

**ORDINANCE NO.1574**

**AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA; FURTHER AMENDING THE CITY OF PANAMA CITY BEACH POLICE OFFICERS' PENSION PLAN ADOPTED BY ORDINANCE NUMBER 1159, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 5, CONTRIBUTIONS, TO PROVIDE FOR AN INCREASED CONTRIBUTION FOR MEMBERS WHO CHOOSE TO SELECT 20 YEAR AND OUT NORMAL RETIREMENT ELIGIBILITY, AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY, TO PROVIDE FOR A 20 YEAR AND OUT NORMAL RETIREMENT BENEFIT OPTION, AMENDING SECTION 9 VESTING, TO AMEND THE VESTING SCHEDULE FROM TEN TO A VESTING PERCENTAGE SCHEDULE COMMENCING AT FIVE YEARS FOR ALL ACTIVE MEMBERS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of Trustees of the Panama City Beach Police Officers' Pension Plan has prepared this ordinance to amend, effective upon passage of this ordinance; and

WHEREAS, the Board of Trustees of the Panama City Beach Police Officers' Pension Plan believes that implementation of this ordinance is in the best interests of the citizens of the City of Panama City Beach; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

**SECTION 1:** That the City of Panama City Beach Police Officers' Pension Plan, adopted by Ordinance number 1159, as subsequently amended, is hereby further amended by amending Section 5, CONTRIBUTIONS, as follows:

**SECTION 5. CONTRIBUTIONS.**

1. **Member Contributions.**

- A. **Amount.** Each Member of the System who does not make the election provided for in Section 6, Benefit Amounts and Eligibility, Subsection 1.B., shall be required to make regular contributions to the Fund in the amount of eleven percent (11%) of his or her Salary. Upon election prior to February 3, 2022, or at the time of employment, each Member of the System who elects to have the option to retire upon the completion of twenty (20) years of Credited Service regardless of age pursuant to Section 6, Benefit Amounts and Eligibility,

subsection 1, B, shall be required to make regular contributions to the Fund in the amount of thirteen (13%) percent of his or her salary effective February 3, 2022, or at the time of employment, whichever is applicable. Member contributions withheld by the City on behalf of the Member shall be deposited with the Board immediately after each pay period. The contributions made by each Member to the Fund shall be designated as employer contributions pursuant to §414(h) of the Code. Such designation is contingent upon the contributions being excluded from the Members' gross income for Federal Income Tax purposes. For all other purposes of the System, such contributions shall be considered to be Member contributions.

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**SECTION 2:** That the City of Panama City Beach Police Officers' Pension Plan, adopted by Ordinance number 1159, as subsequently amended, is hereby further amended by amending Section 6, BENEFIT AMOUNTS AND ELIGIBILITY, as follows:

**SECTION 6. BENEFIT AMOUNTS AND ELIGIBILITY.**

1. **Normal Retirement Date.**

- A. A Member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age fifty (50) and the completion of twenty (20) years of Credited Service, or, the attainment of age fifty-five (55) and the completion of ten (10) years of Credited Service. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become one hundred percent (100%) vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the City on or after the normal retirement date.
  
- B. Upon election prior to February 3, 2022, or at the time of employment, a Member may irrevocably elect a normal retirement date coincident with, or next following the completion of twenty (20) years of Credited Service, regardless of age or in accordance with the normal retirement dates specified in paragraph A., if such Member terminates prior to completion of twenty (20) years of Credited Service. Such Member may retire on this retirement date or on the first day of the month thereafter, and each Member shall become hundred (100%) percent vested in his or her accrued benefit on the optional retirement date. A Member's election to retire upon the completion of twenty (20) years of Credited Service must be made in writing in a time and manner determined by the Board and shall be irrevocable.

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**SECTION 3:** That the City of Panama City Beach Police Officers' Pension Plan, adopted by Ordinance number 1159, as subsequently amended, is hereby further amended by amending Section 9, VESTING, as follows:

**SECTION 9. VESTING.**

If a member terminates his or her employment as a Police Officer, either voluntarily or by discharge, and is not eligible for any other benefits under the System, the Member shall be entitled to the following:

1. If the Member has less than ~~ten (10)~~ five (5) years Credited Service upon termination, the Member shall be entitled to a refund of his or her Accumulated Contributions or the Member may leave it deposited with the Fund.
2. If a Member has been in the service of the city for at least five (5) years, he or she shall be vested in the following percentage of his or her accrued benefit at the time he or she ceases to be an active member of the plan as follows:

Completed Years of Service	Vested Percentage of Accrued Benefit
Less than 5.....	0%
5.....	50%
6.....	60%
7.....	70%
8.....	80%
9.....	90%
10 or more .....	100%

If the Member has ~~ten (10)~~ five (5) or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal retirement and based upon the vesting schedule and the Member's Credited Service, Average Final Compensation and the benefit accrual rate as of the date of termination, payable to him or her commencing at the Member's otherwise normal retirement date, determined based upon his or her actual years of Credited Service, provided he or she does not elect to withdraw his or her Accumulated Contributions and provided the Member survives to his or her otherwise retirement date. If the Member does not withdraw his or her Accumulated Contributions and does not survive to his or her normal retirement date, his or her Designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, vested or eligible for retirement under Pre-Retirement Death.

**SECTION 4:** 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 5:** The appropriate officers of the City are authorized and directed to codify, include and publish in electronic format this Ordinance within the City Council's Code of Ordinances. Sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

**SECTION 6:** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 7:** This Ordinance shall become effective immediately upon adoption, unless otherwise provided.

**PASSED, APPROVED AND ADOPTED** at the special meeting of the City Council of the City of Panama City Beach, this 10th day of November, 2021.

**CITY OF PANAMA CITY BEACH, FLORIDA**

  
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MARK SHELDON, MAYOR

**ATTEST:**

  
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LYNNE FASONE, MMC, CITY CLERK

Coding: Words in ~~strikeout~~ type are deletions from existing text.  
Words in underline type are additions.

**EXAMINED AND APPROVED** by me this 10<sup>th</sup> day of November, 2021.

  
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MARK SHELDON, MAYOR

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