

Chapter 2

ADMINISTRATION

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ARTICLE I. GENERAL

Sec. 2-1. Corporate seal of city.

The corporate seal for the city, shall be as follows:

A round seal two (2) inches in diameter, with the words, "**CITY OF COOPER CITY**", arranged in a circular form, constituting the border around the top, and the words, "**BROWARD COUNTY, FLORIDA**", around the base, and the words, "**JUNE 20, A.D. 1959**", and the word, "**SEAL**", in the inner circle and the center of the seal.
(Code 1974, § 1-14)

Sec. 2-2. Public documents; charges for duplication.

(a) Pursuant to Section 119-07, Florida Statutes, the city clerk shall furnish a copy or a certified copy of a record upon payment of the following fee:

- (1) For duplicated copies of not more than fourteen (14) inches by eight and a half (8 and 1/2) inches, 15 cents per one-sided copy.
- (2) For a two-sided duplicated copy of not more than fourteen (14) inches by eight and a half (8 and 1/2) inches, 20 cents.
- (3) For certified copies of a public record, \$1.00 per copy.

(b) The following fees shall be charged for duplication of other public records:

- (1) City Map \$ 3.00
- (2) Zoning Map \$ 2.00

(3)	Color Land Use Map	\$3.00
(4)	Comprehensive Plan (4 volume set)	\$74.80
(5)	Paper copies from microfilm/fiche:	\$.50
(6)	Blueprints Up to 50 square feet Over 50 square feet	\$.75/sq. ft. \$.50/sq. ft.
(7)	Police and/or accident reports a. 4 pages or less b. 5 pages or more	\$2.00 \$2.00, plus \$.20 per page for each page over 5
(8)	Accident reports involving fatalities	\$25.00
(9)	Photographs 5 x 7 color 8 x 10 color	\$5.00 \$9.00

(c) All other copies/documents shall be provided at the actual cost of reproduction, based on the statement therefor, from the company or service which provided duplication services.

(d) Requests to inspect, examine or duplicate public records requiring more than one-half hour of employee time shall be presumed to require extensive use of information technology resources or extensive clerical or supervisory assistance by city personnel, thus justifying, in addition to actual costs of duplication, when applicable, imposition of a special service charge. Excluding the first half hour of labor time, a service charge equivalent to the hourly salary of each employee performing extensive clerical or supervisory assistance, or providing extensive use of information technology resources, shall be billed to the individual seeking to inspect, examine or obtain photocopies of public records on a pro rata basis to be determined by actual time incurred.

(e) Requests for photocopies of a voluminous nature, i.e., of such a large amount that the documents requested, in the opinion of the appropriate department head, cannot be provided on a timely basis in accordance with law, without placing a severe strain on or interfering with the normal functioning of the subject department, shall be performed by an independent service, with the party requesting said photocopies paying the estimated billing therefor in advance of the service performing the reproduction services.

(f) Requests to inspect, examine, review, or for photocopies of documents which require extensive research by clerical staff, i.e., more than three hours of time, shall be provided only after the party requesting to inspect, examine, review, or photocopies paying, in advance, a deposit for staff overtime costs as estimated by the appropriate department head.

(g) When a request is received to inspect, examine, review, or obtain photocopies of documents which are of a sensitive nature and involve information not subject to public review, e.g., personal information on police officers, firefighters, or code enforcement officers, juvenile arrests, victims of rape, sexual abuse, etc., where clerical staff must perform research or purge files prior to providing the requested information, the requesting party shall pay the city a deposit, in advance, for the staff time such research and purging shall entail, based on an estimate of the time involved made by the appropriate department head.

(Ord. No. 91-1-1, § 2, 1/22/91; Ord. No. 95-4-3, § 1, 4-11-95).

Sec. 2-3. Request for information concerning city liens.

Whenever the city receives a request for an accounting of the amounts of any outstanding city liens, a fee shall be charged for providing the information in response to each request. The service charge for the processing of requests for lien information shall be fifty dollars (\$50.00) per request. Information provided in response to such requests shall include unpaid utility charges, formal and informal municipal liens, special assessments, if applicable, a listing of City Code violations which have occurred on the property within the twelve (12) months immediately preceding the request and a listing of any open building permits issued after May, 1993.

(Ord. No. 92-1-6, § 1, 1-14-92; Ord. No. 2000-1-1, § 1, 1-11-2000; Ord. No. 2000-1-3, § 1, 1-11-2000)

Sec. 2.4. Settlement of claims and litigation.

(a) The city manager shall have the authority to settle any claim or lawsuit made against the city in an amount not to exceed twenty-five thousand (\$25,000.00), upon the occurrence of the following:

- (1) Written notification to the mayor and each member of the city commission of the terms of the proposed settlement; and
- (2) The passage of thirty (30) days or the holding of one (1) regular city commission meeting, whichever shall first occur.

(b) For claims in excess of twenty-five thousand dollars (\$25,000.00), but not exceeding fifty thousand dollars (\$50,000.00), the city manager, upon the concurrence of the city attorney, may settle on behalf of the city, upon the occurrence of the following:

- (1) Written notification to the mayor and each member of the city commission of the terms of the proposed settlement; and
- (2) The passage of thirty (30) days or the holding of one (1) regular city commission meeting, whichever shall first occur.

(c) Any claims exceeding fifty thousand dollars (\$50,000.00) may only be settled by action of the city commission.

(d) Nothing contained within this section shall prohibit the city's insurance carrier from negotiating and settling claims for which the carrier is defending the city, for which the city's insurance coverage will cover any settlement amount, and which do not require the expenditure of any city funds.

(e) The provisions of this section shall "sunset" and have no further force and effect on February 25, 2009, unless the city commission shall act prior to that date to extend the provisions hereof. (Ord. No. 97-2-3, § 1, 2-25-97; Ord. No. 02-02-01, § 1, 2-26-02)

Sec. 2.5. Grant applications; authorized signatures.

(a) The city manager is authorized to apply for federal, state and private endowment grants in the name of and on behalf of the city. City departments may submit applications to the city manager from time to time for signature.

(b) The city manager shall consider all grant applications submitted by the city departments and may approve, disapprove or amend the proposal as the city manager deems appropriate to best serve the needs of the city. Any grant application which the city manager is authorized to submit on behalf of the city shall be signed by the city manager.

(c) Any contract required to be executed by the city in order to receive a grant shall be submitted to the city commission for approval. If a grant application to be submitted by the city manager will become a binding contract or obligation of the city upon award by the granting entity, approval by the city commission shall be obtained before the grant application is submitted. (Ord. 2000-3-3, § 1, 3-28-2000)

Sec. 2-6. Website Policies

Our mission is to maintain an internet presence for the City of Cooper City and provide the public with quick and easy access to information about the City of Cooper City, its programs, projects and services. Our website is designed, programmed and maintained by city staff.

Definitions. Wherever used within this policy, the words "our" and "us" shall mean the City of Cooper City, Florida. The word "you" shall mean any user of the City of Cooper City's website and/or online services.

Copyright. The City of Cooper City provides the information on this site to the public, but retains copyright on all text, graphic images and other content. Express written permission is required from the City of Cooper City, Florida, to distribute the text or graphics to others in any fashion, or to "mirror" this information on your server. Copies of the information may be printed for your own personal use. Questions about this copyright statement should be directed to coopercityhall@coopercityfl.org.

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Disclaimer. Information found on this site has been compiled from a variety of sources and is subject to change at any time and without notice from the City of Cooper City, Florida. The City of Cooper City, Florida, assumes no liability for damages incurred directly or indirectly as a result of errors, omissions, or discrepancies. Questions or comments concerning information contained in the City of Cooper City web site should be directed to coopercityhall@coopercityfl.org.

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By using the City of Cooper City web site, you assume all risks associated with its use, including risk to your computer, software, or data being damaged by any virus, program, or file which might be transmitted or activated by a City of Cooper City page or your access to it. The City of Cooper City shall not be liable for any damages resulting from the use of the City of Cooper City web site.

Linking to the City of Cooper City Web Site. The web site of the City of Cooper City provides links to many web sites that are not controlled, maintained, or regulated by us. These links are provided for your reference and convenience only. The City of Cooper City does not control other web sites and is not responsible for their content. Use of information from those websites by the user is voluntary. Users should rely on the information from non-city agency sites only after undertaking an independent review of its accuracy. References at those web sites to any specific commercial product, process, or service by trade name, trademark or otherwise, does not constitute or imply endorsement, association, recommendation, or favoring by the City of Cooper City. When you link to a non-city agency site you are subject to the privacy policy of the new site and the information collection or used on those non-city agency sites.

The City of Cooper City provides links to the following types of organizations:

(1) *Links to other Governmental Units:* The City of Cooper City provides links to other federal, state and local governmental units that provide additional services and information that users of the city's site may find of interest.

(2) *Links to Educational Institutions:* The city also provides links to educational institutions that include Grades K through 12, school districts, intermediate school districts, community colleges and universities.

(3) *Links to Non-Profit Organizations:* The City of Cooper City provides links to non-profit organizations that users of the city's site may find of interest. The determination of whether to establish a link to a non-profit organization's website is made by the City of Cooper City's Information Technology Division on a case-by-case basis.

The City of Cooper City does not provide links to private individuals, private organizations or commercial sites. The city will not link to any site that contains any nudity, profane or obscene language.

The City of Cooper City encourages and permits links to the content of the city's Official Site. Under no circumstance should the linking (1) suggest that the city promotes or endorses any third party's causes, ideas, web sites, products or services; (2) use the City of Cooper City's site content for inappropriate and/or commercial purposes; (3) contain any hyperlink to any other sites without the prior written consent of such site(s); or (4) violate any patent or copyright rights of any third parties. In addition, links to the city's site should be executed in such a way so that the linked page does not appear within a frame that prevents bookmarking the linked page or prevents the acknowledgement of the City of Cooper City as the owner of the content. The City of Cooper City's Information Technology Division reserves the right to withdraw permission for any link at any time with or without prior written notice.

Privacy Policy. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

It is the policy of the State of Florida that all state records are open for public inspection. This policy is embodied in the Florida Constitution, together with the right of an individual to be free from unauthorized governmental intrusion into their private life, as provided in Article 1, Section 23. In recognition of these policies, the city has established this Privacy Policy. When you use our site, you are acknowledging that personal information you provide is subject to Florida's Public Records Policy as stated in Chapter 119, Florida Statutes, and Article 1, Section 24 of the state Constitution.

You do not have to give us personal information to visit our web site, download our publications, use our e-mail communications, or any other feature.

We do not collect personal information about you when you visit the city's site unless you choose to provide this information to us. We will use the information that you voluntarily provide to us to notify you of selected content changes or new publications. We may also use it to conduct statistical analyses of user activities in order to measure user interest in the information we provide and how we provide it.

Online Payments and Related Transactions. Providing you with a secure online experience is a high priority to the City of Cooper City. We recognize that your information security is of the utmost importance, and we have devoted a great deal of effort to ensure that your personal information is safeguarded.

Your online payment transactions are supported by industry-standard data encryption available through your browser called SSL encryption. These services are designed to ensure the privacy of your credit card information, name, address, e-mail or other information you provide to us.

Intrusion Detection. For security purposes and to help ensure this service remains available to you, we use special software programs for monitoring network traffic to identify unauthorized attempts to upload or change information, or otherwise cause damage to this government computer system or site. These programs collect no information that would directly identify individuals, but they do collect information that could help us identify someone attempting to tamper with this website.

If you use this system or site, you should understand that all activities may be monitored and recorded. Anyone using this system or site expressly consents to such monitoring. **WARNING** - If such monitoring reveals possible evidence or information of criminal or suspicious activity, monitoring records may be provided to law enforcement officials without any prior oral or written notice to you.

Except for authorized law enforcement investigations, we make no other attempts to identify individual users or their usage habits. We only use raw monitoring data for logs determining trends in usage patterns and in diagnosing system or site problems.

Indemnity. As a condition of use of Cooper City's web site, the user and/or anyone linking to this site agrees to indemnify the City of Cooper City, its Mayor, Commissioners, officers, employees and agents against any and all liability, expenses (including attorney's fees and court costs) and damages arising out of claims resulting from user's use of this web site and/or anyone linking to this site, including without limitation, any claims alleging facts that, if true, would constitute a breach of these terms and conditions stated in this Term of Use and Legal Information.

Jurisdiction. The Terms of Use and Legal Information are governed by the laws of the State of Florida, United States of America (USA). User and/or anyone linking to this site consents to the exclusive jurisdiction and venue of the courts of Broward County, Florida, USA in all disputes arising out of or relating to the use of this web site. The users of the web site and/or anyone linking to this site in jurisdictions outside of Broward County, Florida, consent to the jurisdiction in Broward County, Florida.
(Ord. No. 07-8-1, § 1, 8-21-07)

Sec. 2-7 --2-20. Reserved.

ARTICLE II. CITY COMMISSION***DIVISION 1. GENERALLY******Sec. 2-21. Regular meetings.**

(a) The city commission shall hold regular meetings on the second and fourth Tuesday of each and every month. This provision may be amended from time to time by resolution, pursuant to the Charter.

(b) If a regular meeting falls on a holiday, or an election day then such meeting shall be set as to date, time and place by a majority vote of the commission as determined at a meeting prior to such regular meeting.

(c) Pursuant to Charter Section 3.12 (2), the commission may by resolution establish and adjust the time of day and the hours provided for the holding of its regular meetings. The resolution which provides for the regular meeting time shall also provide that the scheduled time for adjournment of a meeting may be extended by a vote of a majority of the commission members present at the meeting.

(Code 1974, § 2-11; Ord. No. 81-6-1, § 2, 6-2-81; Ord. No. 09-9-3, § 2, 9-15-09)

State law reference-Public meetings and records, F.S. § 28.011.

Sec. 2-22. Petition for franchise.

(a) Whenever the city commission has taken action to deny a petition for a franchise to furnish any services within the city, the city commission shall not consider any further petition for the same or similar franchise by the same applicant for a period of one year from the date of the latest such action by the city commission.

***Charter references**-Powers of the city, Art. I; administration, Art IV.

Cross references-Civil emergencies, Ch. 7; civil defense department, § 7-16 et. seq.; fire department, §8-16 et. seq.; licenses, Ch. 12; recreation committee, § 15-16 et seq.; planning,

Ch. 16; police, Ch. 17; police department, § 17-16 et seq.; planning and zoning board, § 22-141 et. seq.; taxation, Ch. 23; utilities, Ch. 25; utility board, § 25-74.

****Charter reference**-Legislative, Art. III.

State law reference-Code of ethics for public officers and employees, F.S. § 112.311 et seq.

COOPERCITYCODE

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(b) The above time limit for consideration of an application for a franchise may be waived by the city commission by an affirmative vote of four (4) members when the city commission deems such action necessary to prevent an injustice or to facilitate the proper development of the city. (Code 1974, §2-2)

Sec. 2-23. City commission candidates - residency.

(a) Each candidate shall, just prior to qualifying as candidate for the city commission and before the city clerk, subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the city clerk and shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF BROWARD

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says they are a candidate for the office of city commissioner for District _____ of Cooper City, Florida and that they have resided continuously in District _____ in the City of Cooper City for six (6) months immediately prior to the taking of this oath.

(b) In addition to taking that oath set forth above, each candidate for the city commission shall present to the clerk at the time of qualifying, at least three (3) of the following documents or photocopies of said documents:

- (1) A currently valid Florida driver's license setting forth that the candidate resides in the appropriate district in Cooper City.
- (2) A currently valid voter registration card setting forth that the candidate resides in the appropriate district in Cooper City.
- (3) A current written lease setting forth that the candidate resides in the appropriate district in Cooper City.
- (4) A current property tax bill from the Broward County Property Appraiser's office setting forth that the candidate resides in the appropriate district in Cooper City.
- (5) A bill not more than six (6) months old for water, sewer or electric utilities reflecting that the candidate resides in the appropriate district in Cooper City.

(c) References to districts in subsections (a) and (b) above shall not apply to persons filing to qualify as candidates for mayor.

(d) The city clerk shall qualify no candidate who fails to subscribe or affirm in writing to that oath set forth above and/or fails to present at least three (3) of those documents set forth in subsection (b) above.

(e) Upon a candidate's taking that oath set forth in subsection (a) above, and upon submission of those documents required by subsection (b) above, the city clerk shall, based upon reasonable suspicion, bring an action on behalf of the city for declaratory relief in a court of appropriate jurisdiction in order to determine whether a candidate has been a city resident, in the appropriate district, where applicable, for six (6) months immediately prior to seeking qualification.

In considering whether there is a reasonable suspicion as to a candidate's residence, the clerk shall consider solely the following:

- (1) The facial consistency of documents submitted in compliance with subsection (b) above; or

(2) Sworn affidavits submitted to the clerk setting forth facts tending to show that a candidate has not been a resident for six (6) months immediately prior to qualifying; or

(3) Verifiable documents setting forth facts tending to show that a candidate has not been a resident for six (6) months prior to qualifying.

(f) Should it be determined by a court of appropriate jurisdiction prior to election that a candidate was not truthful when taking that oath set forth above, then said candidate's name shall be struck from the ballot.

(g) Should it be determined after election that a city commissioner was not truthful when taking that oath set forth above, then said candidate shall immediately cease to be qualified to hold the office of commissioner. (Ord. No. 87-6-1, § 1, 6-9-87; Ord. No. 95-8-2, § 1, 8-8-95)

Sec. 2-24. Reserved.

(Ord. No. 06-9-4, § 1, 9-27-06)

Sec. 2-25. Death, withdrawal or removal from candidacy

(a) In the event of death, withdrawal or removal from the ballot of one or more qualified candidate(s) for mayor or city commission which occurs after the close of registration for candidates for mayor or city commission, and if the death, withdrawal or removal leaves only one candidate for mayor or city commission for that district, then in that event, one candidate shall be deemed elected and shall take office in accordance with the procedures set forth in the charter or code.

(b) In the event of death, withdrawal or removal from the ballot of one or more qualified candidate(s) for mayor or city commission which occurs after the close of registration for candidates for mayor or city commission, and if said death, withdrawal or removal leaves no candidate for mayor or city commission for that district, then and in that event, the following shall take place:

(1) For the vacancy or vacancies for mayor or city commission for which no qualified candidate remains, registration shall be reopened for a period of 14 days immediately following the close of the regular registration period, as provided for by law, or upon the death, withdrawal or removal from the ballot of a qualified candidate for mayor or city commission prior to election, whichever is later. A special election shall be conducted 60 days after the close of the special registration period for mayor or city commission.

Sec. 2-26—2-30. Reserved.

DIVISION 2. EXPENSE REIMBURSEMENT

Sec. 2-31. Title.

This division is entitled the "Cooper City Commissioners' Expense Reimbursement Ordinance."

Sec. 2-32. Applicability of state law.

As to all matters not specifically covered in this division, F.S. § 112.061 and any and all other state statutes pertaining to the subject matter of this division shall control. It is the specific intent of the city to adhere to all state standards as promulgated in reference to reimbursement of expenses to public officials and standards for travel expenses, meal expenses and all other forms of reimbursements for expenses incurred by public officials. (Ord. No. 83-4-2, § 1, 4-12-83)

Sec. 2-33. Definitions.

The definitions contained in F.S. § 112.061 are hereby adopted in full without modification. To supplement these definitions, the following shall apply:

Agency or public agency means the city.

Agency head or head of agency means the city commission.

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 2-34. Travel expenses.

(a) *Travel to be authorized in advance.* All travel except within Broward, Dade and Palm Beach Counties, Florida must be authorized by the city commission in advance. No reimbursement for travel is authorized outside of Broward, Dade or Palm Beach Counties unless approved in advance by the city commission.

(b) *Reimbursement for official travel only.* Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency. A traveler who combines personal and official travel is permitted reimbursement only for the portion of the travel which is official in nature.

(c) *Headquarters of city.* In order to comply with state statutes the official headquarters of the city is deemed to be the city hall of the city, 9090 SW 50th Place, Cooper City, Florida, 33328, or other official city hall location designation within the city.

(d) *Computation of travel time for reimbursement.* For purposes of reimbursement and method of calculating fractional days of travel, the principles set forth in F.S. § 112.061 shall apply. However, for a Broward County League of Cities dinner deemed to be in the performance of the duties of the members of the city commission, reimbursement for that meal specifically may be made up to the amount of the meal for commissioner and spouse.

(e) *Rates of per diem and subsistence allowance.* For purposes of reimbursement rates and methods of calculations, per diem and subsistence allowances are as follows: All travelers may be allowed reimbursement for subsistence when traveling to a convention or conference or when traveling outside the state in order to conduct bona fide public business, which convention, conference or business serves a direct and lawful public purpose with relation to the city. Either of the following, but not both, shall be the method of reimbursement. A selection of the method to be used must be made by the traveler prior to the travel incurred, in writing, by memorandum to the finance director:

- (1) Reimbursement for actual expenses incurred upon presentation of receipts therefor. For each day of planned travel, fifty dollars (\$50.00) per day may be provided prior to departure to be used towards payment of actual expenses. Should actual expenses be less than funds provided prior to travel, same shall be refunded to the city. Should actual expenses exceed the funds provided prior to travel, such expenses shall be reimbursed upon presentation of receipts; or
- (2) Up to the aggregate amount permitted by state statute for meals, plus actual expenses for lodging at a single occupancy rate, to be substantiated by paid bills therefor.
(Ord. No. 83-4-2, § 4, 4-12-83; Ord. No. 88-2-2, § 1, 2-23-88)

Sec. 2-35. Means of transportation.

(a) All travel must be by a usually traveled route. In case a person travels by an indirect route for his own convenience, any extra cost shall be borne by the traveler and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. The city commission shall designate the most economical method of travel for each trip for members of the commission, keeping in mind the following conditions:

- (1) The nature of the business;
- (2) The most efficient and economical means of travel (considering time of the traveler, cost of transportation and per diem or subsistence required);
- (3) The number of persons making the trip, and the amount of equipment or material to be transported.

(b) Transportation by common carrier when traveling on official business and paid for personally by the traveler shall be substantiated by a receipt therefor. If transportation other than the most economical class as approved by the city commission is provided by a common carrier on a flight check or credit card, the charges in excess of the most economical class shall be refunded by the traveler to the city.

(Ord. No. 83-4-2, §5, 4-12-83)

Sec. 2-36. Privately owned vehicles.

(a) The use of privately owned vehicles for travel, in order to perform public business which serves a direct and lawful public purpose with relation to the city, in lieu of publicly owned vehicles or common carrier, is allowed. Whenever travel is by privately-owned vehicle, the traveler shall be entitled to a mileage allowance at the fixed rate provided for by the Internal Revenue Service as a mileage allowance. Reimbursement for expenditures related to the operation, maintenance and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business and reimbursement is made pursuant to this subsection (a). Mileage reimbursement shall also be made to commissioners for the use of their privately-owned vehicles for transportation in the State of Florida, in order to perform public business which serves a direct and lawful public purpose with relation to the city.

(Ord. No. 2005-12-02, §1, 12-13-05)

(b) All mileage shall be shown by stating, in writing, the odometer reading of the privately owned vehicle at time of departure and the odometer reading on the vehicle at the time of conclusion of the trip and the total number of elapsed miles.

(c) Transportation by chartered or leased vehicles when traveling on official business may be authorized by the city commission when necessary or where it is to the advantage of the city, provided the cost of the transportation does not exceed the cost of transportation by privately owned vehicle pursuant to this section.

(d) No traveler shall be allowed either mileage or transportation expense when gratuitously transported by another person or when transported by another traveler who is entitled to mileage or transportation expense.

(Ord. No. 83-4-2, §6, 4-12-83)

Sec. 2-37. Other expenses.

The following incidental expenses may be reimbursed upon presentment of receipts therefor:

- (1) Taxi or bus fare;
- (2) Ferry fare, and bridge, road and tunnel tolls;
- (3) Storage or parking fees;
- (4) Communication expense;
- (5) Photocopying costs;
- (6) Convention registration fee or seminar fee while attending a convention or conference which will serve a direct public purpose with relation to the city; however, any meals or lodging included in the registration fee will be deducted in accordance with the allowances therefor as provided for in this division;
- (7) Meal expenses necessarily incurred in the performance of a public purpose or public business not otherwise provided for in this division.
(Ord. No. 83-4-2, § 7, 4-12-83)

Sec. 2-38. Voucher forms and procedure for reimbursement.

The finance director of the city shall devise a uniform voucher reimbursement form. This form shall include, but not be limited to, provision for the name of each traveler, purpose of travel, period of travel, and estimated cost. All reimbursement shall be made on these forms with all receipts attached. No individual statements shall be accepted in lieu of receipts. A copy of the program or agenda of any convention or conference, itemizing registration fees and all other charges shall be attached to the voucher reimbursement form when reimbursement is being sought for a convention or conference. The voucher reimbursement form shall be signed by the traveler and shall include a sworn affidavit that the expenses incurred are true and correct and that all receipts have been obtained therefor.
(Ord. No. 83-4-2, § 7, 4-12-83)

Sec. 2-39. Advancements.

Notwithstanding any of the foregoing restrictions and limitations, the city commission may make or authorize the making of, advances to cover anticipated costs of travel to travelers. These advancements must be authorized prior to the travel by the city council and may not be retroactively authorized.
(Ord. No. 83-4-2 § 9, 4-12-83)

Sec. 2-40. Spouses, children.

No reimbursement for expenses of spouses, children or others is permitted.
(Ord. No. 83-4, § 10, 4-12-83)

ARTICLE III. DEPARTMENTS*

Secs. 2-41—2-100. Reserved.

***Cross references**-Civil defense department, § 7-16 et seq.; fire department, § 8-5 et seq.; police department, § 17-16 et seq.

ARTICLE IV. OFFICERS AND EMPLOYEES***Sec. 2-101. Bonds of officers.**

The city commission shall determine by resolution what officers, clerks or employees shall give bond and the amount of penalty thereof. All officers, clerks and employees of whom bond is required by the commission shall, before entering upon their respective duties, give bond with surety to be approved by the commission, conditioned for the faithful performance of the duties of their respective offices. All such bonds shall be payable to the city. (Laws of Fla., Ch. 59-1195, § 51)

Secs. 2-102-2-115. Reserved.**ARTICLE V. BOARDS, COMMISSIONS AND COMMITTEES****

DIVISION 1. GENERALLY

Sec. 2-116. General requirements.

(a) *Creation of advisory boards, commissions and committees.* For the purposes of this article, the terms, “board”, “commission”, “committee”, “advisory board” and “advisory body” shall mean any group created pursuant to this article whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations; provided, however, that this article shall not apply to the pension board of trustees, or any other board which may be created pursuant to law to deal with employee rights and/or benefits.

The city commission shall have the authority to create, by ordinance, any such board, commission or committee that it may deem necessary for the proper and efficient operation of the city. The ordinance which may create any such board, commission or committee shall be adopted in accordance with the provisions set forth in this section, and shall address the following matters:

- (1) State clearly and specifically the duties and responsibilities of the board, commission or committee.
- (2) Set forth the size of the board, including number of voting members and the desired personal and professional qualifications to be sought in prospective members, if applicable.
- (3) Set forth terms of board members, if in conflict with the provisions of subsection (b)(3) of this section.

All such boards, commissions or committees created pursuant to this section and to section 1.05 of the City Charter shall be advisory in nature, unless otherwise required by state or federal law.

***Cross reference-**Any ordinance relating to salary or compensation of city officers Or employees saved from repeal, § 1-5(7).

***Cross reference-**Utility bond, § 25-74.

****Charter reference-**Boards and agencies, § 1.05.

(b) *Qualifications of members.*

- (1) Members of city boards, commissions or committees shall be residents of the city.
- (2) Members of city boards, commissions or committees shall serve at the will and pleasure of the city commission, and shall be deemed to have no property right in their term of office, unless otherwise specified in the ordinance creating such board, commission or committee and all members shall serve without compensation.
- (3) *Appointment.* Each commissioner shall have the authority to recommend an individual member or members for appointment to an advisory board, commission or committee for ratification by the city commission. Prior to making appointments to any board, commission or committee, the commissioner recommending the appointment shall conduct interviews of the applicants therefor. Appointments to advisory bodies may be made in the number specified in the ordinance creating such board, commission or committee, upon the creation of the advisory body, the expiration of a term of any member or members, and/or upon the resignation or removal of a member or members, or upon a member no longer meeting the qualifications set forth in this code and the city charter for advisory board members. Unless otherwise provided in the ordinance creating an advisory board, commission or committee, terms of members shall coincide with the term of office of the commissioner making the appointment.
- (4) *Vacancies.* Vacancies in the membership of any board, commission or committee due to death, removal or resignation shall be filled in the same manner as the original appointment was made and for the unexpired term of the member(s) affected. It shall be the duty of the chairperson of the body to notify the city clerk within ten (10) days after a vacancy occurs and the city clerk shall promptly transmit such information to the city commission for the appropriate action as set forth herein.
- (5) *Absences.* If a member of any board, commission or committee has unexcused absences from more than thirty-three (33) percent of the regularly-scheduled meetings in a twelve (12) month period, the chairperson shall inform the commission of same, in writing, so that appropriate action may be taken. Each board, commission or committee shall establish their own regulations concerning the definition of "excused absences".

(c) *Rules of procedure.*

- (1) *Officers and voting.* Each board, commission and committee shall select from among its members a chairperson and vice-chairperson at its annual organizational meeting in June to serve for a period of one (1) year and may create and fill such other offices as it may determine. All members in attendance at any meeting shall be required to vote on matters before the body, subject to Section 112.3143, Florida Statutes.
- (2) Members of any board, commission or committee shall be governed by the Sunshine amendment to the Florida Constitution and the Code of Ethics for Public Officers and Employees (Chapter 112, Florida Statutes).

- (3) Each board, commission and committee shall establish rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of state law, city charter, ordinances and resolutions. Such rules of procedure shall be available in written form to persons appearing before the body, and to the public, upon request. Where a board fails to adopt rules of procedure directly applicable to a question before the board, then Robert's Rules of Order shall be utilized. Petitioners who wish to have a matter considered by any board, commission or committee must submit all back-up material, plans and supportive data to the city a minimum of fourteen (14) days prior to the date of the meeting at which they desire to be heard.
- (4) *Legal notice.* The agenda of the regular meeting of any board, commission or committee shall be prepared by the chairperson and be posted a minimum of two (2) business days prior to the meeting.
- (5) *Meetings.* Each board, commission or committee shall hold at least one (1) regularly scheduled meeting each month on a day to be determined by the body. Other regularly scheduled meetings may be set by the body and additional meetings may be scheduled as the body may determine. Meetings that are not regularly scheduled shall not be held without at least five (5) days' notice to each member; provided, however, that upon concurrence of the chairperson of the body and the mayor, an emergency meeting may be called at any time.
- (6) *Quorum.* The quorum for the transaction of business shall be a majority of the members serving on the body, and a majority vote of a quorum shall be required for a decision on any matter before such board, commission or committee. If a quorum is not present, a workshop meeting may be held, but any items of business shall be continued to the next meeting of the body.
(Ord. No. 90-5-3, § 1, 5-22-90, Ord. No. 86-7-4, § 1, 7-22-86)

Secs. 2-117—2-128. Reserved.

DIVISION 2. BOARDS, COMMISSIONS AND COMMITTEES CREATED

Sec. 2-129. Creating a recreation advisory board.

(a) *Created.* There is hereby created an advisory board to the city commission, known as the recreation advisory board, which shall consist of fifteen (15) voting members.

(b) *Reserved.*

(c) *Qualifications.* Applicants should be considered for appointment based upon their qualification to serve. Whenever possible, the commission should appoint members with personal or professional experience in one (1) or more areas of the advisory board's relevant jurisdiction.

(d) *Duties and responsibilities of advisory board.* The initial duties and responsibilities shall be:

- (1) To make recommendations to the commission on improving the present city parks, playgrounds and recreational programs;
- (2) To preview and make recommendations to the recreation director concerning the upcoming recreational programs being offered to the residents by the recreation department;

- (3) To make recommendations to the commission concerning the future needs of the city including acquisition and establishment of parks, playgrounds, and such other related usages and facilities as might be desirable for public recreation;
- (4) To otherwise serve the commission and the recreation department in any advisory capacity in matters of obtaining, equipping, and improving recreational facilities within the city;
- (5) To be thoroughly informed by the commission and all departments on all aspects of recreation in the city, in the event that the commission should need advice on such matters. The chairman of the advisory board may appoint subcommittees to specialize in certain areas, i.e., park development, recreational land dedication, etc.;
- (6) To be represented at all commission meetings, related to recreation, to advise the commission when requested on any matter concerning recreation;
- (7) To establish fees for the use of the Cooper City Community Center by both organizations and private individuals, upon the concurrence of the recreation director. Said fees may be amended from time to time by official action of the said recreation advisory board with the concurrence of the recreation director, as may be deemed necessary for the proper operation of the facility. The recreation advisory board shall have the sole discretion to waive any such fees which they may establish, upon the receipt of a written request from a bona fide nonprofit organization.
(Ord. No. 90-5-3, § 3, 5-22-90, Ord No. 86-7-5, § 1, 7-22-86; Ord. 2002-06-01, § 1, 6-11-02)

Sec. 2-130. Creating a planning and zoning board.

(a) *Created.* There is hereby created an advisory board to the city commission, known as the planning and zoning board, which shall consist of ten (10) voting members.

(b) *Term.* Appointments shall be made for up to a four (4) year term. However, the term of a member shall coincide with, and shall not extend beyond, the term of office of the city commissioner who recommended that member for appointment. (Ord. No. 09-2-3, § 2, 2-24-09)

(c) *Qualifications.* Applicants should be considered for appointment based upon their qualification to serve. Whenever possible, the commission should appoint members with personal or professional experience in one (1) or more areas of the board's relevant jurisdiction.

(d) *Duties and responsibilities of board.* The initial duties and responsibilities shall be:

- (1) To recommend principles and policies, and community standards for facilities, buildings, and services which will direct the action affecting future development and growth of the city as a whole or a geographical or functional classification thereof;
- (2) To develop a comprehensive master plan for the corporate limits of the city and thus to acquire and maintain such information and materials as are necessary to an understanding of past and present conditions affecting the city;
- (3) To conduct such public hearings as may be required to gather information and public reaction necessary for the drafting, establishment, maintenance and recommendation of action to the commission for adoption of comprehensive plans, and to conduct such public hearings as may be required in ordinances, codes and regulations related to plans made and their implementation;

- (4) To review proposed developments as defined in chapter 24 of this code and determine whether the proposed plans conform to the principles and requirements of the planning program and all aspects of the city's land development regulations contained within this code;
- (5) To serve as the initiator for informing the commission, the city and county departments and agencies, and the public of the continuing comprehensive planning program and its purpose and status;
- (6) To recommend to the commission whatever action it has passed concerning the above;
- (7) To review applications for amendments or variances to the zoning regulations and requirements of the city as well as the comprehensive plan;
- (8) To review applications submitted pursuant to the provisions of chapter 18, tree preservation regulations, of this code, and make recommendations to the city manager and/or commission, as appropriate
- (9) The planning and zoning board is hereby designated the local planning agency for and on behalf of the city and is empowered to pursue and fulfill the requirements of the Local Government Comprehensive Planning Act of 1975 and any amendments thereto or hereafter made.

(e) *Absences.* To the extent that this provision may conflict with the provisions of section 2-116(b)(5), this provision shall apply only to the planning and zoning board. If any member of the board has been absent from more than thirty-three (33) percent of the regularly scheduled meetings in a twelve (12) month period, or misses three (3) consecutive meetings, the chairperson shall inform the commission of same, in writing, so that appropriate action may be taken.

(Ord. No. 86-7-6, § 1, 7-22-86; Ord. No. 87-3-4, § 1, 3-24-87; Ord. 2002-09-04, § 2, 9-19-02)

Sec. 2-131. Creating an education advisory board.

(a) *Created.* There is hereby created an advisory board to the city commission, known as the education advisory board, which shall consist of fifteen (15) voting members. Each city commissioner shall appoint three (3) members. The board shall elect a chair annually from among its members. No member shall serve as chair for more than one year.

(b) *Qualifications.* Board members must be a resident of the City of Cooper City.

- (1) In making appointments to the board, consideration should be given to seeking representatives including but not limited to the following:

- Parents of school age children;
- Representatives of the business community;
- School Advisory Forum Chair(s);
- Members of Parent Teacher Organization/Parent Teacher Association;
- Members of Civic Associations;
- Employees of the School Board of Broward County;
- Students attending High School;
- Students attending Middle School.

(c) Meetings shall be held at least once every month, unless otherwise provided by a majority vote of the board's membership, on a day to be determined by the board.

(d) *Duties and responsibilities of advisory board.* The board shall act in an advisory capacity to the city commission and as liaison between the city and the School Board and its officials.

Board members shall strive to monitor all actions and proceedings of the School Board and its committees and appropriate departments. The board shall have the authority to recommend action on educational matters to the city commission. The board has the responsibility of thoroughly researching all issues on which recommendations are made and eliciting testimony concerning each issue from the general public. The board's objectives shall include, but not be limited to advising the city commission on the following items:

- (1) promoting the continued viability of Cooper City area schools;
 - (2) guaranteeing the provision of quality education across the spectrum of K-12, alternative, vocational, adult, both public and private;
 - (3) communicating with educational administrators on all levels; and
 - (4) recommending and/or monitoring school facility use and conditions with the City of Cooper City.
- (Ord. 2005-10-01, § 2, 9-12-05)

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ARTICLE VI. EMPLOYEE BENEFITS

DIVISION 1. GENERALLY

Secs. 2-132—2-155. Reserved.

DIVISION 2. RETIREMENT PLAN*

Sec. 2-156. General employees pension plan.

ARTICLE I**RETIREMENT PLAN ESTABLISHED; NAME; OPERATIVE DATE; CLOSING DATE**

(a) A retirement plan is hereby established and placed under the exclusive administration and management of a board of trustees for the purpose of providing retirement benefits pursuant to the provisions of this ordinance and for defraying the reasonable expenses of the retirement plan.

(b) The retirement plan established by this ordinance shall be known as the City of Cooper City General Employees Retirement Plan.

(c) The retirement plan shall have an effective date of January 25, 2000.

(d) The Plan shall be closed to new employees hired on or after the effective date of this Ordinance. (Ord. No. 11-10-1, §2, 10-25-11)

ARTICLE II**DEFINITIONS**

The following words and phrases as used in this ordinance shall have the following meanings:

Accumulated Contributions shall mean the sum of all amounts deducted from a member's compensation or picked up on behalf of a member, including interest.

Active Membership shall mean membership in the retirement plan as an employee.

Actuarial Equivalent shall mean that any benefit payable under the terms of this system other than the normal form of benefit shall have the same actuarial present value on the date the payment commences as the normal form of benefit. For purposes of establishing the actuarial present value of any form of benefit, other than a lump sum distribution, all future payments shall be discounted for interest and mortality using seven (7%) percent interest and the 1983 group annuity mortality table for males, with ages set ahead five (5) years in the case of disability retirees. In the case of a lump sum distribution, the actuarial present value shall be determined on the basis of the same mortality rates as described in this section and the Pension Benefit Guaranty Corporation's interest rates for terminating single employer plans which rates are in effect ninety (90) days prior to the member's date of termination if distribution is made within six (6) months of such date of termination; or ninety (90) days prior to the distribution date if distribution is made later than six (6) months after the member's date of termination.

And shall have a conjunctive meaning.

Beneficiary shall mean any person receiving a retirement allowance or other benefit from the retirement plan.

Benefit shall mean a retirement allowance or other payment provided by the retirement plan.

***State law references** - Florida retirement system, F.S. Ch. 175 and 185.

Board or Board of Trustees shall mean the Board of Trustees of the Retirement Plan.

City shall mean the City of Cooper City, Florida, and the Broward County Sheriff's Office for public safety employees who were transferred to positions within the Broward Sheriff's Office following the transfer of public safety services to the Broward Sheriff's Office.
(Ord. No. 2004-08-03, §1, 08-24-04)

Credited Service shall mean membership credit upon which a member's eligibility to receive benefits under the retirement plan is based or upon which the amount of such benefits is to be determined. Service is defined as years and completed months.

Disability shall mean the permanent and total incapacity to perform regular and continuous duties as a general employee for the City of Cooper City.

DROP shall mean the deferred retirement option plan.

Early Service Retirement shall mean a member's withdrawal from service under circumstances permitting the payment of a retirement benefit before such member is eligible for normal service retirement.

Earnable Compensation shall mean a member's base salary, including pick-up contributions for all straight time hours worked. Effective for years beginning on or after January 1, 1996, the annual limit on compensation imposed by section 401(a)(17) of the Internal Revenue Code (\$150,000 for 1996) shall apply to the earned income of each non-eligible participant to the extent required by guidelines issued by the Internal Revenue Service. The limit imposed by section 401(a)(17) of the Internal Revenue Code shall not apply to an eligible participant. For the purposes of this paragraph, an eligible participant is any individual who first became a member of the retirement plan before January 1, 1996. A non-eligible participant is any member who is not an eligible participant.

Employee shall mean a person employed by the City before October 25, 2011 on a full time basis, or any former city employees who were transferred to positions within the Broward Sheriff's Office following the transfer of public safety services to the Broward Sheriff's Office. (Ord. No. 2004-08-03, §1, 08-24-04; Ord. No. 11-10-1, §3, 10-25-11)

Final Monthly Compensation shall mean a member's average monthly rate of earnable compensation from the city, or city and Broward Sheriff's Office, for public safety employees who were transferred to positions within the Broward Sheriff's Office following the transfer of public safety services to the Broward Sheriff's Office, during the three (3) years of employment which is greater than the total of any other three (3) years; provided that if a member has been employed for fewer than three (3) years, such average shall be taken over the period of actual employment.
(Ord. No. 2002-10-02, §1, 10-22-02; Ord. No. 2004-08-03, §1, 08-24-04)

Fund shall mean the City of Cooper City General Employees Retirement Fund.

General Employee shall mean an employee hired by the City before October 25, 2011 other than a certified police officer or firefighter, but shall include any former city employees who were transferred to positions within the Broward Sheriff's Office following the transfer of public safety services to the Broward Sheriff's Office. (Ord. No. 2004-08-03, §1, 08-24-04; Ord. No. 11-10-1, §3, 10-25-11)

May shall mean a permissive term.

Member shall mean a person actively employed by the city before October 25, 2011 for whom contributions to the retirement plan are made as required by this ordinance, and shall include any former city employees who were transferred to positions within the Broward Sheriff's Office following the transfer of public safety services to the Broward Sheriff's Office. (Ord. No. 2004-08-03, §1, 08-24-04; Ord. No. 11-10-1, §3, 10-25-11)

Option shall mean one of several choices available to members with respect to the manner in which a retirement allowance may be paid.

Pension shall mean a series of periodic payments, usually for life, payable in monthly installments.

Pick-Up Amounts shall mean employer contributions derived from a member's earnable compensation through a reduction in the member's earnable compensation.

Plan Year shall mean the period from October 1 through September 30 of the following year.

Retirement shall mean a member's withdrawal from active service with a benefit granted to the member pursuant to the provisions of this ordinance.

Retirement Allowance shall mean a pension provided by the retirement plan.

Retirement Plan shall mean the City of Cooper City General Employees Retirement Plan.

Service shall mean active service as an employee.

Service Retirement shall mean a member's retirement from active service under circumstances permitting payment of a retirement allowance without reduction because of age or length of service and without special qualifications such as disability. Service retirement shall be considered normal retirement.

Trustee shall mean a member of the Board of Trustees of the Retirement Plan.

Vested Benefit shall mean an immediate or deferred benefit to which a member has gained a non-forfeitable right under the provisions of this ordinance.

Minimum Vesting shall mean six (6) years of credited service before the member is entitled to retirement benefits except for service-incurred disability retirement income or service incurred death benefits.
(Ord. No. 2002-10-02, § 1, 10-22-02)

ARTICLE III

MEMBERSHIP

(a) Each general employee in the full time employ of the city on the effective date of this plan shall be a member of the plan provided they have completed an enrollment form and submitted any other information required by the board. There shall be no period of minimum employment prior to eligibility for membership. Membership of the plan shall continue to include any former city employees who were transferred to full time positions within the Broward Sheriff's Office following the transfer of public safety services to the Broward Sheriff's Office.
(Ord. No. 2004-08-03, § 2, 08-24-04)

(b) Any person who has previously been required as a condition of employment to become a member of the retirement plan or any person hired after the effective date of this ordinance shall become a member of the retirement plan as a condition of employment.

(c) Any person holding the position of city manager, or a department head designated by the city manager, shall have the option, to elect exemption from the retirement plan in order to be covered by an alternate retirement system. The election shall be made within thirty days after commencement of appointment in the positions for which the exemption is available.

(d) All persons joining the retirement plan after the effective date of this ordinance may be required, as a condition of entry into the plan, to submit to such medical examination as the board shall determine. The results of such medical

examination are solely for the purpose of determining pre-existing medical conditions and may not be used to decline membership in the plan to any person.

(e) Upon entry into the plan, a member shall sign such forms as are prescribed by the board which shall include, but not be limited to, acceptance of the terms and conditions of the plan; designation of beneficiary or beneficiaries and authorization for the pick-up of employee contributions. Members may, prior to retirement, change previously designated beneficiaries.

(f) Notwithstanding the foregoing, all general employees hired on or after the effective date of the City's participation in the Florida Retirement System, except those excluded by law, shall be ineligible for membership in the plan and shall become compulsory members of the Florida Retirement System. (Ord. No. 11-10-4, § 2, 10-25-11)

ARTICLE IV

ADMINISTRATION OF THE RETIREMENT PLAN

(a) The sole and exclusive administration of, and the responsibility for, the proper effective operation of the retirement plan is vested in a board of trustees.

(b) The board of trustees shall consist of five (5) persons; two (2) general employees elected by the general employee members of the plan and three (3) persons selected by the city manager, who need not be members of the plan. The finance director shall serve as treasurer of the retirement fund and shall be an ex-officio (non-voting) member of the board.

(c) All trustees shall serve a term of two (2) years.

(d) The board of trustees shall prescribe a uniform election procedure for the selection of the active member trustees.

(e) All trustees shall serve without compensation, but they shall be reimbursed from the fund for all necessary expenses authorized by the board. The board shall be permitted to prescribe uniform rules for reimbursement for travel expenditures.

(f) The board of trustees shall bi-annually select a chairman and a secretary who shall execute all documents on behalf of the board.

(g) A majority of the members of the board shall constitute a quorum for the transaction of business and shall have full power to act under the terms of the plan. Three (3) concurring votes shall be required of the board to take action.

(h) The board shall keep minutes of all meetings and a record of any action taken by the board shall be kept in written form and maintained by the board.

(i) The board of trustees shall have the authority to make such uniform rules and regulations and to take such action as may be necessary to carry out the provisions of the plan and all decisions of the board of trustees, made in good faith, shall be final, binding and conclusive on all parties.

(j) The board of trustees shall be deemed the named fiduciary of the plan and shall discharge its responsibilities solely in the interest of the members and beneficiaries of the plan for the exclusive purpose of providing benefits to the members and their beneficiaries and to defray the reasonable expenses of the plan. The trustees shall exercise those fiduciary responsibilities with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a similar character and with similar aims.

(k) The board of trustees shall have the following administrative duties:

- (1) To maintain such records as are necessary for calculating and distributing retirement benefits;
 - (2) To maintain such records as are necessary for financial accounting and reporting of retirement plan funds;
 - (3) To maintain such records as are necessary for actuarial evaluation of the retirement plan, including investigations into the mortality, service and compensation experience of its members and beneficiaries;
 - (4) To compile such other administrative or investment information as is necessary for the management of the retirement plan;
 - (5) To process, certify and/or respond to all correspondence, bills and statements received by the retirement plan, as well as all applications submitted to the board for retirement benefits;
 - (6) To establish and maintain communication with city departments and other agencies of government as is necessary for the management of the retirement plan, including preparing, filing and distributing such reports and information as are required by law to be prepared, filed or distributed on behalf of the retirement plan;
 - (7) To determine all questions relating to and process all applications for eligibility, participation and benefits;
 - (8) To distribute at regular intervals to employees, a comprehensive summary plan description and periodic reports, not less than biennially, regarding the financial and annual actuarial status of the plan;
 - (9) To retain and compensate such professional and technical advisors as is necessary to fulfill its fiduciary responsibilities;
 - (10) To make recommendations regarding changes in the provisions of the plan;
 - (11) To assure the prompt deposit of all member contributions, city contributions, monies, and investment earnings;
 - (12) To establish a uniform set of rules and regulations for the management of the trust;
 - (13) To take such other action as the trustees shall deem, in their sole and exclusive discretion, as being necessary for the efficient management of the plan.
- (l) The board shall have the authority to retain its own legal counsel, accountants, actuaries and other professional advisors to assist the board in the performance of its duties. The board may act without independent investigation upon the professional advice of the advisors retained by the plan.
- (m) The board is authorized to prosecute or defend actions, claims or proceedings of any nature or kind for the protection of the fund assets or for the protection of the board in the performance of its duties.
- (n) Neither the board nor any of its individual members shall have any personal liability for any action taken in good faith. The trustees individually and the board as a whole shall be entitled to the protections in Section 768.28, Fla. Stat. The trustees shall also be authorized to purchase from the assets of the fund, errors and omission insurance to protect the trustees in the performance of their duties. Such insurance shall not provide protection against a trustee's fraud, intentional misrepresentation, willful misconduct or gross negligence.
- (o) No trustee shall be responsible at his or her own expense, to take legal action to correct the misconduct of any other member of the board of trustees. A trustee shall have an affirmative obligation, however, to publicly reveal any misfeasance, malfeasance or nonfeasance by a co-trustee, and upon making such revelation in a public meeting, shall be relieved further individual responsibility of the actions of that co-trustee.

ARTICLE V**CONTRIBUTIONS**

(a) The city shall pick-up, rather than deduct from each member's pay, beginning with the first date of membership in the plan, the sum of 10.43 percent of earnings of all general employees. No member contribution shall be required by former city employees who were transferred to full time positions within the Broward Sheriff's Office following transfer of public safety services to the Broward Sheriff's Office. The Broward Sheriff's Office shall pay the full employee (7.26%) and employer cost for such employees.

(Ord. 2000-8-2, § 1, 8-15-2000; Ord. No. 00-9-5, § 2, 9-27-00; Ord. No. 03-7-1, § 1, 7-22-03; Ord. No. 2004-08-03, § 3, 08-24-04; Ord. No. 07-12-1, § 1, 12-11-07)

(b) All benefits payable under this plan are in lieu of a refund of accumulated contributions. In any event, however, each member or designated beneficiary shall be guaranteed the payment of benefits at least equal in total amount to the member's accumulated contributions.

(c) Expenses, charges and fees attributable to the management of the plan shall be paid from the fund.

(d) The city shall have no right, title or interest in the fund or in any part thereof, and no contribution made thereto shall revert to the city, except such part of the fund, if any, which remains therein after the satisfaction of all liabilities to persons entitled to benefits under the plan.

ARTICLE VI**FUND MANAGEMENT AND INVESTMENTS**

(a) The plan is hereby established as an irrevocable trust fund into which shall be deposited all of the assets of the plan of every kind and description.

(b) The actual custody and supervision of the fund shall be vested in the board. All assets of the plan may be commingled, provided that accurate records are maintained at all times reflecting the financial composition of the fund, including accurate accounts regarding the following:

- (1) Current amounts of accumulated contributions of members, both on an individual and aggregate basis;
- (2) Receipts and disbursements;
- (3) Benefits payments;
- (4) All contributions from the city;
- (5) All interest, dividends, gains and losses from investment;
- (6) Such other entries as may be required for a clear, complete financial report of the status of the fund.

(c) The board shall establish a written investment policy, with the advice and counsel of such advisors as the board deems necessary, and said investment policy shall set forth the types of securities and other types of investments into which shall be placed the assets of the fund. The policy shall further set forth appropriate limitations on those investments, including, but not limited to, anticipated rate of return, quality of investment, class of investment and acceptable risk. The board shall have the authority to invest and reinvest the assets of the plan in such securities or property, real or personal, as the board deems appropriate, including, but not limited to:

- (1) Bonds, notes, or other obligations of the United States or any of its agencies, or those guaranteed by the United States or for which the credit of the United States is pledged for the payment of the principal

and interest or dividends thereof;

- (2) Accounts or certificates of deposit in any bank or other financial institution incorporated under the laws of the State of Florida, or any national bank organized under the laws of the United States, or authorized to do business and situated in the State of Florida, to the extent that such certificates of deposit are secured by the deposits of securities of the United States government;
- (3) Notes secured by first mortgages on real property insured or guaranteed by the Federal Housing Administration or the Veterans Administration;
- (4) Interest-bearing obligations with a fixed maturity of any corporation organized under the laws of the United States, any state or organized territory of the United States and the District of Columbia; provided that such obligations are rated by at least two (2) nationally recognized ratings services in any one of the four highest classifications approved by the Comptroller of the Currency for the investment of funds of national banks or, if only one nationally recognized ratings service shall rate such obligations, such ratings service must have rated such obligation in any one of the four highest rating classifications as set forth in this subsection;
- (5) Bonds issued by the State of Israel;
- (6) Real estate, which may be in the form of commingled ownership;
- (7) Common stock, preferred stock and interest-bearing obligations of domestic corporations having an option to convert into common stock issued by a corporation organized under the laws of the United States, any state or organized territory of the United States and the District of Columbia. The board of trustees shall determine the percentage of the portfolio to be held in equities;
- (8) Foreign securities.

(d) The board shall determine the percentage of each type of investment to be held.

(e) The board shall be authorized to retain one or more money managers for the management of property held in the plan, and the board shall make available the plan's assets to such money managers for investment and reinvestment in accordance with the terms of this ordinance and the investment policies established by the board. Any such money manager contracting with the board for the investment of its assets shall be deemed a fiduciary of the plan.

(f) The board shall have a continuing duty to observe and evaluate the performance of any money manager retained by the board. The board shall, in selecting a money manager or other investment counsel, exercise all judgement and care in the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs.

(g) The board shall require that any money manager or other agent who has custody or control of any property of the plan to keep accurate and detailed accounts of all investments, receipts, disbursements and other transactions pertaining to such trust property, and the board shall further require that all accounts, books and records pertaining thereto be open for inspecting and audit at all reasonable times by the city, the board or the designees.

(h) The board shall also keep accurate and detailed accounts of all investments, receipts, disbursements or other transactions pertaining to the trust property and all accounts, books and records pertaining thereto shall be open to inspection and audit at all reasonable times by the city or its designees.

(i) The board of trustees shall be authorized to enter into an agreement with the board of trustees of any other city defined benefit retirement plan for the purpose of co-mingling assets for investment purposes.

ARTICLE VII

SERVICE RETIREMENT BENEFITS

(a) A general employee member may retire on the first day of the month coincident with or next following the attainment of age fifty-five (55) and the completion of six (6) years of credited service. There shall be no mandatory retirement age. (Ord. No. 00-9-5, §1, 9-27-00; Ord. No. 2002-10-02, § 1, 10-22-02)

(b) A normal retirement benefit for general employees shall be:

(1) an amount equal to two (2%) percent of final monthly compensation multiplied by the number of years of credited service; provided, however, that the computation of retirement benefits for service accrued prior to September 30, 1981, shall be one (1%) percent, and that the computation of retirement benefits for service accrued from October 1, 1981, through September 30, 1993, shall be one and three-quarters (1-3/4%);

(2) Effective October 4, 2004, the normal retirement benefit shall be an amount equal to two and one quarter (2.25%) percent of final monthly compensation multiplied by the number of years of credited service for all general employees on the city payroll on October 4, 2004. The 2.25% multiplier which shall take effect on October 4, 2004 shall not apply to Broward Sheriff's Office employees who were transferred as a result of the merger of services with the Broward Sheriff's Office unless the employee elects to purchase the higher multiplier as permitted by Section 15.06; or (Ord. No. 2004-08-03, §4, 08-24-04; Ord. No. 07-12-1, §2, 12-11-07)

(3) Effective October 1, 2007, the normal retirement benefit shall be an amount equal to two and one-half percent (2.5%) of final monthly compensation multiplied by the number of years of credited service for all general employees on the city payroll on October 1, 2007. (Ord. No. 07-12-1, §2, 12-11-07)

In addition to the other benefits provided in this section, members shall, upon commencing a service retirement, receive a supplemental benefit, to be paid on a monthly basis, equal to \$20.00 multiplied by the number of years of credited service. In the event that an employee has a fractional year of service, the benefit attributable to that year shall be calculated on a pro rata basis. Notwithstanding any other provision of this plan, and in addition to the contributions otherwise provided for in this plan, members shall contribute an additional sum equal to one-half of the actuarial cost of this benefit. The actual rate of contribution shall be determined by the Board, on an annual basis, in consultation with its actuary. Employee contributions for this supplemental benefit shall be picked up in the same manner as any other employee contribution. (Ord. No. 03-7-1, § 2, 7-22-03)

(c) A service retirement benefit shall be payable on the first day of each month. The benefit shall commence on the first day of the month coincident with or next following the member's actual retirement and shall continue until the death of the member.

(d) A member entitled to a normal service retirement benefit shall have the right at any time prior to the date upon which the first payment is received to elect to have the benefit payable under one of the options provided in this plan. A member shall be permitted to revoke any such election and to elect a new option at any time prior to the receipt of the first payment. Each retirement option shall be the actuarial equivalent of the other retirement options available. Election of the retirement option shall be on a form prescribed by the board. (Ord. No. 2002-10-02, § 1, 10-22-02)

(1) Joint and Last Survivor Option with Actuarial Equivalent Pop-up. (Ord. No. 10-4-3, § 2, 4-27-10)

A member may elect to receive a benefit for life and to have the benefit (or a designated fraction of the benefit) continued after the member's death and during the lifetime of a designated survivor. A designated survivor may be any natural person, but need not be the spouse of the member.

a. In the event that the designated survivor dies before the member's benefit payments begin, this option shall be canceled automatically and a retirement income shall be payable to the member as if the election had never been made.

- b. In the event that the designated survivor pre-deceases the member, after the member's benefit payments have commenced, then the member's benefit shall revert to the actuarial equivalent life annuity, normal form of retirement benefit, as of the date of death of the designated survivor. By electing this option, the member consents to the actuarial adjustment of the member's retirement benefits sufficient to cover the cost of this option. This subsection (b) shall only apply prospectively for joint and last survivor elections made after May 11, 2010. (Ord. No. 10-4-3, § 2, 4-27-10)

(2) Ten (10) Year Certain and Life Thereafter.

A member may elect to receive a reduced life annuity with one hundred twenty (120) guaranteed payments. If the member shall die prior to receiving one hundred twenty (120) payments, the remaining benefits shall be paid to the beneficiary designated by the member. In the event that no beneficiary has been designated, the member's estate shall be the recipient of the remaining balance of payments.

(3) Other Options.

The trustees may authorize the payment of the retirement benefit in any form which is the actuarial equivalent of the other forms of retirement provided in this plan.

(e) Early retirement shall be available to a general employee member on the first day of the month coincident with or next following the attainment of age fifty-three (53) and the completion of ten (10) years of credited service. Effective October 4, 2004, early retirement shall be available to a general employee member on the first day of the month coincident with or next following the attainment of age fifty-three (53) and the completion of ten (10) years of credited service. (Ord. No. 2004-08-03, § 5, 08-24-04)

(f) A member electing early retirement may receive either a deferred payment or an immediate payment under the following formula:

- (1) An immediate retirement benefit may commence on the first day of the month coincident with or next following the date of early retirement. The benefit shall be determined for normal retirement and then actuarially reduced for the number of actual years and months at which the starting date of the benefit precedes the normal retirement date. The early retirement reduction is five-tenths of one (0.5%) percent for each month at which the early retirement date precedes the normal retirement date. Effective October 4, 2004, the early retirement reduction shall be four percent (4%) per year, or three hundred and thirty-three one hundredths of one percent (0.333%) for each month at which the early retirement date precedes the normal retirement date. (Ord. No. 2004-08-03, § 5, 08-24-04)

ARTICLE VIII

BUY-BACK FOR MILITARY SERVICE

(a) Any member of the plan who is employed by the city prior to entry into military service and who takes a leave of absence for the purpose of entering into military service in the Armed Forces of the United States and thereafter re-enters the employ of the city, shall be entitled to purchase service credits for the period of absence by contributing the amount that would have been contributed by the member as if the member continued in city employment for the period of military service based on the salary in effect on the date of the leave of absence, for each year being purchased.

(b) A member who is receiving, or will receive the pension benefit for military service in any other pension plan supported by public funds, may not use that service for this pension plan. A member who is receiving, or will receive any other pension in which time served in the military was used by the employee in that other pension plan shall not be eligible for military buy-back as provided in this section.

(c) The contribution for military buy-back required of the employee may be made in one lump sum or may be made by payroll deductions in installments for a period of time which shall not exceed the number of years being purchased. An employee making installment payments shall complete all required payments prior to payment of any benefit under this section. If installment payments are not completed at the time an employee retires, the employee shall not receive military credit for the remaining period for which payments were not made. An employee making installment payments shall pay a uniform rate of interest as determined by the board.

ARTICLE IX**DISABILITY**

(a) A member shall be disabled under the terms of the plan if the member has suffered an illness, injury or disease which renders the member permanently and totally incapacitated, physically or mentally, from regular and continuous duty as an employee of the city. Disability shall not be determined based solely on the fact that a member cannot perform all of the duties of his or her job grouping as set forth in the job description. The City shall be required to accommodate disabled workers in accordance with state and federal law and shall not withhold assignment to vacant positions on the basis that a member is not capable of performing all of the tasks of his or her job grouping. A disability benefit cannot be based on a condition which pre-existed membership in the plan unless the course of the disability would reasonably be expected to give rise to a disability in a person without the pre-existing condition.

(b) A member shall be eligible for a service-incurred disability retirement from the entry date into the plan. A service-incurred disability retirement shall mean that the disability arose as a result of an act occurring in the performance of service with the city.

(c) A member shall be eligible for a non-service incurred disability retirement upon the completion of ten (10) years of credited service. A non-service incurred disability shall be an illness, injury, or disease, which did not occur as a result of an act in the performance of service with the city.

(d) The service-incurred disability benefit of a general employee shall be based upon the member's accrued benefit to date.

(e) The non-service incurred disability benefit shall be paid on the same basis as normal retirement in an amount equal to the member's accrued benefit to date of disability. For the purposes of a non-service incurred disability benefit, final monthly compensation shall be determined as of the last day the member was actively at work for the city.

(f) Disability benefits shall be paid on the first day of each month. No benefit shall be paid until the board of trustees has actually considered and voted upon entitlement to disability.

(g) Disability retirement income shall continue until the death of the member, or recovery from disability. An employee on disability retirement may, upon reaching normal retirement age, elect to convert the disability retirement to a service retirement. In the case of such an election, the member may receive credited service for the years during which the member was disabled by contributing to the retirement plan the monies the employee would have contributed had the employee remained continuously in service. In the case of such an election, average compensation shall be based upon salary being paid to member at the time of disability. In the event of the death of a member who is retired on a disability benefit, and has not received payments equal to the value of the member's accumulated contributions, the remaining unpaid benefits shall be paid to a designated beneficiary selected by the member and communicated to the board on the form prescribed by the board. In the event that there is no designated beneficiary, the remaining unpaid benefits shall be paid to the estate of the deceased member. During the period of disability, member contributions shall be suspended unless the member is receiving a pay supplement in addition to disability benefits provided under the Florida Workers' Compensation Act. In such event, there shall be a member contribution from that amount representing the supplemental pay. In the event a member's disability is converted to a service retirement as set forth in this section, the member shall be accorded credited service for the period of disability.

(h) The board of trustees shall have the continuing right to require disabled members to submit to a medical examination to determine that the member remains disabled. In order for a member to be deemed recovered, the medical committee must recommend to the board of trustees that the member has sufficiently recovered to again engage in the duties of a general employee, depending on the member's classification, and that the city has certified that it has a position within the city available for the member consistent with the member's medical condition.

(i) Upon finding that a member is no longer disabled, the member shall return to work for the city at the same rank and position previously occupied and shall be placed into the appropriate step in the pay plan which the member would have occupied but for the disability. The member shall again become an active member of the plan but shall receive no credited service for any period of time in which the member was receiving disability benefits. If the member declines re-employment within the city, the member shall be deemed to have terminated employment on the date that the disability benefit commenced.

(j) No member shall be eligible to receive disability benefits from the retirement plan during any period of time that the member is receiving a salary from the city. This section shall not apply to the receipt of worker's compensation benefits.

(k) Any former member who is in receipt of service connected disability benefits shall have those benefits subject to offset as provided in this section. There shall be a deduction made from the monthly retirement payment of fifty (50%) percent of compensation from non-city employment, provided that there shall be no offset until the outside earnings are greater than two hundred percent (200%) of the difference between the gross monthly salary of the disabled person last paid by the city as of the time of the disability retirement and the disability benefit, and provided further, that the disability pension benefit shall never be reduced below twenty-five (25%) percent of the original benefit or that which may be provided through normal retirement. Former members in receipt of a service connected disability shall be obligated, on an annual basis, to provide proof of income in such form as required by the board of Trustees, including, but not limited to, copies of federal income tax returns, in order to remain eligible for continued benefits under this plan. Failure to provide the requested information shall constitute consent to the suspension of benefits from this plan, provided written notice has been given to the former member of the suspension of benefits at least thirty (30) days prior to the suspension.

(l) Application for disability retirement shall be made on a form prescribed by the board of trustees. The member shall execute such medical releases as are necessary to permit the board of trustees to review the medical records needed to determine the question of disability and to discuss said records at a public meeting. Upon receipt of an application for disability, the board shall appoint a medical committee to be composed of not less than one nor more than three licensed physicians. The applicant for disability shall be required to submit to examination by the medical committee. The medical committee shall report its findings to the board of the trustees which shall include a determination, to the extent reasonably possible, the origin of the disability, whether the disability is permanent, and whether the disability is total. In making that determination, the medical committee shall be bound by the definition of disability set forth in this plan.

(m) Upon receipt of the report of the medical committee, the trustees shall schedule a public hearing at which time the board shall review all reports of the medical committee, together with any such documentary evidence as the applicant may wish to submit. The board shall conduct a preliminary determination as to whether the member is permanently and totally disabled based upon the written documentation presented. If the board does not grant the application based on the written documentation, it shall inform the member in writing of the reasons for the denial of the application. The member may, within thirty (30) days of receipt of the board's preliminary denial, request a full evidentiary hearing before the board. Said hearing will be conducted consistent with the principles of due process and the rules of evidence generally applicable to administrative proceedings shall apply. The board shall have the power to issue subpoenas compelling the attendance of witnesses. At said hearing the applicant may present such oral and written evidence as the applicant deems necessary to establish his or her burden of proof. The board may appoint special counsel as an advocate to cross-examine witnesses and to offer argument in opposition to the application. The attorney for the board shall not serve both as advocate and as advisor to the board in the same proceeding. The applicant and the board shall have the right to examine and cross-examine all witnesses. The decision of the board shall be based solely upon the evidence presented and the law applicable to this plan. Following the conclusion of the hearing, the board shall render an opinion in writing setting forth the reasons for the grant or denial of the benefit. In the event that the disability benefit is denied, the applicant shall have the right to judicial review by complaint for common law certiorari in the Circuit Court of Broward County.

(n) The board of trustees may prescribe rules of procedure to implement the provisions of this plan relating to the conduct of disability hearings.

(o) No member shall be granted a disability pension upon a determination by the Board that the disability resulted from:

- (1) Excessive and habitual use of drugs, intoxicants or narcotics;
- (2) Injury or disease sustained while wilfully and illegally participating in fights, riots, civil insurrections or while committing a crime;
- (3) Intentionally self-inflicted wounds, injuries or ailments;
- (4) Any occurrence arising from compensable employment unrelated to regular city employment, and such employment having been undertaken without prior permission of the appropriate department head having been granted to such member in writing.
- (5) A pre-existing condition, which condition was revealed by a medical examination conducted upon entry into the retirement plan.

(p) The term city, for purposes of this Article, shall be interpreted to include the Broward Sheriff's Office for former city employees who were transferred to full time positions within the Broward Sheriff's Office following the transfer of public safety services to the Broward Sheriff's Office.

(Ord. No. 2004-08-03, §6, 08-24-04)

ARTICLE X

VESTING AND TERMINATION

(a) Except as otherwise provided in this section, all rights to benefits under this plan shall terminate when a member's employment terminates for any reason other than normal service retirement, or disability retirement. Any member who completes six (6) years of credited service and whose contributions remain in the plan has a vested right to accrued benefits from the plan. No member who has completed less than six (6) years of credited service shall have a vested interest in any accrued benefit.

(b) A member who shall leave the service of the city prior to the completion of six (6) years of service shall receive a refund of accumulated contributions, with interest thereon. The return of such contributions shall operate as a release and discharge of the City of Cooper City and the retirement plan from the right to any other benefits from the plan.

(c) A member who shall leave the service of the city prior to eligibility for normal service retirement, but who has completed six (6) years of credited service shall be entitled to receive retirement benefits commencing at the regular normal service retirement date. Such benefits will be based on final monthly compensation and credited service as of the date of termination.

(d) Every member shall have the right to elect to receive, in lieu of all benefits under the plan, a return of the member's accumulated contributions, with interest.

(e) A member who elects a lump sum return of contributions releases and discharges the City of Cooper City and the retirement plan from the right to any other benefits from the plan.

(Ord. No. 2002-10-02, § 1, 10-22-02)

(f) Service for vesting purposes shall include employment with the Broward Sheriff's Office for former city employees who were transferred to full time positions within the Broward Sheriff's Office following the transfer of public safety services to the Broward Sheriff's Office.

(Ord. No. 2004-08-03, §7, 08-24-04)

ARTICLE XI**DEATH BENEFITS**

(a) In the event of the death of a member prior to the time of becoming fully vested for early or normal retirement, the member's designated beneficiary shall be paid from the fund an amount equal to the member's accumulated contributions together with interest thereon. In the event that the member was fully vested for early or normal retirement, but died before actual retirement, a death benefit shall be paid from the fund to the beneficiary. The amount of the benefit shall be computed as though the member had retired on the date of death and had chosen the one hundred (100%) percent joint and survivor option. The board may, in its discretion, pay the benefit in another form if the board deems it to be in the best interest of the beneficiary. The actuarial value of any other form of benefit may not exceed the actuarial value of the one hundred (100%) percent joint and last survivor option.

(b) In the event of the death of a retiree, death benefits, if any, shall be paid in accordance with the optional form of benefit chosen at the time of retirement

(c) In the event that a designated beneficiary predeceases the member, or in the case of dissolution of marriage where the spouse is the designated beneficiary, the member may designate a new beneficiary as set forth in this sub-section. No replacement beneficiary may receive a benefit which is greater than the actuarial equivalent of the benefit which would have been paid to the person named as designated beneficiary at the time of retirement. In the case of re-marriage, the spouse must have been married to the member for at least one (1) year prior to the death of member to qualify for benefits under this sub-section.

ARTICLE XII**COMPLIANCE WITH THE INTERNAL REVENUE CODE**

(a) It is the intention of the city and of the board that the plan remain at all times a qualified plan, as that term is defined under the Internal Revenue Code.

(b) No member's annual benefit may exceed the maximum benefit allowed pursuant to section 415 of the Internal Revenue Code.

(c) In no event may a member's retirement benefit be delayed beyond the later of April 1st following the calendar year in which the member attains age seventy and one-half (70-1/2), or April 1st of the year following the calendar year in which the member retires.

When a distribution of the participant's entire interest is not made in a lump sum, the distribution will be made in one or more of the following ways: over the life of the participant; over the life of the participant and designated beneficiary; over a period certain not extending beyond the life expectancy of the participant; or over a period certain not extending beyond the joint life and last survivor expectancy of the participant and a designated beneficiary.

(d) If the distribution has commenced before the participant's death, the remaining interest will be distributed at least as rapidly as under the method of distribution being used as of the date of the participant's death.

The method of distribution, if the participant dies before distribution is commenced, must satisfy the following requirements:

- (1) Any remaining portion of the participant's interest that is not payable to a beneficiary designated by the participant will be distributed within five (5) years after the participant's death;
- (2) Any portion of the participant's interest that is payable to a beneficiary designated by the participant

will be distributed either: (i) within five (5) years after the participant's death; or (ii) over the life of the beneficiary, or over a period certain not extending beyond the life expectancy of the beneficiary, commencing not later than the end of the calendar year following the calendar year in which the participant died (or, if a designated beneficiary is the participant's surviving spouse, commencing not later than the end of the calendar year following the calendar year in which the participant would have attained age seventy and one-half (70-1/2)).

(e) Notwithstanding any provision of this pension plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution made directly to an eligible retirement plan specified by the distributee in a direct rollover. For this purpose, an eligible rollover distribution is any distribution made on or after December 1, 1994, of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any periodic payments (not less frequently than annually) made for life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and designated beneficiary or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includable in gross income. An eligible retirement plan is an individual retirement account described in section 408(b) of the Internal Revenue Code, and an individual retirement annuity described in section 408(a) of the Internal Revenue Code, or a qualified trust described in section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. In the case of a rollover distribution to a surviving spouse, an eligible retirement plan is only an individual retirement account or individual annuity. A distributee includes a member or former member. A distributee with regard to the interest of a spouse or former spouse refers to a distributee's surviving spouse or a former spouse who has an interest in the distribution of benefits under the fund as the result of a domestic relations order. A direct rollover is payment by the plan to the eligible retirement plan specified by the distributee.

ARTICLE XIII

AMENDMENT OR TERMINATION OF THE SYSTEM

(a) It is the intention of the city and the board that this pension plan shall constitute an irrevocable trust and no portion of the assets may revert to the employer until all other obligations of the plan, including the payment to the last surviving member and beneficiary has been paid.

(b) In the event of termination or partial termination of the plan, each participant's accrued pension benefit shall become nonforfeitable (100 percent vested) to the extent funded.

(c) In the event that the plan is terminated, the assets of the plan shall first be distributed to retired members and their beneficiaries. If there is any asset value remaining after the apportionment to retired members and their beneficiaries, apportionment shall next be made to each member in the service who has completed at least ten (10) years of credited service and has contributed to the fund for at least ten (10) years and who is not otherwise eligible to retire. If there is any asset value after the apportionments to retirees and their beneficiaries and to vested members of the plan, apportionment shall lastly be made in respect of each member in the service of the city in an amount not to exceed the total value of the member's contributions.

ARTICLE XIV

DISTRIBUTION OF MARITAL INTERESTS IN THE PLAN

(a) In the event that the board is served with a domestic relations order or other legal process purporting to require the payment of any portion of a member's benefit to another person as a result of a dissolution of marriage, the board shall cause such order to be reviewed to determine compliance with the provisions of the plan.

(b) The board of trustees shall be authorized to intervene in any such dissolution of marriage proceeding to ensure that such domestic relations order is otherwise consistent with the distribution of an interest in a public employees retirement plan under state law.

(c) Any cost associated with the modification or correction of such domestic relations orders shall be the responsibility of the plan member.

ARTICLE XV

MISCELLANEOUS

(a) The present or future right of a person to money in the pension fund or to a retirement allowance, an optional allowance, a death benefit, the return of contributions, or any other right accrued or accruing under the provisions of this plan shall not be assignable and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law or any other process of law whatsoever, except with respect to alimony, child support or medical payments to a former spouse.

(b) The board shall have the power to examine into the facts upon which any pension has been granted under any prior or existing law or which may be granted in the future or obtained erroneously, fraudulently, or illegally for any reason. The board is empowered to purge the pension rolls of any person who has been granted a pension under a prior or existing law, or who is hereafter granted a benefit under this ordinance if the granting of that pension is found to be erroneous, fraudulent, or illegal for any reason; and to reclassify any pensioner who has under any prior or existing law or who may under this ordinance be erroneously, improperly or illegally classified.

(c) Should any change or error in retirement system records be discovered or result in any member or beneficiary receiving from the retirement plan more or less than he or she would have been entitled to receive had the records been correct, the board shall have the power to correct such error and, as far as possible, adjust the payments in such a manner that the actuarial equivalent of a benefit to which such member or beneficiary was correctly entitled shall be paid.

(d) If any member or beneficiary is a minor or is under any other legal disability, the board of trustees shall have the power to withhold payment of benefits until the board is presented with proof satisfactory to the board of the appointment of a guardian. If the board becomes aware that any member or beneficiary is incapable of personally receiving and giving a valid receipt for any payment due under the plan, the board shall cause notice to be given to that participant or beneficiary of a hearing to determine whether said benefits should continue to be paid until the appointment of a guardian. During the pendency of any such hearing, however, the board may continue to pay benefits to the member or beneficiary and that such payment shall be a complete discharge of any liability under the plan for such payment.

(e) Members entitled to a pension shall not forfeit same upon dismissal from the city, but shall be retired as herein described.

(f) For one calendar year following the adoption of this ordinance, former city employees who were transferred to full time positions within the Broward Sheriff's Office following the transfer of public safety services shall be permitted to purchase the new 2.25% multiplier as set forth in Section 7.02. If purchased, the 2.25% multiplier shall apply to all years of prior service with the city and to all future service with the Broward Sheriff's Office.

Transferred employees electing to purchase the 2.25% multiplier shall execute all forms required by the Board of Trustees. Benefits shall not be calculated under the 2.25% multiplier unless the transferred employee has paid to the Pension Fund the full actuarial cost, as determined by the actuary for the Plan.

The contribution by the transferred employee of the actuarially determined cost of the buyback may be made

by lump sum cash payment or by payroll deductions by the Broward Sheriff's Office in installments for a period of time which shall not exceed three (3) years. A transferred employee electing to make installment payments shall be charged interest based on the actuarially assumed rate of return for the Plan. A transferred employee making installment payments shall complete all required payments prior to payment of any benefit under this section. A member who terminates service prior to vesting in the Plan shall be entitled to a refund of all money paid to purchase the higher multiplier.

(Ord. No. 2004-08-03, §8, 08-24-04)

ARTICLE XVI

DEFERRED RETIREMENT OPTION PLAN

(a) Any active general employee may participate in the DROP pursuant to the requirements of this section. All applications for DROP shall be in writing on the form promulgated by the board.

A member is eligible to participate in DROP on the first day of the month following the attainment of normal retirement age. In the event the member has completed less than 15 years of credited service at the time of initial eligibility for normal retirement, the entry into the DROP must commence not later than the first day of the month following the completion of fifteen years of credited service in order to participate for the maximum period.

The maximum period of DROP participation shall be for five (5) years commencing on the date of eligibility. The DROP participation period shall decline by one (1) month for each month that a member delays entry into the DROP program.

Notwithstanding any other provisions of this section, effective for a period of ninety (90) days following the adoption of this section (October 22, 2002), any member who has become eligible for normal retirement based on the reduction in retirement age set for in Ordinance No. 02-10-02, may participate in the DROP for the remainder of the five (5) year period, with a minimum of two years of eligible participation. (Ord. No. 2002-10-02, § 1, 10-22-02)

(b) A member electing DROP participation shall execute such forms as the board of trustees shall require. The DROP election shall be effective on the first day of the month following the date of election. Applications must be filed with the board (with a copy to the city) not less than five (5) business days prior to the effective date.

(c) DROP election shall be irrevocable at the time the member executes the applicable forms. Also, members may participate in DROP only once. After DROP participation commences, a member may not rejoin the retirement system as an active member nor shall the member be eligible to receive disability or pre-retirement death benefits from the system.

(d) Upon DROP commencement, both the city and member contributions to the system for the normal cost of benefits shall cease.

(e) For all retirement system purposes, the average monthly earnings and continuous service of a member participating in DROP shall remain as they existed on the date of commencement of participation in the DROP. Service, earnings, or increases in earnings thereafter shall not be recognized by the Retirement System or be used for the calculation or determination of any benefits payable by the retirement system.

Upon commencement of DROP participation, the member will continue to accrue or be paid for sick leave, holiday leave and annual leave in accordance with the terms of the applicable collective bargaining agreement and/or city rules and regulations, as applicable.

(f) Payments shall be made monthly by the retirement system to a member's DROP account in the amount which would be paid had the member separated from the city and commenced normal retirement.

(g) Member accounts shall be credited or debited, as appropriate, with the investment earned/lost at a rate equal to the fund's actual investment return, net of investment and administrative expenses. Accounts may be credited monthly or quarterly at the discretion of the board of trustees. Investment earnings/losses will be posted up to the last date of the members' DROP period. DROP participants by virtue of their participation authorize the retirement board to invest their DROP assets in the same manner as other assets of the pension fund.

Alternatively, DROP participants may elect to self-direct their DROP account using mutual funds offered by the Board of Trustees. DROP participants shall be offered a range of mutual funds to permit diversification among different asset classes. The Board of Trustees shall be responsible for the selection and monitoring of mutual funds offered under the self-directed DROP program. DROP participants shall be responsible for all individual investment decisions and the allocation of DROP funds under the self-directed program. DROP participants shall be required to acknowledge that they have been advised to consult with a financial planner, accountant or other investment professional in selecting self-directed investments which are consistent with their financial needs and risk tolerance. Participants shall also be required to acknowledge that they have been advised to monitor the performance of their self-directed DROP account as they would their personal investment portfolio.
(Ord. No. 03-5-1, §1, 5-13-03)

By participation in the DROP, DROP participants agree to hold the board of trustees, the retirement fund and the City of Cooper City harmless from any liability claims associated with investment losses which may occur in the ordinary course of the investment of assets of the retirement system.

The city and the board of trustees may seek a favorable determination letter from the IRS concerning the retirement plan, including all provisions of the DROP. In the event that the IRS should hold that this section does not meet the "definitely determinable benefit" rule, participant accounts will be credited at a fixed rate based upon the actuarially assumed rate of return as determined by the board of trustees during the period of DROP participation. No member shall receive a DROP payment until actually separated from the city.

(h) To compensate the system for the costs and expenses of administering the DROP, each member's DROP account shall be charged an administrative fee of one-half (1/2) of one percent (1%), which will be deducted from the member's DROP account. The administrative fee may be adjusted on a uniform basis from time to time by the board of trustees.

(i) Upon termination of employment for any reason, DROP participation shall cease and any future retirement benefits shall be paid directly to the member, or in the case of death, to the designated beneficiary.

Payment shall be made from the DROP account no more than ninety (90) days after separation from the city. The form of payment may be altered upon written notice to the board to take effect not more than ninety (90) days from the date of notice. Payment shall be made:

- (1) in a single lump sum;
- (2) in annual installments;
- (3) in equal monthly installments;
- (4) any combination of lump sum and periodic payments; or
- (5) by rollover to another qualified retirement plan.

The board of trustees may accelerate or alter any payment schedule as may be required to comply with the provisions of the Internal Revenue Code Section 401(a)(9) and 415.

No DROP payment may be made in a manner inconsistent with state or federal law.

DROP balances shall continue to be credited or debited with earnings until fully paid to the member.

(j) Should a member die during DROP participation, or before the account balance is paid in full, the member's designated beneficiary shall have the same rights as the member to elect and receive the payout options set forth above.

(k) All benefits payable under this DROP program shall be paid solely from DROP assets. Neither the city nor the board of trustees shall have any liability or duty to pay the member or to furnish the DROP with any funds, securities or assets except to the extent required by applicable law.

(l) In the event an employee sustains an on-the-job injury during DROP participation (or before said participation, but where the employee is still experiencing the effects of said injury when he/she elects DROP participation) and misses time from work, the employee will be subject to applicable provisions of the city's rules and regulations, provided that no such provisions of the rules and regulations conflicts with the requirements of this DROP plan ordinance. The fact that the employee is a DROP participant will not prevent the city from separating the employee from employment or from offering the employee work outside of the employee's normal position. Participation in the DROP is not a guarantee of continued employment.

DROP participants shall not be eligible to apply for nor receive disability retirement. Upon separation all DROP participants will receive normal retirement benefits only.

(m) The provisions of the city's manual of personnel policies will be generally applicable to DROP participants. However, once an employee elects to participate in the DROP, the employee will no longer be eligible for promotion, nor will they be eligible to receive pay for educational reimbursement (other than the cost of training and education necessary to maintain certification).

(n) Once a member reaches the end of their participation in the DROP, they shall be automatically separated from employment with the city.

(o) The deferred retirement option plan will be implemented subject to the state and federal laws.
(Ord. No. 2000-1-11, § 2, 1-25-2000)

(p) The term city, for purposes of this Article, shall be interpreted to include the Broward Sheriff's Office for former city employees who were transferred to full time positions within the Broward Sheriff's Office following the transfer of public safety services to the Broward Sheriff's Office.
(Ord. No. 2004-08-03, §9, 08-24-04)

ARTICLE XVII

FLORIDA RETIREMENT SYSTEM (FRS)

(a) All general employees hired on or after the effective date of the City's participation in the Florida Retirement System, except those excluded by law, shall be ineligible for membership in the plan and shall become compulsory members of the Florida Retirement System.

(b) Any member of the plan employed by the City on the effective date of the City's participation in the Florida Retirement System shall have the option to elect in writing to either remain in the plan or to join the Florida Retirement System. Further, any member of the plan electing to join the Florida Retirement System shall designate one of the following choices on the election notices provided by FRS.

1. The member's contributions shall remain in the plan and the member will retain any vested membership credit in the plan. The member will be ineligible to purchase past service credit in the Florida Retirement System to the extent that the employee retains vested membership credit in the plan.
2. The member is withdrawing all of his/her contributions, with interest, from the plan and the member is not retaining any vested membership credit with the plan. Subject to the rules of the Florida Retirement System, the member may be eligible to purchase past service credit in the Florida Retirement System utilizing the member's contributions.
3. Any member who fails to submit an election notice within the timeframe established is deemed to have elected to remain in the plan.

(c) The City shall deduct the required employee contributions from each participant's pay in the amounts required by applicable State laws and regulations. (Ord. No. 11-10-4, §3, 10-25-11)