

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING CITY CODE OF ORDINANCES CHAPTER 15 “PENSIONS”, ARTICLE III “FIREFIGHTERS’ PENSION PLAN AND TRUST FUND”, SECTIONS 15-79 AND SECTION 15-93, TO ALLOW FOR A ONE-TIME ALLOCATION OF SOME CHAPTER 175 MONEY TO OFFSET THE CITY’S CONTRIBUTION TO THE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 15 “Pensions”, Article III “Firefighters’ Pension Plan and Trust Fund” of the City of Miramar Code of Ordinances (“Code”) governs the retirement plan and trust fund for Miramar firefighters;

WHEREAS, the City and the Union have agreed to a one-time change to the use of the Chapter 175 money to offset the City’s contribution;

WHEREAS, the City Commission deems it to be in the best interest of the City, its residents and employees to approve this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1. Section 15-79(c) (remainder of the section is unchanged) of the City Code is hereby amended to be read as follows:

Sec. 15-79. - Contributions.

* * * *

- (c) Any monies received or receivable by reason of the laws of the State of Florida for the express purpose of funding or paying for retirement benefits for firefighters shall be deposited into the fund within five (5) business days of receipt by the city. Effective October 1, 2015, for all Chapter 175 money

received beginning in calendar year 2016, and annually thereafter, all Chapter 175 money received annually up to \$1,124,210.00 will be used to fund the Chapter 175 share accounts provided for in Section 15-93 of this plan. Any Chapter 175 money received in excess of \$1,124,210.00 in any calendar year will be divided equally with the city. The member's fifty (50) percent of the excess will be used to fund the Chapter 175 share account in Section 15-93 and the city's fifty (50) percent of the excess will be used to reduce the unfunded liability of the plan. The city's excess Chapter 175 money will be added to the fund in addition to the city's actuarially determined annual contribution. **For the Chapter 175 money received in 2018 only, \$900,000.00 of the funds received will be used as a one-time offset of the City's contribution for the contribution due for the fiscal year ending September 30, 2019. After this allocation in 2018, all future Chapter 175 money received shall be allocated to the Chapter 175 share accounts as stated in this paragraph for the Chapter 175 money received in 2016 and thereafter, notwithstanding the one-time 2018 offset.**

Section 2. Section 15-93(a)(1) and (b)(1) (remainder of the section is unchanged)

of the City Code is hereby amended to be read as follows:

Sec. 15-93. Chapter 175 share account.

- (a) A separate individual member account shall be established and maintained in each actively employed member's name effective October 1, 2009.
- (1) Upon establishing the share accounts, Members shall be credited with a pro-rata share of the excess of 175 money over the 1999 frozen amount plus any additional amounts used to meet the minimum benefits that accumulated since 1999 as required by F.S. § 175.35(i). The pro-rata balances shall be determined as provide for by the collective bargaining agreement. Effective October 1, 2015, for all Chapter 175 money received beginning in calendar year 2016, and annually thereafter, all Chapter 175 money received annually up to \$1,124,210.00 will be used to fund the Chapter 175 share accounts provided for in this Section 15-93. Any Chapter 175 money received in excess of \$1,124,210.00 in any calendar year will be divided equally with the city. The member's fifty (50) percent of the excess will be used to fund the Chapter 175 share account in Section 15-93 and the city's fifty (50) percent of the excess will be used to reduce the unfunded liability of the plan. The city's excess Chapter 175 money will be added to the fund in addition to the city's actuarially determined

annual contribution. **In fiscal year 2018-2019, this allocation will be changed for one-time as provided in Section 15-93(b)(1) below.**

* * *

(b) *Share account funding.*

- (1) *Chapter 175 Moneys.* Each individual actively employed member account shall be credited with the moneys received from F.S. Ch. 175, tax revenues in excess of the frozen amount plus any additional amount necessary to fund the minimum benefits as required by F.S. § 175.35(1). Effective October 1, 2015, for all Chapter 175 money received beginning in calendar year 2016, and annually thereafter, all Chapter 175 Money received annually up to \$1,124,210.00 will be used to fund the Chapter 175 share accounts provided for in this Section 15-93. Any Chapter 175 Money received in excess of \$1,124,210.00 in any calendar year will be divided equally with the city. The member's fifty (50) percent of the excess will be used to fund the Chapter 175 share account in Section 15-93 and the city's fifty (50) percent of the excess will be used to reduce the unfunded liability of the plan. **For the Chapter 175 money received in 2018 only, \$900,000.00 of the funds received will be used as a one-time offset of the City's contribution for the contribution due for the fiscal year ending September 30, 2019. After this allocation in 2018, all future Chapter 175 money received shall be allocated to the Chapter 175 share accounts as stated in this paragraph for the Chapter 175 money received in 2016 and thereafter, notwithstanding the one-time 2018 offset.**

Section 3. All sections of parts of sections of the City Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

Section 4. Should any section or provision of this Ordinance or any paragraph, sentence or word, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part hereof, other than the part declared to be invalid.

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Section 5. It is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miramar and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 6. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this Ordinance as to form:

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

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<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Maxwell B. Chambers	_____
Commissioner Winston F. Barnes	_____
Commissioner Darline B. Riggs	_____
Vice Mayor Yvette Colbourne	_____
Mayor Wayne M. Messam	_____

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