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ORDINANCE NO. 2005-13

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN AND THE FRATERNAL ORDER OF POLICE, LODGE 100; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie has previously adopted Ordinance 99-20 amending and restating the pension plan for sworn Police Officers;

WHEREAS, the Town of Davie Police Pension Plan is required to comply with the minimum benefit requirements of Chapter 185, Florida Statutes; and

WHEREAS, the Town has negotiated a collective bargaining agreement providing for new pension benefits for sworn Police Officers.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, THAT:

Section 1: Section 7.2 of the Town of Davie Police Pension Plan is hereby amended to read as follows:

7.2 Employee Contributions. Commencing on October 9, 2003, the employee contribution will be increased to seven percent (7%) of compensation as defined by Section 1.7(a). Effective October 1, 2000, through October 8, 2003 the employee contribution shall be six and one-half percent (6.5%) of base pay. Effective May 18, 1994, as a condition of participation in the Plan, each Participant must contribute (via employer "pick-up") for each payroll period, through payroll deductions, an amount equal to five percent of his base pay. Between May 1, 1976 and September 30, 1977, each Participant was required to contribute an amount equal to five percent of base pay. Between October 1, 1977 and July 19, 1983, each Participant was required to contribute an amount equal three percent of base pay. Between July 20, 1983 and May 30, 1983, each Participant was required to contribute an amount equal to 6-1/4 percent of base pay. Between June 1, 1983 and September 30, 1983, each Participant was required to contribute an amount equal to 4-1/4 percent of base pay. Between October 1, 1983 and May 18, 1994, each Participant was required to contribute an amount equal to 6-1/4 percent of base pay. Each Participant will be deemed to have consented to such payroll deductions.

Section 2: Section 3.1 of the Town of Davie Police Pension Plan is hereby amended to read as follows:

3.1 Normal Retirement.

(b) Amount of Normal Retirement Benefit. Beginning May 18, 1994 the first full pay period in October 2003, the Participant who retires on his Normal Retirement Date will receive a monthly benefit in an amount equaling the sum of (1) plus through (2) (3) as follows:

(1) Three percent of his Final Average Earnings multiplied by his whole and partial Years of Service not in excess of 20 years for the first ten (10) years of service.

(2) Two Four percent of his Final Average Earnings multiplied by the

Participant's whole and partial Years of Service in excess of ~~20~~ 10 years but not in excess of ~~30~~ 20 years of service. After forty (40) years of service, benefits shall recommence at a rate of two percent (2%) per year.

- (3) Two percent of Final Average Earnings multiplied by the Participant's whole and partial Years of Service thereafter for the next ten (10) years of service.

No Participant will receive a monthly benefit greater than ~~80~~ 90 percent of his Final Average Earnings, inclusive of prior police or military service credit purchased by the member.

Section 3: Section 1.28 of the Town of Davie Police Pension Plan is hereby amended to read as follows:

Section 1.28: Years of Service (Benefit Service and Vesting Service). The period beginning on the Participant's Employment Date and ending on his Termination Date, subject to the following rules:

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- (e) Participants may buy back up to four (4) years of service for the purposes of retirement. This service may have been in the form of previous military or police (law enforcement service) with any State, Municipal, or Federal agency. Total buy back shall not exceed four (4) years.

All cost of the buy back shall be determined by the Pension Board's actuary and such cost shall be borne by the affected employee(s). The actuary will base the cost on the actuarial equivalent of the buy back.

The Pension Board may permit the buy back in either lump sum or over a multi-year timeframe not to exceed five (5) years and not to extend past the Participant's retirement date. If the Participant buys back over a period of time, additional interest at the actuarially assumed rate the plan earns will continue to accrue on the unpaid balance.

A Participant shall not be deemed vested until the completion of ten (10) years of actual service as a sworn police officer with the Town.

Section 4: Section 3.5 of the Town of Davie Police Pension Plan is hereby amended to read as follows:

3.5 Disability Retirement.

- (a) Eligibility. The Participant who incurs a Disability will be entitled to the retirement benefit described in this Section. The Disabled Participant must submit to a physical examination by one or more physicians selected by the Board at six month intervals or more frequently if requested by the Board.

- (1) Any police officer who believes that s/he is entitled to receive a disability retirement may make application to the Police Pension Board. The Board shall hear and consider the employee's application;

- (2) The Board cannot require that an employee resign or be separated by the Town as a condition of applying for disability retirement;

- (3) In the event the Town offers work to an officer who is claiming disability retirement, the officer may still request that the Pension Board consider whether the officer nevertheless qualifies as being disabled.
- (4) No employee may receive a disability benefit and also be an employee of the Town.

Section 5: Section 9.1 of the Town of Davie Police Pension Plan is hereby amended to read as follows:

9.1 Allocation of Fiduciary Responsibilities. The Plan fiduciaries will have the powers and duties described below, and may delegate their non-discretionary duties.

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(b) The Board.

(1) Appointment and Termination of Office. The Board will consist of the following five individuals:

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(B) Two sworn police officers, each of whom will be elected by a majority of the police officers who participate in this Plan, and will serve a two year term unless he leaves Employment within that period. The Union shall administer the elections of employee representatives as trustees on the Pension Board, and

Section 6: Section 4.3.1 of the Town of Davie Police Pension Plan is hereby amended to read as follows:

4.3 Deferred Retirement Option Plan. Subject to Federal and State Laws, participants may elect a Deferred Retirement Option Plan as described below. This option is made part of the plan.

4.3.1 Eligibility.

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(d) Members may enter the Deferred Retirement Option Plan (DROP) within five (5) years after reaching their Normal Retirement date. In no event can the total of the sum of years of creditable service and years of DROP participation exceed 25 years for a member who enters the DROP.

Section 7: Section 1.7 of the Town of Davie Police Pension Plan is hereby amended to read as follows:

1.7 Compensation.

(a) For Accrued Benefit and Nondiscrimination Testing, compensation shall mean the Participant's base salary, assignment and longevity pay received from the Town for each Plan Year. It includes any elective deferrals under any Code Section 457 Plan and excludes all other forms of direct or indirect compensation. Longevity pay is earned uniformly throughout the Plan Year and will be credited for the payroll period in which it is earned regardless of the date when it is paid.

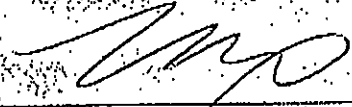
Section 8: If any clause, section, or other part or application of this Ordinance shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

Section 9: All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

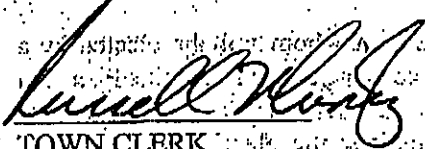
Section 10: This Ordinance shall become effective immediately upon adoption, provided that the provisions of this Ordinance shall have been approved by the State.

PASSED ON FIRST READING THIS 15<sup>th</sup> DAY OF June, 2005

PASSED ON SECOND AND FINAL READING THIS 6<sup>th</sup> DAY OF July, 2005

  
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MAYOR/COUNCILMEMBER

ATTEST:

  
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TOWN CLERK

APPROVED THIS 6<sup>th</sup> DAY OF July, 2005