

ORDINANCE NO. O-2022-020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA; AMENDING CHAPTER 9 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "PENSIONS AND RETIREMENT", TO REVISE THE CITY OF OAKLAND PARK POLICE, FIREFIGHTERS AND PUBLIC SAFETY OFFICERS RETIREMENT SYSTEM; AMENDING SECTION 9-63, ENTITLED "BENEFIT AMOUNTS AND ELIGIBILITY"; PROVIDING FOR REPEAL OF ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the terms of the collective bargaining agreement between the City of Oakland Park and the Metro Broward Professional Fire Fighters Local 3080, IAFF for the period October 1, 2017 through September 30, 2019, the City joined the Florida Retirement System (FRS); and

WHEREAS, effective September 1, 2018, the City of Oakland Park Police, Firefighters and Public Safety Officers Retirement System was closed to new members, and firefighters hired on and after that date were required participants in FRS; and

WHEREAS, firefighters who were members of the City of Oakland Park Police, Firefighters and Public Safety Officers Retirement System at the time the City joined FRS had the option to remain in the City's plan or participate in FRS; and

WHEREAS, firefighters who elected to participate in the FRS are not eligible for non-service related pre-retirement death benefits under FRS until they are vested under FRS; and

WHEREAS, the City of Oakland Park desires to provide non-service related pre-retirement death benefits for the benefit of the beneficiaries of firefighters who transferred from the City's Plan to FRS and are yet not vested under FRS; and

WHEREAS, Metro Broward Professional Fire Fighters Local 3080, IAFF has waived its right to collectively bargaining and impact bargain over the implementation of the benefit changes proposed by the City; and

WHEREAS, in order to implement the benefit changes, an ordinance amending the City of Oakland Park Police, Firefighters and Public Safety Officers Retirement System must be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA:

SECTION 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

SECTION 2. Section 9-63, entitled “Benefit amounts and eligibility”, is amended to read as follows:

* * *

(j) *Participation in the Florida Retirement System.* Effective September 1, 2018, or as soon thereafter as administratively feasible, the city shall join the Florida Retirement System (FRS) for firefighters, and this system shall be closed to new members. Firefighters hired on or after the date the city joins FRS shall become compulsory members of the Florida Retirement System and shall not be eligible for membership in this system. Firefighters hired before the date the city joins FRS who are contributing members of this system on the date the city joins FRS may elect to participate in FRS or continue participating in this system, in accordance with FRS statutes and rules. The member contributions and accrued benefits of contributing firefighter members who are employed on the date the city joins FRS and elect to join the Florida Retirement System shall be handled as follows:

* * *

(4) Notwithstanding any other provision of this system, effective January 1, 2022, any firefighter member who completed five (5) or more years of credited service under the Oakland Park Police, Firefighters and Public Safety Officers Retirement System as a firefighter and elected to join FRS on the date the City joined FRS, shall remain eligible for non-service connected pre-retirement death benefits as defined in Sec. 9-63(e)(2) until such member terminates City employment or becomes vested in FRS, whichever occurs first. Provided, however, any such member who, in accordance with Sec. 9-63(j)(1)-(2), has withdrawn his or her accumulated employee contributions from the System or received the value of their accrued benefit from the System, shall not be eligible for the pre-retirement death benefit as defined in Sec. 9-63(e)(2) and provided hereunder. Only credited service earned under the Oakland Park Police, Firefighters and Public Safety Officers Retirement System as a firefighter shall be included for purposes of determining a member’s accrued benefit under Sec. 9-63(e)(2); no City employment for which an employee earns service credit under FRS may be included in the calculation of pre-retirement death benefits hereunder.

SECTION 3. If any clause, section or other part of this Ordinance shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

SECTION 5. It is the intention of the City Commission of the City of Oakland Park, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance may be renumbered, 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 6. This Ordinance shall be effective upon its passage and adoption by the City Commission of the City of Oakland Park.

**PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,
FLORIDA, ON FIRST READING, THIS 20th DAY OF JULY 2022.**

A. GORDON	YES
M. ROSENWALD	YES
M. SPARKS	YES
J. BOLIN	YES
M. CARN	YES

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 3rd DAY OF
AUGUST 2022.**

CITY OF OAKLAND PARK, FLORIDA

MAYOR MICHAEL CARN

A. GORDON	_____
M. ROSENWALD	_____
M. SPARKS	_____
J. BOLIN	_____
M. CARN	_____

ATTEST:

RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:

I hereby certify that I have approved the form of this Ordinance (O-2022-020):

DONALD J. DOODY, CITY ATTORNEY