

ORDINANCE NO. 2023 - 15

AN ORDINANCE OF THE CITY OF BELLEVIEW, FLORIDA, AMENDING SUBPART A, GENERAL ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE III, EMPLOYEE BENEFITS; DIVISION 3, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BELLEVIEW; AMENDING SECTION 2-126, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 2-127, PRE-RETIREMENT DEATH; AMENDING SECTION 2-130, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-136, MINIMUM DISTRIBUTION OF BENEFITS; PROVIDING FOR COMPLIANCE WITH THE SECURE 2.0 ACT; PROVIDING FOR A ONE-TIME THREE PERCENT COST OF LIVING ADJUSTMENT TO CERTAIN ELIGIBLE RETIREES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Foster and Foster, financial actuaries, have been engaged to perform a special actuarial analysis to determine the impact on the City of Bellevue Police Officers' Retirement System pension plan's funding requirements associated with proposed benefit changes; and

WHEREAS, pursuant to said report of Foster and Foster, the City of Bellevue has agreed to provide a one-time Cost of Living Adjustment ("COLA") benefit for all retirees who were receiving a pension benefit on October 1, 2022; and

WHEREAS, the Setting Every Community Up for Retirement Enhancement ("SECURE") 2.0 Act, signed into law on December 29, 2022 as part of the Consolidated Appropriations Act, 2023, amended the definition of "Required Beginning Date" under Section 401(a)(9) of the Internal Revenue Code; and

WHEREAS, an amendment to Subpart A, General Ordinances, Chapter 2, Administration, Article III, Employee Benefits, Division 3, Police Officers' Retirement System, of the City's ordinance governing the City of Bellevue Police Officers' Retirement System ("Retirement System") is necessary to permit such new obligations and conditions; and

WHEREAS, amendments to the City's ordinance are necessary to conform the Retirement System to the new Internal Revenue Code requirements for tax qualified plans imposed by the SECURE 2.0 Act; and

WHEREAS, the Board of Trustees of the City of Bellevue Police Officers' Retirement System have requested and approved such an amendment as being in the best interest of the participants and beneficiaries as well as serving to improve the administration of the Fund; and

WHEREAS, the City Commission has received and reviewed an actuarial impact statement related to these changes to the Retirement System; and

WHEREAS, the City Commission has determined that it is in the best interest of the citizens of the City of Bellevue to amend its code of ordinances as set forth hereinafter.

NOW THEREFORE, BE IT ORDAINED by the City Commission as follows:

SECTION 1: That Subpart A, General Ordinances, Chapter 2, Administration, Article III, Employee Benefits, Division 3, Police Officers' Retirement System, of the Code of Ordinances of the City of Bellevue, is hereby amended by amending Section 2-126, "Benefit amounts and eligibility", subsection (e), and by adding subsection (f), to read as follows:

Sec. 2-126. – Benefit amounts and eligibility.

- (e) *Required distribution date.* The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains his or her required beginning date or the calendar year in which the member terminates employment with the City.
- (f) Effective January 1, 2024, all Retirees, including DROP members, beneficiaries and disability retirees, who were receiving a benefit on October 1, 2022 shall receive a one-time three percent (3.0%) increase to their monthly benefit.

SECTION 2: That Subpart A, General Ordinances, Chapter 2, Administration, Article III, Employee Benefits, Division 3, Police Officers' Retirement System, of the Code of Ordinances of the City of Bellevue, is hereby amended by amending Section 2-127, "Pre-retirement death", subsection (b)(5), to read as follows:

Sec. 2-127. - Pre-retirement death.

- (b) *Deceased members vested or eligible for retirement with spouse as beneficiary.* This subsection (b) applies only when the member's spouse is the sole designated beneficiary. The spouse beneficiary of any member who

dies and who, at the date of his death was vested or eligible for early or normal retirement shall be entitled to a benefit as follows:

- (5) Notwithstanding anything contained in this section to the contrary, in any event, distributions to the spouse beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date selected pursuant to the above provisions in this section that must be on or before December 31 of the calendar year in which the member would have attained his or her required beginning date.

SECTION 3: That Subpart A, General Ordinances, Chapter 2, Administration, Article III, Employee Benefits, Division 3, Police Officers' Retirement System, of the Code of Ordinances of the City of Bellevue, is hereby amended by amending Section 2-130, "Optional forms of benefits", subsection (e)(5), to read as follows:

Sec. 2-130. - Optional forms of benefits.

- (e) Retirement income payments shall be made under the option elected in accordance with the provisions of this section and shall be subject to the following limitations:
 - (5) The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains his or her required beginning date or the calendar year in which the member terminates employment with the City.

SECTION 4: That Subpart A, General Ordinances, Chapter 2, Administration, Article III, Employee Benefits, Division 3, Police Officers' Retirement System, of the Code of Ordinances of the City of Bellevue, is hereby amended by amending Section 2-136, "Minimum distribution of benefits", subsection (b), to read as follows:

Sec. 2-136. - Minimum distribution of benefits.

- (b) *Time and manner of distribution.*
 - (1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than

the member's required beginning date which, effective January 1, 2023, is defined as the later of a. and b. below:

- a. With respect to a member who reached age 70-1/2 prior to January 1, 2020, April 1 of the calendar year that next follows the calendar year in which the member attained the age of 70-1/2 years; or

with respect to a member who attained age 70-1/2 on or after January 1, 2020, and age 72 prior to January 1, 2023, April 1 of the calendar year that next follows the calendar year in which the member attained the age of 72 years; or

with respect to a member who attains age 72 on or after January 1, 2023, in accordance with the SECURE 2.0 Act and any technical corrections thereto; or

- b. April 1 of the calendar year that next follows the calendar year in which the member retires.

- (2) *Death of member before distributions begin.* If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:

- a. If the member's surviving spouse is the member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date on or before December 31 of the calendar year in which the member would have attained his or her required beginning date, if later, as the surviving spouse elects.

SECTION 5: INCLUSION IN CODE. It is the intention of the City Commission and it is hereby provided that the provisions of this Ordinance shall be come and be made a part of the Code of Ordinances for the City of Belleview; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 6: SEVERABILITY. 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 7: REPEAL. All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 8: EFFECTIVE DATE. That this Ordinance shall become effective immediately upon adoption.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing Ordinance was duly read upon **First Reading** by a ____ to vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on the 3rd day of October, 2023. Said Ordinance was duly read, passed and adopted upon **Final Reading** by a ____ to ____ vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on the 17th day of October, 2023.

CHRISTINE DOBKOWSKI
Mayor/Commissioner

Attest:

Mariah Moody
City Clerk

Approved as to form and legality
for use and benefit of the City only:

Frederick E. Landt, III
City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that the foregoing Ordinance was advertised for a Public Hearing in the October 5th edition of the Voice of South Marion newspaper in accordance with Florida Statutes.

Mariah Moody
City Clerk