



## Legislation Details (With Text)

**File #:** 17-1486      **Version:** 1      **Name:**  
**Type:** Consent Agenda      **Status:** Passed  
**File created:** 11/13/2017      **In control:** City Commission Regular Meeting  
**On agenda:** 12/12/2017      **Final action:** 12/12/2017  
**Title:** Closing Agreement on Final Determination Covering Specific Matters between the Internal Revenue Service and the City of North Port

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 2017-45 Fire Pension, 2. Attorney Letter - IRS Code, 3. IRS Correspondance and Agreement

Date	Ver.	Action By	Action	Result
12/12/2017	1	City Commission Regular Meeting	approved	Pass

**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, City Manager

**TITLE:** Closing Agreement on Final Determination Covering Specific Matters between the Internal Revenue Service and the City of North Port

### Recommended Action

Approve Closing Agreement on Final Determination Covering Specific Matters between the Internal Revenue Service and the City of North Port

### Background Information

On October 26, 2017, the City received notification from the City of North Port Firefighters' Pension - Local Option Plan's attorney that the Internal Revenue Services (IRS) had (previously) determined the Plan did not comply with changes made to IRS Code as it relates to Qualified Military Service (the HEART Act) in 2006. The IRS asserted the change should have been made to the Plan by January 1, 2007. Subsequently, the Plan's attorney drafted Ordinance 2017-45 to amend the plan to meet the IRS code. In July of this year, the IRS accepted the amended language and extended an offer to the Plan's attorney to enter a "closing agreement" to issue final confirmation of the Plan's tax qualification status. The IRS provided the language of an operational compliance statement, containing the terms and requirements of the settlement. The settlement also includes a \$7,500 non-negotiable sanction, to be paid by the employer. (The Settlement Agreement will be provided to coincide with the second reading of this Ordinance)

Legal has reviewed this ordinance as to form and correctness. Ordinance 2017-45 was approved by Commission on December 12, 2017.

### Strategic Plan

N/A

### Financial Impact

An initial sanction payment by the City to the U.S. Treasury in the non-negotiable an amount of \$7,500.00 and a yet to be determined financial future impact resulting from the changes.

**Procurement**

N/A

**Attachments:**

1. Ordinance 2017-45
2. Attorney Letter - IRS Code
3. Correspondence and agreement from IRS

**Prepared by:** Daniel Schult

**Department Director:** Peter Lear