



# City of North Port

## ORDINANCE NO. 2018-53

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 2 – ADMINISTRATION, ARTICLE V – EMPLOYEE BENEFITS, DIVISION 5 – POLICE OFFICERS’ PENSIONS, SECTION 2-261 – PRE-RETIREMENT DEATH, SECTION 2-264 – OPTIONAL FORMS OF BENEFITS, SECTION 2-283 – DEFERRED RETIREMENT OPTION PLAN, AND SECTION 2-286 – SUPPLEMENTAL SHARE PLAN RETIREMENT BENEFIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Port recently entered into a collective bargaining agreement with the Southwest Florida Police Benevolent Association (PBA) for 2017-2020; and

**WHEREAS**, the collective bargaining agreement contains certain changes to the City of North Port Police Officers’ Pension - Local Option Trust Fund; and

**WHEREAS**, to implement the pension changes contained in the collective bargaining agreement, it is necessary to amend the Police Officers’ Pension - Local Option Trust Fund.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

### **SECTION 1 – FINDINGS**

1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

### **SECTION 2 – ADOPTION**

2.01 The City Commission hereby approves and adopts the following amendments and additions to the Code of the City of North Port, Florida:

**“Chapter 2 – ADMINISTRATION**

...

**ARTICLE V. – EMPLOYEE BENEFITS**

...

**DIVISION 5. – POLICE OFFICERS’ PENSIONS**

...

**Sec. 2-261. - Preretirement death.**

...

(b) *In-line-of-duty death benefit.* ~~Any~~ If a member ~~who~~ dies and ~~whose~~ his or her death is directly caused by the performance of his or her duties as a police officer, the surviving spouse, if any, shall be entitled to a monthly benefit equal to 60 percent of member's salary at the time of his or her death and continuing to such spouse for life. In the event that there is no surviving spouse, then the aforementioned pension shall be paid in equal shares to the member's surviving children who are under age 18 years and/or who are under age 23 years and pursuing a full-time education. The in-line-of-duty presumptions listed in Section 2-262, subsection (b) shall apply to the determination of an in-line-of-duty death.

...

**Sec. 2-283. - Deferred retirement option plan**

...

(b) *Participation.*

...

(3) *Period of participation.* A member who elects to participate in the DROP under subsection (b)(2) on or after the effective date of the ordinance amending this subsection shall participate in the DROP for ~~a period equal to at least 12 but~~ not more than ~~36~~ 60 months beginning at the time his or her election to participate in the DROP first becomes effective. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the city not later than the date provided for in the previous sentence. A member may participate only once.

...

**Sec. 2-286. - Supplemental share plan retirement benefit.**

- (a) Effective October 1, 2015, there is hereby created a defined contribution plan component to be known as the "supplemental share plan retirement benefit." The supplemental share plan retirement benefit shall consist of an individual share account for each active police officer (including DROP participants) on September 30, 2015, ~~and on September 30 of each year thereafter~~. The supplemental share plan retirement benefit shall be funded solely by premium tax revenues received by the City pursuant to F.S. Ch. 185. The total initial amount to be allocated to the members' share accounts as provided herein shall be the premium tax revenues received in 2015 in excess of \$280,000. For plan years beginning October 1, 2016 and later, all premium tax revenues received by the City pursuant to F.S. Ch. 185, in excess of \$280,000 shall be allocated to the members' share accounts as provided herein.
- (b) Members' share accounts shall be credited with premium tax revenues and investment earnings or losses, and interest, and distributed as follows:
- (1) *Annual Crediting to Member Share Accounts.*
- a. For plan years beginning October 1, 2015 and later, all premium tax revenues received during the preceding plan year in excess of \$280,000 shall be allocated to the eligible members' share accounts. On or before April 30, 2016 and each April 30 thereafter, the share account of each share member who was a plan member on the preceding September 30th shall be credited with one share of credited service earned during the plan year ending on the same September 30th. The total number of shares thus determined shall be divided into the premium tax revenues received during that plan year in excess of \$280,000, to determine the dollar amount credited to the share account of each eligible share plan member and retiree.
- b. Beginning with the allocation for the plan year ending September 30, 2017 and all subsequent plan years, all premium tax revenues received during the preceding plan year in excess of \$280,000.00 shall be allocated to the eligible members' share accounts. Beginning with the September 30, 2017 allocation, "eligible members" shall include not only all active police officer members ( including DROP participants), but shall also include any retired member (normal or early retirement and not terminated vested persons) who received an initial share allocation on

October 1, 2015. Retired members shall receive a share allocation based on their years of credited service on the date of their retirement and no share allocation shall be made after the retiree’s death. Distribution of the share allocation to retirees shall be made each year following the allocation on April 30 and shall be subject to the maximum pension limitations set forth in Sec. 2-269.

...”

**SECTION 3 – SEVERABILITY**

3.01 If any section, subsection, sentence, clause, phase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4 – CONFLICTS**

4.01 In the event of any conflicts between the provisions of this ordinance and any other ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 5 – CODING OF AMENDMENTS**

5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. These editorial notations shall not appear in the codified text.

**SECTION 6 – EFFECTIVE DATE**

6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on the 11th day of September 2018.

PASSED and ADOPTED by the City Commission of the City of North Port, Florida on second and final reading in public session the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

CITY OF NORTH PORT, FLORIDA

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VANESSA CARUSONE  
MAYOR

ATTEST:

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KATHRYN PETO  
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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AMBER L. SLAYTON  
CITY ATTORNEY