

CITY OF POMPANO BEACH

Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, “CITY POLICY,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES RELATING TO THE POLICE AND FIREFIGHTERS’ RETIREMENT SYSTEM, BY AMENDING SECTION 34.045, “DEFINITIONS,” TO DEFINE SENIOR MANAGEMENT EMPLOYEES; BY AMENDING SECTION 34.053 “NORMAL RETIREMENT DATE”, TO INCLUDE PROVISIONS APPLICABLE TO SENIOR MANAGEMENT EMPLOYEES; BY AMENDING SECTION 34.059, “ACCRUED BENEFITS” TO PROVIDE FOR SUCH BENEFITS FOR SENIOR MANAGEMENT EMPLOYEES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) 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 City Commission Chambers of the City of Pompano Beach; 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 Section 34.045, “Definitions,” of Chapter 34, “City Policy,” of the City of Pompano Beach Code of Ordinances is hereby amended as follows:

§ 34.045 DEFINITIONS

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

...

EMPLOYEE. All regular and probationary employees of the city under the city's classification plan as in effect on October 1, 1972, as a member of the Fire

Department, or as a member of the Police Department with the job title of dispatcher, patrolman, sergeant, lieutenant, or captain, or chief. For this purpose, the term **REGULAR EMPLOYEE** shall include those who work for 20 hours or more per week and five months or more per year. In the event of amendment or modification of the classification plan, until this subchapter 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, including all sworn City employees transferred to the Broward County Sheriff's Office on August 1, 1999 via Resolution No. 99-223 and Ordinance No. 99-46, 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. **EMPLOYEE** includes all Senior Management Employees as defined herein.

...

SENIOR MANAGEMENT EMPLOYEE. All non-bargaining unit **FIREFIGHTER** Employees within the System.

...

SECTION 2. That Section 34.053 "Normal Retirement Date," of Chapter 34, "City Policy," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 34.053 NORMAL RETIREMENT DATE.

(A) A member may elect to retire on or after the day of attainment of age 47, age 50 for firefighters hired after May 27, 2014, and the completion of 20 years of continuous service or attainment of age 55 and the completion of ~~ten~~ five (5) years of continuous service. 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 47 regardless of the number of years of continuous service. A police officer Member who attains 25 years of continuous service prior to attaining 47 years of age may elect to purchase, at the Member's sole expense, a normal retirement age and unreduced normal benefit commencing the first of the month following or coincident with completion of 25 years of continuous service. In order to purchase this earlier normal retirement age, the police officer Member must pay to the Fund the full actuarial cost of the earlier normal retirement age, as determined by the Fund's actuary. Payment shall be made by cash lump sum payment, direct transfer or rollover of an eligible rollover distribution from a qualified or eligible plan in accordance with Section 34.0602 herein, or a combination of both.

~~(B) Any employee with 18 or more years of credited service as a member of this system or a total of 18 or more years of combined credited service as a~~

~~member of this system and of the general employees retirement system as of May 1, 1984, whose position is eliminated may, if approved by the City Commission, be paid his/her normal retirement benefit projected for all purposes as though employment continues until the normal retirement date.~~

(B) All provisions of the plan shall apply to Senior Management Employees, except to the extent that any provision of this section which is different than a provision in any other section of the plan, in which case the provisions of this section shall control with respect to the Senior Management Employees. For the purposes of this section all Senior Management Employees shall include all non-bargaining unit employees within the System.

(1) Participation in this plan shall be mandatory for Senior Management Employees hired after the Effective Date of this ordinance. All Senior Management Employees currently contributing to the plan shall remain in the plan and will be eligible for the -100% vested interest listed in § 34.059. Senior Management Employees who participate in this plan may also participate in a city-sponsored 401(a) defined contribution plan; however, the city shall no longer contribute to the 401(a) plan on behalf of such employees.

(2) A Senior Management Employee may elect to retire on or after the day of attainment of age 47, age 50 for firefighters hired after May 27, 2014, and the completion of twenty (20) years of Continuous Service or attainment, or age 55 and the completion of five (5) years of Continuous Service.

(3) Senior Management Employees who are employed in a Senior Management Position on the Effective Date of this ordinance and elect to participate in this plan in accordance with subsection (B) above may purchase credit for prior Continuous Service for all or any portion of their employment with the city. The election to purchase prior Continuous Service must be made on a form to be supplied by the Board within 90 days of the Effective Date of this section. Senior Management Employees may purchase such credit for prior Continuous Service by paying the full actuarial cost thereof, plus interest, as determined by the plan actuary. The purchase amount may be paid through a cash payment or a direct trustee-to-trustee transfer. In addition, Senior Management Employees may utilize up to 250 hours of accrued vacation leave toward the purchase of prior Continuous Service. A Senior Management Employee who elects to purchase prior Continuous Service will have four (4) years from the Effective Date of this section to complete the purchase. Only that time purchased by the earlier of the date that the employee leaves senior management service or retires will be counted toward vesting or benefit accrual.

(4) As used in this section, **FULL ACTUARIAL COST** means the increase in present value of benefits attributable to the prior Continuous Service being purchased by the Senior Management Employee. The cost related to this

service will be calculated on the basis of the actuarial assumptions adopted by the Board for the actuarial valuation as of October 1, 200618.

(5) If a Senior Management Employee terminates city employment and is subsequently reemployed by the city prior to receipt of retirement benefits, the prior Continuous Service earned during the earlier period of employment may be combined with the Continuous Service earned in the subsequent period of employment for the purpose of calculating the retirement benefits due the Member; and if the Member attained five or more years of Continuous Service as a Senior Management Employee during the earlier period of employment, such Member will be considered to have a 100% vested interest in the plan.

(C) Any employee with 18 or more years of credited service as a member of this system or a total of 18 or more years of combined credited service as a member of this system and of the general employees retirement system as of May 1, 1984, whose position is eliminated may, if approved by the City Commission, be paid his/her normal retirement benefit projected for all purposes as though employment continues until the normal retirement date.

SECTION 3. That Section 34.059, “Accrued Benefits,” of Chapter 34, “City Policy,” of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 34.059 ACCRUED BENEFITS.

(A) If a ~~m~~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.

(1) With less than ten years of eContinuous sService, or for Senior Management Employees with less than five years of Continuous Service: refund of Member contributions plus 3% interest.

(2) With ten or more years of eContinuous sService, or for Senior Management Employees with less than five years of Continuous Service: the pension benefit accrued to his date of termination, payable commencing at his otherwise normal retirement date or payable in accordance with § 34.056, provided he does not elect to withdraw his ~~m~~Member contributions, or refund of ~~m~~Member contributions plus 3% interest.

(B) Any ~~m~~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 years or more, or for Senior Management Employees who total Continuous Service is five years or more, shall have all benefits accrued under this System preserved,

provided he does not elect to withdraw his Member contributions. The accrued benefits shall be paid at his otherwise normal retirement date in accordance with the provisions of this System or in accordance with § 34.056.

(C) For purposes of determining normal retirement age under this accrued benefits provision, eContinuous sService shall include all employment with the city as well as the period of time subsequent to termination as a member of this system; however, benefits shall not be payable under this system during any period of continued employment by the city.

(D) Any amounts attributable to city contributions which are forfeited by reason of nonvested terminations of employment shall remain in the fund and shall serve only to reduce current and future required contributions to the system.

SECTION 4. All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

SECTION 5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6. This ordinance shall become effective immediately upon passage, except as otherwise specifically provided herein.

PASSED FIRST READING this _____ day of _____, 2021.

PASSED SECOND READING this _____ day of _____, 2021.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

TAL:MEB:jmz
6/15/21
l:ord/2021-203