

MEMORANDUM

Department of Budget and Finance

To: Honorable Mayor and Council Members

Through: Christopher Kovanes, Town Administrator

From: William F. Underwood, II, Budget & Finance Director



Date: June 7, 2005

Subject: Item 6.5 – Fire Pension Ordinance

I am requesting that item 6.5 of the June 15, 2005 Council meeting be withdrawn at this time. Special Counsel and pension counsel have not resolved language issues to date. The language disparity between the ordinance and collective bargaining agreement necessitates the item to be withdrawn and resubmitted at the July 6, 2005, Regular Town Council Meeting.

Thank you for your understanding in this matter.

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Council Members

FROM/PHONE: Bill Underwood/797-1050
Document Prepared by: Bill Underwood/797-1050

SUBJECT: Ordinance

AFFECTED DISTRICT: N/A

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO CODIFY THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE TOWN AND THE IAFF; AMENDING SECTION FOUR OF THE PLAN TO PROVIDE FOR INCREASED EMPLOYEE CONTRIBUTIONS; AMENDING SECTION SIX OF THE PLAN TO INCREASE THE NORMAL RETIREMENT BENEFIT; AMENDING SECTION SIX OF THE PLAN TO PROVIDE AS THE NORMAL FORM OF RETIREMENT BENEFIT FOR A MARRIED PARTICIPANT A 60 PERCENT JOINT AND SURVIVOR ANNUITY OR AN UNREDUCED TEN YEAR CERTAIN AND LIFE ANNUITY; AMENDING SECTION FOURTEEN OF THE PLAN TO INCREASE THE MAXIMUM PERIOD OF DROP PARTICIPATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: As the Council maybe aware, certain changes to the Fire Pension Plan were provided in the Collective Bargaining Agreement for the period of 1999 to 2002. That agreement provided for increase in benefits to Firefighters Pension members. Despite the fact, the ordinance has not been heretofore brought forward for Councils actions; audit and actuarial calculations and contributions have been and are premised on the implementing of the proposed ordinance. This office has requested a review of both the labor contract and the attached pension ordinance and we have been advised that the pension ordinance conforms to the labor contract.

As a result, we respectfully request Town Councils approval to the attached ordinance on the first reading.

PREVIOUS ACTIONS: Town Council previously approved resolution number R-2000-107 on May 17, 2004.

CONCURRENCES: n/a

FISCAL IMPACT:

Has request been budgeted? Yes

RECOMMENDATION(S): Motion to approve the ordinance.

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO CODIFY THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE TOWN AND THE IAFF; AMENDING SECTION FOUR OF THE PLAN TO PROVIDE FOR INCREASED EMPLOYEE CONTRIBUTIONS; AMENDING SECTION SIX OF THE PLAN TO INCREASE THE NORMAL RETIREMENT BENEFIT; AMENDING SECTION SIX OF THE PLAN TO PROVIDE AS THE NORMAL FORM OF RETIREMENT BENEFIT FOR A MARRIED PARTICIPANT A 60 PERCENT JOINT AND SURVIVOR ANNUITY OR AN UNREDUCED TEN YEAR CERTAIN AND LIFE ANNUITY; AMENDING SECTION FOURTEEN OF THE PLAN TO INCREASE THE MAXIMUM PERIOD OF DROP PARTICIPATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie has previously adopted Ordinance 98-47 amending and restating the pension plan for firefighters;

WHEREAS, the Town of Davie Firefighter Pension Plan is required to comply with the minimum benefit requirements of Chapter 175, Florida Statutes; and

WHEREAS, the Town has negotiated a collective bargaining agreement providing for new pension benefits for firefighters.

WHEREAS, the Town of Davie Firefighter Pension Plan receives Chapter 175 premium tax revenue from the State of Florida and is governed by the requirements of Chapter 175, Florida Statutes;

WHEREAS, the Plan has long provided a spousal survivorship benefit for married members; and

WHEREAS, the spousal benefit provision was apparently inadvertently omitted from prior versions of the Plan document; and

WHEREAS, it appears that the omission of this language was a purely technical error; and

WHEREAS, the Plan has continued to provide actuarial funding for this benefit; and

WHEREAS, restoration of this omitted language will have no financial impact on the Plan or the taxpayers of the Town of Davie.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, THAT:

Section 1: Section 4 of the Town of Davie Firefighters Pension Trust Fund is hereby amended to read as follows:

SECTION FOUR. CONTRIBUTIONS.

- A. The Town shall pick-up, rather than deduct from each member's pay, as intended under Section 414(h)(2) of the Internal Revenue Code, beginning with the date of employment, ~~five (5%)~~ seven (7%) percent of the member's earnable compensation, or such other amount as set forth below in subsection (1) through (3) below. The monies so picked-up shall be deposited in the Fund. An account record shall be maintained continuously for each member. Pick-up contributions shall continue until death, disability or termination of service, whichever shall occur first. Contributions shall remain in the Fund unless withdrawn as provided in the Plan. No member shall have the option to choose to receive the contributed amounts directly instead of having them paid by the Town directly to the Plan. All such pick-up contributions by the Town shall be deemed and be considered as part of the member's accumulated contributions and subject to all provisions of the Plan pertaining to accumulated contributions of members. The intent of this provision is to comply with Section 414(h)(2) of the Internal Revenue Code. For the purpose of accruing and calculating pension benefits, Social Security benefits, overtime compensation, percentage increases to base pay, supplemental percentage payments for particular assignments, education, experience, longevity, years of service, payroll steps, licensure or training, and for paying Social Security taxes, and for such other purposes except as specified in this Plan, the amount of employee contributions "picked-up" or paid by the Town will be added to the amount distributed on a current basis in order to determine total wages, salary, pay or compensation.
1. For members who were actively employed on October 1, 2002, who were hired on or after October 1, 1986, and therefore had not completed sixteen (16) years of Credited Service prior to October 1, 2002, commencing with the first pay period in October 2002: the employee contribution rate will be increased to seven percent (7.0%). This contribution shall be made until the employee retires, enters the DROP or otherwise terminates employment in a Town of Davie Municipal Firefighter's Pension Trust Fund eligible job classification.
 2. For members who were actively employed on October 1, 2002, who were hired before October 1, 1986, who had completed sixteen (16) years of Credited Service prior to October 1, 2002, and who were not DROP participants at any time on or after October 1, 2002, commencing with the first pay period in October 2002: the employee contribution rate will be increased to seven percent (7.0%). Said employees must also pay an actuarially determined amount that shall be a sum equal to two percent (2.0%) times the total Earnable Compensation after attaining sixteen (16) years of Credited Service, up through October 1, 2002. This actuarially determined amount must be paid in full prior to the date that is five (5) years following the date on which the Town Council approves the resolution ratifying this collective bargaining agreement. Failure to pay this actuarially determined amount in full within the prescribed time period will exclude the member from the increased multiplier benefit set forth in subsection 6(B). Additionally, pension benefit payments received beyond this prescribed date will be adjusted to comply with this provision.
 3. For members who were actively employed on October 1, 2002, who were hired before October 1, 1986, who had completed sixteen (16) years of Credited Service prior to October 1, 2002, and who are DROP participants or were DROP participants as of October 1, 2002: said employees must pay an actuarially determined amount that shall be a sum equal to two percent (2.0%) times the total Earnable Compensation after attaining

sixteen (16) years of Credited Service, up through the date of entry into the DROP. This actuarially determined amount must be paid in full prior to the date that is five (5) years following the date on which the Town Council approves the resolution ratifying this collective bargaining agreement. Failure to pay this actuarially determined amount in full within the prescribed time period will exclude the member from the increased multiplier benefit set forth in subsection 6(B). Pension benefit payments received beyond this prescribed date will be adjusted to comply with this provision.

Section 2: Section 6 of the Town of Davie Firefighters Pension Trust Fund is hereby amended to read as follows:

SECTION SIX. SERVICE RETIREMENT BENEFITS; EARLY RETIREMENT BENEFITS; COST OF LIVING ADJUSTMENTS.

B. A normal retirement benefit shall be determined by multiplying three (3%) of final monthly compensation by the number of years of credited service for the first twenty (20) years of credited service and two (2%) percent for each additional year of credited service, up to a maximum of 30 years of service. ~~The normal form of retirement benefit shall be an unreduced life annuity with one hundred twenty (120) guaranteed payments. If the member shall die prior to receiving one hundred twenty (120) payments, the remaining benefits shall be paid to the beneficiary designated by the member. In the event that no beneficiary has been designated, the member's estate shall be the recipient of the remaining balance of payments.~~ Effective October 1, 2004, the normal retirement benefit shall be three percent (3%) of Final Monthly Compensation per year for the first ten (10) years of Credited Service, four percent (4%) of Final Monthly Compensation per year for the next ten (10) years of Credited Service, and two percent (2%) of Final Monthly Compensation per year for the next ten (10) years of Credited Service, for all members who were actively employed on or after October 1, 2002.

1. Unmarried Participant. The normal form of retirement benefit for an unmarried participant shall be an unreduced life annuity with one hundred twenty (120) guaranteed payments. If the member shall die prior to receiving one hundred twenty (120) payments, the remaining benefits shall be paid to the beneficiary designated by the member. In the event that no beneficiary has been designated, the member's estate shall be the recipient of the remaining balance of payments.

D. A member entitled to a normal retirement benefit shall have the right at any time prior to the date upon which the first payment is received to elect to have the benefit payable under one of the options provided in this Plan. A member shall be permitted to revoke any such election and to elect a new option at any time prior to the receipt of the first payment. Each retirement option shall be the actuarial equivalent of the other retirement options available. The present value of payments to a retiring member must be equal to at least fifty (50%) percent of the total value of payments to a retiring member and designated beneficiary. Election of the retirement option shall be on a form prescribed by the Board.

3. Ten (10) Year Certain and Life Thereafter.

A member may elect to receive an unreduced life annuity with one hundred twenty (120) guaranteed payments. If the member shall die prior to receiving one hundred twenty (120) payments, the remaining benefits shall be paid to the beneficiary designated by the member. In the event that no beneficiary has been designated, the member's estate shall be the recipient of the remaining balance of payments. Unless the member has selected an optional form of payment, the ten year certain and life thereafter benefit shall be the normal retirement benefit for an unmarried member. The normal form of retirement benefit for a married Participant shall be either a 60 percent joint and survivor annuity described above or an unreduced ten year certain and life annuity.

Section 3: Section 7 of the Town of Davie Firefighters Pension Trust Fund is hereby amended to read as follows:

SECTION SEVEN. BUY-BACK FOR MILITARY SERVICE, PRIOR SERVICE, COORDINATION OF BENEFITS.

B. To be eligible for prior service buy back, the member must have completed one ~~at least 10~~ years of creditable service as a firefighter with the Town.

Section 4: Section 14 of the Town of Davie Firefighters Pension Trust Fund is hereby amended to read as follows:

SECTION FOURTEEN. DEFERRED RETIREMENT OPTION PLAN.

C. Eligibility.

2. The maximum DROP participation period shall be five (5) years commencing at the earliest date of eligibility. The available DROP participation period shall decline by one month until the expiration of a sixty (60) month period beginning at eligibility date. Effective October 1, 2002, the maximum period of DROP participation shall be increased by one (1) year to a maximum participation period of six (6) years for all members of the Pension Plan and existing DROP participants.

4. Notwithstanding any provision to the contrary, effective October 1, 2002, DROP participants actively employed in the Fire Rescue Department and whose DROP period has expired may remain employed by the Town of Davie for (1) one additional year. However, upon expiration of the six (6) year DROP period, no further retirement distributions will be added to the employee's DROP account and subsequent retirement benefits will be paid directly to the employee. The employment extension referenced in this paragraph shall be based annually upon Departmental staffing needs. The determination to extend employment shall be made annually by the Town at the beginning of the Town's fiscal year and shall apply to all bargaining unit DROP participants in their final year of DROP participation.

Section 5: If any clause, section, or other part or application of this Ordinance shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

Section 6: All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: This Ordinance shall become immediately upon adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2005

PASSED ON SECOND AND FINAL READING THIS _____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2005

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