



## Legislation Text

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File #: 18-562, Version: 1

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**TO: Mayor and Commissioners**  
**FROM: R. Max Lohman, City Attorney**  
**DATE: September 6, 2018**

ORDINANCE NO. 17-18: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 33 "POLICE AND FIRE-RESCUE DEPARTMENTS" BY AMENDING PROVISIONS OF THE POLICE OFFICERS' RETIREMENT SYSTEM; AMENDING SECTION 33.65 "ADMINISTRATION"; AMENDING SECTION 33.67, "OTHER PROVISIONS"; CREATING A NEW SECTION 33.725, "SHARE PLAN"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

**Recommended Action:**

Motion to approve Ordinance 17-18 in order to correct three items that were inadvertently left out of Ordinance 17-16.

**Background:**

In 2016, the City Commission adopted Ordinance 17-16, splitting the Joint Police Officers and Fire Fighters Retirement System into two separate funds that are administered by separate boards of trustees. Due to the timing of the adoption of 17-16, a few items were left out of the ordinance. The current ordinance is a corrective ordinance which amends or adds the following provisions:

- Provide a 4 year term for the fifth member of the pension board. Ordinance 17-16 inadvertently provided for a 2-year term for this seat. The fifth member is the one selected by the other 4 members. The 4 year term will make the fifth member's term the same as all the other board members.
- Add the employment after retirement provision that was adopted in Ordinance 29-15 but not codified in the City Code. This allows a retired police officer to be reemployed by the City in a part-time capacity after a break in service of at least 30 days, and continue to receive City retirement benefits while re-employed.
- Create a "share plan" for police officers, in accordance with Chapter 185, *Florida Statutes*, as amended in 2015. The share plan will not be funded until such time as the City and union agree to fund it.

**City Attorney Review:**

City Attorney has approved as to form and legal sufficiency.