

PROPOSED ORDINANCE NO. 2018-25

ORDINANCE NO. _____

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

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firefighters to be necessary and in the best interest of the City of Pembroke Pines;

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 Determined 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(16) and §185.35, 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

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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 "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.

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HAS BEEN INTENTIONALLY LEFT BLANK.**

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA ON THE FIRST READING THIS ____ DAY OF
_____, 2018.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA ON THE SECOND READING THIS ____ DAY
OF _____, 2018.

CITY OF PEMBROKE PINES, FLORIDA

By: _____
MAYOR FRANK C. ORTIS

ATTEST:

MARLENE GRAHAM, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

ORTIS _____
CASTILLO _____
GOOD _____
SCHWARTZ _____
SIPLE _____

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