



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**REGULAR MEETING**

**#15-1343**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** November 3, 2015

**TITLE:** Ordinance Amending Section 20-135 of the Code of Ordinances Relating  
to the City of Fort Lauderdale Police and Firefighters' Retirement System  
Authorizing In-Service Distributions

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**Recommendation**

It is recommended that the City Commission adopt the attached ordinance amending Section 20-135, Code of Ordinances of the City of Fort Lauderdale, Florida to retroactively authorize in-service distributions, under limited cases, for members of the Police and Firefighters' Retirement System ("Plan").

**Background**

The City has learned that the Plan may have been operated in a manner that is not in compliance with certain applicable federal tax laws due to the re-employment by the City of certain members who had commenced the receipt of retirement benefits or whose re-employment with the City did not terminate and a retroactive Code amendment is necessary.

In order to maintain and preserve the tax qualified status of the Plan, the City will submit for approval, the proposed amendment to the Internal Revenue Service (IRS), under its Voluntary Correction Program. By adding a new Section 20-135(u) "In-Service Distributions" (see Exhibit 1), the City will create an in-service distribution right for members of the Plan retroactive to January 1, 1999 and terminating on December 31, 2013, except that such in-service distribution right will continue prospectively for certain specified positions.

Based upon the information provided by the Plan's Actuary, the adoption of the ordinance amendment is in compliance with Resolution No. 12-1979 as there is no cost associated for any increase in existing or new benefits. The Actuary's Letter of No Impact is attached as Exhibit 2.

A proposed ordinance amending the City's General Employees' Retirement System to meet the same IRS requirements will be forthcoming for City Commission approval.

**Resource Impact**

There is no fiscal impact to the City.

**Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Internal Support Cylinder of Excellence, specifically advancing:

- Goal 12: Be a leading government organization, managing its resources wisely and sustainably.
- Objective 1: Ensure sound fiscal management.
- Initiative 3: Provide fiscally sustainable employee pensions

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are United*.

**Attachment**

Exhibit 1 – Proposed Ordinance

Exhibit 2 – Letter of No Impact

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Prepared by: Linda Logan-Short, Finance  
Linda Blanco, Finance

Department Director: Kirk Buffington, Finance