

**ORDINANCE NO. 511**

**AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, INDIAN RIVER COUNTY, FLORIDA AMENDING THE TOWN OF INDIAN RIVER SHORES' GENERAL EMPLOYEES' DEFINED BENEFIT PLAN; PROVIDING FOR CONTINUITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Indian River Shores has adopted the Town of Indian River Shores General Employees' Defined Benefit Plan; and

**WHEREAS**, The Plan authorizes the Town Council to amend the Plan, in whole or in part, either retroactively or prospectively, by delivering to the Administrator a written amendment in accordance with the limitations set out in that section; and

**WHEREAS**, the Town Council has determined that it is in the best interest of the Town and employees to close the Plan for the active plan participants effective May 1, 2013 and provide that the current active plan participants shall receive an accrued benefit, or an amount greater than their accrued benefit as determined by the Town; and the Plan will continue to pay the current three retirees who are receiving a monthly benefit;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES AS FOLLOWS:**

**Section 1.** The Town Council of the Town of Indian River Shores hereby approves the changes to the Town of Indian River Shores General Employees (Group A) Defined Benefit Plan as set forth herein, with additions to the Agreement indicated by underlining (underlining) and deletions by strike through (stricken through).

**B. PLAN**

The Plan represents the ~~Full Time General Employee~~ Retirees of the Town of Indian River Shores.

**C. ELIGIBILITY**

1. Before an employee can become a member, he or she must have worked with the Town at least one thousand (1,000) hours within a consecutive twelve (12) month period. For those employees who commenced employment after September 30, 1999, employees may first become a member on the first October 1 or April 1, whichever comes first, following the one-thousandth hour worked. For those employees who commenced employment prior to September 30, 1999, employees may first become a member on the first May 1 or November 1 (whichever comes first) following the first one-thousandth hour worked.

2. Prior to the first possible entry date as set forth here and above, each employee of the Town shall make an irrevocable election to join either this Town of Indian River Shores

Defined Benefit Plan, or the Town of Indian River Shores Defined Contribution Plan.

3. Upon entry into the plan, a member shall sign such forms as are prescribed by the board which shall include, but not be limited to, acceptance of the terms and conditions of the plan; designation of beneficiary or beneficiaries and authorization for the pick-up of employee contributions. Members may, prior to retirement, change previously designated beneficiaries.

4. As of May 1, 2013, this plan is closed to new participants. All new general employees of the Town of Indian River Shores shall be placed in the Town's 401(a) Defined Contribution / 457(b) Deferred Compensation Plan.

**G7) Optional Normal Retirement Benefit:**

For current active plan participants as of May 1, 2013, no new benefits will accrue under this plan. Current active plan participants shall have all funds in this plan transferred to the Town's 401(a) Defined Contribution Plan.

**G8) Current Retiree Benefits:**

Employees who retired prior to the effective date of this ordinance who are drawing benefits will continue to receive the monthly benefit payment without future options for a lump sum payment.

**Section 2.** This ordinance shall remain in force until supplemented, amended, repealed or otherwise altered.

**Section 3.** If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications, and to this end, the provisions of this Ordinance are hereby declared severable.

**Section 4.** This ordinance hereby repeals all Ordinances in conflict herewith.

**Section 5.** This Ordinance shall take effect upon its final reading and approval.

Passed 1st Reading: April 25, 2013      Published: May 3, 2013

**PASSED AND ADOPTED** upon second and final reading at a regular meeting of the Town Council of the **Town of Indian River Shores**, Florida, on this 23<sup>rd</sup> day of May, 2013.

By:

Attest:

SEAL

/s

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Brian M. Barefoot, Mayor

/s

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Laura Aldrich, Town Clerk