

ORDINANCE NO. 1549

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA; FURTHER AMENDING THE CITY OF PANAMA CITY BEACH FIREFIGHTERS' RETIREMENT PLAN ADOPTED BY ORDINANCE NUMBER 1157, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 29, REEMPLOYMENT AFTER RETIREMENT TO ALLOW FOR IN-SERVICE DISTRIBUTIONS AFTER RETIREMENT IN CERTAIN INSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Panama City Beach Firefighters' Pension Plan has prepared this ordinance to amend, effective April 22, 2021;

WHEREAS, the Board of Trustees of the Panama City Beach Firefighters' Pension Plan believes that implementation of this ordinance is in the best interests of the citizens of the City of Panama City Beach; and

WHEREAS, passage of this ordinance will allow the City of Panama City Beach to retain certain highly skilled employees after retiring from the Panama City Beach Firefighters' Pension Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

SECTION 1: That the City of Panama City Beach Firefighters' Retirement Plan, adopted by Ordinance number 1157, as subsequently amended, is hereby further amended by amending Section 29, Reemployment after Retirement, subsection 3 as follows:

Section 29. – Reemployment after Retirement.

3. Any Retiree who is retired under normal retirement pursuant to this System and who is reemployed by the City after that Retirement and, by virtue of that reemployment is ineligible to participate in this System, shall, ~~during the period of reemployment, discontinue receipt of benefits during any subsequent employment period.~~ be eligible to receive retirement benefits from this System during the period of reemployment. In order to receive these in-service distributions, the Retiree must have reached his or her "normal retirement age" specified in 26 CFR §1.401(a)-1(b)(2) (in consideration of safe harbor regulations as may be effective and applicable or which may become effective and applicable). Such in-service distribution shall be approved by the board of trustees as having no effect on the firefighters' retirement plan being a qualified plan under section 401(a) of the Internal Revenue Code.

SECTION 2: 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 3: It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Mayor or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

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

SECTION 5: The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of Ordinance 1157, as subsequently amended since August 13, 2009, and specifically by this Ordinance 1549, within the Panama City Beach City Code. Unless a contrary ordinance is adopted within ninety (90) days following publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 6: This Ordinance shall become effective immediately upon adoption, unless otherwise provided.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, this 22nd day of April, 2021.

CITY OF PANAMA CITY BEACH, FLORIDA



MARK SHELDON, MAYOR

Attest:



LYNNE FASONE, CITY CLERK

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