

**ORDINANCE NO. 516**

**AN ORDINANCE OF THE TOWN OF BELLEAIR AMENDING CHAPTER 42, ARTICLE III, MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM, DIVISION 1, GENERALLY, DIVISION 4, MEMBERSHIP AND DIVISION 6, BENEFITS AND ELIGIBILITY, OF THE CODE OF ORDINANCES OF THE TOWN OF BELLEAIR; AMENDING SECTION 42-66, DEFINITIONS BY AMENDING THE DEFINITION OF SALARY; AMENDING SECTION 42-151, CONDITIONS OF ELIGIBILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA;**

**SECTION 1:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 1, Generally, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-66, Definitions, by amending the definition of *Salary*, read as follows:

\* \* \*

*Salary* means the total compensation for services rendered to the town reportable on the members officers' W-2 form, plus all tax deferred, tax sheltered and tax-exempt items of income derived from elective employee payroll deductions or salary reductions. For service earned on or after October 1, 2013, salary shall not include more than three hundred (300) hours of overtime per calendar year. Provided however, in any event, payments for overtime in excess of three hundred (300) hours per year accrued as of October 1, 2013 and attributable to service earned prior to October 1, 2013, may still be included in salary for pension purposes even if the payment is not actually made until on or after October 1, 2013. In any event, with respect to unused sick leave and unused annual leave accrued prior to October 1, 2013, salary will include the lesser of the amount of sick or annual leave time accrued on October 1, 2013 or the actual amount of sick or annual leave time for which the retiree receives payment at the time of retirement, regardless of whether the amount of sick or annual leave was, at some time prior to retirement, reduced below the amount on October 1, 2013.

Compensation in excess of the limitations set forth in section 401(a)(17) of the Code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed \$200,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B). Compensation means compensation during the fiscal year. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the

compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

\* \* \*

**SECTION 2:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 4, Membership, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-151, Conditions of eligibility, to read as follows:

**Sec. 42-151. Conditions of eligibility.**

(a) All police officers and all future new police officers shall become members of this system as a condition of employment. Notwithstanding the previous sentence, a new employee who is hired as police chief may, upon employment as police chief, notify the board and the town, in writing, of his election to not be a member of the system. Current employees of the town who are selected to become police chief are not eligible for the opt-out provided for herein. In the event of any such election, the chief shall be barred from future membership in the system. Thereafter, contributions to the plan in accordance with Section 42-176 shall not be required, he shall not be eligible to be elected as a member trustee on the board or vote for a member trustee, and he shall not be eligible for any other benefits from the plan.

~~(b) The police chief may not be a member of the system, except as provided below,~~

~~(1) Current employees of the town who are selected to become police chief may remain in the system.~~

~~(2) Current employees of the town who are selected to become police chief may elect, within 90 days of the date of upon his employment as police chief, to opt out of the system by notifying the board, in writing, of his election to do so. Thereupon it shall be the duty of the board to refund, from the fund, the full amount of his accumulated contributions. Thenceforward, no withholding shall be made from his salary and he shall be barred from participating in the system and shall not be eligible to be elected as a member trustee on the board or vote for a member trustee."~~

(e b) All future new police officers and current police officers opting to become a member of this system after December 17, 1992 shall be required to complete a medical examination as prescribed by the town.

~~(d c)~~ The town shall not contribute, on behalf of a member, to a retirement plan other than this system.

**SECTION 3:** 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 4:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the Town of Belleair.

**SECTION 5:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 6:** That this Ordinance shall become effective thirty days after adoption.

**PASSED ON FIRST READING:** *\*November 8, 2017*

**PASSED ON SECOND AND FINAL READING:** *\*November 21, 2017*

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Mayor

**ATTEST:**

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Town Clerk

**APPROVED AS TO FORM:**

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Town Attorney