

Temp. Ord. No. 1711
10/11/18

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 19-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING CITY CODE CHAPTER 15 “PENSIONS”, ARTICLE VI “SENIOR MANAGEMENT PENSION PLAN AND TRUST FUND,” CREATING SECTION 15-355(j) OF THE MANAGEMENT PLAN TO PERMIT IN-SERVICE DISTRIBUTIONS TO THE CITY MANAGER OR INTERIM CITY MANAGER AS PERMITTED BY THE IRS CODE AND TREASURY REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 15 “Pensions”, Article VI “Senior Management Pension Plan and Trust Fund” of the City of Miramar Code of Ordinances governs the retirement plan and trust fund for management employees (the “Management Retirement Plan”);

WHEREAS, the Internal Revenue Code permits governmental plans to pay “in-service distributions” to retirees provided that applicable Treasury Regulations are followed;

WHEREAS, the City Commission deems it to be in the best interest of the City to approve this amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: The foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

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Section 2: That Section 15-355(j) of the City Code is hereby created to read as follows:

Chapter 15 – Pensions

* * *

Article VI. – Senior Management Pension Plan and Trust Fund

* * *

Sec. 15-355. – Service retirement benefits.

* * *

(j) *Payment of in-service distributions to City Manager or Interim City Manager.*
Notwithstanding any provision to the contrary, in-service distributions are payable to the City Manager or Interim City Manager, as permitted by the Internal Revenue Code and applicable Treasury Regulations. In such event, the City Manager or Interim City Manager will not earn additional service credit in the Plan.

Section 3: All sections or parts of sections of the City Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

Section 4: Should any section or provision of this Ordinance or any paragraph, sentence or word, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part hereof, other than the part declared to be invalid.

Section 5: It is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miramar and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

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Section 6. This Ordinance shall be retroactive to the date of hire of the City or Interim City Manager.

PASSED FIRST READING: October 17, 2018

PASSED AND ADOPTED ON SECOND READING: November 5, 2018

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

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

City Attorney
Weiss Serota Helfman
Cole & Bierman, P. L.

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Winston F. Barnes	Yes
Commissioner Maxwell B. Chambers	Yes
Vice Mayor Yvette Colbourne	Yes
Commissioner Darline B. Riggs	Yes
Mayor Wayne M. Messam	Yes