

EXHIBIT 1  
ORDINANCE NO. 2020 - \_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE CITY OF HALLANDALE BEACH POLICE OFFICERS' AND FIREFIGHTERS' PERSONNEL RETIREMENT TRUST SET FORTH IN EXHIBIT A OF ORDINANCE NUMBER 2011-11, AS SUBSEQUENTLY AMENDED, TO IMPLEMENT THE RETIREMENT CHANGES CONTAINED IN MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HALLANDALE BEACH AND THE HALLANDALE BEACH PROFESSIONAL FIRE FIGHTERS, METRO BROWARD LOCAL 3080, DISTRICT 10; AMENDING ARTICLE III, CREATING A NEW SECTION 3.17 ENTITLED "BOARD OF TRUSTEES SHALL NOT AMEND THE PLAN"; AMENDING ARTICLE VI, CREATING A NEW SECTION 6.15 ENTITLED "TRANSITION OF FIREFIGHTERS TO BROWARD SHERIFF'S OFFICE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Hallandale Beach ("City") has a Police Officers' and Firefighters' Personnel Retirement Trust (the "Retirement Plan") for certified law enforcement officers and firefighters, which is set forth in Exhibit A to Ordinance Number 2011-11, as subsequently amended; and

**WHEREAS**, the City recently entered into a Memorandum of Understanding with the Hallandale Beach Professional Fire Fighters, Metro Broward Local 3080, District 10; and

**WHEREAS**, the Memorandum of Understanding contains several changes to the Retirement Plan in conjunction with the City's Agreement with the Broward Sheriff's Office ("BSO") to provide fire/rescue services to the City; and

**WHEREAS**, the Agreement between the City and BSO was recently finalized, and City firefighters became employees of BSO in accordance with that Agreement effective January 1, 2020; and

**WHEREAS**, to implement the changes to the Retirement Plan contained in the Memorandum of Understanding, it is necessary to amend the Retirement Plan; and

**WHEREAS**, the Mayor and City Commission find that it is in the best interest of the City and its employees to amend the Retirement Plan.

43  
44 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF  
45 HALLANDALE BEACH, FLORIDA, THAT:  
46

47 Section 1. The foregoing "Whereas" clauses are hereby incorporated herein.  
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49 Section 2. Article III of the City of Hallandale Beach Police Officers' and Firefighters'  
50 Personnel Retirement Trust, as set forth in Exhibit A to Ordinance Number 2011-11, as  
51 subsequently amended, is hereby amended to include a new section 3.17, to read as follows:  
52

53 **ARTICLE III**  
54 **ADMINISTRATION OF THE RETIREMENT PLAN**  
55

56 \* \* \*

57 **3.17 Board of Trustees Shall Not Amend the Plan.**  
58

59 a. The Board of Trustees shall not amend the provisions of the Retirement Plan without the  
60 approval of the Hallandale Beach City Commission. The Board of Trustees shall administer the  
61 Retirement Plan in accordance with the Retirement Plan ordinance as written.  
62

63 b. The Board of Trustees shall provide the City written notice of any action it intends to take  
64 that may be reasonably expected to increase the City's contribution at least thirty (30) days prior  
65 to the effective date of any such action. Such notice shall specifically describe the action, the  
66 reason for the action and an estimate from the actuary of the anticipated cost. This notice  
67 requirement does not apply to (1) Board action approving a change to the actuarial assumptions  
68 mandated by statute or regulation, (2) investment-related Board action, (3) adoption of an  
69 assumed rate of return, or (4) board action affecting only one member.  
70

71 c. In the event the City's annual contribution, as determined by the annual actuarial valuation,  
72 increases by \$125,000 or more due to an action or directive of the Board of Trustees, the  
73 firefighter member contribution will be increased by up to 5% of pensionable earnings to offset  
74 the increase until the issue is resolved. The maximum increase of 5% is cumulative of all  
75 increases and in no event shall the total number of increases pursuant to this paragraph exceed  
76 5%. This paragraph does not apply to increases resulting from changes to actuarial assumptions  
77 mandated by statute or regulation of the Division of Retirement, increases resulting from  
78 investment losses, increases resulting from changes to the assumed rate of return, increases  
79 resulting from action of the Pension Board that affects only one member, or adoption of the annual  
80 actuarial valuation.  
81

82  
83 Section 3. The City of Hallandale Beach Police Officers' and Firefighters' Personnel  
84 Retirement Trust, as set forth in Exhibit A to Ordinance Number 2011-11, as subsequently  
85 amended, is hereby amended to include a new section 6.15, to read as follows:  
86

87 **ARTICLE VI**  
88 **SERVICE RETIREMENT BENEFITS**  
89

90 \* \* \*

91 **6.15 Transition of Firefighters to Broward Sheriff's Office.**  
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Notwithstanding any other provision of this Retirement Plan, the provisions of this Section 6.15 shall take effect January 1, 2020 for firefighter members employed by the City on December 31, 2019 who became employees of Broward Sheriff's Office (BSO) on January 1, 2020, in accordance with the Agreement between the City and BSO to provide fire/rescue services to the City. The current provisions of this Retirement Plan in effect on December 31, 2019 shall continue to apply, except as otherwise provided in this section 6.15.

(a) Upon becoming employees of BSO, firefighter members shall have the option to remain in this Retirement Plan or enroll in the Florida Retirement System for future service at the BSO.

(b) Firefighter members with ten (10) or more years of credited service in this Retirement Plan on December 31, 2019 who elect to enroll in the Florida Retirement System shall be entitled to receive normal retirement benefits from this Retirement Plan based on the average of their five highest years of earnings (including earnings received from the City, BSO or a combination of the two), upon attaining 25 years of combined service with the City and BSO, regardless of age (including additional accrual service), or upon reaching age 52 with ten (10) or more years of credited service. Such members shall be entitled to receive an in-service distribution from this Retirement Plan upon reaching eligibility for normal retirement benefits as provided in the preceding sentence, with no requirement of separation from BSO employment.

(c) For firefighter members who elect to continue participating in this Retirement Plan after January 1, 2020 and are not eligible for normal retirement on that date or within twenty-five (25) months thereafter, the following provisions shall apply:

1. Employee contributions shall increase to 10.75% of pensionable earnings on [effective date of ordinance], and shall increase to 11.25% of pensionable earnings on January 1, 2022.
2. The benefit multiplier for all future service shall be 3.00% per year of credited service, up to the maximum cap provided in paragraph (5) below.
3. Average Final Compensation shall be based on the highest five (5) years of the last ten (10) years of credited service (including BSO service); but for firefighter members hired before August 7, 2013, Average Final Compensation shall be no less than the average of the two most recent calendar years before January 1, 2020.
4. The normal retirement age shall be the earlier of age 52 with ten (10) years of credited service or attainment of twenty-five (25) years of credited service (including BSO service) regardless of age; or upon reaching the maximum benefit accrual percentage provided in section 6.02 once the member has completed the terms of their additional accrual service purchase agreement, if applicable.
5. Effective [effective date of ordinance], the maximum annual service retirement benefit payable to firefighter members, excluding cost of living adjustments and the health care stipend, shall not exceed \$100,000 or the maximum percentage of average final compensation provided in section 6.02. Effective January 1, 2021 and every two years thereafter, the \$100,000 maximum

144 annual service retirement benefit for firefighter members shall increase by 2%,  
145 until it reaches \$125,000, at which point there shall be no further increases.  
146 The maximum percentage of average final compensation provided in section  
147 6.02 above shall continue to apply; provided in no event shall a member's  
148 normal retirement benefit, including the health care stipend, be less than  
149 2.75% for all years of credited service, to include additional accrual service  
150 once the member has completed the terms of their additional accrual service  
151 agreement.

- 152
- 153 6. Tier 1 firefighter members (firefighter members hired before August 7, 2013)  
154 who enter the Deferred Retirement Option Plan on or after January 1, 2020,  
155 shall earn annual interest credits equal to the net market rate of return on  
156 Retirement Plan investments during the preceding plan year, with a minimum  
157 of zero and a maximum of 6%.
- 158
- 159 7. Tier 1 firefighter members shall receive a prorated 2% annual cost of living  
160 adjustment (COLA) on the portion of their accrued benefit based on credited  
161 service before August 7, 2013. Tier 1 members shall receive eight annual  
162 COLAs on the portion of their accrued benefit based on service between  
163 August 7, 2013 and January 1, 2020, and shall not receive a COLA for any  
164 benefit accrued on and after January 1, 2020. Tier 2 firefighter members  
165 (firefighter members hired on or after August 7, 2013) are not eligible for a  
166 COLA.
- 167
- 168 8. All earnings considered pensionable by the Florida Retirement System shall  
169 be considered pensionable earnings under this Retirement Plan for firefighter  
170 members who elect to continue participating in this Retirement Plan after  
171 January 1, 2020, except no more than 300 hours of overtime pay per fiscal  
172 year may be included in pensionable earnings, and payments for accrued  
173 unused sick and annual leave shall be excluded, and wages earned for details  
174 shall not be pensionable.
- 175
- 176 9. Firefighter members who are eligible for normal retirement under this  
177 Retirement Plan as provided in section 6.01 within twenty-five months  
178 following January 1, 2020 may elect to retain the current Retirement Plan  
179 benefits (as written in the Retirement Plan on December 31, 2019, not as  
180 amended by legal opinions dated between 2016-2018), if they complete and  
181 submit an irrevocable retirement application before March 1, 2020, for  
182 retirement no later than the first date of normal retirement eligibility.
- 183
- 184 10. Firefighter members who elect to continue participating in this Retirement Plan  
185 after January 1, 2020 may receive an in-service distribution of benefits from  
186 this Retirement Plan upon reaching eligibility for normal retirement, with no  
187 requirement of separation from BSO employment.
- 188
- 189 11. The City shall continue participating in Ch. 175, F.S. The City and the union  
190 representing firefighters have agreed that all Ch. 175 premium tax revenues  
191 will be used to offset City contributions to the Retirement Plan.
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193 \* \* \*

Section 4: 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 5: All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: This Ordinance shall become effective immediately upon adoption, unless otherwise provided.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ADOPTED on the second reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOY F. COOPER  
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

\_\_\_\_\_  
JENORGEN M. GUILLEN, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM

\_\_\_\_\_  
JENNIFER MERINO  
CITY ATTORNEY

**FIRST READING VOTE ON ADOPTION**

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

**FINAL VOTE ON ADOPTION**

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