

1 EXHIBIT 1
2 ORDINANCE NO. _____
3

4 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
5 HALLANDALE BEACH, FLORIDA, AMENDING THE CITY OF
6 HALLANDALE BEACH RETIREMENT PLAN TO PROVIDE
7 PARTICIPANTS WITH THE OPTION TO PARTICIPATE IN THE
8 FLORIDA RETIREMENT SYSTEM; PROVIDING FOR
9 SEVERABILITY; PROVIDING FOR A REPEALER; AND
10 PROVIDING FOR AN EFFECTIVE DATE.
11

12 WHEREAS, the City of Hallandale Beach (the "City") established the City of Hallandale
13 Beach Retirement Plan for general employees (the "City Retirement Plan") on April 1, 1969; and

14 WHEREAS, the City Retirement Plan was most recently restated effective October 1,
15 2015, pursuant to Ordinance 2004-22; and

16 WHEREAS, the City Retirement Plan was closed to non-bargaining unit employees on
17 September 30, 2007, and was closed to bargaining unit employees on January 5, 2011; and

18 WHEREAS, the City and Florida Public Employees Council #79 of the American
19 Federation of State, County and Municipal Employees (AFL-CIO), Local 2009 ("AFSCME Local
20 2009"), which represents a bargaining unit of the City's general employees, recently ratified a
21 new collective bargaining agreement covering the period October 1, 2019 through September 30,
22 2022; and

23 WHEREAS, under the terms of the collective bargaining agreement, the City will join the
24 Florida Retirement System (FRS) for general employees and provide participants in the City
25 Retirement Plan the option of enrolling in FRS or remaining in the City Retirement Plan; and

26 WHEREAS, the retirement changes in the collective bargaining agreement require an
27 amendment to the City Retirement Plan; and

28 WHEREAS, the City Commission finds that it is in the best interest of the City and its
29 employees to amend the City Retirement Plan to implement the terms of the collective
30 bargaining agreement, and to implement other changes for the benefit of City Retirement Plan
31 participants.

32 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**

33 **HALLANDALE BEACH, FLORIDA, THAT:**

34 Section 1. Recitals. The above recitals are true and correct and incorporated herein by
35 reference.

36
37 Section 2. The City of Hallandale Beach Retirement Plan is hereby amended to revise
38 the Introduction section of the Plan as set forth in Appendix A, which is attached hereto and
39 incorporated by reference herein.

40
41 Section 3: If any clause, section, or other part or application of this Ordinance shall be
42 held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
43 or invalid part or application shall be considered as eliminated and shall not affect the validity of
44 the remaining portions or applications which shall remain in full force and effect.

45
46 Section 4: All ordinances or parts of ordinances, resolutions or parts of resolutions in
47 conflict herewith are hereby repealed to the extent of such conflict.

48
49 Section 5: This Ordinance shall become effective immediately upon adoption,
50 unless otherwise provided.

51
52
53 PASSED on first reading this 4th day of December, 2019.

54 PASSED AND ADOPTED on the second reading this 18th day of December, 2019.

55
56
57
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59 _____
60 JOY ADAMS
61 MAYOR

62
63 SPONSORED BY: CITY ADMINISTRATION

64
65 ATTEST:

66
67
68 _____
69 JENORGEN M. GUILLEN, CMC
70 CITY CLERK

71
72
73 APPROVED AS TO LEGAL SUFFICIENCY
74 AND FORM

75
76 _____
77 JENNIFER MERINO, CITY ATTORNEY

FIRST READING VOTE ON ADOPTION

Mayor Cooper _____
Vice Mayor Javellana _____
Commissioner Butler _____
Commissioner Lazarow _____
Commissioner Lima-Taub _____

80

FINAL VOTE ON ADOPTION

Mayor Cooper _____
Vice Mayor Javellana _____
Commissioner Butler _____
Commissioner Lazarow _____
Commissioner Lima-Taub _____

81

82

83 APPENDIX A
84 INTRODUCTION

85 The Employer previously established a defined benefit plan on April 1, 1969. The plan was previously
86 restated on April 1, 1997, October 1, 2008, and again on October 1, 2015~~2008~~.

87
88 Entry into the Plan was frozen effective September 30, 2007 for non-bargaining Employees. After
89 that date, no such Employee or such former Employee (who is hired or rehired after such date) shall become
90 an Active Participant, and no non-bargaining Inactive Participant or non-bargaining former Participant shall
91 again become an Active Participant.

92
93 In addition, entry into the Plan was frozen effective January 5, 2011 for bargaining Employees. After
94 that date, no such Employee or such former Employee (who is hired or rehired after such date) shall become
95 an Active Participant, and no bargaining Inactive Participant or bargaining former Participant shall again
96 become an Active Participant.

97
98 All Employees who are Active Participants in the Plan as of such applicable dates shall continue to
99 participate in the Plan.

100
101 The plan ~~was most recently being~~ restated effective October 1, 2015, and is set forth in this
102 document which is substituted in lieu of the prior document with the exception of the amendments
103 contained herein, any interim amendment and any model amendment that have not been incorporated
104 into this restatement. Such amendment(s) shall continue to apply to this restated plan until such
105 provisions are integrated into the plan or such amendment(s) are superseded by another amendment.

106
107 It is intended that the restated plan qualify as a governmental defined benefit plan under the Internal
108 Revenue Code of 1986, including any later amendments to the Code. The Employer agrees to operate the
109 plan according to the terms, provisions, and conditions set forth in this document.

110
111 The restated plan continues to be for the exclusive benefit of employees of the Employer. All persons
112 covered under the plan before the effective date of this restatement shall continue to be covered under the
113 restated plan with no loss of benefits.

114
115 The plan includes the statutory, regulatory, and guidance changes specified in the 2014 Cumulative
116 List of Changes in Plan Qualification Requirements (2014 Cumulative List) contained in Internal Revenue
117 Service Notice 2014-77 and the qualification requirements and guidance published before the issuance of
118 such list. The provisions of this plan apply as of the effective date of the restatement unless otherwise
119 specified.

120
121 The City of Hallandale Beach will join the Florida Retirement System (FRS) for general employees
122 on January 1, 2020, or as soon thereafter as administratively feasible. Notwithstanding any other provision
123 of this Plan, employees who are Active Participants in this Plan on the date the Employer joins FRS shall
124 individually elect to continue participating in this Plan or enroll in FRS for future service. The election shall
125 be irrevocable. Participants who elect to continue participating in this Plan will continue to contribute to and
126 accrue benefits under this Plan for as long as they are employed by the City in a position covered by this
127 Plan. Participants who elect to join FRS shall contribute to and accrue benefits under FRS in accordance
128 with the statutes and rules governing FRS, for as long as they are employed by the City in a position covered
129 by FRS. Participants who elect to join FRS who are not vested in this Plan shall receive a refund of their
130 Participant Contributions from this Plan. Participants who elect to join FRS who are vested in this Plan
131 shall be eligible to receive their accrued benefit from this Plan upon attaining eligibility for retirement under
132 this Plan, and separation from City employment, based on their continuous service and average final
133 compensation on the day before the City joins FRS.

135 Pursuant to an interlocal agreement between the City of Hallandale Beach and the Broward Sheriff's
136 Office (BSO), all employees of the City of Hallandale Beach Fire Rescue Department will become
137 employees of BSO on or about [date]. Such employees who are Active Participants in this Plan on the date
138 they become BSO employees shall individually elect to continue participating in this Plan or enroll in FRS
139 for future service. The election shall be irrevocable. Participants who elect to continue participating in this
140 Plan shall continue to contribute to and accrue benefits under this Plan for as long as they are employed
141 by the BSO in a position covered by this Plan. Participants who elect to join FRS shall contribute to and
142 accrue benefits under FRS in accordance with the statutes and rules governing FRS. Participants who elect
143 to join FRS who are not vested in this Plan shall receive a refund of their Participant Contributions from this
144 Plan. Participants who elect to join FRS who are vested in this Plan shall be eligible to receive their accrued
145 benefit from this Plan upon attaining eligibility for retirement under this Plan, and separation from BSO
146 employment, based on their continuous service and average final compensation on the day before they
147 enroll in FRS.
148