

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. 0-2020-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING CHAPTER 16, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN (GENERAL EMPLOYEES), DIVISION 4, SECTION 16-234, INTERNAL REVENUE CODE COMPLIANCE, TO PROVIDE FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Setting Every Community Up for Retirement Enhancement (“SECURE”) Act, signed into law on December 20, 2019, amended the definition of “Required Beginning Date” under Section 401(a)(9) of the Internal Revenue Code; and

WHEREAS, amendments to the Plan are necessary to conform the Pension Plan to the requirements of the SECURE Act; and

WHEREAS, the Board of Trustees of the City of Tamarac General Employees’ Pension Plan has recommended an amendment to the Pension Plan to comply with the SECURE Act; and

WHEREAS, the trustees of the City of Tamarac General Employees’ Pension Plan have requested and approved the amendments provided herein as being in the best interests of the participants and beneficiaries and improving the administration of the Plan, and

WHEREAS, the City Commission has received and reviewed an actuarial impact statement related to this change and attached as such; and

WHEREAS, the City Commission deems it to be in the public interest to provide this change to the Pension Plan for its General employees;

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underscore type are additions.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Tamarac, Florida:

Section 1. The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Chapter 16, Pensions and Retirement, Article III, Pension Plan (General Employees), Division 4, Section 16-234, of the Tamarac Code is hereby amended as follows:

Sec. 16-234. –Internal Revenue Code Compliance.

* * * * *

(b) *Required beginning date.* Notwithstanding any other provision of the plan, payment of a participant's retirement benefits under the plan shall commence not later than the participant's required beginning date, which is defined as ~~the later of~~:

(1) With regard to distributions required to be made to a participant who reaches age 70 ½ before January 1, 2020: April 1 of the calendar year that next follows the calendar year in which the participant attains or will attain the age of 70½ years; or ¶ April 1 of the calendar year that next follows the calendar year in which the participant retires, whichever is later.

(2) With regard to distributions required to be made on or after January 1, 2020 to a participant who reaches the age of 70 ½ on or after said date: April 1 of the calendar year that next follows the calendar year in which the participant attains or will attain the age of 72 years, or April 1 of the calendar year that next follows the calendar year in which the participant retires, whichever is later.

* * * * *

Section 3. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of

Ordinances of the City of Tamarac, Florida, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 4. All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. This Ordinance shall become effective upon passage; however, the provisions of this Ordinance that are specified to take effect as of a date certain shall take effect as of the date specified herein.

PASSED, FIRST READING, this _____ day of _____, 2020.

PASSED, SECOND READING, this _____ day of _____, 2020.

Michelle J. Gomez, Mayor

ATTEST:

Jennifer Johnson, CMC
City Clerk

I HEREBY CERTIFY that I have approved this
ORDINANCE as to form.

Samuel S. Goren
City Attorney

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underscore type are additions.