

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 519.07

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES' PENSION PLAN TO COMPLY WITH PROVISIONS OF THE AGREEMENT BETWEEN THE TOWN AND FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE OCTOBER 1, 2004 TO SEPTEMBER 30, 2007; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR LAW ENFORCEMENT AND MILITARY SERVICE AT THE POLICE OFFICER MEMBERS' EXPENSE; PROVIDING FOR THE REDUCTION OF NORMAL RETIREMENT FROM 25 YEARS TO 20 YEARS OF SERVICE AT AGE 52 FOR POLICE OFFICER MEMBERS; PROVIDING FOR AN INCREASE IN POLICE OFFICER MEMBERS' MULTIPLIER FROM TWO AND THREE QUARTERS TO THREE PERCENT FOR SERVICE AFTER OCTOBER 1, 2006; PROVIDING FOR A THREE YEAR DEFERRED RETIREMENT OPTION PLAN FOR POLICE OFFICER MEMBERS; PROVIDING FOR AN INCREASE OF POLICE OFFICER MEMBERS' CONTRIBUTIONS FROM TWO-THREE TENTHS PERCENT TO SIX PERCENT; PROVIDING FOR AN INCREASE IN THE SERVICE INCURRED DISABILITY BENEFIT TO SEVENTY PERCENT OF THE POLICE OFFICER MEMBERS' EARNINGS IN EFFECT ON THE DATE OF THE DISABILITY; PROVIDING FOR CONFLICTS WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Golden Beach ("Town") and the State Lodge of the Fraternal Order of Police have ratified a Collective Bargaining Agreement in effect from October 1, 2004 to September 30, 2007 ("Agreement") that contains certain enhancements to the Town of Golden Beach Employees Pension Plan ("Plan") for the Town's Police Officers; and

WHEREAS, the Town Council has received and reviewed an actuarial impact statement related to the enhanced changes to the Plan for the Town's Police Officers; and

WHEREAS, the Town Council has deemed it to be in the best interest of the citizens of the Town to amend the Plan to reflect the recommended changes.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Amendments to Section 24-31. That Section 24-31 "Definitions" of Chapter 24 "Personnel" of the Code of Ordinances of the Town of Golden Beach, Florida is hereby amended as follows¹:

Part II, Chapter 24, Article II, Division 1, Section 24-31 of the Town of Golden Beach Code of Ordinances is amended, as follows:

Sec. 24-31. Definitions.

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

...

Credited Service means for each Member uninterrupted service (expressed as years and completed months) from the date ~~the Member~~ last entered employment as an Employee until the date ~~his~~the Member's employment shall be terminated by death, disability, retirement, resignation or discharge; provided however, the Credited Service of any Member shall not be deemed to be interrupted by:

(1) Any authorized leave of absence or vacation provided that all Members similarly situated in similar circumstances shall be treated alike pursuant to uniform, nondiscriminatory rules;

(2) Any service, voluntary or involuntary, in the Armed Forces of the United States, provided the Member is legally entitled to reemployment under the provisions of the Vietnam Era Veteran's Readjustment Act of 1974, the Uniformed Services Employment and Reemployment Rights Act, the Florida Statutes and any amendments

¹/ Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are shown by ~~strikethrough~~.

thereto, or any law applicable to such reemployment, and provided further, that said Member shall apply for employment within three months following termination of such service for general employee members and as provided in Chapter 185 of the Florida Statutes for police officer members.

No credit for benefit eligibility or computation purposes under the Plan shall be allowed for any such period of leave of absence as described in (1) above. A general employee Member who left the City to perform military service in the Armed Forces of the United States and who is reemployed as provided above shall receive credit for such service if ~~he~~ the Member redeposits any distribution ~~he may have~~ received from the Fund and employee contributions for the period of such military service without interest, a police officer member who left the City to perform military service in the Armed Forces of the United States who is reemployed as provided above shall receive credit for such service as provided in Chapter 185 of the Florida Statutes, as determined by the Board.

A police officer member may purchase Credited Service for all purposes, including vesting, for the years or fractional parts of years that the police officer member was engaged as a police officer for another employer or for military service in the Armed Forces of the United States, voluntarily or involuntarily, prior to employment with the City, provided that:

- (1) The police officer member is not receiving or is entitled to receive a benefit from another governmental pension plan for such service.
- (2) The police officer member pays into the Plan the full actuarial cost of such prior service.
- (3) The maximum credit for prior police officer service and/or prior military service pursuant to this paragraph shall be five (5) years.

...

Normal Retirement Date means for each Member the first day of the month coincident with or next following the attainment of his 65th birthday if a General Employee, or if a Police Officer age 55 with ten years of Credited Service or age 52 with 25 years of Credited Service. Provided that effective October 1, 2006 police officer members shall be eligible for normal retirement upon attainment of age fifty-two (52) and completion of twenty (20) years of Credited Service. A Member may

retire on his Normal Retirement Date or on the first day of any month thereafter.

Section 3. Amendments to Section 24-33. That Section 24-33 "Benefit amounts and eligibility" of Chapter 24 "Personnel" of the Code of Ordinances of the Town of Golden Beach, Florida is hereby amended as follows:

Sec. 24-33. Benefit amounts and eligibility.

(a) *Normal Retirement Benefit.*

(1) *Amount.* Each Member who retires on or after his or her Normal Retirement Date shall be eligible to receive his or her normal retirement benefit commencing on his or her actual retirement date.

...

c. The monthly normal retirement benefit for each police officer member, who contributes to the plan and retires after September 30, 2003, shall be an amount equal to 2 3/4-percent of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.

d. Effective October 1, 2006 the monthly normal retirement benefit for each police officer member, who contributes to the plan and retires, shall be an amount equal to three (3) percent of Average Monthly Earnings multiplied by the length of Credited Service rendered on or after October 1, 2006.

Section 4. Amendments to Section 24-34. That Section 24-34 "Optional forms of benefits" of Chapter 24 "Personnel" of the Code of Ordinances of the Town of Golden Beach, Florida is hereby amended as follows:

Sec. 24-34. Optional forms of benefits.

Each Member entitled to a normal or vested retirement benefit shall have the right at any time prior to the date on which benefit payments begin to elect to have his benefit payable under any one of the options hereinafter set forth in lieu of the benefits otherwise provided herein, and to revoke any such elections and make a new election at any time prior to the actual beginning of payments. The value of optional benefits shall be Actuarially Equivalent to the value of benefits otherwise payable, and the

present value of payments to the retiring Member must be at least equal to 50 percent of the total present value of payments to the retiring Member and his Beneficiary. The Member shall make such an election by written request to the Board, such request being retained in the Board's files.

...

(5) Option 5 – Deferred Retirement Option Plan. Effective October 1, 2006 there shall be a Deferred Retirement Option Plan (DROP) created in compliance with Addendum B of the October 1, 2004 – September 30, 2007 collective bargaining agreement between the City and the Florida State Lodge, Fraternal Order of Police. Said Addendum B shall become part of the Plan and shall be administered by the Board as established herein.

Section 5. Amendments to Section 24-35. That Section 24-35 "Contributions" of Chapter 24 "Personnel" of the Code of Ordinances of the Town of Golden Beach, Florida is hereby amended as follows:

Sec. 24-35. Contributions.

(a) *Member Contributions.*

(1) *Amount.* Except for those members who elect not to contribute to the plan, members shall make regular contributions to the fund at a rate equal to two and one-half percent of their respective earnings in the case of general employee members and two and three-tenths percent of earnings in the case of police officer members. Provided that effective 10/1/06 police officer members shall make regular contributions to the fund at a rate equal to six (6) percent of their respective earnings.

...

(c) *Disability Retirement Provisions.*

...

(4) *Determination of Disability.* All questions relating to eligibility for initial payment or continuance of disability benefits shall be determined by the Board, taking into consideration the recommendations of the medical board and such other evidence of which the Board may avail itself. The general steps which the Board shall follow in its determination shall be as listed below, provided however,

that the Board may in its discretion alter or modify these steps:

...

e. Establish a date of disability. This date may be the date of injury causing the disability, the date when the Member could no longer perform his regular and continuous duties, the date when his sick pay and vacation pay are exhausted or such other date as determined by the Board. Provided that for police officer members the date of disability for Services Incurred Disability Benefits shall be the date of the injury or illness occurred.

...

(5) *Disability Retirement Benefits.*

...

b. *Amount of Services Incurred Disability Benefit.* For general employee members, forty-two percent of the Member's monthly Earnings in effect on the date of disability provided, however, that such benefits shall be no less than the accrued benefit and, subject in any event to the offsets listed below. For police officer members seventy (70) percent of the Member's monthly Earnings in effect on the date of disability, provided that such benefits shall be no less than the accrued benefit and, subject in any event to the offsets listed below.

...

Section 6. Conflict. That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be in valid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8. Inclusions in the Code. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and made part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 9. Effective Date. This Ordinance shall take effect on adoption.

The Motion to adopt the foregoing Ordinance on first reading was offered by Vice Mayor Bernstein, seconded by Council Member Lusskin and on roll call the following vote ensued:

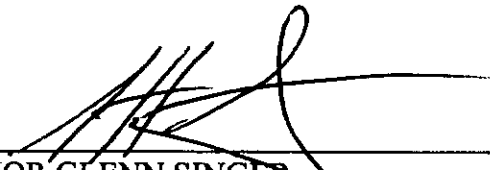
Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Rojas	<u>Aye</u>

PASSED AND ADOPTED on first reading this 9th day of April, 2007.

The Motion to adopt the foregoing Ordinance on second reading was offered by Vice Mayor Bernstein, seconded by Council Member Einstein and on roll call the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Rojas	<u>Aye</u>


PASSED AND ADOPTED on second reading this 15th day of May, 2007.


MAYOR GLENN SINGER

ATTEST:


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY