

ORDINANCE NO. 32-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 33, "POLICE AND FIRE-RESCUE DEPARTMENTS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING "FIREFIGHTERS' RETIREMENT SYSTEM," SECTION 33.78, "CONTRIBUTIONS"; PROVIDING FOR THE REMOVAL OF INTEREST FROM A MEMBER'S REFUND OF CONTRIBUTIONS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND OTHER PURPOSES.

WHEREAS, the Board of Trustees of the City of Delray Beach Firefighters' Retirement System wishes to eliminate payment and accrual of interest from a Member's refund of contributions; 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; and

WHEREAS, the City Commission deems it to be in the public interest to provide the following changes to the Firefighters' Retirement System.

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

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

Section 2. Chapter 33, "POLICE AND FIRE-RESCUE DEPARTMENTS", Section 33.78, "CONTRIBUTIONS", subsection (D), "*Guaranteed Refund of Member Contributions*", of the Code of Ordinance of the City of Delray Beach is hereby amended as follows:

Sec. 33.78. – CONTRIBUTIONS.

(A)-(C) (These subsections shall remain in full force and effect as adopted.)

(D) *Guaranteed Refund of Member Contributions.* All benefits payable under this system are in lieu of a refund of member contributions. Effective September 1, 1999, employees who terminate employment with less than ten (10) years of continuous service, upon the election to receive a refund of member contributions, shall receive a noncompounded simple interest rate of three (3) percent per year applied to the principal balance of the participant's contributions as accrued on December 31 of each year. Effective September 1, 1999, employees who terminate employment with ten (10) years or more of continuous service, upon the election to receive a refund of member contributions, shall receive a noncompounded simple interest rate of five (5) percent per year applied to the principal balance of the participant's contribution as accrued on December 31 of each year. Effective [enter date of ORD adoption], no further interest shall be credited to a member's respective accumulated contributions. Notwithstanding, all interest, as described herein, credited and accrued as of [enter

date of ORD adoption], shall remain included, but no additional interest going forward shall be credited to member contributions. Any member hired on or after enter date of ORD adoption shall not be entitled to any interest accrual on their respective accumulated member contributions. In any event, each member shall be guaranteed the payment of benefits at least equal in total amount to their accumulated contributions, plus interest, when applicable, as provided herein.

(D)-(F) (These subsections shall remain in full force and effect as adopted.)

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 on this ____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form:

Lynn Gelin, City Attorney