

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: William Ackerman, CPA, Budget & Finance Director/797-1050

PREPARED BY: William Ackerman, CPA, Budget & Finance Director

SUBJECT: Resolution

AFFECTED DISTRICT: Town wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE TOWN OF DAVIE MONEY PURCHASE PLAN – B, AND PROVIDING AN EFFECTIVE DATE

REPORT IN BRIEF: The Town previously approved a Retirement Plan and Trust for Town of Davie Management and General Employees. Town employees who entered the plan and former Town employees who remain in the existing 401(a) Money Purchase Plan require a plan amendment in order to allow the current inactive participants to transition completely out of the 401(a) Money Purchase Plan. This resolution amends the Plan's definition of Transfer Election Participant to include General Employee bargaining unit members who opted into the defined benefit plan per their collective bargaining agreement. Plan B is still slated for plan termination in order to allow the inactive participants the opportunity for a distribution of their vested assets.

PREVIOUS ACTIONS: Town Council previously approved resolution number 2005-069.

CONCURRENCES: N/A

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution & Exhibit "A"

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE TOWN OF DAVIE MONEY PURCHASE PLAN – B, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town maintains a Retirement Plan and Trust for the Town of Davie Management and General Employees; and

WHEREAS, certain employees authorized to participate in the defined benefit pension are currently inactive members of the Town of Davie Money Purchase Plan; and

WHEREAS, certain members of the Town of Davie Money Purchase Plan require a plan amendment in order to allow for a complete transition for the eligible employees who elected to join the defined benefit pension plan;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the Town Council of the Town of Davie hereby authorizes the Trustees of the Town of Davie Money Purchase Plan – B (Plan) to execute an amendment to Plan, attached hereto as Exhibit “A”

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

EXHIBIT “A”

**AMENDMENT
TO
TOWN OF DAVIE, FLORIDA
MONEY PURCHASE PLAN-B**

WHEREAS, the Town of Davie, Florida (the “Town”) sponsors the Town of Davie, Florida Money Purchase Plan-B (the “Plan”); and

WHEREAS, the Plan was restated as of March 1, 2005; and

WHEREAS, Section 11.1 permits the Plan to be amended from time to time by the Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Plan be amended with the effective dates as stipulated below:

1. Effective September 1, 2007, Section 2.33 of the Plan is amended in its entirety and shall now read as follows:

“Transfer Election Participant shall mean a Participant in the Prior Plan who made an election to transfer to a defined benefit pension plan as of January 31, 2004 pursuant to an election under Section 14.10(a) of the Prior Plan and who either (a) does not have an outstanding loan from the Prior Plan as of the Effective Date, (b) has an outstanding loan from the Prior Plan as of the Effective Date and elects to participate in this Plan by making an election between March 15, 2005 and April 15, 2005; (c) who made an election to transfer to a defined benefit pension plan as of October 1, 2006 pursuant to an election under Section 14.10(b) of the Prior Plan who does not have an outstanding loan from the Prior Plan on September 30, 2007; (d) is a Participant in the Prior Plan who is no longer active in such plan, who began accruing benefits in another retirement plan of the Employer between January 31, 2004 and October 1, 2006 and who does not have an outstanding loan from the Prior Plan as of September 30, 2007, or (e) has an outstanding loan from the Prior Plan as of September 30, 2007 and elects to participate in this Plan by making an election between July 1, 2007 and July 31, 2007.”

2. Section 3.1 of the Plan is amended in its entirety and shall now read as follows:

“Eligibility. Transfer Election Participant and Prior Plan Terminated Vested Participants are the only individuals eligible to participate in the Plan. As soon as administratively feasible after April 15, 2005, the Accounts of all Transfer Election Participants under Section 2.33(a) and (b) and all Prior Plan Terminated Participants will be transferred to this Plan. As soon as administratively feasible after September 1, 2007, the Accounts of all Transfer Election Participants under Section 2.33(c), (d) and (e) of the Plan will be transferred to this Plan.”

Executed at Town of Davie, Florida on _____, 2007.

DAVIE

TOWN OF

By: _____

Administrator