

ORDINANCE NO. 11-1580

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE CODE TO REVISE THE DEFINITION OF EMPLOYEE TO PERMIT CHARTER OFFICERS TO OPT OUT OF THE PLAN; AMENDING SECTION 2-174 TO CREATE A MECHANISM FOR CHARTER OFFICERS TO OPT OUT OF THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside sponsors a defined benefit retirement plan for town employees;

WHEREAS, Charter Officers have been permitted to participate in the Plan;

WHEREAS, not all Charter Officers necessarily want to participate in the Plan;

WHEREAS, the Pension Board and the Commission of the Town of Surfside have concluded that the adoption of this amendment is in the best interests of the citizens and taxpayers of the Town;

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Surfside:

Section 1. SECTION 2-171, Definitions, is hereby amended and to be read as follows:

Sec. 2-171. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means any regular officer or employee who is employed by the Town on a full-time basis whose customary employment is for 32 hours or more per week and for six months or more per year. Employees serving on a part-time basis and persons employed under contract for

a definite period or for the performance of a particular special service shall not be eligible for participation in the plan. Charter officers (the Town Manager and Town Attorney) shall have the right to opt out of the Plan, as described in Section 2-174.

Section 2. SECTION 2-174, Membership, is hereby amended and to be read as follows:

Sec. 2-174. Membership.

(a) Any person who becomes an employee shall become a member of the plan as a condition of employment. Contributions required by such employee shall begin with the first payroll period after he becomes an employee. Each person who is an employee of the town as of June 1, 1996 and whose membership in the plan had been prohibited because he was over 52 years of age at the time he became an employee, shall have an irrevocable option to become a member of the plan on June 1, 1996. Such employee who elects to become a member shall begin contributing to the plan with the first pay period beginning after May 31, 1996 and shall earn creditable service after May 31, 1996. No credit shall be given for service prior to June 1, 1996.

(b) Upon withdrawal from service, upon request of the member his accumulated contributions shall be refunded to him and he shall thereupon cease to be a member of the plan.

(c) As Charter Officers, the Town Manager and Town Attorney shall have the right to opt out of the Plan at any time. If a Charter Officer elects to opt out of the plan, all of his or her employee contributions shall be refunded at the applicable interest rate applied by the Board. Employee contributions may be rolled over into another tax qualified plan.

Section 3. All sections or parts of sections of the Town Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

Section 4. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 5. It is the intention of the Commission of the Town of Surfside that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. This ordinance shall become effective upon final passage.

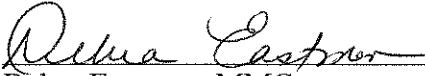
PASSED AND ADOPTED ON FIRST READING, this 14 day of June, 2011.

PASSED AND ADOPTED ON SECOND READING, this 12 day of July, 2011.



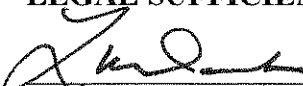
DANIEL DIETCH, MAYOR

ATTEST:



Debra Eastman, MMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**



Lynn M. Dannheisser, Town Attorney

Moved by: Commissioner Kopelman
Second by: Commissioner Karukin

Vote:

Mayor Dietch	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Vice Mayor Joe Graubart	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Commissioner Marta Olchyk	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Commissioner Michael Karukin	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Commissioner Edward Kopelman	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>

Ordinance No. 11-1580