

**ORDINANCE NO. 14-2020**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION III, FIREFIGHTERS, BY AMENDING SECTION 82-94, RETIREMENT AGE AND SERVICE CONDITIONS FOR FIREFIGHTERS; AMENDING SUBDIVISION III, FIREFIGHTERS, BY AMENDING SECTION 82-98, CHAPTER 175 SHARE ACCOUNTS; AMENDING SUBDIVISION III, FIREFIGHTERS, BY AMENDING SECTION 82-99, DEFERRED RETIREMENT OPTION PROGRAM FOR FIREFIGHTERS; AMENDING SUBDIVISION IV, POLICE OFFICERS, BY AMENDING SECTION 82-114, RETIREMENT AGE AND SERVICE CONDITIONS FOR POLICE OFFICERS; AMENDING SUBDIVISION IV, POLICE OFFICERS, BY AMENDING SECTION 82-119, DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE OFFICERS; AMENDING SUBDIVISION V, GENERAL EMPLOYEES AND LIFEGUARDS, BY AMENDING SECTION 82-135, AMOUNT OF PENSION FOR BENEFIT GROUP GENERAL AND BENEFIT GROUP LIFEGUARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-94 to read as follows:

Sec. 82-94. - Retirement age and service conditions for firefighters.

\* \* \*

(b) The age and service conditions for normal retirement are as follows:

(1) Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50 with ten or more years of credited service; or when the member's age to last completed month at termination of service plus credited service totals 65 years or more and the member has ten or more years of credited service; or when the member has 20 or more years of credited service.

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**Section 2.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-98 to read as follows:

Sec. 82-98. - Chapter 175 share accounts.

(a) *Individual member accounts.* A separate individual member account shall be established and maintained in each group firefighter member's name effective on or after October 1, 1998. Firefighter DROP participants shall participate or continue to participate in this supplemental plan and the accounts for such participants shall be treated as individual member accounts under this section 82-98. Firefighter members who are employed by the town and not participating in the DROP on May 1, 2012 shall be deemed 100% vested in their individual member account, regardless of a member's length of service upon separation from Town employment.

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**Section 3.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-99 to read as follows:

82-99 - Deferred retirement option program for firefighters.

(b) *Eligibility of member to participate in the DROP.* Retirement system members are eligible to elect participation in the DROP provided that they elect to retire as of a date certain and provided that:

(1) Election to participate may be made when the member first reaches normal retirement date or age, as follows:

a. Members who were employed by the town and not participating in the DROP on May 1, 2012, shall be eligible to participate in the DROP upon attaining age 50; or the date on which the member's age to last completed month plus credited service totals 65 years or more; or 20 years of credited service regardless of age. Upon entry into the DROP the benefit payable to such member's DROP account shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 65. Such member who fails to make an election within 84 months after the member has 20 years of credited service shall forfeit all rights to participate in the DROP. Notwithstanding the preceding two sentences, effective October 1, ~~2016-2019~~ for non-bargaining unit members who are participating in the DROP on that date or who enter the DROP after that date, and effective November 2, 2019 for bargaining unit members who are participating in the DROP on that date or who enter the DROP after that date, the accrued benefit based on

credited service on and after May 1, 2012 shall be payable to the member's DROP account upon attaining age ~~56-55~~ with 10 years of service or age 52 with 25 years of service, and such members who fail to make an election within 84 months after the member attains 20 years of credited service shall not forfeit the right to participate in the DROP.

b. Members hired on or after May 1, 2012, shall be eligible to participate in the DROP upon attaining age ~~56-55~~ with ten or more years of service or age 52 with 25 years of service.

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**Section 4.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-114 to read as follows:

Sec. 82-114. - Retirement age and service conditions for police officers.

\* \* \*

(b) The age and service conditions for normal retirement are as follows:

(1) Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50 with ten or more years of credited service; or when the member's age to last completed month at termination of service plus credited service totals 65 years or more and the member has ten or more years of credited service; or when the member has 20 or more years of credited service.

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**Section 5.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-119 to read as follows:

82-119. - Deferred retirement option program for police officers.

\* \* \*

(b) *Eligibility of member to participate in the DROP.* Retirement system members are eligible to elect participation in the DROP provided that they elect to retire as of a date certain and provided that:

(1) Election to participate may be made when the member first reaches normal retirement date or age as follows:

a. Members who were employed by the town and not participating in the DROP on May 1, 2012, shall be eligible to participate in the DROP upon

attaining age 50; or the date on which the member's age to last completed month plus credited service totals 65 years or more; or 20 years of credited service regardless of age; and upon entry into the DROP the benefit payable to such member's DROP account shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age ~~65~~ 55. Such member who fails to make an election within 84 months after the member has 20 years of credited service shall forfeit all rights to participate in the DROP. Notwithstanding the preceding two sentences, effective October 1, ~~2016~~ 2019 for members who are participating in the DROP on that date or who enter the DROP after that date, the accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account upon attaining age ~~56~~ 55 with 10 years of service or age 52 with 25 years of service, and such members who fail to make an election within 84 months after the member attains 20 years of credited service shall not forfeit the right to participate in the DROP.

b. Members hired on or after May 1, 2012, shall be eligible to participate in the DROP upon attaining age ~~56~~ 55 with ten or more years of service or age 52 with 25 years of service.

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**Section 6.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V. – General Employees and Lifeguards; by amending Section 82-135 to read as follows:

Sec. 82-135. - Amount of pension for benefit group general and benefit group lifeguard.

\* \* \*

(c) The benefit formulas are:

*(1) For benefit group general.*

\* \* \*

e. For benefits based on credited service prior to May 1, 2012, an early retirement reduction of ~~0.003~~ 0.3 percent (0.3%) shall apply for each month that early retirement under subsection 82-134(b)(1)b. precedes a date the member would have met age and service conditions for normal retirement under subsection 82-134(b)(1)a., if the member had not elected early retirement.

f. For benefits based on credited service on and after May 1, 2012, an early retirement reduction of ~~0.006~~ 0.6 percent (0.6%) shall apply for each month that early retirement under subsection 82-134(b)(1)c. precedes a date the member would have met age and service conditions for normal retirement under subsection 82-134(b)(1)a., if the member had not elected early retirement.

\* \* \*

**Section 7.** Severability.

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

**Section 8.** Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

**Section 9.** Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

**Section 10.** Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of September, 2020 and for second and final reading on this 13th day of October, 2020.

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Gail L. Coniglio, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Council President Pro Tem

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Julie Araskog, Town Council Member

ATTEST:

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Lewis S.W. Crampton, Town Council Member

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Queenester Nieves, CMC, Town Clerk

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Danielle H. Moore, Town Council Member