

ORDINANCE NO. C-24-45

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 5 OF ORDINANCE NO. C-04-05 OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY INCLUDING AFFILIATED AGENCY EMPLOYEES WHO WERE IN THE EMPLOY OF THE AFFILIATED AGENCY AS OF JANUARY 21, 2004, AMONG THOSE WHO ARE ELIGIBLE TO PURCHASE GENERAL EMPLOYEES' RETIREMENT SYSTEM PRIOR SERVICE CREDIT, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, Ordinance C-04-05 of the City of Fort Lauderdale, Florida, established procedures for acquiring General Employees' Retirement System prior service credit for certain nonclassified employees in the City's employ; and

WHEREAS, Ordinance C-04-05 did not encompass employees of Affiliated Agencies, which are the City of Fort Lauderdale General Employees' Retirement System, the City of Fort Lauderdale Police and Firefighters' Retirement System, and the City of Fort Lauderdale Community Redevelopment Agency, a body politic organized and existing under the Community Redevelopment Act, Part III, Chapter 163, Florida Statutes; and

WHEREAS, Section 5 of Ordinance C-04-05 was not codified in the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the City Commission wishes to extend the opportunity to purchase General Employees' Retirement System prior service credit to any remaining employees of Affiliated Agencies who were in the employ of an Affiliated Agency as of January 21, 2004;

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

SECTION 1. Section 5 of Ordinance No. C-04-05 is amended to provide as follows:

That the City of Fort Lauderdale's General Employee's Retirement System is hereby amended to provide:

(a) An Employee in the nonclassified service who is in the employ of the City as of January 21, 2004 and who have either elected membership or who may

elect membership in the Plan and receive Service Credit retroactive to their initial date of appointment as an Employee in the nonclassified service in the following manner:

(1) The Employee described in subsection (a) above must cease receiving a City contribution toward and terminate participation in the City sponsored I.R.C. § 457 deferred compensation plan and the City sponsored I.R.C. § 401(a) defined contribution plan for nonclassified employees and direct a “trustee to trustee” rollover distribution of the balance of the above referenced plans into this Plan no later than June 30, 2004. Termination of the City’s contribution and participation in the above referenced plans shall coincide with the last day of a relevant City pay period. The Board shall accept such direct “trustee to trustee” rollover distribution.

A. In the event an Employee described in subsection (a) above has a balance in the City sponsored I.R.C. § 457 defined contribution plan and City sponsored I.R.C. § 401(a) defined contribution plan for nonclassified employees which is derived in part from (i) governmental agencies or employers other than the City or (ii) from employee contributions, the Finance Director shall allocate the portion of the balance derived from (i) governmental agencies or employers or (ii) employee contributions or both, and the Employee shall not be required to direct a “trustee to trustee” rollover distribution of that portion of the balance into this Plan.

(2) The Employee described in subsection (a) above shall be given credit by the City for the difference between

(i) the amounts the City contributed to the (i) nonclassified Employee’s I.R.C. § 457 deferred compensation plan for nonclassified employees or the I.R.C. § 401(a) defined contribution plan for nonclassified employees or both for the period prior to the Employee becoming a Member of this Plan and

(ii) the amount the City would have contributed to this Plan over the same period had the nonclassified Employee been a Member of this Plan.

After imputing interest on the on the differential set forth in subsections (a)(2)(i) and (ii) at the Plan's actuarially assumed rate of return over the relevant period, the Employee shall receive credit for the application of such differential, together with interest thereon, as against the Employer's contributions over the period for which prior Service Credit is being purchased.

(3) The amounts in subsections (a)(1) and (a)(2) shall be applied against the cumulative amount of what would have been the Employer's contributions to this Plan over the period for which prior Service Credit is being purchased by the nonclassified Employee at the corresponding Employer contribution rate which would have been in effect had the nonclassified Employee been a Member of this Plan during such period.

(4) To the extent that the amounts in subsections (a)(1) and (a)(2) exceed the cumulative amount of what would have been the Employer's contributions to this Plan over the period for which prior Service Credit is being purchased by the nonclassified Employee at the corresponding Employer contribution rate which would have been in effect had the nonclassified Employee been a Member of this Plan during such period, then such surplus shall be applied against the Employee's past contributions for prior Service Credit for the relevant period.

(5) The Employee shall pay past Employee contributions corresponding to the period of prior Service Credit being purchased. The past Employee contributions shall be payable at a rate of not less than three (3%) percent of the Employee's current Earnings. The total past Employee contributions to be paid by the Employee to the Plan shall equal the Employee contributions otherwise applicable to the period for which prior Service Credit is being purchased.

A. The prior Service Credit shall be purchased at the Employee contribution rate applicable to the relevant period being purchased at the Earnings rate in effect for that period. Prior Service Credit shall be purchased in increments no smaller than monthly increments.

B. The past Employee contributions paid by the Employee shall be applied first to the earliest relevant periods at the Employee's Earnings rate then in effect for that period and thereafter the later past Employee contributions paid shall be applied to the later period(s) at the Employee's Earnings rate in effect for such later period(s).

C. In the event the Employee is a participant in another qualified plan for which direct "trustee to trustee" rollover distributions are permitted, to the extent permitted by law the Employee may direct such "trustee to trustee" rollover distribution to this Plan and the Board shall accept such rollover distribution. The rollover distribution under this subsection (a)(5)C. shall be used to purchase prior Service Credit.

D. The Employee may convert accrued management vacation at the rate established in the City's Pay Plan and direct application thereof to past Employee contributions for prior Service Credit. Such past Employee contributions for prior Service Credit under this subsection shall be "picked up" by the City in the manner set forth in Section 20-112 (a)(3).

E. To the extent that all past Employee contributions have not been paid for the purchase of the prior Service Credit at the time of the Employee's termination, accumulated leave balances may be applied to past Employee contributions at the rate established in the City's Pay Plan. Such past Employee contributions for prior Service Credit under this subsection shall be "picked up" by the City in the manner set forth in Section 20-112 (a)(3).

(6) Upon establishing membership in the Plan, such Employee shall be immediately vested with Service Credit retroactive to the date of his hire by the City subject to the following:

A. Upon such Member's normal retirement, to the extent the Member has not fully paid the past Employee contributions corresponding to the period of prior Service Credit being purchased, the Plan shall set-off and withhold disbursement of the monthly

retirement benefit otherwise payable to the Member until such time as all prior Service Credit has been paid in full by the Member.

B. The amount set-off and withheld under subsection (a)(6)A shall be applied to the unpaid balance of past Employee contributions corresponding to the period of prior Service Credit being purchased.

C. As an alternative to subsections (a)(6)A and B above, upon termination the Member may elect to waive, in whole or in part, the prior Service Credit for which there remains an unpaid balance of past Employee contributions, in which event the Member's total accrued and paid Service Credit shall be adjusted and the Member's normal monthly retirement benefit shall likewise be accordingly adjusted.

(b) An Affiliated Agency employee who was in the employ of the Affiliated Agency as of January 21, 2004, and who ceased receiving an employer contribution toward and terminated participation in the City sponsored I.R.C. § 457 deferred compensation plan or the City sponsored I.R.C. § 401(a) defined contribution plan for nonclassified employees on or before June 30, 2004, may purchase General Employees' Retirement System prior service credit on the same terms as an Employee in the nonclassified service who was in the employ of the City as of January 21, 2004, except that such Affiliated Agency employee has until March 31, 2025, to direct a "trustee to trustee" rollover distribution of the balance of the above referenced plans into this Plan.

SECTION 2. This Ordinance shall not be codified in the Code of Ordinances of the City of Fort Lauderdale, Florida.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 1st day of October, 2024.

PASSED SECOND READING this _____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN