

RESOLUTION 26-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING AND RATIFYING AMENDMENTS TO THE CITY'S 401A AND 457B SPECIAL PAY PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, via Resolution 23-R15, the City Council authorized the addition and adoption of a 401A and 457B special pay plan, implemented in partnership with Bencor, Inc. ("Plan"); and

WHEREAS, as of its effective date, the Plan and its requirements applied to all non-union non-sworn classified employees that did not have an existing final pay deferral plan; and

WHEREAS, a featured requirement of the Plan was that it required payouts of accrued leave upon separation to be paid into the Plan, providing a tax benefit to both the City and its employees; and

WHEREAS, since its adoption, the Plan has been amended four (4) times: two (2) which effected the removal and addition of charter officers as eligible participants; one which added sworn non-union classified employees who do not have an existing final pay deferral as eligible participants; and one which applied to the 401A component of the Plan by increasing the minimum contribution amount, added contributions upon entrance into the Deferred Retirement Option Plan ("DROP") for sworn non-union classified employees, and allowed in-service distributions for DROP participants (collectively the "Plan Amendments"); and

WHEREAS, the Plan Amendments are housekeeping matters designed to ensure that the intended class of employees are properly reflected in the Plan, that the Plan is otherwise consistent with related contractual obligations (*i.e.*, employment agreements), and that the Plan aligns with the City's Code of Ordinances; and

WHEREAS, the City Manager, through his designee, has reviewed the Plan Amendments, has determined them to be in the best interest of the City and its employees, and has executed same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PORT ST. LUCIE, FLORIDA:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. Authorization; Ratification. The Plan Amendments, executed copies of which are attached hereto as Exhibit "A", are hereby ratified and authorized by the City Council and City

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Manager. Future amendments to the Plan will be presented to Council for authorization prior to execution.

Section 3. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2026.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney