

ORDINANCE NO. 190-03-102

AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 2, ARTICLE II, DIVISION 3, PART 2 "GENERAL EMPLOYEES PENSION FUND," SECTION 2-63 "RETIREMENT DATES AND BENEFITS" AND SECTION 2-66 "VESTING"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

WHEREAS, the City of Lauderhill (the "City") maintains a defined benefit pension plan for City general employees as defined in Section 2-61 of the City Code, known as the General Employees Pension Fund; and

WHEREAS, the City has entered into a collective bargaining agreement with Teamsters Local 769, for the period October 1, 2018 through September 30, 2021; and

WHEREAS, the collective bargaining agreement contains certain changes to the General Employees Pension Fund; and

WHEREAS, to implement the changes contained in the collective bargaining agreement, it is necessary to adopt an ordinance amending the General Employees Pension Fund as set forth in Chapter 2 of the City Code of Ordinances,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, AS FOLLOWS: <sup>1</sup>

Section 1. Each of the above stated recitals is hereby adopted and confirmed.

Section 2. Section 2-63 "Retirement dates and benefits" of Chapter 2, Article II, Division 3, Part 2 "General Employees Pension Fund" of the City Code is hereby amended to read as follows:

**Sec. 2-63. - Retirement dates and benefits.**

*(1) General employees:*

(a) *Normal retirement date for members eligible to retire prior to October 1, 2018:*

1. A tier one member may retire on the first day of the month coincident with, or next following, the earlier of the date upon which the member completes twenty (20) years of credited service, regardless of age, or attains age sixty-two (62) with seven (7) years of continuous service. Notwithstanding the foregoing, a tier two member or tier three member may retire

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<sup>1</sup> Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by strikethrough.

on the first day of the month coincident with, or next following, the earlier of the date upon which the member completes twenty-five (25) years of credited service, the date upon which the member attains age sixty-five (65) with ten (10) years of credited service, or the date upon which the member attains age sixty (60) with fifteen (15) years of credited service.

2. A tier one member who completes at least one year of service after June 30, 1987, may retire on the first day of the month coincident with or next following attainment of age sixty-two (62) with seven (7) years of continuous service.

(b) Normal retirement date for members of all tiers not eligible to retire as of October 1, 2018 shall be either:

1. the date on which the sum of an employee's age and years of service with the City equals 75;
2. the date upon which the member attains age 60 with 15 years of service; or
3. the date on which the employee attains age 65 with 10 years of service.

(c) ~~(b)~~ *Normal retirement benefit:*

1. *Amount.* The monthly retirement benefit for tier one members shall be an amount equal to three (3) percent of average monthly earnings times years and completed months of continuous service for all years of employment prior to October 1, 2018. The monthly retirement benefit for tier two members shall be an amount equal to two and one-half (2.5) percent of average monthly earnings times years and completed months of continuous service for all years of employment prior to October 1, 2018. The monthly retirement benefit for tier three members shall be an amount equal to two and one-quarter (2.25) percent of average monthly earnings times years and completed months of continuous service for all years of employment prior to October 1, 2018. For service earned after October 1, 2018, the monthly retirement benefit for all tiers shall be an amount equal to two (2) percent of average monthly earnings times years and completed months of continuous service. For purposes of this section, years of employment shall begin on the member's anniversary date.

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**Section 3.** Section 2-66 "Vesting" of Chapter 2, Article II, Division 3, Part 2 "General Employees Pension Fund" of the City Code is hereby amended to read as follows:

**Sec. 2-66. - Vesting.**

~~If a member terminates his employment with the city, either voluntarily or by discharge, and is not eligible for any other benefits under this system, he shall be entitled to the following:~~

~~(a) Tier one members with less than seven (7) years of continuous service, and tier two and tier three members with less than ten (10) years of credited service. A refund of contributions.~~

~~(b) (a) As of October 1, 2018, Tier tier one members with seven (7) or more years of continuous service, and tier two and tier three members with ten (10) or more years of service shall have a vested right to accrued benefits from the plan (i.e., vested). Accordingly, if such a member terminates his employment with the city, either voluntarily or by discharge, and is not eligible for any other benefits under this system, he shall be entitled to the following:~~

~~(1) The pension benefits accrued to his date of termination, payable for the life of the member and commencing upon the member's attainment of his otherwise normal retirement age, provided he does not elect to withdraw his member contributions;~~

~~Or, in the discretion of the member:~~

~~(2) Refund of accumulated contributions, in which event, no pension benefit shall be payable.~~

~~(b) Members of all tiers who were not vested as of October 1, 2018, as that term is defined in paragraph (a) above, shall be vested at ten (10) years of credited service. Accordingly, if such a member terminates his employment with the city, either voluntarily or by discharge, and is not eligible for any other benefits under this system, he shall be entitled to the following:~~

~~(1) The pension benefits accrued to his date of termination, payable for the life of the member and commencing upon the member's attainment of his otherwise normal retirement age, provided he does not elect to withdraw his member contributions;~~

~~Or, in the discretion of the member:~~

~~(2) Refund of accumulated contributions, in which event, no pension benefit shall be payable.~~

~~(c) A member who terminates service prior to achieving a vested interest in the plan shall have the right to receive a refund of accumulated employee contributions.~~

Section 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, if being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. It is the intention of the City Commission, and it is hereby ordained that this Ordinance shall become and be made a part of the City of Lauderhill Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such

intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. That this Ordinance shall be effective immediately upon adoption on Second Reading, except as otherwise specifically provided herein.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

\_\_\_\_\_  
CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. BATES	_____	_____
H. BERGER	_____	_____
R. CAMPBELL	_____	_____
D. GRANT	_____	_____
K. THURSTON	_____	_____