

ORDINANCE NO. 2023- 10

**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 34.053, "NORMAL RETIREMENT DATE," BY REPEALING SECTION 34.054, "EARLY RETIREMENT DATE," BY AMENDING SECTION 34.055, "NORMAL RETIREMENT BENEFIT," BY AMENDING SECTION 34.057, "DISABILITY," BY AMENDING SECTION 34.058, "PRERETIREMENT DEATH," AND BY AMENDING SECTION 34.0604, "SUPPLEMENTAL RETIREMENT BENEFIT FOR FIREFIGHTERS," 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 SEVERABILITY; PROVIDING FOR 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 34.053, "Normal Retirement Date," of Chapter 34, "City Policy," of the Code of Ordinances is hereby amended to read as follows:

§ 34.053 NORMAL RETIREMENT DATE.

1. (A) A member may elect to retire on or after the day of attainment of age 47, age 50 for firefighters hired after May 27, 2014, and the completion of 20 years of continuous service or attainment of age 55 and the completion of ten years of continuous service. However, employees who are eligible to, and become, members as of the effective date of this system shall be eligible to retire on the attainment of age 47 regardless of the number of years of continuous service. A police officer Member who attains 25 years of continuous service prior to attaining 47 years of age may elect to purchase, at the Member's sole expense, a normal retirement age and unreduced normal benefit commencing the first of the month following or coincident with completion of 25 years of continuous service. In order to purchase this earlier normal retirement age, the police officer Member must pay to the Fund the full actuarial cost of the earlier normal retirement age, as determined by the Fund's actuary. Payment shall be made by cash lump sum payment, direct transfer or rollover of an eligible rollover

distribution from a qualified or eligible plan in accordance with Section 34.0602 herein, or a combination of both. Additionally, a firefighter member who was hired after March 1, 2015, who has attained the age of 55 and completed six or more years of continuous service as of August 1, 2021, may elect, no later than July 31, 2021, to retire on August 1, 2021. Notwithstanding the foregoing sentences, members who were active firefighters on October 1, 2022 or were hired on or after October 1, 2022, may elect to retire upon the completion of 20 years of continuous service or the attainment of age 47 with seven years of continuous service.

SECTION 2. That Section 34.055, “Normal Retirement Benefit,” of Chapter 34, “City Policy,” of the Code of Ordinances is hereby amended to read as follows:

§ 34.055 NORMAL RETIREMENT BENEFIT.

...

(B) *Firefighters.*

...

(3) For firefighters who separate from city employment or who were part of the DROP on or after September 1, 2003, and before October 1, 2022, the amount of the normal retirement benefit is 3.0% of average monthly earnings for each year of continuous service for the first ten years of service, 4.0% of average monthly earnings for each year of continuous service for the second ten years of service, and 2% of average monthly earnings for each year of continuous service for the next five years of service subject in any event to a maximum of 80% of average monthly earnings upon attaining 25 years of continuous service, plus 2% of average monthly earnings for each year of continuous service in excess of 40 years. Notwithstanding the foregoing sentences, effective October 1, 2022, for members who were active firefighters on October 1, 2022, excluding members who were participating in the DROP on that date, and firefighters hired on or after October 1, 2022, the normal retirement benefit is 4% of average monthly earnings as defined in § 34.045, up to a maximum of 80% of average monthly earnings upon attaining 20 years of continuous service; subject to the limitations contained in City Ordinance § 34.0571 or as may be limited by the Internal Revenue Code.

...

SECTION 3. That Section 34.054, “Early Retirement Date,” of Chapter 34, “City Policy,” of the Code of Ordinances is hereby repealed in its entirety.

SECTION 4. That Section 34.057, "Disability," of Chapter 34, "City Policy," of the Code of Ordinances is hereby amended to read as follows:

...

(C) Nonservice incurred. Any active member with ~~ten~~ seven years of service who receives a nonservice-incurred 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 3% of his or her average monthly earnings for each year of continuous service, subject in any event to a maximum of 60% of monthly earnings in effect on date disability is granted by the Board plus 2% of monthly earnings for each year of continuous service in excess of 25 years. However, in the case of a member, the minimum benefit shall be 25% of such member's average monthly earnings. 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 for a period of ten years, the monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the member for the balance of such ten-year period.

...

SECTION 5. That Section 34.058, "Preretirement Death," of Chapter 34, "City Policy," of the Code of Ordinances is hereby amended to read as follows:

...

(B) Nonservice incurred. If any member dies in active service from causes not attributable to active duty or service, a death benefit shall be payable as follows.

- (1) With less than one year of continuous service: none.
- (2) With one or more years but less than five years of continuous service: to the designated beneficiary a lump sum payment of \$5,000.
- (3) With five years or more years but less than ~~ten~~ seven years of continuous service:
 - (a) To the designated beneficiary a lump sum payment of \$5,000; plus

(b) To the surviving spouse in equal monthly payments a pension equal to 65% of the member's accrued pension as of date of death, subject to a minimum of 20% of average monthly earnings; plus

(c) To the child or children of the deceased member the same benefits as are payable by reason of service-connected death, subject, however, to a maximum combined limitation of monthly payments to the surviving spouse and children of 50% of final earnings.

(4) With ~~ten~~ seven or more years of continuous service: the beneficiary may elect to receive the benefits under subsection (3) above, or the benefits accrued to date of death, payable commencing at his otherwise normal retirement date or payable in accordance with § 34.056.

...

SECTION 6. That Section 34.0604, "Supplemental Retirement Benefit For Firefighters," of Chapter 34, "City Policy," of the Code of Ordinances is hereby amended to read as follows:

...

(4) Distribution of share accounts. An active firefighter or DROP participant with ~~ten~~ seven or more years of continuous service upon termination of employment and eligibility for receipt of pension benefits shall be eligible to receive a distribution of 50% of the balance in his or her share account, together with all earnings and losses and interest credited to the share account through the date of termination of employment. An active firefighter or DROP participant with 15 or more years of continuous service upon termination of employment and eligibility for receipt of pension benefits shall be eligible to receive a distribution of 75% of the balance in his or her share account, together with all earnings and losses and interest credited to the share account through the date of termination of employment. An active firefighter or DROP participant with 20 or more years of continuous service upon termination of employment and eligibility for receipt of pension benefits shall be eligible to receive a distribution of 100% of the balance in his or her share account, together with all earnings and losses and interest credited to the share account through the date of termination of employment. No benefit shall be payable to an active firefighter who terminates covered employment with less than ~~ten~~ seven years of credited service. The share account balances of such non-vested terminated members shall be redistributed among all eligible participants' share accounts in the same manner as premium tax revenues in the following calendar year. The designated beneficiary of an active firefighter who dies shall receive the accumulated total of his or her share account balance, and an active firefighter

awarded a disability pension from the pension plan shall receive the accumulated total of his or her share account balance. There shall be no forfeiture of a member's share account based on the member's death, disability or termination of employment with ~~ten~~ seven or more years of credited service. Payment of share account benefits shall be by lump sum, which shall consist of the accumulated total balance of the active firefighter's share account, or, at the participant's direction, the share account balance may be rolled over to another qualified plan in accordance with § 34.0571(D) of this plan, with an additional payment made for any amount credited in the year following termination of employment.

...

SECTION 7. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 8. All other ordinances of the City of Pompano Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 9. 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 25th day of October, 2022.

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

DocuSigned by:
Rey Hardin
602CB780E83F480...
REX HARDIN, MAYOR

ATTEST: DocuSigned by:
Asceleta Hammond
62A90835860F4A1...
ASCELETA HAMMOND, CITY CLERK

TAL:jrm
10/11/22
L.ord/ch34/2022-275

