

ORDINANCE NO. 2958

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE IV, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1, DEFINITIONS BY AMENDING THE DEFINITION OF "AVERAGE FINAL COMPENSATION" AND "SALARY"; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA;

SECTION 1: That Part 1, Charter and Related Laws, Subpart B, Related Laws, Article IV, Police Officers' Retirement System, of the Code of Ordinances of the City of Bradenton, Florida, is hereby amended by amending Section 1, Definitions by amending the definitions of "*Average final compensation*" and "*Salary*", to read as follows:

* * *

Average final compensation:

(a) For members hired prior to June 1, 2013 means one-twelfth (1/12) of the average salary of the:

- (a) (1) Two (2) best years for members with twenty (20) or more years of credited service; or
- (b) (2) Three (3) best years for members with less than twenty (20) years of credited service, but with at least ten (10) years of credited service; or
- (c) (3) Five (5) best years for members with five (5) or more years of credited service, but less than ten (10) years of credited service.

(b) For members hired on or after June 1, 2013 means one-twelfth (1/12) of the average salary of the five (5) best years of credited service.

For members with less than five (5) years of credited service, average final compensation shall mean the average salary of all months of credited service. A year shall be twelve (12) consecutive months.

* * *

Salary means the total compensation for services rendered to the city as a police officer, reportable on the member's W-2 form plus all tax-deferred, tax-sheltered or tax-exempt items of income derived from elective employee payroll deductions or salary reductions. Compensation in excess of the limitations set forth in § 401(a)(17) of the Code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit

calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed \$200,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B). Compensation means compensation during the fiscal year. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

As of June 30, 2013, the Bradenton Police Retirement System Board of Trustees shall assign each employee a maximum pensionable unused sick/vacation payout. This amount shall be obtained using the following formula: member's current hourly rate times current vacation leave balance plus member's current hourly rate times one half (1/2) current sick leave balance. This shall determine the maximum amount of payment for unused leave that shall be considered pensionable upon the employees' retirement. The pension board shall distribute each member's calculated maximum pensionable unused sick/vacation payout to each member and to the City for record keeping. For service earned after June 30, 2013, salary shall not include more than three hundred (300) hours of overtime per calendar year. Provided however, in any event, payments for overtime in excess of three hundred (300) hours per year accrued as of June 30, 2013 and attributable to service earned prior to the June 30, 2013, may still be included in salary for pension purposes even if the payment is not actually made until on or after June 30, 2013.

* * *

SECTION 2: That Part 1, Charter and Related Laws, Subpart B, Related Laws, Article IV, Police Officers' Retirement System, of the Code of Ordinances of the City of Bradenton, Florida, is hereby amended by amending Section 6, Benefit amounts and eligibility, subsections (1) *Normal retirement date*, (2) *Normal retirement benefit*, and (5) *Cost-of-living allowance*, to read as follows:

Sec. 6. Benefit amounts and eligibility.

(1) *Normal retirement date.* A member's normal retirement date who was hired prior to June 1, 2013 shall be the first day of the month coincident with or the next following the earlier of the attainment of age forty-five (45) and the completion of twenty (20) years of credited service or the attainment of age fifty-five (55) and the completion of ten (10) years of credited service. A member's normal retirement date who was hired on or after June 1, 2013 shall be the earlier of the the attainment of age fifty (50) and the completion of twenty-five (25) years of credited service or the attainment of age fifty-five (55) and the completion of ten (10) years of credited service. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become {one hundred percent (100%)} vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the city on or after the normal retirement date.

(2) *Normal retirement benefit.* A member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during the member's lifetime. Upon the death of a member retired or eligible for retirement (see section 7), the member's spouse, if any, shall receive the same benefit the member was receiving or could

have been receiving immediately prior to his death, plus twenty dollars (\$20.00) for each of the member's issue. The monthly payments to the spouse shall cease upon the death or remarriage of the spouse. The monthly retirement benefit for members hired prior to June 1, 2013 shall equal three percent (3%) of average final compensation for each year of credited service. The monthly retirement benefit for members hired on or after June 30, 2013 shall equal two and one half percent (2.5%) of average final compensation for each year of credited service. In addition, members who retire with twenty (20) or more years of credited service shall receive an additional monthly amount equal to ten dollars (\$10.00) for each year of credited service.

* * *

- (5) *Cost-of-living allowance:*
- (a) The board shall, in addition to the above payments, pay to those members or their surviving spouse, if any, who retired prior to December 27, 1989, and who are receiving a normal retirement benefit or an on-duty disability benefit, the sum of one thousand dollars (\$1,000.00), payable on the first day of November of each year.
- (b) The monthly benefits being received by all normal retirees who retire with at least twenty (20) years of credited service or on-duty disability retirees and their surviving spouses who are receiving benefits attributable to such members who were actively employed by the police department on or after December 27, 1989, and retired prior to the adoption of subsection (5)(c), below shall be increased each year on January 1 in accordance with a cost-of-living increase in that monthly benefit equal to one-half of the yearly cost-of-living increase (U.S. Bureau of Labor Statistics, Consumer Price Index (1967)) or four percent (4%), whichever is less. These retirees and surviving spouses shall not receive the increase provided for in subsection (5)(c), below.
- (c) As of July 8, 2008, the monthly benefits being received by all future normal retirees who retire with at least twenty (20) years of credited service and on-duty disability retirees and their surviving spouses who are receiving benefits attributable to such members, shall be increased each year on January 1, if hired prior to June 1, 2013 or if hired on or after June 1, 2013 beginning at age fifty-five (55) and ending at age sixty-five (65), in accordance with a cost-of-living increase in the monthly benefit equal to two and seventy-one hundredths percent (2.71%) as a yearly cost-of-living increase. If the Chapter 185 revenue falls below the base amount, then the cost-of-living allowance will be reduced below two and seventy-one hundredths percent (2.71%) to offset the deficit. The reduced cost-of-living allowance will be determined by the plan actuary so that payment of the cost-of-living allowance results in no increase in cost to the city or to police officers. The deficit may first be offset by any Chapter 185 revenue that is in reserve. When the Chapter 185 revenue returns to the base amount, the cost-of-living allowance will increase back to two and seventy-one hundredths percent (2.71%).

* * *

SECTION 3: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

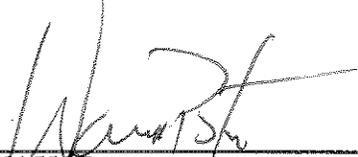
SECTION 4: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Bradenton.

SECTION 5: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6: That this Ordinance shall become effective upon adoption.

FIRST READING, this 12th day of February, 2014.

PASSED AND ADOPTED ON SECOND READING, this 26th day of February, 2014.



MAYOR

ATTEST:



CITY CLERK



Approved as to form:



CITY ATTORNEY