and begins to receive benefits, and any lump sum benefit payments (including DROP distributions) shall be considered at that time.

~~(6)~~(5) For the purpose of applying the provisions of this section, actuarial equivalence shall be determined based on mortality tables adopted by the pension board and an interest rate of five (5) percent.

Section 2. That section 11-52 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 11-52. - Supplemental benefit for police officers; deferred retirement option program for police officers.

- (a) This section applies only to the police officers' retirement plan.
- (b) Deferred retirement option program for police officers (DROP).

(1) A deferred retirement option plan ("DROP") is hereby established for eligible police officers.

(2) Eligibility and participation:

* * *

f. Effective September 12, 2017, each police officer who is not a member of any bargaining unit who retires or enters the DROP shall receive a benefit calculation prior to retiring or entering the DROP. The benefit calculation shall be prepared by the plan actuary and will show whether the member's benefit is expected to be impacted by the Section 415 benefit limit, and if so impacted, an estimate of the impact if the member participates in the DROP for the maximum DROP period. If a member's benefit is expected to be impacted, the member may elect to reduce or eliminate the impact of Section 415 benefit limit through various actions, including the selection of an

appropriate DROP entry date, optional form of benefit, or a reduced DROP participation period. The provisions of this subsection f shall apply to police officers in the FOP bargaining unit upon ratification of that unit's agreement to this subsection f, and shall apply to police officers in the PBA bargaining unit upon ratification of that unit's agreement to this subsection f.

* * *

Section 3. That section 11-53 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 11-53. - Retirement benefits for management and senior management personnel hired prior to October 1, 2009.

* * *

(h) Deferred retirement option plan.

* * *

(12) Effective September 12, 2017, each management and senior management member who retires or enters the DROP shall receive a benefit calculation prior to retiring or entering the DROP. The benefit calculation shall be prepared by the plan actuary and will show whether the member's benefit is expected to be impacted by the Section 415 benefit limit if the member participates in the DROP for the maximum DROP period. If a member's benefit is expected to be impacted, the member may elect to reduce or eliminate the impact of Section 415 benefit limit through various actions, including the selection of an appropriate DROP entry date, optional form of benefit, or a reduced DROP participation period.

(13) The pension board shall adopt any necessary rules for administering the DROP.

* * *

Section 4. That section 11-55 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 11-55. – Deferred retirement option plan.

(a) A deferred retirement option program ("DROP") shall be established for firefighters effective September 30, 2001, in accordance with this section.

* * *

(d) Effective September 12, 2017, each firefighter who retires or enters the DROP shall receive a benefit calculation prior to retiring or entering the DROP. The benefit calculation shall be prepared by the plan actuary and will show whether the member's benefit is expected to be impacted by the Section 415 benefit limit if the member participates in the DROP for the maximum DROP period. If a member's benefit is expected to be impacted, the member may elect to reduce or eliminate the impact of Section 415 benefit limit through various actions, including the selection of an appropriate DROP entry date, optional form of benefit, or a reduced DROP participation period.

* * *

Section 5. Conflict. All ordinances or parts of ordinances, all City Code 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 6. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, nor any part thereof, other than the part declared to be invalid.

Section 7. Inclusion in the City Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 8. Effective Date. This Ordinance shall be effective retroactive to the dates indicated in the Ordinance or immediately upon its passage if no date is indicated.


PASSED AND ADOPTED upon this first reading this 22ND DAY OF AUGUST, 2017.

PASSED AND ADOPTED upon this second reading this 12TH DAY OF SEPTEMBER, 2017.




Mayor Michael J. Ryan

Authentication:



Felicia M. Bravo
City Clerk



FIRST READING

MOTION: SCUOTTO
SECOND: SOFIELD

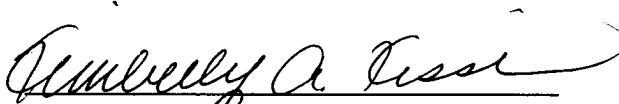
DOUGLAS: YEA
KERCH: ABSENT
SCUOTTO: YEA
SOFIELD: YEA
RYAN: YEA

Approved by the City Attorney
As to Form and Legal Sufficiency.

SECOND READING

MOTION: KERCH
SECOND: SCUOTTO

DOUGLAS: ABSENT
KERCH: YEA
SCUOTTO: YEA
SOFIELD: YEA
RYAN: YEA



Kimberly A. Kisslan