

1 EXHIBIT 1  
2 ORDINANCE NO. 2019-  
3

4 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF  
5 HALLANDALE BEACH, FLORIDA, AMENDING THE CITY OF  
6 HALLANDALE BEACH PROFESSIONAL/MANAGEMENT  
7 RETIREMENT PLAN TO PROVIDE PARTICIPANTS WITH THE  
8 OPTION TO PARTICIPATE IN THE FLORIDA RETIREMENT  
9 SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
10 A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.  
11

12 WHEREAS, the City of Hallandale Beach (the "City") established the City of Hallandale  
13 Beach Professional/Management Retirement Plan (the "Professional/Management Retirement  
14 Plan" or "Plan") on October 1, 2001; and

15 WHEREAS, the Professional/Management Retirement Plan was most recently restated,  
16 effective October 1, 2013; and

17 WHEREAS, the City Retirement Plan was closed to new members on January 1, 2007;  
18 and

19 WHEREAS, the City will join the Florida Retirement System (FRS) for general employees  
20 on January 1, 2020, or as soon thereafter as administratively feasible, and provide participants  
21 in the Professional/Management Retirement Plan the option of enrolling in FRS or remaining in  
22 the Professional/Management Retirement Plan; and

23 WHEREAS, the City Commission finds that it is in the best interest of the City and its  
24 employees to amend the Professional/Management Retirement Plan to provide participants in  
25 that Plan the option of enrolling in FRS or remaining in the Professional/Management Retirement  
26 Plan.

27 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF  
28 HALLANDALE BEACH, FLORIDA, THAT:

29 Section 1. Recitals. The above recitals are true and correct and incorporated herein by  
30 reference.  
31

32        Section 2. The City of Hallandale Beach Professional/Management Retirement Plan is  
33 hereby amended to revise the Introduction section of the Plan as set forth in Appendix A, which  
34 is attached hereto and incorporated by reference herein.  
35

36        Section 3: If any clause, section, or other part or application of this Ordinance shall be  
37 held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional  
38 or invalid part or application shall be considered as eliminated and shall not affect the validity of  
39 the remaining portions or applications which shall remain in full force and effect.  
40

41        Section 4: All ordinances or parts of ordinances, resolutions or parts of resolutions in  
42 conflict herewith are hereby repealed to the extent of such conflict.  
43

44        Section 5: This Ordinance shall become effective immediately upon adoption,  
45 unless otherwise provided.  
46

47  
48        PASSED on first reading this 18<sup>th</sup> day of December, 2019.  
49

50        PASSED AND ADOPTED on the second reading this \_\_\_ day of \_\_\_\_\_, 2019.  
51

52  
53  
54        SPONSORED BY: CITY ADMINISTRATION  
55

56        ATTEST:  
57

58  
59 \_\_\_\_\_  
60 JENORGEN M. GUILLEN, CMC  
61 CITY CLERK  
62

63  
64        APPROVED AS TO LEGAL SUFFICIENCY  
65 AND FORM  
66

67 \_\_\_\_\_  
68 JENNIFER MERINO, CITY ATTORNEY  
69  
70

**FIRST READING VOTE ON ADOPTION**

Mayor Cooper \_\_\_\_\_  
Vice Mayor Javellana \_\_\_\_\_  
Commissioner Butler \_\_\_\_\_  
Commissioner Lazarow \_\_\_\_\_  
Commissioner Lima-Taub \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

Mayor Cooper \_\_\_\_\_

Vice Mayor Javellana \_\_\_\_\_  
Commissioner Butler \_\_\_\_\_  
Commissioner Lazarow \_\_\_\_\_  
Commissioner Lima-Taub \_\_\_\_\_

## **APPENDIX A**

### **INTRODUCTION**

The Employer previously established a defined benefit plan on October 1, 2001. The Plan was previously restated on October 1, 2008, and again on October 1, 2013.

Entry into the Plan was frozen effective January 1, 2007. On and after that date, no Employee or former Employee shall become an Active Participant, and no Inactive Participant or former Participant shall again become an Active Participant.

The plan was most recently restated, effective October 1, 2013, and is set forth in this document which is substituted in lieu of the prior document with the exception of the amendments contained herein, any interim amendment and any model amendment that have not been incorporated into this restatement. Such amendment(s) shall continue to apply to this restated plan until such provisions are integrated into the plan or such amendment(s) are superseded by another amendment.

It is intended that the restated plan qualify as a governmental defined benefit plan under the Internal Revenue Code of 1986, including any later amendments to the Code. The Employer agrees to operate the plan according to the terms, provisions, and conditions set forth in this document.

The restated plan continues to be for the exclusive benefit of employees of the Employer. All persons covered under the plan before the effective date of this restatement shall continue to be covered under the restated plan with no loss of benefits.

The plan includes the statutory, regulatory, and guidance changes specified in the 2012 Cumulative List of Changes in Plan Qualification Requirements (2012 Cumulative List) contained in Internal Revenue Service Notice 2012-76 and the qualification requirements and guidance published before the issuance of such list. The provisions of this plan apply as of the effective date of the restatement unless otherwise specified.

The City of Hallandale Beach will join the Florida Retirement System (FRS) for regular employees on January 1, 2020, or as soon thereafter as administratively feasible. Notwithstanding any other provision of this Plan, employees who are Active Participants in this Plan on the date the Employer joins FRS shall individually elect to continue participating in this Plan or enroll in FRS for future service. The election shall be irrevocable. Participants who elect to continue participating in this Plan will continue to contribute to and accrue benefits under this Plan for as long as they are employed by the City in a position covered by this Plan. Participants who elect to join FRS shall contribute to and accrue benefits under FRS in accordance with the statutes and rules governing FRS, for as long as they are employed by the City in a position covered by FRS. Participants who elect to join FRS who are not vested in this Plan shall receive a refund of their Participant Contributions from this Plan. Participants who elect to join FRS who are vested in this Plan shall be eligible to receive their accrued benefit from this Plan upon attaining eligibility for retirement under this Plan, and separation from City employment, based on their continuous service and average final compensation on the day before the City joins FRS.