



September 7, 2018

Mr. James F. Fisher
Plan Administrator
City Pension Fund for Firefighters and Police Officers
in the City of Pembroke Pines, Florida
Hampton Professional Center
1951 NW 150th Avenue – Suite 104
Pembroke Pines, Florida 33028

Re: City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines, Florida – Proposed Ordinance

Dear Jim:

As requested, we have performed an actuarial review of the attached proposed Ordinance for the City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines, Florida.

Based on our review, the proposed Ordinance:

- Provides for a defined contribution plan component in compliance with Chapters 175 and 185, Florida Statutes.
- Provides for codification.
- Provides for conflict resolution.
- Provides for severability.
- Provides an effective date.

In our opinion, based upon the actuarial assumptions and methods employed in the October 1, 2017 Actuarial Valuation, the proposed Ordinance is a *no cost* Ordinance under State funding requirements.

Please forward a copy of the proposed Ordinance upon passage at second reading to update our records.

We are available to respond to any questions concerning the above.

Sincerest regards,

A handwritten signature in black ink that reads "L. F. Wilson". The signature is fluid and cursive.

Lawrence F. Wilson, A.S.A.
Senior Consultant and Actuary

Enclosure

cc: Paul A. Daragjati, Esq.

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, REVISING THE CITY'S POLICE AND FIRE PENSION PLAN BY AMENDING § 34.52 OF THE CITY'S CODE OF ORDINANCES TO PROVIDE FOR THE CREATION OF A DEFINED CONTRIBUTION SHARE PLAN UNDER FLA. STAT. 175.351(6) AND 185.35(6); PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines is governed, in part, by Chapters 175 and 185, Florida Statutes; and

WHEREAS, the City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines receives insurance premium taxes to fund firefighter and police officer pension benefits pursuant to Chapters 175 and 185, Florida Statutes; and

WHEREAS, Chapters 175 and 185 were recently amended by S.B. 172, Chapter 2015-39, Laws of Florida; and

WHEREAS, S.B. 172 requires the creation of a defined contribution “share plan” to provide “special benefits” to police officers, funded with available “additional premium tax revenue”; and

WHEREAS, the creation of a share plan will permit the City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines to continue to receive insurance premium tax rebate monies from the State of Florida; and

WHEREAS, the Pembroke Pines City Commission has determined that the passage of this ordinance is in the best interest of the citizens 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 are hereby 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 amending the following sections City’s Police and Fire Pension Plan as set forth herein.

Section 3. § 34.52 “Optional Benefits” of Chapter 34 of the Code of Ordinances is amended to add a new subsection (G) to create a defined contribution plan component within the City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines, which will remain unfunded for the duration of the current collective bargaining agreement, pursuant to Florida Statutes 175.351(6) and 185.35(6):

Section 34.52 Optional Benefits.

* * *

(G) Share Plan Established.

(1) The City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines Share Plan (hereinafter “Share Plan”) is hereby established. The purpose of this section is to implement the provisions of Chapters 175 and 185, Florida Statutes, and to provide a mechanism to pay required “special benefits” pursuant to Sections 175.351 and 185.35, Florida Statutes. The Share Plan may be funded exclusively with available

premium tax revenue received from the State of Florida pursuant to Chapters 175 and 185 and shall be in addition to the monthly defined benefit payable by the City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines. The Share Plan shall be administered by the Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines.

(2) Rule-Making Authority: The Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Pembroke Pines shall be authorized to adopt any rules necessary for the administration of the Share Plan.

Section 4. 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 “Ordinance” may be changed to “section”, “Article” or such other word or phrase in order to accomplish such intention.

Section 5. 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 or effect.

Section 6. In the event of any conflict between the retirement benefits for Police Officers or Firefighters as set forth in this Pension Code and the retirement benefit rights as set forth in the collective bargaining agreement between the City and the Broward County Police Benevolent Association or the International Association of Firefighters at the time a conflict is identified, the

retirement benefit rights as set forth in the respective collective bargaining agreement (as last amended) in place at the time such conflict is identified shall control.

Section 7. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This ordinance shall take effect immediately upon adoption.

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

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

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

MARLENE D. GRAHAM, CITY CLERK

FRANK C. ORTIS, MAYOR

ORTIS _____

CASTILLO _____

APPROVED AS TO FORM:

GOOD _____

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____