

**ORDINANCE 2022- 18
AMENDING VOLUNTEER FIREFIGHTER
RETIREMENT SYSTEM**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, RETIREMENT, DIVISION 2, VOLUNTEER FIREFIGHTER RETIREMENT SYSTEM AND TRUST FUND; AMENDING SECTION 2-531, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 2-549, SUPPLEMENTAL BENEFIT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Palm Coast Volunteer Firefighters' Retirement System presently provides pension and certain other benefits to volunteer firefighters under ordinances of the City of Palm Coast; and

WHEREAS, the City of Palm Coast Volunteer Firefighters' Retirement System intends to provide its Members and Retirees increased benefits; and

WHEREAS, the Board of Trustees of the City of Palm Coast Volunteer Firefighters' Retirement System has considered and approved proposed amendments to the plan and has recommended these amendments to the City Council for adoption.

NOW THEREFORE, BE IT ORDAINED BY THE BY THE CITY OF PALM COAST, FLORIDA;

SECTION 1: That Chapter 2, Administration, Article VI, Retirement, Division 2, Volunteer Firefighter Retirement System and Trust Fund, Section 2-531, *Benefits amounts and eligibility*, is hereby amended to read as follows:

Sec. 2-531. - Benefit amounts and eligibility.

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(b) *Normal retirement benefit.* Subject to the limit under section 2-540, a member retiring hereunder on or after his normal retirement date shall receive a normal retirement benefit which is a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during the member's lifetime, ceasing upon death, but with 120 monthly payments guaranteed in any event. The monthly retirement benefit shall be equal to \$65.00 for each year of Credited service. Effective October 1, 2021, the monthly retirement benefit for all current Retirees shall be equal to \$75.00 for each year of Credited service. Notwithstanding, a member who retires on or after October 1, 2021, shall be entitled to a monthly retirement benefit equal to the following:

(1) Firefighters who accrue less than ten (10) years of Credited service shall be paid a monthly retirement benefit equal to \$85.00 for each year of Credited service; and

(2) Firefighters who accrue ten (10) or more years of Credited service shall be paid a monthly retirement benefit equal to \$100.00 for each year of Credited service.

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SECTION 2: That Chapter 2, Administration, Article VI, Retirement, Division 2, Volunteer Firefighter Retirement System and Trust Fund, Section 2-549, *Supplemental benefit*, is hereby amended to read as follows:

Sec. 2-549. - Supplemental benefit.

There is hereby established an additional supplemental retirement, termination, death and disability benefit to be paid in addition to the benefits provided for in the previous sections of this division, such benefit shall be funded solely and entirely by a portion of the existing excess state premium tax reserve in the amount of \$1,505,738.00 ("reserve amount"), and future premium tax revenues in excess of \$200,000.00, beginning with the plan

year ending September 30, 2017, all of which represent premium tax monies received or to be received by the plan pursuant to F.S. ch. 175.

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- (f) *Forfeitures.* Any member who has less than five years of credited service (non-vested) and who is not otherwise eligible for payment of benefits after (1) termination of membership as a Volunteer Firefighter or (2) death, shall forfeit the remaining balance of his individual member share account in accordance with the vesting schedule provided in section 2-549(g)(2). Forfeited amounts shall be redistributed to all the other individual member accounts on each valuation date in an amount determined in accordance with subsection (c)(2)a. Unallocated reserve amounts attributable to the non-vested terminating or deceased member shall be redesignated as a plan reserve.

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- (g) *Eligibility for benefits.* Any member who terminates membership as a Volunteer Firefighter, upon application filed with the board, shall be entitled to be paid the value of his individual member share account, subject to the following criteria, and subject to the limitation of subsection (j) below:

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(2) *Termination benefit.*

- a. In the event that a member's membership as a Volunteer Firefighter is terminated by reason other than retirement, death, or disability, he shall be entitled to receive the value of his share account only ~~if to the extent that they are he is vested in accordance with section 2-534 and subsection (f) above.~~ in such benefits. Effective October 1, 2021, a member shall be eligible to receive twenty (20%) of the balance in the member's account for each year of accrued Credited service up to five (5) years. After a member has accrued five (5) years of Credited service, such member shall be entitled to one hundred (100%) percent of the balance in their account. The share account balances of such non-vested terminated

member accounts shall be redistributed into the allocation for eligible Members for the next fiscal year.

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(4) *Death benefit.*

- a. In the event that a member dies while an active Volunteer Firefighter, 100 percent of the value of his share account shall be paid to his designated beneficiary as provided in section 2-536, but only if he is vested in accordance with section 2-549(g)(2)34 and subsection (f) above.

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SECTION 3: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Palm Coast.

SECTION 4: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6: This Ordinance shall become effective upon passage; however, the provisions of this Ordinance that are specified to take effect as of a date certain shall take effect as of the date specified herein.

PASSED ON FIRST READING this 6th day of September 2022.

ADOPTED ON SECOND READING this 20th day of September 2022.

ATTEST:

CITY OF PALM COAST



VIRGINIA A. SMITH, CITY CLERK



DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY:



NEYSA BORKERT, CITY ATTORNEY

