

019.21

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 BY AMENDING SECTION 34.057, "DISABILITY," TO PROVIDE FOR SERVICE INCURRED DISABILITY STATUS TO MEMBERS WHO SERVED AT THE "9/11 GROUND ZERO" SITE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City employed three (3) first responders who were sent to the World Trade Center site after the horrific tragedy of September 11, 2001; and

WHEREAS, many of the first responders throughout the United States who actively assisted in rescue and relief efforts at the World Trade Center Site have been subsequently diagnosed with debilitating diseases which have greatly impacted their lives and ability to remain gainfully employed as first responders; and

WHEREAS, the City seeks to allow the City-employed first responders to specifically receive a designated 9/11 Service Incurred Disability benefit upon recognition of participation in the "World Trade Center Federal Victim Compensation Fund" for a period of two years; and

WHEREAS, the City Commission has received, reviewed and considered an actuarial impact statement describing the non-impact of the amendments provided for 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 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. Section 34.057, "Disability," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 34.057 DISABILITY.

(A) Service incurred. Any active member who receives a service-connected injury, disease, or disability, which totally and permanently incapacitates him or her, physically or mentally, from regular and continuous duty as a firefighter or police officer, and any other duty or duties available through the Fire or Police Departments respectively to the firefighter or police officer, shall receive in equal monthly installments an amount equal to 75% of monthly earnings in effect on date of disability is granted by the Board. For firefighters only, if the member's accrued benefit exceeds the disability benefit, such excess benefit will be classified as a normal retirement benefit. The disability pension shall be effective immediately and the first payment shall be made on the first day of the month coincident with or next following such granting and shall be payable until the earlier of death or recovery from disability. If the member dies after retirement but before recovery from disability and before he or she has received benefits of a period of ten years, the same monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such ten-year period.

(B) 9/11 Service Incurred Disability. Should any member of this Plan be deemed disabled, as defined in the preceding paragraph, as a direct result of his or her duty related service at the "9/11 Ground Zero" site said member shall be eligible to change his or her current retirement status from Normal Retirement to a Service Connected Disability Retirement and shall receive in equal monthly installments an amount equal to 75% of monthly earnings in effect on date of his or her Normal Retirement. Said 9/11 Service Incurred Disability designation will have an effective date on the first of the month immediately following the determination made by the Board, per Section (C) below. The first payment shall be made on the first day of the month following such granting and shall be payable until the earlier of death or recovery from said disability. For a Plan member to be eligible for the 9/11 Disability Service Incurred Disability, said member must be a recognized participant in and a recipient of compensation from the World Trade Center Federal Victim Compensation Fund (VCF) for at least two years prior to application for the 9/11 Service Incurred Disability designation.

~~(B C)~~ Nonservice incurred.

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(~~C~~ D) Determination of disability.

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(~~D~~ E) Service-incurred aggravation of non-service incurred condition.

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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. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 4. This Ordinance shall become effective upon adoption.

PASSED FIRST READING this 25th day of February, 2020.

PASSED SECOND READING this 10th day of March, 2020.



REX HARDIN, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

TAL:jrm
1/30/2020
L:ord/ch34/2020-119