

RESOLUTION NO. 2023-2993

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, REGARDING RETIREMENT BENEFITS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) and the Florida State Lodge, Fraternal Order of Police (“FOP”) entered into a Collective Bargaining Agreement for the period of October 1, 2019 to September 30, 2022 (“CBA”), which sets forth the terms and conditions of employment of the Town's police officers and sergeants; and

WHEREAS, in the year 2020, the Board of Trustees of the Retirement Plan (“Pension Board”) recommended enhancing pension benefits; and

WHEREAS, Sections 2-176 and 2-193 of the Town Code (“Code”) were amended by the Town based on the Pension Board's recommendations; and

WHEREAS, the Town has determined that an amendment to Section 2-176 is necessary to clarify the normal and early retirement date of police officers; and

WHEREAS, the Town has further determined that an amendment to Section 2-193 of the Code is necessary to alter the DROP eligibility and participation timeframe and distribution payout; and

WHEREAS, the Town has on this date adopted Ordinance No. 2023-1740 , amending Chapter 2, Article V, Division 2, of the Code, regarding the retirement plan for employees of the Town; and

WHEREAS, because pension benefits are aspects of employees' terms and conditions of employment, the amendment is subject to collective bargaining; and

WHEREAS, Article 31, “Retirement Plan” of the CBA, contains the Parties' agreement with respect to the defined benefit pension plan; and

WHEREAS, the Town desires to enter into a Memorandum of Understanding between the Town and FOP (the “MOU”), in substantially the form attached hereto as Exhibit “A,” in order to confirm the parties agreement with respect to an amendment to Section 2-176 of the Code necessary to clarify the normal and early retirement date of police officers, and an

amendment to Section 2-193 of the Code necessary to alter the DROP eligibility and participation timeframe and distribution payout; and

WHEREAS, the Town Commission finds that this MOU is in the best interest and welfare of the Town and its employees.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above-stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Approval and Authorization. The Town Commission hereby approves the MOU, in substantially the form attached hereto as Exhibit “A.” The Town Manager is authorized to execute the MOU in substantially the form attached hereto as Exhibit “A.”

Section 3. Implementation. The Town Manager and/or designee is hereby authorized to take any and all action necessary to implement the purposes of this Resolution and the MOU.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 9th day of May, 2023.

Motion By: Commissioner Meischeid

Second By: Commissioner Landsman


FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meischeid	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Jeffrey Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>



Shlomo Danzinger, Mayor

ATTEST:



Sandra McCready, MMC
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE,
FRATERNAL ORDER OF POLICE**

This Memorandum of Understanding is entered into this _____ day of April, 2023 by and between the Town of Surfside, Florida (the "Town") and the Fraternal Order of Police (the "Union"). The Town and the Union are collectively referred to as the "Parties."

WHEREAS, the Parties entered into a Collective Bargaining Agreement for the period of October 1, 2019 to September 30, 2022 ("CBA"), which sets forth the terms and conditions of employment of the Town's police officers and sergeants; and

WHEREAS, in the year 2020, the Board of Trustees of the Retirement Plan ("Pension Board") recommended enhancing pension benefits; and

WHEREAS, Sections 2-176 and 2-193 of the Town Code ("Code") were amended by the Town based on the Pension Board's recommendations; and

WHEREAS, the Town has determined an amendment to Section 2-176 of the Code is necessary to clarify the normal and early retirement date of police officers; and

WHEREAS, the Town has determined an amendment to Section 2-193 of the Code is necessary to alter the DROP eligibility and participation timeframe and distribution payout; and

WHEREAS, the Town intends to adopt the Ordinance No. _____ amending Chapter 2, Article V, Division 2 of the Code regarding the retirement plan for employees of the Town, attached as Exhibit A and incorporated herein; and

WHEREAS, because pension benefits are aspects of employees' terms and conditions of employment, the amendment is subject to collective bargaining; and

WHEREAS, Article 31, "Retirement Plan", of the CBA, contains the Parties' agreement with respect to the defined benefit pension plan.

NOW, THEREFORE, the Parties agree to the following terms regarding the amendment to the Town retirement plan:

1. The above recitals are true and correct and incorporated herein by reference.
2. Sec. 2-176 Service Retirement Allowance, of the Code is amended to clarify the normal and early retirement date for police officers, as detailed in Exhibit A.
3. Sec. 2-193, Deferred Retirement Option Plan, of the Code is amended to eliminate the 60 month calculation from earliest retirement eligibility; and amend the distribution of DROP account to 120 days, as detailed in Exhibit A.

4. The Parties have had the opportunity to consult with legal counsel of their choosing prior to executing this MOU.
5. This MOU shall become effective upon ratification by the bargaining unit employees represented by the Union and by the Town Commission, whichever occurs later. In the event that this MOU is not fully ratified for any reason, it shall have no force or effect upon either party.
6. Other than as specifically set forth herein, this MOU does not modify the CBA.
7. The Parties agree that this MOU represents the Parties' entire agreement with regard to this subject matter, and that it cannot be amended or modified without express written consent of the Parties.

**FRATERNAL ORDER OF POLICE,
LODGE #135**

By: 
Sean Kelly
Staff Representative

TOWN OF SURFSIDE, FLORIDA

By: _____
Hector Gomez
Town Manager