

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 IX, ELECTED AND APPOINTED OFFICERS AND NON-REPRESENTED EMPLOYEES RETIREMENT PLAN; AMENDING SECTION 16.908, COMPLIANCE WITH THE INTERNAL REVENUE CODE; EXCESS BENEFIT ARRANGEMENT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tamarac Elected and Appointed Officers and Non-Represented Employees Retirement Plan (the “Plan”) Board of Trustees (the “Board”) has reviewed the proposed changes; and

WHEREAS, changes to the Internal Revenue Code can happen quickly and frequently. There is a benefit in authorizing the Board to make appropriate changes to the Plan in order to maintain the Plan’s tax qualified status; and

WHEREAS, effective January 1, 2020, the Internal Revenue Code was amended by increasing the require minimum distribution age from 70½ to 72; and

WHEREAS, the City Commission of the City of Tamarac has deemed it to be in the best interest of the citizens of the City of Tamarac to amend the plan to reflect these changes;

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

SECTION 1: Section 16-908 of the City of Tamarac Code of Ordinances, is hereby amended to read as follows:

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Words in underscore type are additions.

Sec 16-908 Compliance with the Internal Revenue Code; excess

benefit arrangement

* * * *

(a) It is the intention of the city and of the board that the plan remain at all times a qualified plan, as that term is defined under the Internal Revenue Code and the corresponding Treasury Regulations applicable to a governmental defined benefit retirement plan.

(1) In recognition of the changing requirements of plan qualification, the board shall adopt an administrative policy setting forth the required provisions for tax qualification. Such a policy shall be amended by the board as required to maintain continuing compliance with the Internal Revenue Code and that policy and any amendments shall have the force of law as if adopted by the City Commission.

* * * *

(c) In no event may a member's retirement benefit be delayed beyond the later of April 1st following the calendar year in which the member attains age seventy-two (72) ~~and one-half (70 1/2)~~, provided the member had not attained age seventy and one-half (70 1/2) by December 31, 2019, or April 1st of the year following the calendar year in which the member retires.

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(d) If the distribution has commenced before the participant's death, the remaining interest will be distributed at least as rapidly as under the method of distribution being used as of the date of the participant's death.

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The method of distribution, if the participant dies before distribution is commenced, must satisfy the following requirements:

- (1) Any remaining portion of the participant's interest that is not payable to a beneficiary designated by the participant will be distributed within five (5) years after the participant's death;
- (2) Any portion of the participant's interest that is payable to a beneficiary designated by the participant will be distributed either:
 - a. Within five (5) years after the participant's death; or
 - b. Over the life of the beneficiary, or over a period certain not extending beyond the life expectancy of the beneficiary, commencing not later than the end of the calendar year following the calendar year in which the participant died (or, if a designated beneficiary is the participant's surviving spouse, commencing not later than the end of the calendar year following the calendar year in which the participant would have attained age seventy-two (72)) and ~~one-half (70/12)~~.

SECTION 2: 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 that the sections of this Ordinance may be renumbered or re-lettered, and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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SECTION 4: 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 5: This Ordinance shall become effective upon passage.

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

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