

ORDINANCE NO. 0-2016-06

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTIONS 33.025 AND 33.029 OF THE CODE OF ORDINANCES TO INCORPORATE PENSION PROVISIONS OF NEW COLLECTIVE BARGAINING AGREEMENTS WITH AFSCME.

WHEREAS, AFSCME Local 2432 and the City of Hollywood, Florida have negotiated collective bargaining agreements covering the general, supervisory and professional bargaining units for the period from October 1, 2015 to September 30, 2018; and

WHEREAS, the collective bargaining agreements contain amendments to the pension plan that cover the members of the general, supervisory and professional bargaining units, and these amendments must be incorporated into the Employees' Retirement Plan as contained in the Code of Ordinances; and

WHEREAS, Section 33.031 of the Code of Ordinances provides that the subchapter of Chapter 33 titled "Employees' Retirement Fund" may be amended by (a) a "majority plus one" vote of the City Commission and 50% plus one of the voting members of the Employees' Retirement Fund or (b) a majority vote of electors voting in a referendum election called for such purpose by the City Commission; and

WHEREAS, it is expected that the amendments contained in this ordinance will be adopted in accordance with the procedure designated as (a) in the preceding paragraph, and, to accomplish that, this ordinance must be adopted by a "majority plus one" vote of the City Commission;

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

Section 1: That Section 33.025(AA) of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

(Coding: Words and figures underscored are additions to existing law; words and figures ~~struck-through~~ are deletions.)

RETIREMENT

EMPLOYEES' RETIREMENT FUND

§ 33.025 PENSIONS AND RETIREMENT

* * *

(AA) *Benefits and employee contributions for members hired on or after July 15, 2009 but prior to October 1, 2011.*

(1) Notwithstanding any other provisions of the plan, members hired on or after July 15, 2009 but prior to October 1, 2011 shall receive the same retirement benefits as members hired prior to that date, except as follows:

(a) Under the benefit structure effective October 1, 2011 for general fund members and effective March 5, 2014 for non-general fund members, the normal retirement dates shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or age 60 or older with 30 years of credited service; provided, however, that effective April 6, 2016, the normal retirement dates shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or 30 years of credited service, regardless of age; under the benefit structure effective prior to October 1, 2011 for general fund members and prior to March 5, 2014 for non-general fund members, the normal retirement dates shall be age 57 or older with 25 years of credited service; age 60 or older with seven years of credited service; or 30 years of credited service, regardless of age;

* * *

Section 2: That Section 33.025(BB) of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

EMPLOYEES' RETIREMENT FUND

§ 33.025 PENSIONS AND RETIREMENT

* * *

(BB) *Benefits for members hired prior to July 15, 2009.*

(1) Members hired prior to July 15, 2009 shall continue to receive the same retirement benefits under the benefit structure effective October 1, 2011 that they received immediately prior to October 1, 2011, except as follows:

* * *

(b) Under the benefit structure effective October 1, 2011, the normal retirement date for a general fund member with less than ten years of credited service as of September 30, 2011 shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or age 60 or older with 30 years of credited service; provided, however, that effective April 6, 2016, the normal retirement date shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or 30 years of credited service, regardless of age; and provided further, however, that the normal retirement date of a general fund member with ten or more years of credited service as of September 30, 2011 shall remain the same as it was on September 30, 2011. Under the benefit structure effective March 5, 2014, the normal retirement date for a non-general fund member with less than ten years of credited service as of March 4, 2014 shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or age 60 or older with 30 years of credited service; provided, however, that effective April 6, 2016, the normal retirement date shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or 30 years of credited service, regardless of age; and provided further, however, that the normal retirement date of a non-general fund member with ten or more years of credited service as of March 4, 2014 shall remain the same as it was on March 4, 2014.

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Section 3: That Section 33.025(CC) of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

EMPLOYEES' RETIREMENT FUND

§ 33.025 PENSIONS AND RETIREMENT

* * *

(CC) *Benefits for members hired after the 2011 plan freeze but prior to the 2014 plan freeze.*

(1) Members hired on or after October 1, 2011 but prior to March 5, 2014 shall receive the same retirement benefits as members hired on or after July 15, 2009 but prior to October 1, 2011, except as follows:

(a) The normal retirement date for a general fund member shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or age 60 or older with 30 years of credited service; provided, however, that effective April 6, 2016, the normal retirement date shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or 30 years of credited service, regardless of age;

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Section 4: That Section 33.025(DD) of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

EMPLOYEES' RETIREMENT FUND

§ 33.025 PENSIONS AND RETIREMENT

* * *

(DD) *Benefits for members hired after the 2014 plan freeze.*

(1) Members hired on or after March 5, 2014 shall receive the same retirement benefits as members hired on or after October 1, 2011 but prior to March 5, 2014, except as follows:

(a) The normal retirement date shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or age 60 or older with 30 years of credited service; provided, however, that effective April 6, 2016, the normal retirement date shall be age 65 or older with seven years of credited service; age 62 or older with 25 years of credited service; or 30 years of credited service, regardless of age;

* * *

Section 5: That Section 33.029 of the Code of Ordinances is hereby amended to read as follows:

TITLE III: ADMINISTRATION

* * *

CHAPTER 33: CITY EMPLOYEES

* * *

RETIREMENT

EMPLOYEES' RETIREMENT FUND

§ 33.029 COORDINATION OF BENEFITS.

In the event that a city employee transfers from another retirement plan sponsored by the city to this plan or from this plan to another retirement plan sponsored by the city, his or her pension status will be subject to the following rules:

* * *

(E) If a member of this plan transferred to the Police Officer's Retirement System or the Firefighters' Pension System and subsequently participates in the DROP plan of the Police Officer's Retirement System or the Firefighters' Pension System, any DROP benefit being held for the member in this plan may be transferred from this plan to the Police Officer's Retirement System or the Firefighters' Pension System.

* * *

Section 6: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the provisions of this ordinance may be renumbered to accomplish such intention.

AN ORDINANCE AMENDING SECTIONS 33.025 AND 33.029 OF THE CODE OF ORDINANCES TO INCORPORATE PENSION PROVISIONS OF NEW COLLECTIVE BARGAINING AGREEMENTS WITH AFSCME.

Section 7: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 8: That all sections or parts of sections of the Code of Ordinances, 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 9: That this ordinance shall be in full force and effect immediately upon its approval by a "majority plus one" vote of the City Commission and 50% plus one of the voting members of the Employees' Retirement Fund.

ADVERTISED on May 6, 2016.

PASSED on first reading this 20 day of April, 2016.

PASSED AND ADOPTED on second reading this 18 day of May, 2016.


PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:


JEFFREY P. SHEFFEL, CITY ATTORNEY 47