

ORDINANCE NO. 2023- 12

**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 BY AMENDING SECTION 34.073, "PENSION ADJUSTMENTS," TO INCREASE THE COST-OF-LIVING ADJUSTMENTS TO IMPLEMENT RECENT CHANGES IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS AND THE CITY OF POMPANO BEACH FOR THE PERIOD BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2025, THAT MODIFIES THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach has established a retirement plan for its police and fire employees, known as the Police and Firefighters' Retirement System and codified in Sections 34.045 through 34.073 of the City Code of Ordinances; and

WHEREAS, the Pompano Beach Professional Fire Fighters and the City of Pompano Beach, Florida, have entered into a Collective Bargaining Agreement for the period of October 1, 2022 to September 30, 2025; and

WHEREAS, the Collective Bargaining Agreement includes changes to provisions of the Police and Firefighters' Retirement System; and

WHEREAS, the City Commission wishes to change the terms of the Police and Firefighters' Retirement System to implement the changes called for in the Collective Bargaining Agreement; and

WHEREAS, the City Commission has received and reviewed an actuarial impact statement from the Retirement Board'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. That Section 34.073, "Pension Adjustments," of Chapter 34, "City Policy," of the Code of Ordinances is hereby amended to read as follows:

§ 34.073 PENSION ADJUSTMENTS.

(A) Retirees who have been retired from the Police and Firefighters' Pension Plan for a period of five or more years prior to or on October 1, 2000 shall be granted an increase in pension benefits, effective October 1, 2000, and each October 1 thereafter. Annual pension benefits shall be increased by a "fixed" (guaranteed) percentage equal to 2%. In addition to the "fixed" increase, pension benefits shall be increased by a "variable" percentage, in an amount certified by the pension plan actuary as supportable and funded solely by the pension plan assets, but not more than 1%. The "variable" component of the cost-of-living adjustment may be granted only when the plan is sufficiently funded and only if all other provisions of this section are satisfied. The sum of the "fixed" and "variable" portions of the adjustment shall not exceed 3% per year nor be less than 2%. Notwithstanding the previous sentences, effective October 1, 2024, annual pension benefits for members who are active firefighters or participating in the Deferred Retirement Option Plan (DROP) on or after October 1, 2022 shall be increased by a "fixed" (guaranteed) percentage equal to 3%. In addition to the "fixed" increase, pension benefits shall be increased by a "variable" percentage, in an amount certified by the pension plan actuary as supportable and funded solely by the pension plan assets, but not more than 1%. The "variable" component of the cost-of-living adjustment may be granted only when the plan is sufficiently funded and only if all other provisions of this section are satisfied. The sum of the "fixed" and "variable" portions of the adjustment shall not exceed 4% per year, nor be less than 3%.

(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 subsection (A) above. Notwithstanding the previous sentence, 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 or her separation from the city, and on each subsequent October 1 in accordance with this article. Notwithstanding the previous sentences, effective October 1, 2024, retirees shall be granted an annual increase in the pension benefits commencing after the first year of retirement, payable on the following October 1, and each October 1 thereafter, in the percentage amount paid the previous October 1 under subsection (A).

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SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other 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 25th day of October, 2022.

PASSED SECOND READING this 8th day of November, 2022.

DocuSigned by:
Rex Hardin
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REX HARDIN, MAYOR

ATTEST: DocuSigned by:
Asceleta Hammond
62AB0835850F4A1...
ASCELETA HAMMOND, CITY CLERK

TAL:jm
10/31/22
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