

ORDINANCE NO. 2021-2246

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA; PROVIDING FOR AMENDMENT OF ARTICLE IV OF CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY OF NEW PORT RICHEY, PERTAINING TO THE POLICE OFFICERS' RETIREMENT SYSTEM; PROVIDING FOR AMENDMENT OF SUBSECTION (a) OF SECTION 17- 51, DEFINITIONS, TO AMEND THE DEFINITION OF RETIREMENT; PROVIDING FOR AMENDMENT OF SECTION 17-53, PERTAINING TO THE BOARD OF TRUSTEES; PROVIDING FOR AMENDMENT OF SUBSECTION (h) OF SECTION 17-56, PERTAINING TO THE REQUIRED DISTRIBUTION DATE; PROVIDING FOR AMENDMENT TO SUBSECTION (c) OF SECTION 17-57, PRE-RETIREMENT DEATH, PERTAINING TO THE REQUIRED DISTRIBUTION DATE; PROVIDING FOR AMENDMENT OF SUBSECTION (e) OF SECTION 17-60, OPTIONAL FORMS OF BENEFITS, PERTAINING TO THE REQUIRED DISTRIBUTION DATE; PROVIDING FOR AMENDMENT TO SUBSECTION (b) OF SECTION 17-65, MINIMUM DISTRIBUTION OF BENEFITS, PERTAINING TO THE REQUIRED DISTRIBUTION DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council deems it advisable to amend the City's Police Officers' Retirement System; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1. Chapter 17, Article IV, Section 17-51, Definitions, subsection (a), of the Code of Ordinances, pertaining to the definition of Retirement, is hereby amended as follows (strikeout text is deleted and underlined text is added):

Retirement means a member's separation from city employment with eligibility for immediate receipt of benefits under the system or entry into the Deferred Retirement Option Plan.

Section 2. Chapter 17, Article IV, Section 17-53, Board of Trustees, subsection (a), of the Code of Ordinances, pertaining to board of trustees of the retirement system, is hereby amended as follows (strikeout text is deleted and underlined text is added):

(a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this article is hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city council, and two (2) of whom shall be members of the system, who shall be elected by a majority of the police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four (4) trustees as provided for herein, and such person's name shall be submitted to the city council. The trustees are encouraged, but not required, to select a city resident as its fifth trustee. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board of trustees as is its fifth trustee. The fifth trustee shall have the same rights as each of the other four (4) trustees appointed or elected as herein provided and shall serve a four (4) year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of four (4) years, unless he sooner vacates the office or is sooner replaced by the city council at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of four (4) years, unless he sooner leaves the employment of the city as a police officer or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. DROP participants can be elected as, but cannot vote for elected trustees. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

Section 3. Chapter 17, Article IV, Section 17-56, Benefit Amounts and Eligibility, subsection (h), of the Code of Ordinances, pertaining to the required distribution date, is hereby amended as follows(strikeout text is deleted and underlined text is added):

(h) *Required distribution date.* The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains age seventy and one half (70 ½) or the calendar year in which the member terminates employment with the city the member's required beginning date, as provided under Sec. 17-65.1.

Section 4. Chapter 17, Article IV, Section 17-57, Pre-Retirement Death, subsection (c)(1)e., of the Code of Ordinances, pertaining to the required distribution date, is hereby amended as follows (strikeout text is deleted and underlined text is added):

(c)(l) e. Notwithstanding anything contained in this section to the contrary, in any event, distributions to the spouse beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date selected pursuant to the above provisions in this

~~section that must be on or before December 31 of the calendar year in which the member would have attained 70 1/2~~ no later than the beginning date provided under Sec. 17-65.1, subsection (b)(2)a.

Section 5. Chapter 17, Article IV, Section 17-60, Optional Forms of Benefits, subsection (e)(5), of the Code of Ordinances, pertaining to the required distribution date, is hereby amended as follows (strikeout text is deleted and underlined text is added):

- (5) The Member's benefit under this section must begin to be distributed to the member no later than ~~April 1 of the calendar year following the later of the calendar year in which the member attains age seventy and one half (70 1/2) or the calendar year in which the member terminates employment with the city~~ the member's required beginning date, as provided under Sec. 17-65.1.

Section 6. Chapter 17, Article IV, Section 17-65.1, Minimum Distribution of Benefits, subsections (b)(1) and (b)(2)a., of the Code of Ordinances, pertaining to the required distribution date, is hereby amended as follows (strikeout text is deleted and underlined text is added):

- (b) *Time and manner of distribution.*

- (1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than the member's required beginning date ~~which shall not be later than April 1 of the calendar year following the later of the calendar year in which the member attains age seventy and one half (70 1/2) or the calendar year in which the member terminates employment with the City.~~ For a member who attains age seventy and one-half (70 1/2) prior to January 1, 2020, the member's required beginning date is April 1 of the calendar year following the later of (i) the calendar year in which the member attains age seventy and one-half (70 1/2) or (ii) the calendar year in which the member terminates employment with the City. For a member who attains age seventy and one-half (70 1/2) on or after January 1, 2020, the member's required beginning date is April 1 of the calendar year following the later of (i) the calendar year in which the member attains age seventy-two (72) or (ii) the calendar year in which the member terminates employment with the City.
- (2) *Death of member before distributions begin.* If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:
- a. If the member's surviving spouse is the member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date on or before December 31 of the calendar year in which the member would have attained age seventy and one-half (70 1/2) (or age 72 for a member who would have attained age 70 1/2 after December 31, 2019) if later, as the surviving spouse elects.

Section 7. Conflict with Other Ordinances and Codes. All Ordinances or parts of Ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict

Section 8. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 9. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

Section 10. Codification. Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of New Port Richey.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 2nd day of November, 2021, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 16th day of November, 2021.

ATTEST:

By: _____
Judy Meyers, CMC, City Clerk

By: _____
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE
AND RELIANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney

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