

ORDINANCE NO. O 2019-007

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 3.6 OF THE TOWN OF DAVIE POLICE PENSION PLAN TO PROVIDE FOR CONTINUED PAYMENT OF RETIREMENT BENEFITS FOR RETIREES WHO ARE REHIRED AS SCHOOL RESOURCES OFFICERS OR APPOINTMENT AS RESERVE POLICE OFFICERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Davie is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the proposed ordinance creation is within the police power of the Town of Davie; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed ordinance; and

WHEREAS, the Town Council of the Town of Davie has previously adopted Ordinance 99-20 amending and restating the pension plan for sworn full-time Police Officers; and

WHEREAS, the Town Council has legally advertised its intent to amend section 3.6 (c) of the Town of Davie Police Pension Plan; and

WHEREAS, section 3.6 (c) of the Davie Police Pension Plan will now read as follows:

3.6 Reemployment.

(c) *Reemployment of Retirees as School Resource Officers or appointment as Reserve Police Officers.* Notwithstanding subsection 3.6(b), a member retired with a normal service retirement benefit who is rehired by the Town as a school resource officer or appointed as a reserve

police officer may receive an in-service distribution provided that the rehired/appointed retired member meets the requirements of the Internal Revenue Code and corresponding regulations of the Department of the Treasury for age, service, or a combination of age plus service. A rehired/appointed retired member receiving an in-service distribution under this paragraph shall not be classified as a full-time police officer and shall not be eligible to earn additional service in the Davie Police Pension Plan.

WHEREAS, the Town of Davie is interested in appointing retired members as Reserve Police Officers; and

WHEREAS, the Internal Revenue Code and IRS regulations govern “in service” distributions; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town’s residents; and

WHEREAS, pursuant to the Internal Revenue Code and regulations, police officers must be at least 50 years old and retired to be eligible to be appointed as a Reserve Police Officers; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

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

Section 2. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS 20TH DAY OF MARCH, 2019.

PASSED ON SECOND READING THIS 3RD DAY OF APRIL, 2019.

ATTEST:


TOWN CLERK


MAYOR/COUNCILMEMBER

APPROVED THIS 3RD DAY OF APRIL, 2019.

Approved as to Form and Legality:


TOWN ATTORNEY

William Ackerman

From: Greg Brilliant <gregb@mydpdpension.org>
Sent: Wednesday, February 20, 2019 9:33 AM
To: William Ackerman
Cc: Patty Ostrander; Dave Williams
Subject: Proposed Town Ordinance

Good Morning Mr. Ackerman,

The proposed Town Ordinance, which had been reviewed by KKJ&L prior to the meeting, was discussed with Mr. Stuart Kaufman and the Board of Trustees. The Board of Trustees expressed no objections so long as the Ordinance was in compliance with the IRS code dealing with a retiree receiving benefits and this change would not jeopardize those benefits. There was no further comment from the Board members and Mr. Kaufman was of the opinion that the Ordinance, in its final iteration, would in fact comply with IRS guidelines.

--

RESPECTFULLY,

Greg Brilliant, Plan Administrator
FOR THE BOARD

Davie Police Pension Plan
C/O Precision Pension Administration, Inc.
13790 NW 4 Street, Suite 105
Sunrise, Florida 33325

Phone: 954.636.7170
Toll Free Fax: 866.769.0678
<http://mydpdpension.org>

PUBLIC RECORD NOTICE

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

PRIVACY NOTICE

This e-mail and any files transmitted with it are confidential and are solely for the use of the individual or entity to whom they are addressed. If you are not the original recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error, and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. If you received this e-mail in error, please immediately notify the sender.

February 14, 2019

Mr. Dave Williams
Precision Pension Administration, Inc.
13790 NW 4th Street, Suite 105
Sunrise, FL 33325

**Subject: Davie Police Pension Plan
 Actuarial Impact Statement for Plan Amendment**

Dear Dave:

We are pleased to enclose an Actuarial Impact Statement in support of the proposed amendment of the Town of Davie Police Pension Plan. The Actuarial Impact Statement is for the following changes to section 3.6(c) of the Davie Police Pension Plan:

(c) Reemployment of Retirees as School Resource Officers or appointment as Reserve Police Officers.

Notwithstanding subsection 3.6(b), a member retired with a normal service retirement benefit who is rehired by the Town ~~solely~~ as a school resource officer or appointed as a reserve police officer may receive an in-service distribution provided that the rehired/appointed retired member meets the requirements of the Internal Revenue Code and corresponding regulations of the Department of the Treasury for age, service, or a combination of age plus service. A rehired/appointed ~~school resource officer~~ retired member receiving an in-service distribution under this paragraph shall not be classified as a full time police officer and shall not be eligible to earn additional service in the Davie Police Pension Plan.

There would be **no actuarial impact** as a result of this change.

Mr. Dave Williams
February 14, 2019
Page 2

We have prepared the Actuarial Impact Statement for filing with the State of Florida. Please note that this Statement must be signed and dated on behalf of the Board of Trustees. A copy of the proposed ordinance upon passage at the first reading along with this Actuarial Impact Statement should be submitted to the State at the following addresses:

Mr. Douglas Beckendorf, A.S.A.
Bureau of Local Retirement Systems
Florida Division of Retirement
P.O. Box 9000
Tallahassee, FL 32315-9000

Please forward a copy of the ordinance upon passage at second reading to update our files.

We have prepared this Impact Statement based upon the October 1, 2018 census and financial data that was utilized for the October 1, 2018 Actuarial Valuation. The methods and assumptions used in the calculations are the same as those that were utilized for the October 1, 2018 Actuarial Valuation.

If you should have any question concerning the above, please do not hesitate to contact us.

Sincerely,



Donald A. DuLaney Jr., A.S.A., E.A.
Senior Consulting Actuary

DAD:cp

cc: Mr. Greg Brilliant