

ORDINANCE NO. O-2018-15

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 33.025 OF THE CODE OF ORDINANCES RELATING TO THE EMPLOYEES' RETIREMENT FUND; ALLOWING CERTAIN MEMBERS OF THE FUND TO PURCHASE CREDITED SERVICE FOR PRIOR CITY SERVICE.

WHEREAS, when a City employee is a member of the Employees' Retirement Fund but has prior City service that is not considered credited service under the Employees' Retirement Plan, the ability to purchase credited service for such prior service is limited; and

WHEREAS, the City Commission wishes to allow more such employees to purchase credited service for prior City service; and

WHEREAS, Section 33.031 of the Code of Ordinances provides that the subchapter of Chapter 33 relating to the Employees' Retirement Fund may be amended by (a) a "majority plus one" vote of the City Commission and 50% plus one of the voting members of the Employees' Retirement Fund or (b) a majority vote of electors voting in a referendum election called for such purpose by the City Commission; and

WHEREAS, it is expected that the amendments contained in this ordinance will be adopted in accordance with the procedure designated as (a) in the preceding paragraph, and, to accomplish that, this ordinance must be adopted by a "majority plus one" vote of the City Commission;

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

Section 1: That Section 33.015 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

(Coding: Words and figures underscored are additions to existing law; words and figures ~~struck through~~ are deletions.

Sec. 33.025. Pensions and retirement.

* * *

(D) *Credited Service.* Each member shall receive credit for service rendered as an employee as follows:

* * *

(11) Notwithstanding anything to the contrary contained in this Section 33.025, any city employee who is a contributing member of this plan may purchase credited service under the plan for each period of prior or current city employment in a full-time position during which he/she was not a member of a contributory, defined benefit retirement plan of the city. Such member may enter into an agreement at any time prior to separation from city employment to purchase such credited service by paying a contribution of 8% of the compensation received during the period of prior employment, plus a buy-back fee of 4% of the total contribution amount. If the total contribution amount and buy-back fee is not fully paid by the time the member leaves city employment, an additional 6½% fee will be charged on the unpaid balance remaining when the member separates from city employment. Payments for the purchase of credited service made pursuant to this division must be made using any one or a combination of the following options:

(i) Cash lump sum payment.

(ii) Direct transfer or rollover of an eligible rollover distribution from a qualified plan, in accordance with division (Y) below.

(iii) Time payment plan. Under this option, the member may elect to pay any remaining balance due for the purchase of credited service through a time payment plan approved by the city and the employee. Under such plan, bi-weekly payments shall be deducted from the member's compensation, and if there is any remaining balance due upon separation from city employment, monthly payments shall be deducted from the member's monthly pension benefit until the remaining balance is fully paid: provided that the deduction shall not exceed 20% of the member's gross monthly pension benefit.

* * *

Section 2: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Charter of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

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Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

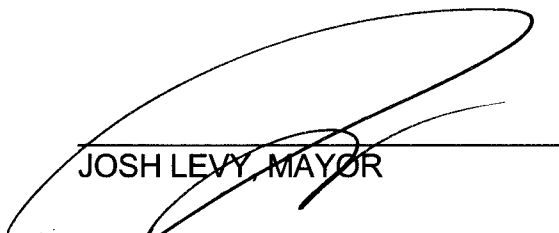
Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this ordinance shall be in full force and effect immediately upon its approval by a "majority plus one" vote of the City Commission and 50% plus one of the voting members of the Employees' Retirement Fund.

ADVERTISED on October 4, 2018.

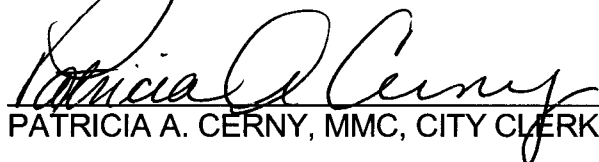
PASSED on first reading this 3 day of October, 2018.

PASSED AND ADOPTED on second reading this 17 day of October, 2018.



JOSH LEVY, MAYOR

ATTEST:



PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:



DOUGLAS R. GONZALES, CITY ATTORNEY