

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, ARTICLE I, GENERAL EMPLOYEES RETIREMENT SYSTEM, AND ARTICLE II, POLICE AND FIREFIGHTERS RETIREMENT SYSTEM, TO PROVIDE THAT THE RESPECTIVE BOARDS OF PENSION TRUSTEES SHALL HAVE THE POWER TO SUE AND BE SUED, AND TO HIRE AND APPOINT ATTORNEYS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, fourteen (14) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the Commission Meeting Room of the City of Pompano Beach, Florida; and,

WHEREAS, a public hearing before the City Commission was held, pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were in fact heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That the title and the first paragraph of Section 11.19 of the Code of Ordinances of the City of Pompano Beach are hereby amended to read as follows:

"Section 11.19. Same-Duties; responsibilities; powers.

The duties, responsibilities and powers of the board of trustees shall include the following:"

SECTION 2: That Section 11.19 of the Code of Ordinances of the City of Pompano Beach is hereby further amended by the addition of a new Subsection (j), said Subsection to read as follows:

"(j) To sue and be sued."

SECTION 3: That Section 11.21 of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

"Section 11.21. Employees and agents of board.

The Pension Board may hire and appoint such persons, agents, entities (including corporate fiduciaries) or attorneys as in its discretion may be required or advisable to enable it to perform its

custodial and investment duties hereunder; provided further, the Pension Board may enter into agency, investment advisory and custodial agreements for the purpose of securing investment and custodianship services for the system and fund."

SECTION 4: That the title and first paragraph of Section 11.57 of the Code of Ordinances of the City of Pompano Beach are hereby amended to read as follows:

"Section 11.57. Same-Duties; responsibilities; powers."

The duties, responsibilities and powers of the board of trustees shall include the following:"

SECTION 5: That Section 11.57 of the Code of Ordinances of the City of Pompano Beach is hereby further amended by the addition of a new Subsection (10), said Subsection to read as follows:

"(10) To sue and be sued."

SECTION 6: That Section 11.59 of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

"Section 11.59. Employees and agents of board.

The Pension Board may hire and appoint such persons, agents, entities (including corporate fiduciaries) or attorneys as in its discretion may be required or advisable to enable it to perform its custodial and investment duties hereunder; provided further, the Pension Board may enter into agency, investment advisory and custodial agreements for the purpose of securing investment and custodianship services for the system and fund."

SECTION 7: If any section or provision of this Ordinance shall be held invalid, such holding shall not affect or invalidate any other section or provision which is not of itself invalid.

SECTION 8: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.


SECTION 9: This ordinance shall become effective upon passage.

PASSED FIRST READING this 9 day of September 1975.

PASSED SECOND READING this 16 day of September 1975.


WILLIAM J. ALSDORF, Mayor

ATTEST:


CHARLOTTE LUNZ, City Clerk

DCR/mcs
7/29/75
#309 *DL*

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE POLICE & FIREFIGHTERS RETIREMENT SYSTEM AND REVISING THE NUMBERED SECTIONS OF CHAPTER 11 AFFECTED THEREBY; PROVIDING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT.

WHEREAS, the City Commission on August 15, 1972 via Ordinance No. 72-59 amended certain sections of Chapter 11 of the Code of Ordinances of the City of Pompano Beach by enacting into law an Amended Pension Plan for Police Officers, Police Dispatchers and Firefighters; and

WHEREAS, the City Commission of the City of Pompano Beach, Florida, on November 8, 1972, via Ordinance No. 73-3, amended certain sections of Chapter 11 of the Code of Ordinances of the City of Pompano Beach, Florida by providing an amended pension plan for the general employees of the City; and

WHEREAS, it is the desire of the City Commission to have these two pension plans in conformity with one another as much as possible; and

WHEREAS, it is the desire of the City Commission to amend certain portions of the Police & Firefighters Retirement System; and

WHEREAS, it is necessary to renumber certain sections of Chapter 11 affected by the passage of the aforesaid two Ordinances; now, therefore,

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

Section 1: That Section 11.35.1 of the Code of Ordinances

of the City of Pompano Beach, Florida as created in Ordinance No. 72-59 on August 15, 1972 is hereby amended as follows:

Article II

POLICE & FIREFIGHTERS

RETIREMENT SYSTEM

Division 1. Generally

Section 11.38 The City Commission determines that the City should establish and adopt an actuarially sound retirement and pension plan limited to eligible members of the City of Pompano Beach Police Department and Fire Department. Accordingly, there is hereby established a retirement system for eligible members of the City of Pompano Beach Police Department and Fire Department to be known as THE POLICE AND FIREFIGHTERS RETIREMENT SYSTEM. Members of this system shall not be eligible for membership in the General Employees Retirement System described in Sections 11.01 through 11.37 of this chapter.

Section 2: Page 1 of the aforesaid Ordinance No. 72-59 shall be amended as follows:

a) Strike "Article I", add "Section 11.39" following the title "Definitions".

b) The definition of "employee" shall be amended to read as follows: "Shall mean all regular and probationary employees of the City under the City's classification plan as in effect on October 1st, 1972, as a member of the Fire Department, or as a member of the Police Department with the job title of Dispatcher, Patrolman, Sargeant, Lieutenant, Captain or Chief. In the event of amendment or modification of the classification plan, until this Ordinance is amended specifically, employee shall mean, all regular and probationary employees whose duties most nearly coincide with the duties of the classifications set forth above, and excluding those whose duties most nearly coincide with the duties of the classifications

excluded by the above definition, and excluding those in the Fire or Police Department having a civilian rank. When used herein, the term Firefighter shall mean any member of the Fire Department as defined above".

Section 3: Page 3 of the aforesaid Ordinance shall be amended as follows:

Amend "Article II" to read "Division 2"

Renumber Section 1 to Section 11.40

Add item d. to "Conditions of Eligibility" to read as follows:

"d. Each present and future employee who is eligible to become a member of this system in accordance with the eligibility provisions above shall be required to become a member as a condition of continued employment by the City as an employee."

Renumber Section 2 to Section 11.41

Renumber Section 3 to Section 11.42

Section 4: Page 4 shall be amended as follows:

"Article III" amended to read "Division 3"

Section 1 renumbered to Section 11.43

Section 2 renumbered to Section 11.44

Subsection b. of said renumbered Section 11.44 shall be amended to replace the reference to Section "1-a above" as "Section 11.43 (a) above" and the reference to Section "2-b" to "Section 11.44 (b)"

Section 3 on page 5-a of the renumbered Division 3 shall be renumbered Section 11.45

Section 4 shall be renumbered Section 11.46

Section 5 shall be renumbered Section 11.47

Section 6 on page 5-b shall be renumbered Section 11.48

Section 7 on page 7 shall be renumbered Section 11.49

Section 5: "Article IV" on page 8 shall be amended to read "Division 4", and the entire division shall be renumbered Section 11.50

Section 6: "Article V" on page 9 shall be amended to read "Division 5", and Section 1 thereunder shall be renumbered Section 11.51

Section 2 shall be renumbered Section 11.52

Section 3 shall be renumbered Section 11.53

Section 4 shall be renumbered Section 11.54

Section 5 on page 10 shall be renumbered Section 11.55

Section 7: "Article VI" on page 11 shall be amended to read "Division 6", and the first section following the title "Administration" shall be numbered 11.56.

Sub-Section E on page 12 of the aforesaid renumbered Section 11.56 shall be amended to read as follows:

"E. The trustees shall serve without compensation but they may be reimbursed from the expense fund for all necessary, reasonable and proper expenses, such as travel, which they may actually expend in the performance of their duties as a member of the Board; said expenditure not to exceed the limits placed by law including, but not limited to, Florida Statute 112.061."

Sub-Section H on page 12 of the aforesaid renumbered Section 11.56 shall have the following sentence added to it:

"Board meetings shall be held in accordance with Robert's Rules of Order".

Sub-Section I on pages 12 and 13 of the aforesaid renumbered Section 11.56 shall be amended such that the last sentence therein shall read as follows:

"The Secretary and any Trustee authorized to handle or disburse funds or assets or sign checks shall be bonded for a minimum of 10% of the assets of the fund, with a maximum bond limit of \$100,000.00, the premium for said bond to be paid out of this fund."

Sub-Section K on page 13 of the aforesaid renumbered Section 11.56, shall be renumbered Section 11.57

The aforesaid renumbered Section 11.57 on page 13 shall be amended by the addition of a Sub-Section 9 to read as follows:

"To have performed an annual independent audit of the system's financial operations, books and fund."

Section 8: "Article VII" shall be amended to read "Division 7", and the section entitled "Establishment and Operation of Fund" on page 14 shall be renumbered Section 11.58

Sub-Section 3 of the Establishment and Operation of Fund
on page 14 shall be renumbered Section 11.59

Sub-Section 4 thereunder on page 14 shall be renumbered
Section 11.60

Section 5 thereunder on page 15 shall be renumbered
Section 11.61

Section 6 thereunder on page 17 shall be renumbered
Section 11.62

Section 7 thereunder on page 17 shall be renumbered
Section 11.63

Section 9: "Article VIII" on page 18 shall be amended to
read "Division 8", and Section 1 thereunder shall be renumbered
Section 11.64

Section 2 thereunder shall be renumbered Section 11.65

Section 3 thereunder shall be renumbered Section 11.66

Section 4 thereunder shall be renumbered Section 11.67

Section 5 thereunder on page 19 shall be renumbered
Section 11.68

Section 6 thereunder shall be renumbered Section 11.69

Section 7 thereunder shall be renumbered Section 11.70

Section 8 on page 20 thereunder shall be renumbered
Section 11.71

Section 9 thereunder shall be renumbered Section 11.72

Section 10 thereunder on page 21 shall be renumbered
Section 11.73

Section 10: There shall be added immediately following the
aforesaid renumbered Section 11.73 a new section 11.74 to read as
follows:

11.74 - Duties of City Finance Department

Upon request, and as specified in such request, by the
Board of Trustees, the City's Finance Department shall maintain any
or all records and data necessary for the proper administration of

this System, and shall make such records and data available to the Board of Trustees. Such shall include, but not necessarily be limited to, the following list and any other similar items necessary for proper administration of the System:

- a. Deduct employee contributions, deposit to Fund each pay period.
- b. Maintain employee contribution accounts; determine interest to be credited annually as per Trustee's instructions.
- c. Receive and retain one copy of each form of application for participation, and beneficiary designation form.
- d. For terminating participants:
 1. Notify Trustees as to amount of contribution refund due.
 2. Note date of termination on original application form and retain in separate file.
- e. For pending retirements, complete basic data form, including determination of Average Monthly Earnings.
- f. Prepare annually employee data needed for actuarial valuation.
- g. Deposit City and State contributions to Fund.

Section 11: There shall be a new Section 11.75 immediately following aforesaid Section 11.74 to read as follows:

"11.75 - Termination of the System.

a) In the event of termination of the System, or complete discontinuance of City contributions to the System, the Fund held on the effective date of such termination or discontinuance shall be administered for the sole benefit of the then Members, active and retired, and Beneficiaries then receiving benefits and any future Beneficiaries entitled to receive benefits who are designated by any of said Members.

Subject to the provisions of this Section, the Fund shall be promptly allocated by the Trustees in an equitable manner to pro-

vide benefits for the persons stated herein, in accordance with the provisions of the System, in the following order of priority, and after first allocating accumulated employee contributions with interest not yet paid in the form of benefits under the System:

1. Members already retired under the Normal Retirement provisions of this System and those eligible for Normal Retirement but not actually retired, and their Beneficiaries, in proportion to and to the extent of the then actuarially determined present value of the benefits payable. If any funds remain, then,
2. Members already retired or eligible for retirement under the Early Retirement provisions of this System and their Beneficiaries in the same manner as in "1" above. If any funds remain, then,
3. All other members and their Beneficiaries in the same manner as in "1" above but based upon Continuous Service and Average Monthly Earnings as of the date of termination of the System, and with any benefits vested given precedence.

b) The allocation of the Fund provided for may, as decided by the Board of Trustees, be carried out through the purchase of insurance company contracts to provide the benefits as determined. The Fund may be distributed in one sum to the persons entitled to said benefits in the proportion of the then present value of said benefits, or the distribution may be carried out in such other equitable manner as the Trustees may direct".

Section 12: There shall be added a new Section 11.76 immediately following the aforesaid new Section 11.75 to read as follows:

"11.76 - Trustees to Submit Reports.

Each year in accordance with Chapters 175 and 185 of the Florida Statutes, on or before March 15th, the Trustees of the System

shall submit a report to the State Treasurer in accordance with the requirements of the aforesaid Florida Statutes".

Section 13: Article II of the aforesaid Chapter 11 - "Personnel Rules and Regulations" - shall become Article III, and its sections shall be renumbered from Sections 11.36 through 11.61 to corresponding Sections 11.77 through 11.102.

Section 14: Article III of Chapter 11 - "Employees' Emergency Fund" - shall become Article IV, and the sections therein shall be renumbered accordingly from 11.62 through 11.66 to 11.103 through 11.107.

Section 15: The following sections as renumbered by the aforesaid Ordinance No. 72-59, are hereby repealed:

Section 11.35.2

Section 11.35.3

Section 11.35.4

Section 11.35.5

Section 11.35.6

Section 16: Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect validity of the remainder hereof as a whole or any part, other than the part declared to be invalid.

Section 17: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

PASSED FIRST READING THIS 21st day of December, 1972.

PASSED SECOND READING THIS 3rd day of January, 1973.

ATTEST:

June Owen
JUNE OWEN, City Clerk.

J. Maxim Ryder
J. MAXIM RYDER, Mayor

ORDINANCE NO. 72-59

CITY OF POMPANO BEACH
BROWARD COUNTY, FLORIDA

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, REMOVING POLICE OFFICERS, POLICE DISPATCHERS AND FIRE FIGHTERS FROM COVERAGE UNDER THE CITY EMPLOYEES' PENSION PLAN; ENACTING INTO LAW AN AMENDED PENSION PLAN FOR POLICE OFFICERS, POLICE DISPATCHERS AND FIRE FIGHTERS; PROVIDING FOR A PROMPT AND ORDERLY TRANSFER OF ASSETS TO THE BOARD OF TRUSTEES UNDER THE AMENDED PENSION PLAN AND TO PRESERVE ALL ACCRUED BENEFITS TO DATE FOR POLICE OFFICERS, POLICE DISPATCHERS AND FIRE FIGHTERS; PROVIDING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT.

WHEREAS, the City Commission is desirous of amending certain Sections of Chapter 11 of the Code of Ordinances of the City of Pompano Beach in order to remove Police Officers, Police Dispatchers and Fire Fighters from coverage under the existing City of Pompano Beach Employees' Pension Plan, and

WHEREAS, the City Commission is further desirous of rescinding and repealing in their entirety Sections 11.35.1 through 11.35.10 and Sections 11.35.20 through 11.35.30 providing for supplemental Early Retirements for Police and Firemen, and

WHEREAS, the City Commission, upon extensive examination of the City's Pension Plan, desires to simultaneously enact into law a comprehensive amended Pension Plan for Police Officers, Police Dispatchers and Fire Fighters, and

WHEREAS, the City Commission further desires to preserve all benefits accrued to date and effect a prompt and orderly transition of all assets whatsoever attributable to Police and Fire Fighters under the existing Plan to the amended Plan, Now Therefore,

Be it enacted by the City of Pompano Beach, Florida:

Section 1: The following changes are hereby made in the City of Pompano Beach Employees' Pension Plan (Chapter 11, Sections 11.01 through Sections 11.35), as follows:

1. Subsection (6) Employee, of Section 11.04 is amended to read as follows:

(6). EMPLOYEE means any person regularly employed by the City and whose customary employment is more than twenty hours in a week and more than six months in a calendar year, except that for purposes of this Plan the term Employee shall not include Police Officers, Police Dispatchers, or Fire Fighters.

2. Division 6. Death Benefits. Section 11.20. Life Insurance Amounts is amended to read as follows:

Division 6. Death Benefits

Section 11.20. Life Insurance - Amount.

As of the date an employee becomes a participant under this plan, life insurance shall be provided on his life under the terms of the group life contract in an amount equal to one thousand dollars for each ten dollars of such participant's prospective pension as of such date; provided, however, that prior to the date on which an employee becomes eligible for the pension plan, he shall be provided by the city with term insurance on the following basis:

Employment category	Amount of Term Insurance
Employees paid on an hourly basis (only after expiration of the six (6) month probationary period)	\$2,500.00
Employees paid on a bi-weekly basis	2,500.00

Such insurance shall continue until the date the employee becomes eligible to participate in the pension plan; provided, however, employees over age 54 and 6 months on date of employment by the city will not be eligible for such term insurance.

- Section 2: Article I-A entitled Police; Supplemental Early Retirement, and including Sections 11.35.1 through 11.35.8, is hereby rescinded and repealed.
- Section 3: Article I-B entitled Firemen; Supplemental Early Retirement, and including Sections 11.35.20 through 11.35.27, is hereby rescinded and repealed.
- Section 4: A new Section 11.35.1, being the City of Pompano Beach Amended Police and Fire Fighters Pension Plan and Trust, is hereby created to read as follows:

ARTICLE I

DEFINITIONS

As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

1. City means Pompano Beach, Florida.
2. Agreement means this written instrument setting forth the provisions of the Retirement System.
3. System means the Pompano Beach Police and Firefighters Retirement System as contained herein and all amendments thereto.
4. Fund means the Trust Fund established herein as part of the Plan.
5. Board means the Board of Pension Trustees, which shall administer and manage the System herein provided and serve as Trustee of the Fund.
6. Fiscal Agent shall mean any person or entity designated to serve as investment agent, or custodian of the Fund of the Retirement System.
7. Employee shall mean all regular employees of the City classified as Police Officers, Police Dispatchers, or Firefighters.
8. Member means an Employee who fulfills the prescribed participation requirements.
9. Continuous Service means uninterrupted service by a Member (expressed as years and completed months), from the date he last entered employment as an Employee until the date his employment shall be terminated by death, retirement, or discharge, provided, however, the Continuous Service of any Member shall not be deemed to be interrupted by:
 - a. Any authorized leave of absence or vacation; provided that all Members similarly situated in similar circumstances shall be treated alike pursuant to uniform, non-discriminatory rules.

- b. Any service, voluntary or involuntary in the Armed Forces of the United States, provided the Member is legally entitled to re-employment under the provisions of the Universal Training and Service Act, and any amendments thereto, or any law applicable to such re-employment, and provided further, that said Member shall apply for re-employment within three (3) months following termination of such service.

And, provided further, no credit for benefit computation purposes under the Plan shall be allowed in any case in excess of six (6) months wherein a Member has been on an authorized leave of absence or vacation.

10. Earnings

means basic wages and regular longevity bonuses paid to a Member, excluding non-regular overtime, bonuses and any other non-regular payments.

11. Average Monthly Earnings

means 1/12th of the arithmetic average of annual Earnings for the highest three years preceding the actual retirement or termination date of a Member.

12. Beneficiary

means the person or persons entitled to receive any benefits hereunder at the death of a Member who has or have been designated in writing by the Member and filed with the Board. If no such designation is in effect at the time of death of the Member, or if no person so designated is living at that time, the Board shall have the authority to designate the beneficiary or beneficiaries as provided herein.

13. Effective Date

means the date on which this Ordinance becomes effective.

1. Conditions of Eligibility

- a. Police Officers and Dispatchers and Firefighters who are Members of the City's Employees' Pension Plan at the time of adoption of this Retirement System shall be eligible to become Members of this System.
- b. Any other Police Officer, Dispatcher, or Firefighter shall be eligible to become a Member if at least twenty-one (21) and not more than thirty-two (32) years of age provided that:
 1. Such Employee satisfactorily completes all required medical examinations for an employee of his classification, and
 2. Such Employee meets all requirements of the Civil Service Board of the City except the probationary period.
- c. Should a veteran Police Officer or Firefighter from another governmental agency be employed by this City, over the age of thirty-two (32), he may participate in this Fund in accordance with uniform rules and procedures adopted by the Board. Board approval shall be required in each such individual case.

2. Application

Each eligible Employee shall complete an application form covering the following points, as well as such other points or items as may be prescribed by the Board:

- a. Such Employee's acceptance of the terms and conditions of the Pension Plan and Pension Trust Agreement; and if requested,
- b. Such Employee's designation of a Beneficiary or Beneficiaries;

3. Change in Designation of Beneficiary

A Member may from time to time change his designated Beneficiary by written notice to the Board upon forms provided by the Board; no change of Beneficiary shall be effective until such written notice has been received by the Board. Upon such change, the rights of all previously designated Beneficiaries to receive any benefit under the Plan shall cease.

ARTICLE III

RETIREMENT DATES AND BENEFITS1. Normal Retirement Date

- a. A Member may elect to retire on the first day of the month coincident with, or next following the attainment of age forty seven (47) and the completion of twenty (20) years of Continuous Service; provided, however, Employees who are eligible to and become Members as of the Effective Date of this System shall be eligible to retire on the attainment of age forty seven (47) regardless of the number of years of Continuous Service.
- b. Any Member wishing to extend his employment beyond the age of fifty six (56) must make application to the Board of Trustees. These extensions will be acted upon on a year to year basis to a maximum of age sixty (60), with the Board of Trustees having the final and binding authority on whether to grant or reject such applications.

2. Normal Retirement Benefita. Duration

A Member retiring hereunder on his Normal Retirement Date shall receive a monthly benefit which shall commence on his Normal Retirement Date and be continued thereafter during his lifetime. Upon reaching Normal Retirement Age a Member's benefits shall be fully vested.

b. Amount

Three percent (3%) of Average Monthly Earnings, for each year of Continuous Service, subject in any event to a Maximum of seventy five (75%) percent of Average Monthly Earnings; provided, however, Members who are eligible for Normal Retirement as of the Effective Date as provided in 1-a above shall receive the greater of the benefit provided by the formula above (2-b) or fifty percent (50%) of Average Monthly Earnings.

3. Early Retirement Date

A Member may retire on the first day of any month following the completion of twenty (20) years of Continuous Service.

4. Early Retirement Benefit

A Member retiring hereunder on his Early Retirement Date may receive either a deferred or an immediate monthly retirement benefit as follows:

a. A deferred monthly retirement benefit which shall commence on his Normal Retirement Date and shall be continued on the first day of each month thereafter during his lifetime. The amount of each such deferred monthly retirement benefits shall be determined in the same manner as for retirement at his Normal Retirement Date except that Continuous Service and Average Monthly Earnings shall be determined as of his Early Retirement Date; or,

b. An immediate monthly retirement benefit which shall commence on his Early Retirement Date and shall be continued on the first day of each month thereafter during his lifetime. The maximum benefit payable, as determined in subparagraph "a" above, shall be reduced actuarially so that actuarially equivalent benefits shall be payable in all cases wherein actual retirement date precedes a Member's regular Normal Retirement Date.

5. Disability

a. Service Incurred

Any Member who receives a service connected injury, disease or disability, which injury, disease or disability permanently incapacitates him, physically or mentally,

from regular and continuous duty as a Firefighter or Police Officer, or Dispatcher, shall receive in equal monthly installments an amount equal to seventy-five (75%) percentum of Average Monthly Earnings in effect at date of disability. The benefit shall be payable until the earlier of death or recovery from disability.

b. Non-Service Incurred

Any Member with ten (10) years of service who receives a non-service incurred injury, disease or disability, and which injury, disease or disability, permanently incapacitates or shall in the future permanently incapacitate him physically or mentally from regular and continuous duty as a Firefighter or Police Officer or Dispatcher, shall receive in equal monthly installments an amount equal to 2% of his Average Monthly Earnings for each year of Continuous Service, subject in any event to a Maximum of Fifty (50%) percent of Average Monthly Earnings at the time of disability. The benefit shall be payable until the earlier of death or recovery from disability.

c. Determination of Disability

All questions relating to eligibility for continuance of disability benefits shall be determined by the Board of Trustees, based upon the recommendation of the Medical Board.

6. Pre-Retirement Death

a. Service Incurred

A death benefit shall be payable in behalf of any Member who dies as a direct result of an occurrence arising in the performance of service. The benefit shall be payable as follows:

1. To the widow, or other designated Beneficiaries, as the case may be, a lump sum payment of \$5000; plus
2. To the widow, until the earlier of her death or remarriage, a monthly benefit equal to seventy five (75%) percent of the Member's final earnings plus
3. For each child until he or she shall have reached the age of eighteen (18) years,

and for each child from age eighteen (18) until age twenty two (22) who is a full time student in an accredited school, there shall be paid in equal monthly installments, an amount equal to seven and one-half (7 1/2%) percent of the final earnings subject to an overall limitation of a total of ninety (90%) percent of final earnings for the widow and children combined. The non-student child's pension shall terminate on the earlier of death, marriage or the attainment of age 18; the pension of a child who is a student shall terminate on the earlier of death, marriage, or the attainment of age 22. Legally adopted children shall be eligible the same as natural children. 6

Upon remarriage or death of the widow, the seven and one-half (7 1/2%) percent child allowance shall be increased to fifteen percent (15%) for each child, and shall be paid in trust to eligible children, not to exceed a combined total of fifty percent (50%) of a Member's final earnings.

The trusteeship and disbursements of the pension to any child or children shall be determined by the Board of Trustees. No survivor pension shall be paid to any stepchild of a deceased member.

b. Non-Service Incurred

If any Member shall die in active service from causes not attributable to active duty or service, a death benefit shall be payable as follows:

1. With less than one (1) year of Continuous Service -
None
2. With one (1) but less than five (5) years of Continuous Service -
A single sum amount of \$5,000
3. With five (5) years of Continuous Service -
 - (i) A single sum amount of \$5,000, plus
 - (ii) To the widow in equal monthly payments a pension equal to sixty five % (65%) of such Member's accrued pension as of date of death, subject to a minimum of twenty percent (20%) of Average Monthly Earnings, plus
 - (iii) To the child or children of such deceased Member the same benefits as are payable by reason of Service-Connected Death, subject however, to a maximum combined limitation of monthly payments to the widow and children of fifty percent (50%) of final Earnings.

7. Vesting

If a Member terminates his employment with the Police or Fire Departments, either voluntarily or by lawful discharge, and is not eligible for any other benefits under this System, he shall be entitled to the following:

- a. With less than ten (10) years of Continuous Service -
Refund of Member contributions plus 3% interest
- b. With ten (10) or more years of Continuous Service -
 1. The pension benefit accrued to his date of termination, payable commencing at his otherwise Normal Retirement Date, provided he does not elect to withdraw his Member contributions
or
 2. Refund of Member contributions plus 3% interest.

Any Member of this System who, for whatever reason, has his employment with the City as a Police Officer, Police Dispatcher, or Firefighter terminated, but who remains or was previously employed by the City in some other capacity so that his total continuous period of employment with the City is ten (10) years or more, shall have all benefits accrued under this System preserved, provided he does not elect to withdraw his Member contributions. Such accrued benefits shall be paid at his otherwise Normal Retirement Date in accordance with the provisions of this System.

For purposes of determining Normal Retirement Age under this Vesting provision, Continuous Service shall include all employment with the City as well as the period of time subsequent to termination as a Member of this System; provided further, however, that benefits shall not be payable under this System during any period of continued employment by the City.

ARTICLE IV

OPTIONAL FORMS OF RETIREMENT BENEFITS

Each Member entitled to a regular Normal Retirement Benefit shall have the right at any time prior to his actual retirement to elect to have his retirement benefit payable under any one of the Options hereinafter set forth in lieu of the retirement benefits otherwise provided herein, and to revoke any such elections and make a new election at any time prior to actual retirement. The value of optional retirement benefits shall be actuarially equivalent to the value of benefits otherwise payable. The Member shall make such an election by written request to the Board and such an election shall be subject to the approval of the Board.

OPTION 1 - Joint and Last Survivor Option

A retiring Member may elect to receive a decreased retirement benefit during his lifetime and have such decreased retirement benefit (or a designated fraction thereof) continued after his death to and during the lifetime of his spouse or a relative other than his spouse. The election of Option 1 shall be null and void if the designated Contingent Annuitant dies before the Member's retirement.

OPTION 2 - 10 Years Certain and Life Thereafter

A retiring Member may elect to receive a decreased retirement benefit with 120 monthly payments guaranteed. If, after retiring, the Member should die before said 120 monthly payments are made, payments are then continued to his designated beneficiary until 120 payments in all have been made, at which time benefits cease. After expiration of the certain period, should the retired Member be then alive, payments shall be continued during his remaining lifetime.

OPTION 3 - Other

In lieu of the other optional forms enumerated in this Article, retirement benefits may be paid in any form approved by the Board so long as actuarial equivalence with the benefits otherwise payable is maintained.

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ARTICLE V
CONTRIBUTIONS

1. Member Contributions

Members of the Retirement System shall make regular contributions to the Trust Fund at a rate equal to Eight and Six Tenths Per Cent (8.6%) of their respective annual Earnings. Eligible Employees, as a condition of membership, shall agree in writing upon becoming a Member to make the contributions specified herein. Said contributions shall be deducted from said Earnings before the same are paid.

2. State Contributions

Any monies received or receivable by reason of laws of the State of Florida, for the express purpose of funding and paying for retirement benefits for Police and Firemen of the City shall be deposited in the Trust Fund comprising part of this System.

3. City Contributions

So long as this System is in effect the City shall make an annual contribution to the Trust Fund in an amount equal to the difference in each year as between the total of aggregate Member contributions for the year plus State contributions for the year and the amount necessary for the year to maintain the System on a sound actuarial basis as shown by the most recent Actuarial Valuation and Report for the System. The total cost for any year shall be defined as the total of Normal Cost plus the additional amount sufficient to amortize the Accrued Past Service Liability over a 40 year period commencing on October 1, 1972.

4. Guaranteed Refund of Member Contributions

All retirement, death, and disability benefits payable under this System are in lieu of a refund of Member contributions. In any event, however, each Member shall be guaranteed the payment of benefits at least equal in total amount to his accumulated contributions plus 3% interest.

5. Miscellaneous

All monies which have been funded by the Members contributions and the City's contributions, and monies from all outside sources such as private contributions or those contributions made by the State of Florida or any other Firms or Corporations or Companies being invested into any basic or secondary pension plan for the retirement of any employee which shall be included in this Fund, including any interest gathered by these monies, shall be transferred into this Fund to be known as "The Pompano Beach Police and Firemen's Pension Fund," no later than thirty (30) days after this Fund becomes law.

ADMINISTRATION

The General administration and responsibility for the proper operation of the pension system and for making effective the provisions of this Act are hereby vested in a Board of Trustees consisting of nine persons, as follows:

1. Three members other than Firemen or Policemen to be appointed as hereinafter provided;
 2. Three members of the Fire Department to be elected as hereinafter provided; and
 3. Three members of the Police Department to be elected as hereinafter provided.
- A. The term of office of each Trustee shall be three (3) years except that the initial terms of the Trustees of each class shall respectively be for one, two and three years. The initial terms shall commence on the 30th day after the Ordinance approving and authorizing this Agreement shall become law. Initially in each elective category, the Trustee receiving the most votes shall serve the 3 year term, the second most votes the 2 year term. The City Commission shall determine the term of office of each appointive Trustee.
- B. The appointive Trustees shall be appointed by the City Commission.
- C. The elective Trustees shall be elected in the following manner, to wit: By per capita vote of all members of each of said respective departments who come within the purview of this Act, both active and retired, at meetings to be held at places designated by the Board at which meetings all qualified members entitled to vote shall be notified in person or by mail ten days in advance of said meeting. The candidate receiving the highest number of votes for each office shall be declared elected and shall take office immediately upon commencement of the term of office for which elected or as soon thereafter as he shall qualify therefore. An election shall be held each year not more than thirty and not less than ten days prior to the commencement of the terms for which Trustees are to be elected in that year. The Board of Trustees shall meet, organize and elect one of their members as Chairman, and one member as Vice Chairman, within ten days after Trustees are elected and duly qualified.

- D. If a vacancy occurs in the office of Trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.
- E. The Trustees shall serve without compensation, but they may be reimbursed from the expense fund for all necessary expenses which they may actually expend through services on the Board.
- F. Each Trustee shall, within ten days after his appointment or election, take an oath of office before the City Clerk of the City, that so far as it develops upon him he will diligently and honestly administer the affairs of the said Board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the Retirement System. Such oath shall be subscribed to by the members making it and certified by the said Clerk and filed in his office.
- G. Each Trustee shall be entitled to one vote on the Board. Five votes shall be necessary for a decision by the Trustees at any meeting of the Board. The Chairman shall have the right to one vote only.
- H. Subject to the limitations of this Act the Board of Trustees shall from time to time establish uniform rules and regulations for the administration of funds created by this Act and for transactions of its business, including provisions for compulsory attendance of its members, which shall have the force of law.
- I. The Board of Trustees shall by majority vote of its members appoint a Secretary, who may, but need not be, one of its members. It shall engage such actuarial and other services as shall be required to transact the business of the Retirement System. The compensation

of all persons engaged by the Board of Trustees and all other expenses of the Board necessary for the operation of the Retirement System shall be paid at such rates and in such amounts as the Board of Trustees shall agree, but in no case shall the expenditures for such services or operations exceed three percent (3%) of the maximum in the Fund each fiscal year. All funds shall be disbursed by the Board of Trustees. The Secretary shall be bonded for five thousand dollars (\$5,000), the premium for said bond to be paid out of this Fund.

- J. Any Trustee who neglects the duties of his office shall be removed by the Board of Trustees upon affirmative vote of seven (7) Members of the Board.
- K. The duties and responsibilities of the Board of Trustees shall include the following:
1. To construe the provisions of the System and determine all questions arising thereunder;
 2. To determine all questions relating to eligibility and participation;
 3. To determine and certify amount of all retirement allowances or other benefits hereunder;
 4. To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the Plan;
 5. To distribute at regular intervals to employees, information concerning the Plan;
 6. To receive and process all applications for participation and benefits.
 7. To authorize all payments whatsoever from the Fund.
 8. To approve of any and all changes in the provisions of the System.

ARTICLE VII

FINANCES AND FUND MANAGEMENTEstablishment and Operation of Fund

1. As part of the System there is hereby established the Fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the System.
2. The actual custody and supervision of the Fund (and assets thereof) shall be vested in the Pension Board. Payment of benefits and disbursements from the Fund shall be made only on authorization from the Pension Board.
3. The Pension Board, may hire and appoint such persons, agents or entities (including corporate fiduciaries) as in its discretion may be required or advisable to enable it to perform its custodial and investment duties hereunder; provided further, the Pension Board may enter into agency, investment advisory and custodial agreements for the purpose of securing investment and custodianship services for the System and Fund.
4. All funds and securities of the System may be commingled in the Fund, provided that accurate records are maintained at all times reflecting the financial composition of the Fund, including, accurate current accounts and entries as regards the following:
 - a. Current amounts of Accumulated Contributions of Employees on both an individual and aggregate account basis, and
 - b. Receipts and disbursements, and
 - c. Payments to Retirees, and
 - d. Current amounts clearly reflecting all moneys, funds and assets whatsoever attributable to contributions and deposits from the City, and

- e. All interest, dividends and gains (or losses) whatsoever, and
- f. Such other entries as may be properly required so as to reflect a clear and complete financial report of the Fund.

5. The Board of Pension Trustees shall have the following investment powers and authority:

- a. The Trustee shall invest and reinvest the Funds in such securities or in such property, real or personal, wherever situated, as the Trustee shall deem advisable, including but not limited to, stocks, common or preferred, bonds and mortgages, and other evidences of indebtedness or ownership, although the same may not be of the character permitted for Trustees' investment by the laws of the State of Florida. The Board of Pension Trustees shall be vested with full legal title to said Fund. All contributions from time to time paid into the Fund, and the income thereof, without distinction between principal and income, shall be held and administered by the Board or its Agent, in the Fund and the Board shall not be required to segregate or invest separately any portion of the Fund.
- b. The Board may retain in cash and keep unproductive of income such amount of the Fund as it may deem advisable, having regard for the cash requirements of the System.
- c. Neither the Board nor any person or entity shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the Fund, except that due to his or its own negligence, willful misconduct or lack of good faith.

- d. The Board may cause any investment in securities held by it to be registered in or transferred into its name as Trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the Fund.
- e. The Board is empowered, but is not required, to vote upon any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee or with the Trustees or with depositaries designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally, to exercise any of the powers of an owner with respect to stocks, bonds, or other investments, comprising the Fund which it may deem to be to the best interest of the Fund to exercise.
- f. The Board shall not be required to make any inventory or appraisal or report to any court, nor to secure any order of court for the exercise of any power herein contained.
- g. Where any action which the Board is required to take or any duty or function which it is required to perform either under the terms herein or under the general law applicable to it as Trustee under this Agreement, can reasonably be taken or performed only after receipt by it from a Member, the City or

any person or entity, of specific information, certification, direction or instructions, the Board shall incur no liability in failing to take such action or perform such duty or function until such information, certification, direction or instruction has been received by it.

- h. Any overpayments or underpayments from the Fund to a retired Member of Beneficiary caused by errors of computation shall be adjusted with interest at the rate per annum approved by the Board. Overpayments shall be charged against retirement payments next succeeding the correction. Underpayments shall be made up from the Trust Fund.
 - i. The Board shall sustain no liability whatsoever for the sufficiency of the Fund to meet the payments and benefits herein provided for and shall be under no duty or obligation to inquire into the sufficiency of the payments made into the Fund by the City.
 - j. In any application to or proceeding or action in the courts, only the City and the Board shall be necessary parties, and no Member or other person having an interest in the Fund shall be entitled to any notice of service or process. Any judgement entered in such a proceeding or action shall be conclusive upon all persons.
6. Any of the foregoing powers and functions reposed in the Board may be performed and carried out by the Board through duly authorized Agents, provided that the Board shall at all times maintain continuous supervision over the acts of any such Agent; provided further, that legal title to said Fund shall always remain in the Board of Pension Trustees.
7. No change in any of the provisions of the System shall be made without the approval of a majority of the Board of Trustees.

ARTICLE VIII

MISCELLANEOUS1. Medical Board

The Board of Trustees shall designate a Medical Board to be composed of three (3) physicians who shall arrange for and pass upon all medical examinations required under the provisions of this Act, shall investigate all essential statements or certificates made by or on behalf of a Member in connection with an application for disability or retirement and shall report in writing to the Board of Trustees its conclusions and recommendations upon all matters referred to it. The payment for such services shall be determined by the Board of Trustees.

2. Compulsory Retirement

On compulsory retirement of a Member by act of the Board of Trustees any such retired Member shall have the right to appeal against such retirement by the Board of Trustees by appealing to a Court of proper jurisdiction, and said Member shall defray his own expenses in his appeal of such compulsory retirement.

3. Discharged Members

Members entitled to a pension shall not forfeit the same upon dismissal from the Department but shall be retired as herein described.

4. Recovery From Disability

In the event a Member who has been retired on a pension on account of permanent incapacity regains his full health is shown to be physically able to perform his duties in the Police Department or Fire Department, the Board shall require the said Member to resume his position in the respective Department and discontinue the pension; provided, however, that, if such Member shall have been retired for disability in line of duty, shall

not have reached the age of forty six (46) years and shall within eighteen (18) months after resuming his position pay into the Fund an amount equal to the aggregate contributions (computed upon his annual earnings at the time of his disability retirement) he would have been required to make hereunder during the period of his disability retirement had he not been retired, such Member shall receive creditable service for the period of such disability retirement.

5. Non-Assignability

No pension provided for herein shall be assignable or subject to garnishment for debt or for other legal process.

6. Duration of Pension

Pensions granted to retired Members shall be paid to them for life and shall not be revoked nor in any way diminished except as provided in this Act, and the payments of the Member of this Fund shall cease upon his retirement and acceptance of a pension.

7. Pension Validity

The Board of Trustees shall have the power to examine into the facts upon which any pension shall heretofore have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently, or illegally for any reason. Sc

Board is empowered to purge the pension rolls of any person heretofore granted a pension under prior or existing law or hereafter granted under this Act, if the same is found to be erroneous, fraudulent or illegal for any reason; and to re-classify any pensioner who has heretofore under any prior or existing Law, or who shall hereafter under this Act, be erroneously, improperly or illegally classified.

8. Incompetents

If any Participant or Beneficiary is a minor or is, in the judgment of the Pension Board, otherwise incapable of personally receiving and giving a valid receipt for any payment due him under the Plan, the Board may, unless and until claims shall have been made by a duly appointed guardian or committee of such person, make such payment or any part thereof to such person's spouse, children, or other person deemed by the Board to have incurred expenses or assumed responsibility for the expenses of such person. Any payment so made shall be a complete discharge of any liability under the Plan for such payment.

9. Miscellaneous

- a. The Board will furnish the Actuary with all data required for necessary actuarial computations under the Plan.
- b. No payment or any benefit, contribution, or other sum which would constitute a violation of any applicable wage control law shall be made hereunder.

10. Regarding Continuous Service -- Certain Transfers -- Vested Rights on Transfer

a. Continuous Service Credit For Members on Effective Date

As regards any Member of the System as of the Effective Date, his total years of Continuous Service from date of employment with the City to date of retirement or termination as an eligible Member shall be included for benefit computation purposes under the System.

b. Regarding Transfer of Members -- Vested Rights

Following the Effective Date hereof, as regards any Member of the System who changes his category of employment with the City so as to preclude his continued eligibility hereunder, such Member's accrued benefit as of date of transfer shall become fully vested under this System and payable in accordance with the provisions herein.

c. Regarding Transfer of Other City Employees to Police and Firefighters System -- Vested Rights -----

Following the Effective Date hereof, as regards any City Employee not eligible for coverage under this System, who subsequently changes his employment category with the City and then becomes eligible hereunder, such Employee's accrued benefit as of date of transfer shall become fully vested under the City Pension System of which he is a Member at time of transfer and payable in accordance with the provisions therein.

Section 5: The following Code of Ordinance sections are renumbered as indicated:

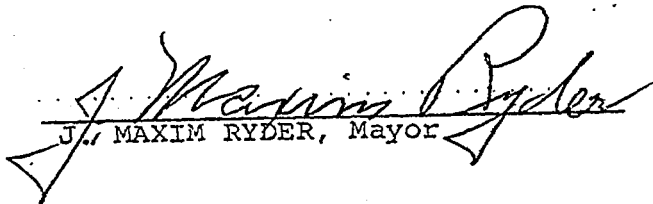
Section 11.35.9 to Section 11.35.2
Section 11.35.10 to Section 11.35.3
Section 11.35.28 to Section 11.35.4
Section 11.35.29 to Section 11.35.5
Section 11.35.30 to Section 11.35.6

Section 6: Should any section or provision of this ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect validity of the remainder hereof as a whole or any part, other than the part declared to be invalid.

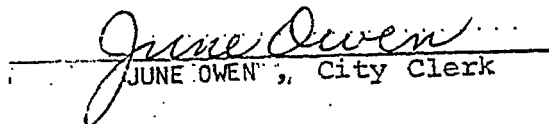
Section 7: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

PASSED FIRST READING this 1st day of August , 1972.

PASSED SECOND READING this 15th day of August , 1972.


J. MAXIM RYDER, Mayor

ATTEST:


JUNE OWEN, City Clerk