

From: Jim Linn [<mailto:jlinn@llw-law.com>]
Sent: Monday, March 06, 2017 12:26 PM
To: Smith, Michael - HR Dir.
Subject: FW: Miami Beach Police Relief Retirement Plan

Hi Michael - I have reviewed the draft ordinance amending the Miami Beach Police Relief & Pension Fund that Bob Friedman and Sepedeh Tofigh prepared in conjunction with the request for an IRS determination letter. The IRS determination letter approving the plan changes was issued in March 2015.

All of the changes in the draft ordinance are required for compliance with the Internal Revenue Code, with 2 exceptions:

1. The revision to section 52 (middle of page 5) that changes the month for election of trustees from February to January of even numbered years. The plan administrator recommended this change to reflect the current practice. I see no reason to object to this change.
2. The new provision at the top of page 11 that allows retired members to pay for health insurance premiums through deductions from their retirement benefit, and have the payment excluded from taxable income. This provision is permitted but not required by the Internal Revenue Code. However, I see no reason to object to this provision.

In my judgment the draft ordinance is acceptable for adoption.

Please let me know if you have any questions or would like to discuss.

Jim

James W. Linn | Shareholder
315 South Calhoun Street, Suite 830 | Tallahassee, Florida 32301
jlinn@llw-law.com | 850.222.5702
[vCard](#) | [Website](#) | [Bio](#) | [join us online](#)



The information contained in this transmission may be legally privileged and confidential. It is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that you received this communication in error, and that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply email and delete the message and all copies of it.

Pursuant to federal regulations imposed on practitioners who render tax advice ("Circular 230"), we are required to advise you that any tax advice contained herein is not intended or written to be used for the purpose of avoiding tax penalties that may be imposed by the Internal Revenue Service. If this advice is or is intended to be used or referred to in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement, the regulations under Circular 230 require that we advise you as follows: (1) this writing is not intended or written to be used, and it cannot be used, for the purpose of avoiding tax penalties that may be imposed on a taxpayer; (2) the advice was written to support the promotion or marketing of the transaction(s) or matter(s) addressed by the written advice; and (3) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.