

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.045, "DEFINITIONS," TO PROVIDE FOR UPDATED ACTUARIAL ASSUMPTIONS AND REFLECT STATE STATUTE WITH RESPECT TO CREDITED SERVICE FOR ACTIVE MILITARY DUTY; AMENDING SECTION 34.073, "PENSION ADJUSTMENTS," TO AMEND THE APPLICATION OF PREVIOUS CHANGE TO THE ELIGIBILITY DATE FOR AN ANNUAL COLA INCREASE IN PENSION BENEFITS SO THAT THE SAME ONLY APPLIES TO FIREFIGHTERS WHO PARTICIPATE IN THE CITY'S DROP PLAN AND NOT TO POLICE OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 14, 2008, the City Commission amended Section 34.073 to provide for a change to the eligibility date for an annual COLA increase in pension benefits for firefighters who elect to participate in the DROP plan so that said participants would not receive an annual COLA increase until after completion of said participants DROP period; and

WHEREAS, said amendments were made in accordance with the April 8, 2008, ratification by the City Commission and the International Association of Firefighters of a Collective Bargaining Agreement for the period of October 1, 2007 through September 30, 2008; and

WHEREAS, pursuant to that Agreement, the term of the City's Deferred Retirement Option Plan ("DROP") was extended from five (5) years to eight (8) years which required an

amendment to the eligibility of DROP participants for cost-of-living increases to pension benefits was required; and

WHEREAS, the language adopted by the Commission and agreed upon by the Pension Board had an unintended impact on the police officer members of the Pension Plan which will be corrected by the amendment contained herein; and

WHEREAS, the Pension Board's actuary has recommended a change in assumptions utilized seeking to provide greater efficiencies and accuracy in benefit valuations and the Pension Board has accepted those recommendations; and

WHEREAS, state statute regarding credited service for active armed forces duty requires an amendment to the City Code; 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 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," shall be amended as follows:

ACTUARIAL EQUIVALENCE or ***ACTUARIALLY EQUIVALENT***. Any benefit payable under the terms of this Retirement System in a form other than the normal benefit shall have the same actuarial present value on the date payment commences as the normal form of benefit. For purposes of establishing the actuarial present value of any form of payment all future payments shall be discounted for interest and mortality by using 7.5% interest and the RP-2000-1971 Group Annuity Mortality Table projected to 2010. Calculations shall also reflect a 2% COLA and a blend of 90% male rates and 10% female rates for participants

and a blend of 10% male rates and 90% female rates for beneficiaries for Males,
with ages set ahead five years in the case of disability retirees.

CONTINUOUS SERVICE. 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 is terminated by death, retirement, or discharge; however, the continuous service of any member shall not be deemed to be interrupted by the following.

(1) Any authorized leave of absence or vacation, provided all members similarly situated in similar circumstances are 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 Universal Training and Service Act, and any amendments thereto, or any law applicable to such reemployment, and provided further, that the member returns to his or her employment within one year from the date of release from such active service. ~~applies for reemployment within three months following termination of service.~~

(3) No credit for benefit computation purposes under the plan shall be allowed in any case in excess of six months wherein a member has been on an authorized leave of absence or vacation. As regards any member of the system as of August 15, 1972, his total years of continuous service from date of employment with the city to date of retirement or termination as a member shall be included for benefit computation purposes under the system.

SECTION 2. That Section 34.073, "Pension Adjustments," of Chapter 34, "City Policy," shall be amended as follows:

§ 34.073 PENSION ADJUSTMENTS.

...

(B) Retirees who reach the fifth anniversary of retirement after October 1, 2000 shall be granted an annual increase in pension benefits effective on the fifth retirement anniversary date, payable on the following October 1, and each October 1 thereafter, in the percentage amount paid the previous October 1 under Section (A) above. Notwithstanding the previous sentence, as a firefighter employee who participates in the DROP for five or more years shall be eligible for an annual increase in pension benefits on the October 1 following his/her

separation from the City, and on each subsequent October 1 in accordance with this Article.

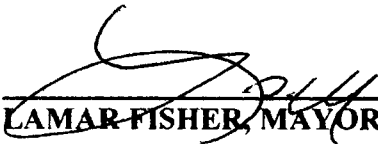
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SECTION 3. If any provision of this Ordinance or the application thereto to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 24th day of May, 2011.

PASSED SECOND READING this 16th day of June, 2011.



LAMAR FISHER, MAYOR

ATTEST:



for **MARY L. CHAMBERS, CITY CLERK**

EGR
3/3/11
L:ord/ch34/2011-156 revised