

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2008 - 0879

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT; AMENDING THE CITY'S RETIREMENT PLAN AND TRUST FOR THE FIREFIGHTERS & POLICE OFFICERS OF THE CITY OF LIGHTHOUSE POINT RELATING TO VESTING OF SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission established a Retirement Plan and Trust for the Police Officers and Firefighters of the City of Lighthouse Point pursuant to Ordinance 835; and

WHEREAS, the Retirement Plan and Trust agreement was executed on October 1, 2003; and

WHEREAS, Section 3.01 of the Plan and Trust authorizes the City Commission to amend the Plan and Trust, in whole or in part, either retroactively or prospectively, by delivering to the Trustee a written amendment in accordance with the limitations set out in that section; and

WHEREAS, the City Commission desires to clarify vesting service for eligible members in the Retirement Plan and Trust for the Firefighters & Police Officers of the City of Lighthouse Point.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT:

SECTION 1. RECITALS - The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City Commission of the City of Lighthouse Point, in its capacity as the Trustee of the Retirement Plan and Trust ("Plan") for the employees of the Lighthouse Point hereby approves the amendments to the Plan as set out forth below, with additions to the Plan indicated by underlining (underlining) and deletions by strike through (~~stricken through~~).

J. TERMINATION OF EMPLOYMENT AND VESTING

If a member's employment is terminated either voluntarily or involuntary, the following benefits are payable:

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- 1) If the member has less than eight (8) years of ~~credited~~ vesting service upon termination the member shall be entitled to a refund of the money he has contributed with interest at five percent (5%) or the member may leave it deposited with the Fund.
- 2) If the member has eight (8) or more years of ~~credited~~ vesting service upon termination the member shall be entitled to their accrued monthly retirement benefit, starting at the member's otherwise normal or early retirement date, provided he does not elect to withdraw his contributions and provided he survives to his normal or early retirement date.
- 3) For all members of the plan vesting service shall be measured from the member's date of hire with the City of Lighthouse Point, into a covered position of the plan.

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SECTION 3. The City Commission of the City of Lighthouse Point hereby authorizes the Mayor or his appointee to execute such documents and agreements as are required to effectuate this amendment of the Plan.

SECTION 4. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE FIRST READING, THIS 10TH DAY OF SEPTEMBER, 2008.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 26TH DAY OF AUGUST, 2008.

/s/ Sandy Johnson
SANDY JOHNSON, COMMISSION PRESIDENT

ATTEST:

/s/ Carol Landau
CAROL LANDAU, CITY CLERK

APPROVED AS TO FORM:

/s/ Michael D. Cirullo, Jr.
OFFICE OF THE CITY ATTORNEY

	Yes	No	Absent
Commission President Johnson	x		
Commission Vice President Long	x		
Commissioner Hasis	x		
Commissioner Gordon	x		
Commissioner LaMarca	x		