

ORDINANCE NO. C-03-27

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA RESPECTING THE GENERAL EMPLOYEES' RETIREMENT SYSTEM BY AMENDING SECTION 20-107 CREATING NEW DEFINITIONS AND MODIFYING EXISTING DEFINITIONS PERMITTING PARTICIPATION IN THE PLAN FOR EMPLOYEES OF DEFINED AFFILIATED AGENCIES OF THE CITY OF FORT LAUDERDALE; AMENDING SECTION 20-108 ELIMINATING AGE AS A CRITERIA FOR PARTICIPATION; ADOPTING A NEW SECTION 20-108.1 CREATING OPTIONAL PARTICIPATION FOR MEMBERS IN A CITY SPONSORED DEFINED CONTRIBUTION PLAN AND ESTABLISHING TERMS AND CONDITIONS THEREFOR; AND AMENDING SECTION 20-110 PERMITTING UNINTERRUPTED PERIOD OF EMPLOYMENT WITH THE CITY OF AFFILIATED AGENCIES TO COUNT TOWARD VESTING FOR CERTAIN EMPLOYEES.

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

SECTION 1. That Section 20-107, entitled "Definitions," of the Code of Ordinances of the City of Fort Lauderdale, Florida is amended to read as follows:

Section 20-107. Definitions

As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meanings indicated:

. . . .

Affiliated Agency means the City of Fort Lauderdale General Employees' Retirement System and the City of Fort Lauderdale Police and Firefighters' Retirement System.

. . . .

City Sponsored Defined Contribution Plan means that Defined Contribution Money Purchase Plan created by City Ordinance No. C-95-41 under Internal Revenue Code Section 401(a).

Employee of an Affiliated Agency means a permanent full-time employee of an Affiliated Agency.

Employee means any person employed by the City or any qualified Employee of an Affiliated Agency, other than a police officer or firefighter in the manner required by the City of Fort Lauderdale Police and Firefighters Retirement System, who:

- (1) Has been appointed to a permanent position in a classified service (as defined by the personnel rules of the City);
- (2) Is in the nonclassified service (as defined by the ~~personnel rules of the City Charter~~) and has elected to become a Member of the Plan); or
- (3) Was transferred to another government agency and at the time of such transfer was a Member of this Plan or the prior plan, provided that the City Commission and/or City Manager approves the initial and continued qualification of such an Employee under this Plan.

For a person employed by an Affiliated Agency to be qualified hereunder as an Employee, such individual must be employed full-time by such Affiliated Agency. Such a qualified person shall be deemed to be an Employee hereunder. Membership in this Plan shall be optional for Employees of Affiliated Agencies.

Group I Member means (a) a Member hired prior to October 1, 1983~~;~~ (b) a Member hired on or after October 24, 1991~~;~~ (c) a Member hired on or after October 1, 1983 but prior to October 24, 1991 and~~;~~ (d) a Member hired prior to October 1, 1983 but who elected under section 20-108(a)(3) to be treated as a Member hired on or after October 1, 1983~~;~~ and, or (e) as to Members within (c)

and (d) above, a Member who did not elect the optional benefit treatment for eligible members in accordance with Section 20-107.1. Group I Member shall also mean an Employee in the nonclassified service of the City or a qualified Employee of an Affiliated Agency who fulfills the prescribed participation requirements set forth in Section 20-108 and elects membership in this Plan on a date on or after October 24, 1991.

Member means an Employee who fulfills the prescribed participation requirements set forth in Section 20-108 or a former employee who is receiving a disability pension.

. . . .

Previously Ineligible Employee means an Employee who was not eligible to participate in the Plan because such Employee had either

- (a) attained age fifty-five (55) on or before his date of employment where the date of his employment was either (i) prior to October 1, 1983 or (ii) on or after October 1, 1991, but before the effective date of this amendment, July 15, 2003 or
- (b) attained age sixty (60) on or before his date of employment when the date of his employment was on or after October 1, 1983 but prior to October 1, 1991.

SECTION 2. That Section 20-108, entitled "Eligibility," of the Code of Ordinances of the City of Fort Lauderdale, Florida is amended to read as follows:

Section 20-108. Eligibility.

(a) *Conditions of eligibility:*

- (1) Employees who were participants in the prior plan at the time of the adoption of this Plan shall become Members of this Plan.

- (2) Except as might be otherwise expressly provided herein, any future Employee shall become a Member of this Plan, provided that:
- a. ~~Such employee shall not have attained age fifty-five (55) years on or before his date of employment, except that an employee hired on or after October 1, 1983, but prior to October 24, 1991 shall be eligible for membership if he has not attained age sixty (60) years on or before his date of employment.~~
 - ab. Such Employee is actively employed at the time of enrollment.
 - bc. Such Employee is not receiving a pension under any other pension plan or retirement system of the City of Fort Lauderdale.
- (3) Except as might be otherwise expressly provided herein, membership in the Plan is mandatory for all eligible Employees and is a condition of their continued employment, except that membership (i) of those in the nonclassified service, (ii) qualified Employees of an Affiliated Agency, and (iii) Previously Ineligible Employees shall be optional. .

SECTION 3. That a new Section 20-108.1, entitled "Option of Participation; City Sponsored Defined Contribution Plan," of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby created to read as follows:

Section 20-108.1. Optional Participation; City Sponsored Defined Contribution Plan.

(a) Eligible Employees may elect to participate in a City Sponsored Defined Contribution Plan in lieu of participation in this defined benefit Plan. Participation in either this defined benefit Plan or the City Sponsored Defined Contribution Plan is mandatory

for all eligible Employees, except that participation in either this defined benefit Plan or the City Sponsored Defined Contribution Plan for Employees in the nonclassified service and for Employees of Affiliated Agencies is optional. An eligible Employee may not participate in both this Plan and the City Sponsored Defined Contribution Plan for the same time period.

(b) The Director of Finance shall promulgate forms for a notice of election ("Notice of Election for New Employees") which form shall be made available to all newly hired Employees. Upon hiring, an Employee electing to participate in the City Sponsored Defined Contribution Plan in lieu of this defined benefit Plan shall file the Notice of Election for New Employees with the Director of Finance prior to the end of his first pay period after his first day of employment.

(c) The election to participate in the City Sponsored Defined Contribution Plan in lieu of this defined benefit Plan shall be made by one who became a Member prior to July 15, 2003 by filing with the Board and with the Director of Finance a notice of election to participate in the City Sponsored Defined Contribution Plan ("Notice of Election") which Notice of Election shall be promulgated by the Director of Finance after consultation with the Plan's Administrator.

(d) The Notice of Election forms shall provide for the following:

- (1) The Notice of Election form shall provide for termination of membership in this defined benefit Plan effective the date specified in the Notice of Election and election of participation in the City Sponsored Defined Contribution Plan.
- (2) The effective date of termination of membership in this defined benefit Plan shall coincide with the last day of a pay period ending no sooner than thirty (30) days after the filing of the Notice of Election.
- (3) The effective date of commencement of participation in the City's Defined Contribution Plan shall

coincide with the first day of the pay period next following the effective date of termination of membership in this defined benefit Plan.

- (4) The Notice of Election form shall contain a notice to the Member that upon termination of membership in this Plan, the Member shall be entitled to refund of Member contributions, with interest, in accordance with Section 20-112 (a) (7) and shall further provide notice with regard to rollover distribution options pursuant to Section 20-115(k) hereof.

(e) As to Employees for whom participation in this Plan or the City's Defined Contribution Plan is mandatory, election to participate in the City's Defined Contribution Plan shall be in accordance with the following:

- (1) As to Employees hired on or after July 15, 2003 for whom participation in this Plan is mandatory, such Employees upon meeting all the eligibility requirements for membership in this Plan shall initially become Members of and participate in this Plan unless they have elected in accordance with subsection (b) above to participate in the City Sponsored Defined Contribution Plan by filing a Notice of Election for New Employees to participate in the City Defined Contribution Plan.
- (2) In the event an Employee for whom participation in this Plan is mandatory desires to participate in the City Sponsored Defined Contribution Plan in lieu of this defined benefit plan, then such Employee who has not filed a Notice of Election for New Employees in accordance with subsection (b) above may, at any time prior to
- (i) commencement of a DROP Retirement, or
 - (ii) termination of employment with the City,
whichever (i) or (ii) should first occur.

file a Notice of Election in the manner set forth

above.

SECTION 4. That subsection (f), entitled "Termination of employment", Section 20-110, entitled "Retirement Benefits" of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended to read:

Sec. 20-110. Retirement benefits.

. . .

(f) *Termination of employment:* The termination of a Member covered by this Plan shall affect the benefits payable hereunder as follows:

(1) Vesting.

a. Except as set forth herein, a Group I Member shall be eligible for a pension, commencing at his Normal Retirement Date and continuing for his lifetime thereafter, if his employment is terminated before death or retirement but after he has completed at least five (5) years of Service. Upon completion of at least five (5) years of ~~S~~service and termination of employment on or after his Normal Retirement Date, such ~~M~~member shall be one hundred (100) percent vested in his accrued pension. Alternatively, upon attainment of fifty (50) years of age or more, a Group I Member who terminates with fifteen (15) or more years of continuous Service may elect an immediate monthly pension subject to the reduction formula for an earlier retirement pension under section 20-110(b).

1. The City Manager shall be eligible for a pension, commencing at his Normal Retirement Date and continuing for his lifetime thereafter, if his employment is terminated before death or retirement, but after he has completed at least two (2) years of ~~S~~service. Upon completion of at

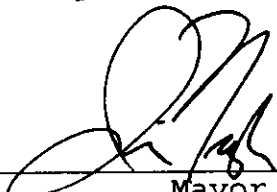
least two (2) years of ~~S~~service and termination of employment on or after his Normal Retirement

Date, such member shall be one hundred (100) percent vested in his accrued pension.

- 2. For the purpose of vesting under this section and for no other purpose, for nonclassified Employees and Employees of Affiliated Agencies, Service shall include the period of the Employee's uninterrupted employment with the City or Affiliated Agency from the date he last entered employment as an Employee up to the date his employment is terminated or the date he ceases to be an Employee as defined herein.

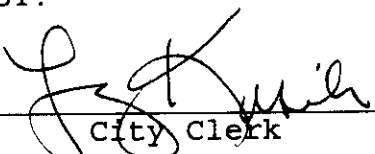
SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this the 1st day of July, 2003.
PASSED SECOND READING this the 15th day of July, 2003.



 Mayor
 JIM NAUGLE

ATTEST:



 City Clerk
 BUCY KISELA