

**ST. LUCIE COUNTY FIRE DISTRICT
RESOLUTION NO. 674-19**

A RESOLUTION OF THE ST. LUCIE COUNTY FIRE DISTRICT AMENDING THE PROVISIONS OF THE ST. LUCIE COUNTY FIRE DISTRICT FIREFIGHTERS' PENSION TRUST FUND; INCREASING INDIVIDUAL MEMBER CONTRIBUTIONS, PURSUANT TO THE PROVISIONS OF SECTION 6 (1), MEMBER CONTRIBUTIONS, SUBSECTION A, AMOUNT, AND SECTION 28, DEFERRED RETIREMENT OPTION PLAN ("DROP"), SUBSECTION (4), CONTRIBUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the St. Lucie County Fire District ("District") has created, approved, and adopted the provisions of the St. Lucie County Fire District Firefighters' Pension Trust Fund Plan; and

WHEREAS, the District and the Professional Firefighters and Paramedics of St. Lucie County, Local 1377 International Association of Firefighters ("Union") have entered into an Agreement to amend the 2017-2020 Collective Bargaining Agreement between the parties by the 2018-2019 Contract Opener; and

WHEREAS, the 2018-2019 Contract Opener was ratified by the Union on November 1, 2018 and by the District Board on November 14, 2018; and

WHEREAS, pursuant to the Contract Opener, Section 6 (1), Member Contributions, Subsection A, Amount, of the St. Lucie County Fire District Firefighters' Pension Trust Fund Plan, ("Firefighters' Pension Plan"), shall be amended to set the member contribution rate for FY 2018-2019 to five percent (5%) of pensionable wages; and

WHEREAS, pursuant to the Contract Opener, Section 6 (1), Member Contributions, Subsection A, Amount, of the St. Lucie County Fire District Firefighters' Pension Trust Fund Plan

shall be amended to set the member contribution rate for FY 2019-2020 to six percent (6%) of pensionable wages; and

WHEREAS, pursuant to the Contract Opener, Section 6 (1), Member Contributions, Subsection A, Amount, of the St. Lucie County Fire District Firefighters' Pension Trust Fund Plan shall be amended to establish that members entering DROP prior to October 1, 2018 shall continue to contribute their existing employee contribution of 4% of pensionable wages; and

WHEREAS, pursuant to the Contract Opener, Section 6 (1), Member Contributions, Subsection A, Amount, of the St. Lucie County Fire District Firefighters' Pension Trust Fund Plan shall be amended to establish that members entering DROP between October 1, 2018 and September 30, 2019, shall contribute an employee contribution of 5% of pensionable wages; and

WHEREAS, pursuant to the Contract Opener, Section 6 (1), Member Contributions, Subsection A, Amount, of the St. Lucie County Fire District Firefighters' Pension Trust Fund Plan shall be amended to establish that members entering DROP on or after October 1, 2019, shall contribute an employee contribution of 6% of pensionable wages; and

WHEREAS, pursuant to the Contract Opener, the parties agree to use all excess 175 Chapter funds to offset ~~the firefighter contributions or to help fund~~ the employer's required contributions to the Firefighters Pension Plan; and

WHEREAS, pursuant to the Contract Opener, the parties agree that vested employees who have less than ten (10) consecutive years of service prior to separation of service are not entitled to payment for any accumulated leave and vacation payouts are limited to twice the annual accruals; and

WHEREAS, the Board of Commissioners of the St. Lucie County Fire District is desirous of adopting this Resolution to set the Member contribution rates, provide for all with excess Chapter 175

funds for FY 2018-2019, being utilized in order to reduce ~~Member~~Employer's contributions, and to provide that Members who separate from service with less than ten (10) consecutive years of service will receive no accumulated sick leave and will only be eligible for payment of accumulated vacation leave at twice the annual accrual.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the St. Lucie County Fire District, that the following is hereby adopted:

Section 2. Definitions

Subsection 1. Statement of Definitions, Definition of Compensation, Salary, or

Pensionable Wages is hereby amended to read as follows:

Compensation, Salary, or Pensionable Wages means wages paid a firefighter for personal service rendered to the Fire District including:

- (1) Base pay;
- (2) Incentive pay;
- (3) Longevity pay and shift premium;
- (4) Overtime pay;
- (5) Base salary or wages while absent from work on account of vacation, holiday, illness or other authorized paid leave;
- (6) Payments in consideration of unused sick and vacation time, except that beginning with the effective date of this Resolution, members who enter into the DROP with less than ten (10) consecutive years of service, will not have payments for accumulated sick leave included in pensionable wages and vacation leave payments which are included as pensionable wages are capped at twice the annual accrual;
- (7) Supplemental Compensation pay;
- (8) Bonus Pay; and
- (9) Beginning with earnings paid after December 31, 2008 and pursuant to Internal Revenue Code Section 414(u)(7), the definition of *Compensation* includes amounts paid by the District as differential wages to members who are absent from employment while serving in qualified military service.

Compensation shall not include any salary, wage or other remuneration not specifically designated in this definition as included in compensation.

Section 6 (1), Member Contributions, Subsection A, Amount, of the St. Lucie County Fire District Firefighters' Pension Trust Fund Plan is hereby amended to read:

Section 6. Contributions.

1. Member Contributions

A. Amount. Per the provisions of the Collective Bargaining Agreement between the Fire District and IAFF Local 1377:

(1) Effective the first full payroll period after October 1, 2016, the Members shall contribute 4% of Pensionable Wages towards the Plan including Members in the DROP. DROP Member contributions will be used to offset the unfunded actuarial liability in the Plan.

(2) Effective the first full payroll period after October 1, 2018, the Members shall contribute 5% of Pensionable Wages towards the Plan. Members entering DROP on and after October 1, 2018 shall contribute 5% of Pensionable Wages towards the Plan. DROP Members with an entry date prior to October 1, 2018, shall continue to contribute 4%. DROP Member contributions will be used to offset the unfunded actuarial liability in the Plan.

(3) Effective the first full payroll period after October 1, 2019, the Members shall contribute 6% of Pensionable Wages towards the Plan. Members entering DROP on and after October 1, 2019, shall contribute 6% of Pensionable Wages towards the Plan. Contributions for DROP Members with an entry date prior to October 1, 2019 will not change from the contribution rate at their date of entry to the DROP. DROP Member contributions will be used to offset the unfunded actuarial liability in the Plan.

Member contributions withheld by the Fire District on behalf of the Member shall be deposited with the Board of Trustees immediately after the withholding of such contributions. The contributions made by each Member to the Fund shall be designed as employer contributions pursuant to Section 414(h) of the Code. Such designation is contingent upon the contributions pursuant to Section being excluded from the Members' gross income for Federal Income Tax purposes. No Member has the right to opt out of the "pick-up," or to receive the contributed amounts directly instead of having them paid by the Fire District to the Plan. For all other purposes of the Plan, such contributions shall be considered to be Member contributions.

B. Method. Such contributions shall be made by payroll deduction and shall be deposited to the Fund immediately after each pay period.

2. State Contributions

Any monies received or receivable by reason of laws of the State of Florida, for the express purposes of funding and paying for retirement benefits for Firefighters shall be deposited immediately in the Trust Fund and under no circumstances more than five (5) days after receipt by the Fire District.

Beginning October 1, 2007, 100% of the 175 money in excess of \$1,919,728.00 annually shall be used to fund the full cost of extra benefits for the Firefighters in the Plan. These extra benefits are Monthly Supplemental Benefit increases provided for in this Resolution, the four year Final Average Salary, and the early entry into the DROP. To the extent that the excess 175 monies are insufficient to pay for the cost of these benefits, the benefits shall be reduced prospectively to an amount which the excess 175 funds can support, but in no event shall the benefit be reduced below the benefits in effect on September 30, 2007. Notwithstanding any other provision of this Section, for the Fire District Contribution to be made in the 2016/2017 fiscal year, the Fire District may use \$600,000 of the reserve 175 money to offset its contributions to the Pension Fund by mutual consent of the Fire District and the Union as set forth in the Collective Bargaining Agreement between the Fire District and IAFF Local 1377. Further, notwithstanding any other provision of this Section, for the Fire District Contribution to be made in the 2019/2020 fiscal year, the Fire District may use any contributions in excess of \$1,919,728.00 of the 175 money to offset its contributions to the Pension Fund by mutual consent of the Fire District and the Union as set forth in the Collective Bargaining Agreement between the Fire District and IAFF Local 1377 and such use of the State Funds will not reduce or otherwise affect any benefit provided for in this Plan to allow such an offset.

Except as expressly provided for herein, the Fire District and the Union mutually consent to all additional excess 175 funds being used to help pay for additional benefits for those Retirees who have separated from service, or to offset employees' contributions to the appropriate Pension Trust Plan.

3. Fire District Contributions

So long as this Pension Trust Fund is in effect, the Fire District shall make contributions at least quarterly to the Trust Fund in an amount equal to the normal cost and the amount required to fund any actuarial deficiency shown by an actuarial valuation as provided in Part VII of Chapter 112, Florida Statutes.

4. Other

Private donations, gifts and contributions may be deposited to the Fund, but such deposits must be kept separately and kept on a segregated bookkeeping basis. Funds arising from these

sources may be used only for additional benefits for members, as determined by the Board of Trustees, and may not be used to reduce what would have otherwise been required by Fire District contributions.

Section 28 Deferred retirement option plan ("DROP"), Subsection 4 Benefit Calculation is hereby amended to add a new paragraph C as follows:

Section 28 Deferred retirement option plan ("DROP")

4. Benefit Calculation

A. Upon commencement of DROP participation, a Member's active participation in the Fund shall cease except the monthly supplemental benefit. The normal service retirement shall be calculated using the member's final average salary and credited service as of the date of DROP participation. No further service shall be credited to a Member. Members in the DROP are eligible for the cost-of-living (COLA) adjustment which shall be credited to the member's DROP account, if applicable.

B. Accrual of vacation, holiday, personal and sick leave will continue during DROP participation in accordance with the collective bargaining agreement or applicable Fire District policy.

C. Members who enter the DROP with less than ten (10) consecutive years of service, will not have payments for accumulated sick leave included in the Pensionable Wages and vacation leave payments included in Pensionable Wages are capped at twice the annual accrual;

This Resolution shall take effect NUNC PRO TUNC to October 1, 2018 unless otherwise stated in the text of this Resolution.

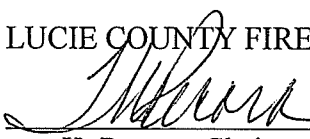
DONE AND ADOPTED in regular session this ___th day of August, 2019.

ATTEST:



Traci Fox, Clerk Treasurer

ST. LUCIE COUNTY FIRE DISTRICT

By: 

Thomas K. Perona, Chairman