

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 POMPANO BEACH CODE OF ORDINANCES, RELATING TO THE POLICE AND FIREFIGHTERS’ RETIREMENT SYSTEM, BY AMENDING SECTION 34.050, “CONDITIONS OF ELIGIBILITY,” BY MODIFYING PROVISIONS FOR PAST SERVICE PENSION CREDIT, ALLOWING FOR THE PURCHASE OF ADDITIONAL SERVICE CREDIT, AND ESTABLISHING A VESTING PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain firefighter employees of the City of Pompano Beach have a pension system provided as a benefit of employment, which terms and conditions are codified in Sections 34.045 through 34.073 of the City Code of Ordinances (the “Police and Firefighters’ Retirement System”); and

WHEREAS, some of these firefighter employees are represented by the Pompano Beach Professional Fire Fighters Local 1549 of the International Association of Fire Fighters (the “Union”) for the purposes of collectively bargaining the terms and conditions of employment; and

WHEREAS, the City’s Administration and the Union have negotiated certain changes to the Police and Firefighters’ Retirement System, namely a time period by which to buy back previous continuous service and to modify the vesting period for eligibility in the system; and

WHEREAS, both the Union and the Board of Trustees of the Police and Fire Retirement System have agreed to the language of this Ordinance; and

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 notices 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 34.050, “Conditions of Eligibility,” of Chapter 34, “City Policy,” of the City of Pompano Beach Code of Ordinances is hereby amended as follows:

POLICE AND FIREFIGHTERS’ RETIREMENT SYSTEM

§ 34.050 CONDITIONS OF ELIGIBILITY.

...

(B) (1) Each employee who is eligible to become a member of this system in accordance with the eligibility provisions above shall, if required by state law, be required to become a member as a condition of continued employment by the city as an employee. Reentry into the system after discontinuance of prior participation shall be permitted on a uniform, nondiscriminatory basis and upon compliance with the provisions of subsection (A)(1) and subsection (A)(2) above. However, any person who was previously a member of the system and who is rehired as a classified employee on or after January 1, 1977, shall be eligible for reentry into the system, notwithstanding the age limitation of subsection (A) above; further provided, however, no credit shall be given for any period of time during the interruption of service. Credit for prior service shall be granted only upon repayment in full of all monies previously refunded to the member, together with such interest at the rate or rates assumed for actuarial purposes, as shall be certified by the actuary to be due; ~~payable one-half of the total amount due within three months from the date of reentry, and the balance of the total amount due within six months from the date of reentry.~~ If repayment in full is not made as aforesaid, any monies paid pursuant to this section shall be refunded, plus interest at the rate set forth in § 34.061(D), and there shall be no further opportunity to obtain credit for prior service.

(2) Effective October 1, 2022, any city employee employed in a full-time position on or after October 1, 2022 who becomes a member of the Police and Firefighters Retirement System in accordance with § 34.050 (B) may purchase credit for prior continuous service for all or any portion of their employment with the city as a firefighter. The election to purchase prior service must be made on a form to be supplied by the Board within 90 days of the effective date of this section. Employees may purchase such credit for 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 or rollover from an eligible plan. In addition, the employee may utilize up

to 1000 hours of accrued vacation and/or sick leave toward the purchase of prior continuous service. An employee who elects to purchase prior continuous service will have four years from the effective date of this section to complete the purchase. Only that time purchased by the earlier date that the employee terminates service or retires will be counted toward the vesting or benefit accrual. If repayment in full is not made as aforesaid, any monies paid pursuant to this section shall be refunded, plus interest at the rate set forth in § 34.061(D), and there shall be no further opportunity to obtain credit for prior service.

(3) Effective October 1, 2022, for members who are active firefighters on October 1, 2022, excluding members who are participating in the Deferred Retirement Option Plan (DROP), and firefighters hired on or after October 1, 2022, the vesting period shall be seven (7) years of continuous service.

...

SECTION 2 If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any 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 3. This Ordinance shall become effective upon passage; however, the provisions of this Ordinance that are specified to take effect as of a date certain shall take effect as of the date specified herein.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

TAL:jrm
10/24/22
L:ord/34/2023-11