

ORDINANCE NO. 2020-1711

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF THE TOWN OF SURFSIDE REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-176 OF THE TOWN CODE TO MODIFY THE NORMAL RETIREMENT DATE FOR POLICE MEMBERS; AMENDING SECTION 2-192 OF THE TOWN CODE TO MODIFY THE COST OF LIVING ADJUSTMENT MULTIPLIER FOR POLICE MEMBERS; CREATING A NEW SECTION 2-194 "USE OF PREMIUM TAX REVENUES" TO ADDRESS MUTUAL CONSENT AS TO HOW PREMIUM TAX REVENUES ARE USED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside sponsors a defined benefit retirement plan for employees of the Town of Surfside ("Retirement Plan"); and

WHEREAS, the Retirement Plan was authorized under Chapter 185, Florida Statutes, to provide benefits for the Town's police officers; and

WHEREAS, the Town and the authorized bargaining agent for the Town's police officers and certain civilian employees, the Florida State Lodge Fraternal Order of Police ("Union"), negotiated a collective bargaining agreement ("CBA") which is effective October 1, 2019 through September 30, 2020, addressing changes to the Retirement Plan relative to bargaining unit employees; and

WHEREAS, the Commission of the Town of Surfside believes that the adoption of this amendment is in the best interests of the Town and its employees to amend the Retirement Plan to comply with the terms agreed to by the parties in the CBA.

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Surfside:

Section 1. The above Recitals are true and correct and are incorporated herein by this

reference:

Section 2. Section 2-176, Service retirement allowance, is hereby amended and to be read as follows:

(a) *Normal retirement date.* Each member who retires or otherwise terminates employment with the town on or after his normal retirement date, as determined below, shall be entitled to receive a service retirement annuity in the amount provided in subsection (c) of this section. Effective October 1, 1984, the normal retirement date for each member shall be the first day of the month coincident with or next following the earlier of:

(1) For members who are police officers and retired on or before February 1, 2020:

- a. The attainment of age 52 and the completion of 20 years of creditable service; or
- b. The attainment of age 62 and the completion of five years of creditable service; or
- c. The completion of 25 years of creditable service.
- d. The completion of 15 years and four months of service if hired on a full-time basis in March, 2003.

(2) For members who are police officers and retire on or after February 1, 2020:

- a. The attainment of age 50 and the completion of 20 years of creditable service; or
- b. The attainment of age 59 and the completion of five years of creditable service; or
- c. The completion of 25 years of creditable service.
- d. The completion of 15 years and four months of service if hired on a full-time basis in March, 2003.

~~(2)~~ (3) For members who are not sworn law enforcement officers:

- a. The attainment of age 62 and the completion of 15 years of creditable service; or
- b. The attainment of age 65 and the completion of ten years of creditable service.

~~(3)~~ (4) For the town manager: The attainment of age 64 and the completion of 7 years of creditable service, who shall be deemed fully vested upon the completion of seven years of creditable service, notwithstanding any provision of this Code to the contrary.

(4) (5) For the town attorney if employed by the Town on a full-time basis:

- a. The attainment of age 62 and the completion of 15 years of creditable service; or
- b. The attainment of age 64 and the completion of seven years of creditable service who shall be deemed fully vested upon the completion of seven years of creditable service.

Section 3. Section 2-192, Cost-of-living adjustment for retired members and their beneficiaries, is hereby amended and to be read as follows:

(a) The purpose of this subsection (a) is to provide a cost-of-living adjustment to the benefits payable to ~~retired members who retired~~ on or after January 1, 2004 through January 14, 2020 and their beneficiaries. ~~(b)~~ Commencing on the first day of January, 2004 and on the first day of each January thereafter, the benefit of each retired member or beneficiary shall be adjusted as follows:

- (1) The amount of the monthly benefit payable for the 12-month period commencing on the first adjustment date shall be the amount of the monthly benefit plus one and one-half percent. The amount of the monthly benefit payable for subsequent twelve-month periods shall be the amount of the monthly benefit being received on January 1 immediately preceding the adjustment date plus an amount equal to one and one-half percent of said benefit.
- (2) To receive a cost-of-living adjustment hereunder, a retired member must have been retired for at least one year prior to the effective date of this section or at least one year as of an adjustment date. However, a cost-of-living adjustment shall be paid on a pro rata basis for any fractional year in excess of one year as of an adjustment date.
- (3) For purposes of determining eligibility of a beneficiary for a cost-of-living adjustment hereunder, the retired member's date of retirement shall govern.

(b) The purpose of this subsection (b) is to provide a cost-of-living adjustment to the benefits payable to bargaining unit members who retired or entered DROP after January 14, 2020 and their beneficiaries. On the first day of each January each year thereafter, the benefit of each retired member or beneficiary shall be adjusted as follows:

- (1) The amount of the monthly benefit payable for the 12-month period commencing on the first adjustment date shall be the amount of the monthly benefit plus two percent. The amount of the monthly benefit payable for subsequent twelve-month periods shall be the amount of the monthly benefit being received on January 1 immediately preceding the adjustment date plus an amount equal to two percent of said benefit.
- (2) To receive a cost-of-living adjustment hereunder, a retired member must have been retired for at least one year prior to the effective date of this section or at least one year as of an adjustment date. However, a cost-of-living adjustment shall be paid on a pro rata basis for any fractional year in excess of one year as of an adjustment date.
- (3) For purposes of determining eligibility of a beneficiary for a cost-of-living adjustment hereunder, the retired member's date of retirement shall govern.

(c) The purpose of this subsection (c) is to provide a cost-of-living adjustment to the benefits payable to non-bargaining unit members who retired or entered DROP after January 14, 2020 and their beneficiaries. On the first day of each January each year thereafter, the benefit of each retired member or beneficiary shall be adjusted as follows:

- (1) The amount of the monthly benefit payable for the 12-month period commencing on the first adjustment date shall be the amount of the monthly benefit plus one and one-half percent. The amount of the monthly benefit payable for subsequent twelve-month periods shall be the amount of the monthly benefit being received on January 1

immediately preceding the adjustment date plus an amount equal to one and one-half percent of said benefit.

(2) To receive a cost-of-living adjustment hereunder, a retired member must have been retired for at least one year prior to the effective date of this section or at least one year as of an adjustment date. However, a cost-of-living adjustment shall be paid on a pro rata basis for any fractional year in excess of one year as of an adjustment date.

(3) For purposes of determining eligibility of a beneficiary for a cost-of-living adjustment hereunder, the retired member's date of retirement shall govern.

Section 4. Section 2-194, Use of premium tax revenues, is hereby created to read as follows:

(a) Commencing October 1, 2019, all insurance premium tax revenues received annually by the Town in accordance with Chapter 185, Florida Statutes, shall be utilized as follows:

(1) \$18,309 shall be allocated and credited to the members' Share Plan accounts, in a manner provided for under section 2-187;

(2) 50% of the difference between \$18,309 and the total received each year from the state shall be used by the Town to offset its pension contribution; and

(3) 50% of the difference between \$18,309 and the total received each year from the state shall be allocated and credited to the members' Share Plan accounts.

(b) All accumulated insurance premium tax revenues that have not been allocated as of December 31, 2018 shall be allocated to special police retirement trust fund, in the manner provided for under section 2-187.

Section 5. All sections or parts of sections of the Town Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

Section 6. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 7. It is the intention of the Commission of the Town of Surfside that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. This ordinance shall become effective upon final passage.

PASSED on first reading on the 14th day of January, 2020.

PASSED AND ADOPTED on second reading on the 11th day of February, 2020.

First Reading:

Motion by: Commissioner Karukin

Second by: Vice Mayor Gielchinsky

Second Reading:

Motion by: Commissioner Karukin

Second by: Commissioner Paul

FINAL VOTE ON ADOPTION

Vice Mayor Daniel Gielchinsky Yes

Commissioner Michael Karukin Yes

Commissioner Tina Paul Yes

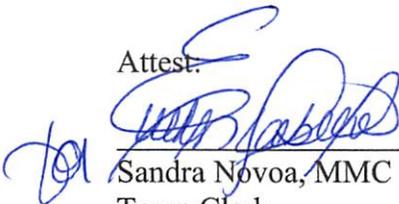
Commissioner Barry Cohen Yes

Mayor Daniel Dietch Yes



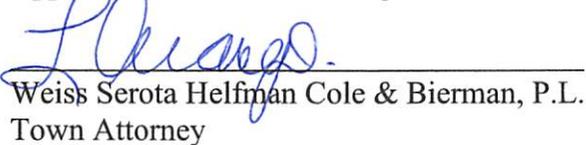
Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:



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