

ORDINANCE NO. 35-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 35, "EMPLOYEE POLICIES AND BENEFITS", SUBHEADING "RETIREMENT PLAN", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 35.098, "SUPPLEMENTAL RETIREMENT INCOME AND MINIMUM BENEFITS" TO PROVIDE A COST OF LIVING ADJUSTMENT OF 2.5% TO RETIRED GENERAL EMPLOYEES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach General Employees' Retirement Plan ("Plan") was established by ordinance of the City Commission many years ago to provide retirement and disability benefits to City employees and their beneficiaries; and

WHEREAS, the City Commission has determined it to be in the best interest of the City and its retired general employees to provide a one-time cost-of-living adjustment for retired Plan participants, or the beneficiaries of such retired participants, who were receiving benefits on October 1, 2025; and

WHEREAS, the City Commission has received, reviewed, and considered an actuarial impact statement describing the actuarial impact of the amendment provided for herein; and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Delray Beach;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Chapter 35, Section 098, "*Supplemental Retirement Income and Minimum Benefits*", of the Code of Ordinance of the City of Delray Beach is hereby amended as follows:

Sec. 35.098. - SUPPLEMENTAL RETIREMENT INCOME AND MINIMUM BENEFITS.

Effective as of January 1, 1993, all participants or beneficiaries of participants who were receiving benefits under the plan prior to January 1, 1991, shall have the monthly amount of retirement income increased by five (5) percent over the gross amount they were receiving in December of 1990. In addition, effective August 1, 1999, all participants or beneficiaries of participants who were receiving benefits under the plan prior to September 30, 1993, shall have

the monthly amount of retirement income increased by five (5) percent over the gross amount they were receiving in August of 1993; provided, however, this increase effective July 1, 1999, shall not exceed one hundred dollars (\$100.00) per month. Effective August 1, 1999, all participants with ten (10) or more years of credited service, and designated beneficiaries of such participants who receive plan benefits that are based on or derived from the participant's normal retirement income, regardless of the participant's retirement date, shall receive benefits based on a minimum monthly normal retirement income amount of at least five hundred dollars (\$500.00) per month. Effective October 1, 2026, the monthly retirement income of retired participants, or beneficiaries thereof, who were receiving benefits under the plan (not participating in DROP) as of October 1, 2025, shall be increased, one-time, by two and one-half (2.5) percent over the gross amount they were receiving in October of 2025.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. Should any section or provision of this Ordinance or any portion thereof, 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 thereof other than the part declared to be invalid.

Section 5. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 6. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading this ____ day of _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

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