

ORDINANCE NO. 1160

AN ORDINANCE OF THE CITY OF LYNN HAVEN AMENDING CHAPTER 50, PERSONNEL, ARTICLE V, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF LYNN HAVEN; AMENDING SECTION 50-192, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lynn Haven (the "City") sponsors a pension plan for City employees known as the City of Lynn Haven General Employees' Retirement System (the "System");

WHEREAS, City Commission has determined that the passage of this ordinance is in the best interest of the citizens of the City and System members.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA, that;

SECTION 1: Chapter 50, Personnel, Article V, General Employees' Retirement System, of the Code of Ordinances of the City of Lynn Haven, is amended by amending Section 50-192, Reemployment after Retirement to read as follows:

Sec. 50-192. - Reemployment after retirement.

- (a) *Reemployment.* Any retiree under this system, except for disability retirement as previously provided for, may be reemployed by any public or private employer, except the city, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Reemployment by the city shall be subject to the limitations set forth in this section.
- (b) *After normal retirement.* Any retiree who is retired under normal retirement pursuant to this system and who is reemployed ~~after one year of retirement from this system~~ and by virtue of that reemployment, is eligible to participate in this system, shall, upon being reemployed, continue to receive their retirement benefits as an in-service distribution. Upon reemployment, the member shall participate in the system as a newly hired employee. ~~discontinue receipt of benefits. Upon reemployment, the member shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit~~

payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, and credited service as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period and not including any period of DROP participation), and credited service as of the date of subsequent retirement. Upon reemployment, the member contribution rate for the reemployed retiree shall be five percent for the entire subsequent employment period. The amount of any death or disability benefit received during a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the retiree may select a different optional form and joint pensioner applicable only to the subsequent retirement benefit. Any retiree who is retired under normal retirement shall not be reemployed prior to one year after retirement.

- (c) *After early retirement.* Any retiree who is retired under early retirement pursuant to this system and who subsequently becomes an employee of the city in any capacity shall upon being reemployed, continue to receive their retirement benefits as an in-service distribution. Upon reemployment, the member shall participate in the system as a newly hired employee. ~~discontinue receipt of benefits from the system until the earlier of termination of employment or such time as the reemployed retiree reaches age. If the reemployed person, by virtue of his reemployment, is eligible to participate in this system, that person shall accrue second benefit as provided for in subsection (b) of this section and benefit payments shall remain suspended during any such subsequent employment period. If the reemployed person is not eligible to participate in this system, that person's pension benefit payments shall be suspended until termination of employment. Any retiree who is retired under early retirement shall not be reemployed prior to one year after retirement.~~
- (d) *Reemployment of terminated vested persons.* Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: 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 4 This Ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Lynn Haven.

INTRODUCED AND PASSED on first reading, this 26th day of SEPTEMBER, 2023.

PASSED AND ADOPTED ON SECOND READING, this 9th day of OCTOBER, 2023.

CITY OF LYNN HAVEN, FLORIDA



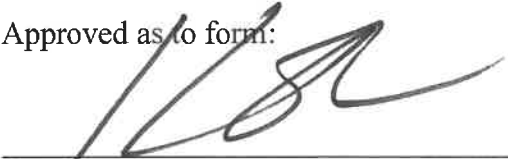
JESSE NELSON, MAYOR

ATTEST:



VICKIE GAINER, CITY MANAGER

Approved as to form:



KEVIN OBOS, CITY ATTORNEY