

ORDINANCE NO. 2023- 41

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," BY AMENDING SECTION 34.010, "DEFINITIONS," TO EXPAND THE DEFINITION OF EMPLOYEE; BY AMENDING SECTION 34.025, "CONTRIBUTIONS," TO PROVIDE FOR CONTRIBUTIONS BY CERTAIN ADDITIONAL PARTICIPATING EMPLOYEES; AND BY AMENDING SECTION 34.0266, "RETIREMENT BENEFITS FOR MANAGEMENT SUPPORT EMPLOYEES," TO CREATE AN ADDITIONAL CLASS OF EMPLOYEE PARTICIPATING IN THE RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 34.010, "Definitions," of Chapter 34, "City Policy" of the City of Pompano Beach Code of Ordinances is hereby amended as follows:

§ 34.010 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

...

MANAGEMENT SUPPORT EMPLOYEES.

1. The current Executive Director and the Assistant Administrator employed by the Board of the System on the effective date of Ordinance 2022-26 and all persons employed in either of those specific positions thereafter, and the Executive Director and Deputy Director serving the Police and Firefighters' Retirement System on the effective date of Ordinance 2023- and all persons employed in either of those specific positions thereafter.

2. The Employer contribution to the System for the Executive Director and Deputy Director serving the Police and Firefighter's System shall be paid by that System as defined in Section 34.045.

...

SECTION 2. That Section 34.025, "Contributions," of Chapter 34, "City Policy," of the City of Pompano Beach Code of Ordinances is hereby amended as follows:

...

(G) (1) Effective January 1, 1991, the city shall assume and pay future member contributions in lieu of payroll deductions from member's earnings. No member shall have the option of choosing to receive the contributed amounts directly instead of having them paid by the city directly to the retirement system. All such contributions by the city shall be deemed and considered as a part of each member's accumulated contributions and subject to all provisions of the retirement system pertaining to accumulated contributions of the members. The city pick up of contributions shall be the result of a reduction of each member's base pay corresponding to the contribution amount, and is intended to comply with Section 414(H)(2) of the Internal Revenue Code. Base pay for purpose of overtime pay, pay supplements, including but not limited to merit pay, longevity pay, cost of living increases, and temporary assignment pay and retirement benefit calculations shall not be reduced.

(2) Effective upon final passage of this Ordinance, the System shall assume and effectuate all responsibilities of the City as set forth in subsection (1) above for all management support employees employed by the System.

(3) Effective upon final passage of this ordinance, the Police and Firefighters' Retirement System shall assume and effectuate all responsibilities of the city as set forth in subsection (1) above for the management support employees in the specific positions of Executive Director and Deputy Director employed by the Police and Firefighters' Retirement System as defined in Section 34.045.

...

(H) (1) So long as this system is in effect, the city shall make an annual contribution of the trust fund in an amount equal to the difference each year between the total of aggregate member contributions for the year and the amount necessary for the year to maintain the system on a sound actuarial basis as shown by the most recent actuarial valuation and report for the system. The total cost for any year shall be defined as the total of normal cost plus the additional amount sufficient to amortize the accrued past service liability over the appropriate period as is prescribed by state law.

(2) The annual contributions as set forth in subsection (1) above for management support employees employed by the Board of the System shall instead be made by, and the responsibility of, the System.

(3) The annual contributions as set forth in subsection (1) above for management support employees in the specific positions of Executive Director and Deputy Director serving the Police and Firefighters' Retirement System shall instead be made by, and the responsibility of, that System as defined in Section 34.045.

...

SECTION 3. That Section 34.0266, "Retirement Benefits for Management Employees," of Chapter 34, "City Policy," of the City of Pompano Beach Code of Ordinances is hereby amended as follows:

Effective upon final passage of this ordinance, all provisions of the System shall apply to management support employees, except to the extent that any provision of this section is different than a provision in any other section of the plan, in which case the provisions of this section shall control with respect to the management support employees.

(A) Participation in this System shall be mandatory for management support employees hired on or after the effective date of this ordinance. Management support employees who are employed in a management support position on the effective date of this ordinance, and are not members of the System as of that date, may choose to become members of the System by making an irrevocable written election to participate in this system within 60 days following final passage of this ordinance. Such election shall be made on a form provided by the Board.

...

(D) Management support employees who are employed in a management support position on the effective date of this ordinance and elect to participate in this System in accordance with subsection (A) above may purchase credit for prior continuous service for all or any portion of their employment with the System. The election to purchase prior service must be made on a form to be supplied by the Board within 90 days of the effective date of this ordinance. Management support employees may purchase such credit for continuous service by paying the full actuarial cost thereof, plus interest, as determined by the System actuary. The purchase amount may be paid through a cash payment or a direct trustee-to-trustee transfer or rollover from an eligible plan in accordance with § 34.0262. A management support employee who elects to purchase prior continuous service will have four years from the effective date of this ordinance to complete the purchase. Only that time purchased by the earlier of the date that the employee terminates employment as a management support employee or retires will be counted toward vesting or benefit accrual. All costs associated with and due for prior service credit, including the employer's portion of any costs shall be paid in full by the management support employee prior to the management support employee entering DROP or retiring from employment for the Board of the System. In addition, management support employees who are employed in the specific position of Executive Director and Deputy Director serving the Police and Firefighters' Retirement System shall also have 90 days from the effective date of this Ordinance to comply with the requirements set forth above.

(E) As used in this section, *FULL ACTUARIAL COST* means the increase in present value of benefits attributable to the continuous service being purchased by the management support employee. The cost related to this service will be calculated on the basis of the actuarial assumptions adopted by the Board for the actuarial valuation as of October 1, 2021. The cost related to this service for management support employees who are employed in the specific position of Executive Director and Deputy Director serving the Police and Firefighters' Retirement System will be calculated on the basis of the actuarial assumptions adopted by the Board for the actuarial valuation as of October 1, 2022.

...

(G) Management support employees employed by the Board for the System, and management support employees employed in the specific position of Executive Director and Deputy Director serving the Police and Firefighters' Retirement System shall not serve as trustees of the Board or vote as a member of this System.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 28th day of February, 2023.

PASSED SECOND READING this 14th day of March, 2023.

DocuSigned by:
Rex Hardin
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REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Kervin Alfred
D1C913A8ED334CA...
KERVIN ALFRED, CITY CLERK

TAL:jrm
1/9/23
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