

ORDINANCE NO. 12-1588

**AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-176 OF THE CODE TO CLARIFY THE NORMAL RETIREMENT DATE FOR POLICE OFFICERS UNDER 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**, an Amendment to Section 2-176 of the Town Code is needed to further clarify the normal retirement date for police officers in the plan;

**WHEREAS**, the Commission of the Town of Surfside believes 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 2-176**, Service Retirement Allowance, is hereby amended and to be read as follows:

**Sec. 2-176. Service Retirement Allowance.**

(a) Normal Retirement Date. Each member who retires or otherwise terminates employment with the town on or after his normal retirement date, as determined below, shall be entitled to receive a service retirement annuity in the amount provided in subsection (c) of this section. Effective October 1, 1984, the normal retirement date for each member shall be the first day of the month coincident with or next following the earlier of:

(1) For members who are police officers:

- a. The attainment of age 52 and the completion of 20 years of creditable service; or
- b. The attainment of age 62 and the completion of 5 years of creditable service; or
- c. The completion of 25 years of service.

**Section 2. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.


**Section 3. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 4. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

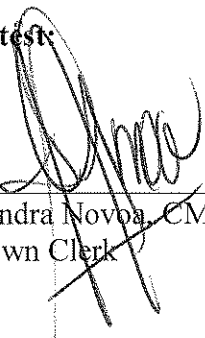
**Section 5. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 8 day of May, 2012.


PASSED and ADOPTED on second reading this 12 day of June, 2012.

  
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

  
\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY**

  
Lynn M. Dannheisser, Town Attorney

Moved by: Vice-Mayor Karukin

Second by: Commissioner Sheldon Lisbon

**Vote:**

Commissioner Sheldon Lisbon	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Marta Olchyk	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Vice Mayor Michael Karukin	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Mayor Daniel Dietch	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>