

ORDINANCE NO. 2023 - 1751

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2
3 **AN ORDINANCE OF THE TOWN COMMISSION OF THE**
4 **TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 2.**
5 **- ADMINISTRATION, ARTICLE V. - EMPLOYEE**
6 **BENEFITS, DIVISION 2. - PENSION PLAN, OF THE TOWN**
7 **OF SURFSIDE CODE OF ORDINANCES REGARDING THE**
8 **RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF**
9 **SURFSIDE; SPECIFICALLY, AMENDING SECTION 2-171**
10 **OF THE TOWN CODE TO INCLUDE SHIFT DIFFERENTIAL**
11 **AND UP TO 75 HOURS OF OVERTIME AS PENSIONABLE**
12 **FOR POLICE OFFICERS AND COMMUNICATIONS**
13 **OPERATORS; AMENDING SECTION 2-187 OF THE TOWN**
14 **CODE REGARDING THE USE OF PREMIUM TAX**
15 **REVEUNE; AND AMENDING SECTION 2-193 OF THE**
16 **TOWN CODE EXTENDING THE MAXIMUM PERIOD OF**
17 **PARTICIPATION IN THE DROP PLAN FOR POLICE**
18 **OFFICERS AND COMMUNICATIONS OPERATORS;**
19 **PROVIDING FOR SEVERABILITY; PROVIDING FOR**
20 **CODIFICATION; AND PROVIDING FOR AN EFFECTIVE**
21 **DATE.**

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

25 **WHEREAS**, the Town and the Florida State Lodge of the Fraternal Order of Police
26 (FOP) Lodge 135 negotiated a new collective bargaining agreement for the period
27 October 1, 2022 through September 30, 2025 ("CBA") which necessitates amendments
28 to the Retirement Plan for bargaining unit members; and

29 **WHEREAS**, the requisite actual impact studies have been performed by the
30 Pension Board's actuary; and

31 **WHEREAS**, the Town Commission finds that the adoption of these Code
32 amendments to the Retirement Plan are in the best interests of the Town and its
33 employees.

34 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
35 TOWN OF SURFSIDE, FLORIDA:¹

36 **Section 1. Recitals Adopted.** That the above-stated recitals are hereby
37 adopted and confirmed.

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39 **Section 2. Town Code Amended.** Section 2-171 – “Definitions”, of Division 2.
40 – “Pension Plan”, of Article V. – “Employee Benefits”, of Chapter 2. – “Administration”, of
41 the Town Code is hereby amended, as follows:

42 Chapter 2 – Administration

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45 Article V. – Employee Benefits

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48 Division 2. – Pension Plan

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53 **Sec. 2-171. Definitions.**

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57 Compensation means the basic salary or wages, including longevity, and deferred
58 compensation under section 457 of the Internal Revenue Code, paid by the town to an
59 employee, but excluding bonuses, overtime or any other nonregular payments. Effective
60 October 1, 2022 shift differential and the first seventy-five (75) hours of overtime per year
61 shall be pensionable for sworn law enforcement officers and communications operators.

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63 **Section 3.** Section 2-187 – “Special police retirement trust fund,” of Division 2.
64 – “Pension Plan”, of Article V. – “Employee Benefits”, of Chapter 2. – “Administration”,
65 of the Town Code is hereby amended, as follows:

66 Chapter 2 – Administration

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¹ **Coding:** ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with grey highlighted ~~strikethrough~~ and double underline.

70 Article V. – Employee Benefits

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74 Division 2. – Pension Plan

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78 **Sec. 2-187. Special police retirement trust fund.**

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82 (m) Annual distribution to the Town. Effective October 1, 2022, during the first year of
83 the 2022-2025 FOP CBA the sum of \$88,266 shall be paid to the Town from
84 premium tax revenues received pursuant to Chapter 185, Fla.Stat. Thereafter,
85 effective October 1, 2023, two-thirds (2/3) of the annual premium tax distribution
86 shall be paid to the Town and one-third (1/3) the annual premium tax distribution
87 shall be distributed as shares to the members, as set forth in this Section.
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89 **Section 4.** Section 2-193, "Deferred retirement option plan (DROP)", of Division
90 2. – "Pension Plan", of Article V. – "Employee Benefits", of Chapter 2. – "Administration",
91 of the Town Code is hereby amended, as follows:

92 Chapter 2 – Administration

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96 Article V. – Employee Benefits

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100 Division 2. – Pension Plan

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105 **Sec. 2-193. – Deferred retirement option plan.**

106 A deferred retirement option plan ("DROP") is hereby created as follows:

- 107 (1) **Eligibility.** A member of the plan who reaches normal retirement age shall be
108 eligible to participate in the DROP ("eligible member"). An eligible member may
109 participate in the DROP for a maximum of 60 months from the date the member
110 reaches his or her normal retirement date. Anything herein to the contrary
111 notwithstanding, if an eligible member has reached his or her normal retirement

112 date on or before the date the DROP plan is implemented, then the eligible
113 member shall have 60 days from the date the DROP plan is implemented to
114 elect in writing to participate in the DROP for the maximum DROP participation
115 period of 60 months. Effective October 1, 2022, the maximum period of DROP
116 participation shall be 72 months for sworn law enforcement officers and
117 communications operators.
118

119 (2) *Participation.*

120 a. An eligible member may elect to become a participant in the DROP
121 ("participant") with 30 days advance written notice to the town and the board
122 during the applicable DROP period; however, in no event shall the DROP
123 period be extended beyond sixty months or 72 months for sworn law
124 enforcement officers and communications operators. As a condition of
125 participating in the DROP, the eligible member must agree to terminate
126 town employment at the conclusion of the DROP period and must submit a
127 letter of resignation to the town, which letter shall be coupled with an interest
128 and shall be irrevocable, prior to entering the DROP.

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

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

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

141 **Section 8. Effective Date.** This ordinance shall become effective upon
142 adoption at second reading and shall apply to existing sworn law enforcement officers
143 and communications operators currently in the DROP.
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145 PASSED on first reading this 11th day of July 2023.
146 PASSED and ADOPTED on second reading this 8th day of August 2023.
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148 **First Reading:**

149 Motion by: Commissioner Meisheid
150 Second by: Commissioner Landsman
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152 **Second Reading:**

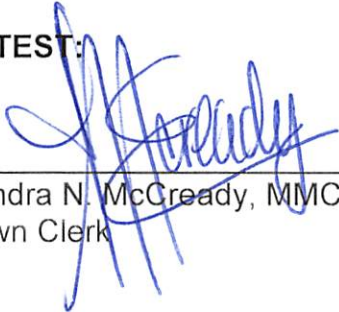
153 Motion by: Commissioner Landsman
154 Second by: Vice Mayor Rose
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156 **FINAL VOTE ON ADOPTION**

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|------------------------------------|------------|
| 157 Commissioner Fred Landsman | <u>Yes</u> |
| 158 Commissioner Marianne Meisheid | <u>Yes</u> |
| 159 Commissioner Nelly Velasquez | <u>Yes</u> |
| 160 Vice Mayor Jeffrey Rose | <u>Yes</u> |
| 161 Mayor Shlomo Danzinger | <u>Yes</u> |

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167 **ATTEST:**


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171 Sandra N. McCready, MMC
172 Town Clerk
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175 Shlomo Danzinger, Mayor
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175 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
176 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**
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180 Weiss Serota Helfman Cole & Bierman, P.L.
181 Town Attorney