

PROPOSED ORDINANCE NO. 2018-25

ORDINANCE NO. 1916

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA CREATING A DEFINED CONTRIBUTION RETIREMENT PLAN FOR THE POLICE AND FIRE PENSION PLAN OF THE CITY OF PEMBROKE PINES IN ACCORDANCE WITH THE PROVISIONS OF §401(A) OF THE INTERNAL REVENUE CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted Chapter 2015-39, Laws of Florida (2015), amending the requirements of retirement plans for police officer and certified firefighter employees and thereby requires the creation of a defined contribution plan; and

WHEREAS, pursuant to the terms and conditions of the Agreement amending the Collective Bargaining Agreements entered into by and between the City, and the Broward County Police Benevolent Association ("PBA"), and the International Association of Firefighters ("IAFF") the City agreed to establish a defined contribution retirement plan for the City's police officer and certified firefighter employees; and

WHEREAS, the City reached agreement with the PBA and IAFF regarding the use of the insurance premium tax dollars in accordance with the terms of Ch. 2015-39, Laws of Florida (2015); and

WHEREAS, the City Commission of the City of Pembroke Pines considers the establishment of a 401(a) Retirement Plan for its police officers and firefighters to be necessary and in the best interest of the City of Pembroke Pines;

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

PROPOSED ORDINANCE NO. 2018-25

ORDINANCE NO. 1916

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified as being true and correct and incorporated herein by this reference.

SECTION 2. The City Commission of the City of Pembroke Pines hereby amends the City's Code of Ordinances by creating §34.52(F) as follows:

§34.52 OPTIONAL BENEFITS.

...

(F) A 401(a) Retirement Plan for the City's police officer and firefighter members is hereby established pursuant to §175.351 and 185.35, Florida Statutes. The City and the applicable collective bargaining groups have agreed that the City shall be allowed to utilize all premium tax revenues to offset the City's funding of its Annual Required Contribution of the Plan, thus no funds will be deposited into the 401(a) Plan unless mutually agreed to by the City and each of the collective bargaining units. To the extent the City and the respective collective bargaining groups agree that any premium insurance tax revenues are to be deposited in the 401(a) Plan in accordance with §175.351(6) and §185.35(6), Florida Statutes, the City and the respective collective bargaining groups will determine the terms of distribution, investment, and vesting in such funds. At all times, the 401(a) Plan shall be administered in compliance with all state and federal laws, rules, and regulations applicable to such plans, including but not limited to the Internal Revenue Code, the U.S. Department of Labor, or other such applicable regulatory agencies.

SECTION 3. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida. The Sections of this ordinance may be re-numbered, re-lettered and the word

CODING: Words in ~~strike-through~~ type are deletions from existing law;
 Words in underlined type are additions.

PROPOSED ORDINANCE NO. 2018-25

ORDINANCE NO. 1916

"Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 5. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 6. The terms and provisions of this Ordinance shall become effective upon adoption.

**THE REMAINDER OF THIS PAGE
HAS BEEN INTENTIONALLY LEFT BLANK.**

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

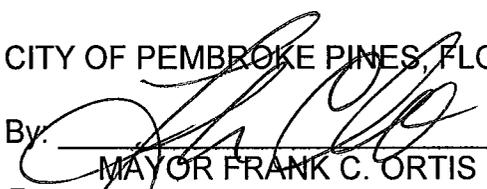
PROPOSED ORDINANCE NO. 2018-25

ORDINANCE NO. 1916

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA ON THE FIRST READING THIS 17TH DAY OF SEPTEMBER, 2018.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA ON THE SECOND READING THIS 17TH DAY OF SEPTEMBER, 2018.

CITY OF PEMBROKE PINES, FLORIDA

By: 
MAYOR FRANK C. ORTIS

ATTEST:

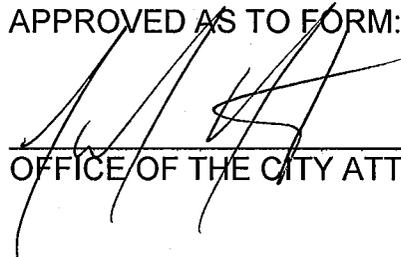

MARLENE GRAHAM, CITY CLERK

ORTIS AYE

9/18/18
CASTILLO

AYE

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY

GOOD ABSENT

SCHWARTZ AYE

SIPLE AYE

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.



City of Pembroke Pines, FL

601 City Center Way
Pembroke Pines, FL
33025
www.ppin.es.com

Agenda Request Form

Agenda Number: 19.

File ID: 2018-25

Type: Ordinance

Status: Passed

Version: 1

**Agenda
Section:**

In Control: City Commission

File Created: 09/06/2018

Short Title:

Final Action: 09/17/2018

Title: MOTION TO PASS AND ADOPT AN EMERGENCY ITEM
PROPOSED ORDINANCE 2018-25, REQUIRING BOTH FIRST
AND SECOND READING.

PROPOSED ORDINANCE NO. 2018-25 IS AN ORDINANCE OF
THE CITY OF PEMBROKE PINES, FLORIDA CREATING A
DEFINED CONTRIBUTION RETIREMENT PLAN FOR THE
POLICE AND FIRE PENSION PLAN OF THE CITY OF
PEMBROKE PINES IN ACCORDANCE WITH THE PROVISIONS
OF §401(A) OF THE INTERNAL REVENUE CODE; PROVIDING
FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING
FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

***Agenda Date:** 09/17/2018

Enactment Date: 09/17/2018

Agenda Number: 19.

Enactment Number: 1916

Internal Notes:

Attachments: 1. 2018-025 Police Fire 401(a) Plan, 2. Actuarial Impact Statement - DC Pla

1 City Commission 09/17/2018 pass on First Reading Pass

Action Text: A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to pass on First Reading Proposed Ordinance 2018-25, an emergency ordinance requiring both first and second reading at the same Commission Meeting. The motion carried by the following vote:

Aye: - 4 Mayor Ortis, Commissioner Castillo, Commissioner Schwartz, and Commissioner Siple

Nay: - 0

Absent: - 1 Vice Mayor Good Jr.

1 City Commission 09/17/2018 adopt on Second and Final Reading Pass

Action Text: A motion was made by Commissioner Siple, seconded by Commissioner Castillo, to adopt on Second and Final Reading Proposed Ordinance 2018-25, an emergency ordinance requiring both first and second reading at the same Commission Meeting. The motion carried by the following vote:

Aye: - 4 Mayor Ortis, Commissioner Castillo, Commissioner Schwartz, and Commissioner Siple

Nay: - 0

Absent: - 1 Vice Mayor Good Jr.

SUMMARY EXPLANATION AND BACKGROUND:

1. The Florida legislature enacted Chapter 2015-39 amending the requirements of retirement plans for police officer and certified firefighter employees and requiring the creation of a defined contribution plan.
2. The City and the Broward County Police Benevolent Associations (PBA) and the International Association of Firefighters (IAFF) agreed to utilize all premium tax revenues to offset the City's funding of its Annual Required/Determined Contribution.
3. A defined contribution plan is required to be created pursuant to Florida Statutes 175.351(6) and 185.35(6) even though no funding will be deposited at this time.

Item has been reviewed by the Commission Auditor and approved for the Agenda.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None. The defined contribution plan will remain unfunded for the duration of the current collective bargaining agreement, pursuant to Florida Statutes 175.351(6) and 185.35(6).
- b) **Amount budgeted for this item in Account No:** Not Applicable
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable
- d) **5 year projection of the operational cost of the project:** Not Applicable
- e) **Detail of additional staff requirements:** Not Applicable