

SUNRISE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, IMPLEMENTING CERTAIN TERMS OF THE 2018-2021 COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY AND THE CITY OF SUNRISE FRATERNAL ORDER OF POLICE, INC. FOR POLICE OFFICERS AND SERGEANTS AND BETWEEN THE CITY AND THE BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION, INC. FOR POLICE LIEUTENANTS COVERING THE PERIOD OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2021 BY AMENDING CHAPTER 11 “RETIREMENT AND PENSIONS;” TO AMEND PROVISIONS OF THE POLICE OFFICERS’ RETIREMENT PLAN; AMENDING SECTION 11-3, “DEFINITIONS;” AMENDING SECTION 11-52, “SUPPLEMENTAL BENEFIT FOR POLICE OFFICERS; DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE OFFICERS;” PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sunrise recently entered into collective bargaining agreements with the City of Sunrise Fraternal Order of Police, Inc. for Police Officers and Sergeants and with the Broward County Police Benevolent Association, Inc. for Police Lieutenants covering the period from October 1, 2018 through September 30, 2021; and

WHEREAS, the collective bargaining agreements contain certain changes to the Police Officers’ Retirement Plan; and

WHEREAS, to implement the retirement changes in the collective bargaining agreements, an ordinance amending the Police Officers’ Retirement Plan is necessary; and

WHEREAS, the City has obtained an actuarial impact statement concerning the retirement plan changes in accordance with Article X, Section 14 of the Florida Constitution and Section 112.63, Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. That section 11-3 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 11-3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Creditable service means full-time service with the city as a salaried employee during which time the employee contributed the prescribed payment to the plan or complied with the buy-back provisions of this article. Notwithstanding the preceding sentence, effective November 1, 2013, creditable service shall also include the full-time service of dispatchers and communication supervisors who are laid off by the city and become employees of Broward County or an entity designated as the operator of the Consolidated Regional E-911 Communications System pursuant to the participation agreement between Broward County and the city which is effective October 1, 2013, and who elect to continue their participation in the plan and continue to contribute the prescribed employee contribution to the plan. Additionally, except as otherwise provided herein, time spent in the military services of the United States by any such employee shall be added to the years of service; however, to receive credit for such service the employee must have left city employment to enter military service and reentered employment by the city within one (1) year of the date of release from military service.

- (a) For members of the police officers' retirement plan who are employed by the city on or after September 13, 2004 and who retire or enter the DROP on or after January 11, 2005~~the effective date of this ordinance~~ and who have ten (10) or more years of creditable service based on city employment, creditable service shall also include up to four (4) years of active service in the U.S. Armed Forces or full-time employment as a police officer with another governmental entity prior to employment by the city, purchased by the member in accordance with this paragraph; provided the member has not received and will not receive a benefit from another retirement plan based on such prior employment. The member may purchase credited service under the plan for all or a portion of the maximum period of active service in the U.S. Armed Forces or full-time employment as a police officer with another governmental entity prior to employment by the city allowed herein, by paying into the fund the full actuarial cost of such service, as determined by the plan actuary, plus the full cost of any actuarial calculations required. Payment for such service must be made in full prior to entering the DROP or separation from city employment, whichever occurs earlier. In the event full payment is not made prior to such date, the member shall receive only the amount of creditable service for which payment of the full actuarial cost has been made. Payment for the purchase of prior service pursuant to this paragraph may be

made ~~either~~ by a cash lump sum payment, ~~or~~ a direct transfer of funds from a member's account in the city's 457 plan, or by deduction from the member's bi-weekly pay over a period of time not to exceed 60 months. If a member elects to make a purchase of prior service by deduction from pay, the member must complete the full payment for such service within sixty (60) months, but no later than DROP entry or separation from employment, whichever occurs first. Failure to complete the buy-back within the sixty (60) month period, or by the earlier of DROP entry or separation from employment, shall result in an immediate refund of all buy-back contributions, without interest to the member, and no creditable service shall be credited based on the refunded purchase. All costs of any such purchase, including interest as calculated by the plan actuary using the assumed investment return rate, but excluding city administrative staff time, shall be borne and paid by the member. Notwithstanding any other provision of this paragraph, a member of the police officers' retirement plan who is hired by the city on or after September 13, 2004, terminates city employment and is subsequently rehired by the city as a police officer on or after September 30, 2015, shall be eligible to purchase creditable service for full-time employment as a police officer with another governmental entity during the period between the date of termination and the date of rehire in accordance with this paragraph; and the benefits for such service shall be as provided in section 11-66(a).

* * *

Section 2. That section 11-52 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 11-52. - Supplemental benefit for police officers; deferred retirement option program for police officers.

- (a) This section applies only to the police officers' retirement plan.

* * *

- (c) Supplemental benefit for police officers hired before September 30, 2015.

- (1) Police officers hired before September 30, 2015 shall be eligible to receive a supplemental benefit as provided in this paragraph. Such police officers who retire and begin receiving normal or early retirement benefits on or after August 14, 2001, shall receive a supplemental monthly benefit in the initial amount of ten dollars (\$10.00) per year of creditable service, up to a maximum of two hundred dollars (\$200.00) per month until age sixty-five (65), and six dollars and twenty-five cents (\$6.25) per year of creditable service up to a maximum of one hundred twenty-five dollars (\$125.00) per

month thereafter, contingent on the annual adjustment described in paragraph (d), below. Such police~~Police~~ officers who terminate employment and begin receiving normal or early retirement benefits on or after January 1, 2006, shall receive a supplemental monthly benefit in the initial amount of sixteen dollars and twenty-five cents (\$16.25) per year of creditable service up to a maximum of three hundred twenty-five dollars (\$325.00) per month until age sixty-five (65), and ten dollars (\$10.00) per year of creditable service up to a maximum of two hundred dollars (\$200.00) per month thereafter, contingent on the annual adjustment described in paragraph (d) below. Such police~~Police~~ officers who terminate employment and begin receiving normal or early retirement benefits on or after October 1, 2007, shall receive a supplemental monthly benefit in the initial amount of twenty-five dollars (\$25.00) per year of creditable service up to a maximum of five hundred dollars (\$500.00) per month until age sixty-five (65), and fifteen dollars (\$15.00) per year of creditable service up to a maximum of three hundred dollars (\$300.00) per month thereafter, contingent on the annual adjustment described in paragraph (d) below. Such police officers who terminate employment and begin receiving normal or early retirement benefits on or after January 22, 2019 shall receive a supplemental monthly benefit in the initial amount of thirty-five dollars (\$35.00) per year of creditable service up to a maximum of seven hundred dollars (\$700.00) per month until age sixty-five (65), and fifteen dollars (\$15.00) per year of creditable service up to a maximum of three hundred dollars (\$300.00) per month thereafter, contingent on the annual adjustment described in paragraph (d) below.

- (2) Each retiree's supplemental benefit shall be in addition to the normal retirement benefit paid under the current plan, and shall be paid only if the retiree is then alive. Each retiree's supplemental benefit shall be determined on an annual basis, and the amount of the benefit may vary from year to year or the benefit may be discontinued entirely, based on the adjustment described in paragraph (d), below.

* * *

Section 3. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of

the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this 8TH DAY OF JANUARY, 2019.

PASSED AND ADOPTED upon this second reading this _____ DAY OF _____, 2019.

Mayor Michael J. Ryan

Authentication:

Felicia M. Bravo

FIRST READING

MOTION: SCUOTTO
SECOND: SOFIELD

DOUGLAS: YEA
KERCH: YEA
SCUOTTO: YEA
SOFIELD: YEA
RYAN: YEA

SECOND READING

MOTION: _____
SECOND: _____

DOUGLAS: _____
KERCH: _____
SCUOTTO: _____
SOFIELD: _____
RYAN: _____

Approved by the City Attorney
as to Form and Legal Sufficiency

Kimberly A. Kisslan