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**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM; RESTORING ALL FIREFIGHTER BENEFITS THAT WERE REDUCED BY ORDINANCE NO. 2011-67, TO THE LEVELS THAT EXISTED IMMEDIATELY PRIOR TO THE ADOPTION OF SAID ORDINANCE; PROVIDING FOR AN INCREASE IN MEMBER CONTRIBUTIONS; PROVIDING FOR A DECREASE IN MEMBER CONTRIBUTIONS TO BE FUNDED BY ACCRUED EXCESS PREMIUM TAX REVENUE; PROVIDING FOR A ONE-TIME CREDIT AGAINST CITY CONTRIBUTIONS; PROVIDING FOR THE CREATION OF A SUPPLEMENTAL RETIREMENT BENEFIT FOR FIREFIGHTERS TO BE FUNDED SOLELY FROM THE ANNUAL RECEIPT OF ADDITIONAL PREMIUM TAX REVENUES PURSUANT TO CHAPTER 175, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Pompano Beach recently entered into a collective bargaining agreement with the Pompano Beach Professional Fire Fighters, Local 1549, I.A.F.F., containing revisions to the Firefighters' Pension Plan; and

**WHEREAS**, in accordance with the collective bargaining agreement, the City Commission of the City of Pompano Beach adopted Ordinance No. 2011-67 reducing certain benefits; and

**WHEREAS**, to fully implement the provisions of the collective bargaining agreement, the City Commission adopted Ordinance No. 2011-68, restoring the benefits that were reduced by Ordinance No. 2011- 67 to the levels that existed immediately prior to the adoption of said Ordinance, and to implement certain other ratified changes; and

**WHEREAS**, after Ordinance No. 2011-68 was adopted, the City was advised by the State Division of Retirement that certain technical changes were required to maintain compliance with applicable State statutes; and

**WHEREAS**, the City Commission has received and reviewed an actuarial impact statement from the Retirement System's actuary relating to the amendments set forth herein; 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.** Effective upon the adoption of this ordinance the Pompano Beach Police and Firefighters' Retirement System is amended to restore all benefits for firefighters that were reduced by Ordinance No. 2011-67, to the levels that existed immediately prior to the adoption of said Ordinance No. 2011-67, and to implement a change in the member contribution and a supplemental retirement benefit as provided for in Sections 2 and 3 below. There will be no change in the accrued benefits of Plan participants, or in the future accrual of benefits, as a result of Ordinance No. 2011-67 or this Ordinance, except as provided for herein.

**SECTION 2.**

A. The cost of the benefits restored by this Ordinance, as determined by the Plan actuary, will increase the total "applicable frozen amount" of Chapter 175 premium tax revenues, as reflected in the actuarial impact statement for this plan amendment and future

actuarial valuation reports, to \$821,230. The City may use all Chapter 175 premium tax revenues received during the plan year (or in the case of a supplemental distribution, revenues applicable to the plan year even if received after the end of the plan year), up to the “applicable frozen amount” of \$821,230 to reduce the City’s required contributions to the Pension Plan for plan years beginning October 1, 2010 or later. Any premium tax revenues received by the City in excess of the \$821,230 “applicable frozen amount” during any plan year beginning October 1, 2010 or later shall be used solely for the supplemental pension benefit provided in Section 3 below.

B. Effective November 1, 2011, the member contribution shall be increased by 6.82% of earnings (equal to \$846,732 for the 2011-12 plan year). Also, effective November 1, 2011, \$846,732 of accrued excess premium tax revenue shall be used to reduce the member contribution back to the level in effect on October 31, 2011, such that there is no change in the member contribution. The use of the accrued excess premium tax revenue to reduce the member contribution back to the level in effect on October 31, 2011 shall result in a one-time credit of \$846,732 against the City’s required contribution for the 2011-12 plan year.

**SECTION 3.** That Section 34.0604, “Supplemental Retirement Benefit for Firefighters,” of Chapter 34, “City Policy,” of the Pompano Beach Code of Ordinances, as created by Ordinance No. 2011-68, is hereby amended to read as follows:

**§ 34.0604 SUPPLEMENTAL RETIREMENT BENEFIT FOR FIREFIGHTERS.**

...

(B) The supplemental pension retirement benefit shall consist of an individual share account for each active firefighter, including DROP participants, for the City of Pompano Beach. The supplemental retirement benefit shall be funded solely by premium tax revenues received by the city pursuant to F.S. Chapter 175, as provided for by the City of Pompano Beach Code of Ordinances.

The total initial amount to be allocated to the participants' share accounts as provided herein shall be \$2,540,196 ~~which reflects the accumulated excess premium tax revenues in the pension fund minus the one time lump sum credit of \$821,230 afforded through the "Stop/Start", as of the 10/1/10 actuarial valuation report.~~ For plan years beginning October 1, 2010 and later, all premium tax revenues received by the city pursuant to F.S. Chapter 175, in excess of \$821,230 shall be allocated to the participants' share accounts as provided for herein. Participants' share accounts shall be credited with premium tax revenues and investment earnings or losses, and interest, and distributed as follows:

...

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

**SECTION 5.** 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 6.** 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 28th day of February, 2012.

**PASSED SECOND READING** this 13th day of March, 2012.

  
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**LAMAR FISHER, MAYOR**

**ATTEST:**

  
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**MARY L. CHAMBERS, CITY CLERK**

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