

ORDINANCE NO. 2022-26

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 10, PERSONNEL, ARTICLE IV, RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS, DIVISION 3, RETIREMENT SYSTEMS AUTHORIZED, SEC. 10-148 ENTITLED “PUBLIC SAFETY OFFICERS AND FIREFIGHTERS RETIREMENT PLAN AND TRUST”; AMENDING THE FLORIDA MUNICIPAL PENSION TRUST FUND DEFINED BENEFIT PLAN AND TRUST ADOPTION AGREEMENT TO PROVIDE FOR A DEFERRED RETIREMENT OPTION PLAN FOR THOSE PUBLIC SAFETY OFFICERS WHO CONTINUED TO REMAIN MEMBERS OF THE CITY’S RETIREMENT PLAN AFTER BECOMING PBSO EMPLOYEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, as set forth in Section 10-148 of the City’s Code of Ordinances, the City established a retirement plan and trust for the public safety officers/sworn law enforcement officers and firefighters of the City on January 1, 1996 (“Retirement Plan” or “Plan” or “City Retirement Plan”), which included as Exhibit “B-3” the Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement with attachments (the “Adoption Agreement”); and

WHEREAS, the Adoption Agreement authorizes the City Council to amend the Plan and Trust Agreement, in whole or in part, either retroactively or prospectively, by delivering to the Board of Trustees of the Retirement Plan a written amendment to the same; and

WHEREAS, on February 1, 2016, sworn law enforcement officers of the City became employees of the Palm Beach Sheriff’s Office (PBSO). At that time, some officers elected to continue to participate in the Retirement Plan after becoming PBSO employees; and

WHEREAS, to City desires to amend the Retirement Plan to provide for a Deferred Retirement Option Plan (“DROP”) for sworn law enforcement officers of the City who continued to participate in the Retirement Plan after becoming PBSO employees; and

WHEREAS, in order to implement such a DROP plan, the City must adopt an ordinance amending Section 10-148 of the City Code and the documents referred to therein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. That Chapter 10, Article IV, Division 3, Section 10-148, of the Greenacres City Code entitled “Public Safety Officers and Firefighters Retirement Plan and Trust” is hereby amended as follows:

ARTICLE IV. RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS

Sec. 10-148. Public Safety Officers and Firefighters Retirement Plan and Trust.

(a) A retirement plan and trust for the firefighters and public safety officers of the City of Greenacres is hereby established, effective the 1st day of January 1996. The instruments which represent the terms of said plan and trust include the Florida Municipal Pension Trust Fund Trust Joinder Agreement (exhibit “A”), Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement (exhibit “B-3” including the Amendment No. 2 3 to the Share Plan - attachment 1, and Amendment No. 1 to the Retirement Plan Changes for Sworn Law Enforcement Officers Effective February 1, 2016 – attachment 2), the Florida Municipal Pension Trust Fund Defined Benefit Plan Document, (exhibit “C”), the Florida Municipal Pension Trust Fund, Master Trust Agreement (exhibit “D-1”) and the Investment Policy (exhibit “E”), and will be and remain exhibits to this section,

remanded to the custody of the city clerk who will maintain such for public inspection.

SECTION 2. The Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement is hereby amended to include a DROP program for sworn law enforcement officers of the City who continued to participate in the Retirement Plan after becoming PBSO employees as further set forth in the document attached to this Ordinance as Exhibit “1” and incorporated herein.

SECTION 3. Repeal of Conflicting Ordinances

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “Section”, “Article” or another word.

SECTION 5. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group

of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 14th day of September 2022.

PASSED AND ADOPTED on the second reading this 28th day of September 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

John Tharp, Deputy Mayor

Peter Noble, Council Member, *District II*

Judith Dugo, Council Member, *District III*

Susy Diaz, Council Member, *District IV*

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney