

**2003-1338-E**

1 Introduced by the Police and Fire Pension Fund Board of Trustees:

3  
4 **ORDINANCE 2003-1338-E**

5 AN ORDINANCE CONCERNING THE POLICE AND FIRE PENSION  
6 PLAN; REPEALING SECTION 121.201(d), ORDINANCE CODE;  
7 CREATING NEW SECTION 121.201 (d); PROVIDING A  
8 SAVINGS CLAUSE; AUTHORIZING THE MAYOR AND  
9 CORPORATION SECRETARY TO EXECUTE A SECOND AMENDMENT  
10 TO THE RESTATED AGREEMENT BETWEEN THE CITY OF  
11 JACKSONVILLE AND THE JACKSONVILLE POLICE AND FIRE  
12 PENSION BOARD OF TRUSTEES; AND PROVIDING AN  
13 EFFECTIVE DATE.

14  
15 WHEREAS, Ordinance 2003-573-E enacted by the City Council  
16 on June 24<sup>th</sup>, 2003, provided an increased pension supplement for  
17 certain retirees and beneficiaries of the City of Jacksonville  
18 effective with the first full biweekly pay period after October  
19 1, 2003; and

20 WHEREAS, retirees of the Police and Fire Pension Plan were  
21 not included in the legislation; and

22 WHEREAS, pursuant to the Restated Agreement between the  
23 City of Jacksonville and the Jacksonville Police and Fire  
24 Pension Board of Trustees dated March 5, 2001, as amended by the  
25 First Amendment dated May 21, 2003, and as approved by  
26 Ordinances 2000-1164-E and 2003-303-E, respectively, the City  
27 agreed that effective April 1, 2000, the COLA described in  
28 section 121.201(d), Ordinance Code, was an immediate benefit and  
29 was fixed at three percent; consequently, Police and Fire  
30 retirees no longer had to wait the five year period required by  
31 the current version of section 121.201(d)(1) before receiving  
32 the COLA; now therefore,

33 **BE IT ORDAINED** by the Council of the City of Jacksonville:

1 Section 1. Subsection 121.201(d) is repealed in its entirety,  
2 and new subsection 121.201(d) is enacted to read as follows:

3 Sec. 121.201. Retirement Benefits.

4 \*\*\*

5 (d) Cost of living Adjustments.

6 (1) A Cost of Living Adjustment (COLA) based on each  
7 prior annual benefit amount actually received (exclusive of onetime  
8 bonuses or adjustments) shall be provided for retirees and  
9 survivors. Beginning with the first full biweekly pay period after  
10 April 1, 2000, and for the first full biweekly pay period after  
11 each succeeding April 1, the recipient shall be granted a COLA in  
12 the amount of three (3) percent.

13 (2) In addition to the COLA, a minimum adjustment  
14 supplement of five (5) dollars per month for each year of actual  
15 credited service of the participant used to compute the pension  
16 benefit shall be provided for current and future retirees and their  
17 survivors, and it shall be paid beginning with the first full  
18 biweekly pay period after October 1, 2003, and continuously  
19 thereafter; provided however that such supplement shall be no less  
20 than twenty-five (25) dollars nor more than one hundred and fifty  
21 (150) dollars per month. The adjustment supplement described  
22 herein shall be based upon the member's actual years of service  
23 rather than imputed years of service, which is used for purposes of  
24 calculating pension benefits under the disability retirement  
25 provisions of section 121.201(b) and the surviving spouse provision  
26 of section 121.204(a), and becomes operative in the event of the  
27 disability or death of a member, respectively. The Mayor shall  
28 annually, each January, evaluate the annual cost of the  
29 foregoing adjustment supplement by comparing it to the City's  
30 annual cost to provide single employee group health insurance.  
31 In the event that the City's cost to provide such health

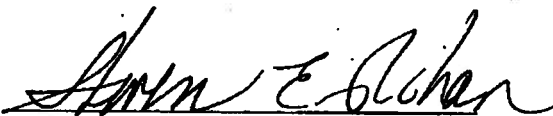
1 insurance per employee is less than the amount of such  
2 supplement per retiree, then the supplement shall be reduced to  
3 the amount of the insurance cost.

4 Section 2. Savings Clause. Any Ordinance or part of any  
5 Ordinance in conflict with the provisions hereof is repealed to the  
6 extent of the conflict and should any part of this Ordinance be  
7 held invalid by a Court of competent jurisdiction, the remainder of  
8 this Ordinance shall continue in full force and effect and it shall  
9 be presumed that this Ordinance was adopted without the invalid  
10 provisions.

11 Section 3. The Mayor and Corporation Secretary are  
12 authorized to execute on behalf of the City of Jacksonville a  
13 Second Amendment to the Restated Agreement between the City of  
14 Jacksonville and the Jacksonville Police and Fire Pension Board of  
15 Trustees, in substantially the form attached hereto as Revised  
16 Exhibit 1 and made a part hereof.

17 Section 4. This ordinance shall become effective upon  
18 signature by the Mayor or upon becoming effective without the  
19 Mayor's signature.

20  
21 Form Approved:

22 

23  
24 Office of General Counsel

25 Legislation Prepared by: John Keane, Executive Director -  
26 Administrator, Police and Fire Pension Fund

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**SECOND AMENDMENT TO THE RESTATED AGREEMENT BETWEEN  
THE CITY OF JACKSONVILLE AND  
THE JACKSONVILLE POLICE AND FIRE PENSION BOARD OF TRUSTEES**

THIS SECOND AMENDMENT to the Restated Agreement made and entered into in duplicate this \_\_\_\_ day of \_\_\_\_\_, 2004, by and between and among the City of Jacksonville and the Jacksonville Police and Fire Pension Board of Trustees.

**W I T N E S S E T H:**

WHEREAS, on February 13, 2001, the City Council enacted Ordinance 2000-1164-E, which among other things, authorized the execution of the Restated Agreement which was attached to Ordinance 2000-1164-E as Exhibit A; and

WHEREAS, on April 8, 2003, the City Council enacted Ordinance 2003-303-E, which among other things, authorized the execution of the First Amendment to the Restated Agreement which was attached to Ordinance 2003-303-E as Exhibit A; and

WHEREAS, the parties wish to further amend the Restated Agreement to provide for the conversion of Temporary Commitments of Chapter Funds to a Supplemental Commitment of Chapter Funds, to describe reporting obligations, and to expand the definition of Base Benefits, and Ordinance 2003-1338 has been approved in support of this purpose.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree to undertake the enactment of amendments described as follows:

Section 1. Paragraph 1 of Article I is amended to include a modification to definition (w) and a new definition (ff) to read as follows:

(w). Post Retirement Enhancement - Enhanced benefit, in the nature of a biennial retiree bonus, and which may be adopted by the Board, and funded from the Enhanced Benefit

Account.

\* \* \*

(ff). **Supplemental Commitment of Chapter Funds** - The supplemental portion of Chapter Funds (above a level in excess of an amount equivalent to 3.35% of Valuation Payroll) that has been supplementally committed for remittance to the Base Benefits Fund at a value not to exceed an amount equivalent to one percent (1%) of Valuation Payroll.

Section 2. Paragraph 8(D) of Article VI is amended to read as follows:

D. Any Chapter Funds received by the Fund subsequent to March 31, 2000, at a level in excess of an amount equivalent to 3.35% of Valuation Payroll shall be made available for designation as Temporary Commitments of Chapter Funds in an amount not to exceed a value equivalent to one percent (1%) of Valuation Payroll through the period ended September 30, 2003. Beginning October 1, 2003, such Temporary Commitments of Chapter Funds shall be converted to a Supplemental Commitment of Chapter Funds in an amount not to exceed a value equivalent to one percent (1%) of Valuation Payroll, with such amount being committed to the Base Benefits Fund, and acknowledged as an element of the consideration offered by the Trustees in securing the benefits reflected in Ordinance 2003-1338. Any such residual Chapter Funds remaining thereafter are designated as Uncommitted Chapter Funds with such uncommitted amounts earmarked for remittance to the Enhanced Benefits Account.

Section 3. Paragraph 11(j) of Article VII is amended to read as follows:

(j) It is agreed that Base Benefits shall be amended to include the following categories of benefits for period subsequent to March 31, 2000:

1. Twenty (20) year retirement element of Ordinance 91-1017-605

2. Immediate COLA Benefit
3. DROP element of Ordinance 97-1103-E
4. Modifications to the benefit formula increasing the rate of accrual from 2.8% to 3% per year of service for the first 20 years of service, with 2% thereafter to a maximum of 80% at 30 years of service rather than 32 years and re-establishing the accrual rate for vested retirement benefits at 3% (for implementation effective April 1, 2001).
5. Modifications to the benefit formula increasing the adjustment supplement from \$3 to \$5 per month for each year of actual pension service and providing for the simultaneous payment of the adjustment supplement and the COLA (for implementation on the first full payroll after October 1, 2003).

Section 4. Paragraph 28 of Article X is amended to read as follows:

28. Cooperation. The parties agree to make available to each other on a continuing basis, all information that is necessary to insure the success of this Agreement and to avoid the creation of any further disputes, to execute any and all documents necessary to fulfill the terms of this Agreement, and to work harmoniously to enforce the provisions of this Agreement, and all pension ordinances and statutes, and to avoid obstruction of either party's rights under the law or this Agreement. The parties further agree to harmoniously recodify existing police and fire pension ordinances consistent with the intent of this Agreement and existing practice.

Both the City and the Board hereby covenant and agree that they shall neither take any action nor fail to take any action, nor, to the extent that they may do so, permit any person to take any action which, if either taken or not taken, would adversely affect the terms of this Agreement.

The parties recognize the City's interest in obtaining various forms of actuarial and other financial data that would allow the City to properly assess the financial and actuarial condition of the Fund, including the calculation of the unfunded actuarial accrued liability, revised required contribution rates and the balance of reserve funds on a timely basis. Such data is generally reflected in the annual GASB reports prepared by the Plan Actuary, the annual independent audit report, and the Actuarial Valuation that is periodically prepared by the Plan Actuary. In addressing the City's need for timely information, the Board commits to the provision of such reports no later than January 15<sup>th</sup> of the year following the September 30<sup>th</sup> as of date from such reports. For reports covering the period ending September 30, 2003, the due date of such reports shall be April 1, 2004.

SAVE AND EXCEPT as expressly amended herein, the terms and conditions of the Restated Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, The authorized representative of the parties have affixed their signatures on the day and year first above written.

ATTEST:

By: \_\_\_\_\_

CITY OF JACKSONVILLE

By: \_\_\_\_\_

John Peyton, Mayor

ATTEST:

By: \_\_\_\_\_

John Keane, Executive Director -  
Administrator

JACKSONVILLE POLICE AND FIRE  
PENSION FUND BOARD OF TRUSTEES

By: \_\_\_\_\_

Hastings Williams Jr., Chairman

By: \_\_\_\_\_

Bobby L. Deal, Secretary

REVISED  
EXHIBIT 1  
Page 4 of 4



DATE OCT 14 2003 FIRST READING ITEM # \_\_\_\_\_

REPORT OF COMMITTEE ON:	RECOMMENDATION	VOTE
_____	_____	_____
_____	_____	_____

REFERRED TO: (1) Finance (3) \_\_\_\_\_  
(2) \_\_\_\_\_ (4) \_\_\_\_\_

DECLARE EMERGENCY. MOTION BY C/M \_\_\_\_\_ ( ) CARRIED ( ) FAILED

DATE OCT 28 2003 SECOND READING ITEM # 210

REPORT OF COMMITTEE ON:	RECOMMENDATION	VOTE
<u>F</u>	<u>READ 2nd TIME &amp; RE-REFER</u>	_____
<u>PH OPENED</u>	<u>PH CLOSED</u>	_____
_____	_____	_____

RE-REFERRED TO THE COMMITTEE(S) ON F

DECLARE EMERGENCY. MOTION BY C/M \_\_\_\_\_ ( ) CARRIED ( ) FAILED

DATE NOV 25 2003 THIRD READING ITEM # 123

REPORT OF COMMITTEE ON:	RECOMMENDATION	Item #	VOTE
<u>F</u> <u>MAR - 9 2004</u>	<u>Enact</u>	<u>104</u>	<u>7-0</u>
<u>Com Daniels</u>	<u>Refer F</u>	_____	_____
<u>F</u>	<u>Amend/ENACT</u>	_____	<u>5-0</u>

Com Hyle amend(2)

ENACTED AMENDED (2)  
ORDINANCE # 2003-1338-E

LIST COUNCIL PUBLIC HEARINGS (List Chapt. 166, F.S. & CR 3.601 first) HELD: 10/28/03

LIST COMMITTEE PUBLIC HEARINGS HELD:

BT # \_\_\_\_\_ C/M \_\_\_\_\_ BT# \_\_\_\_\_ RC # \_\_\_\_\_

PLANNING COMMISSION \_\_\_\_\_ PLANNING DEPARTMENT \_\_\_\_\_

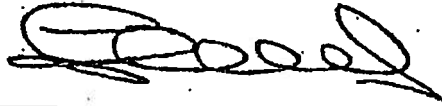
MAP # \_\_\_\_\_ BCAB \_\_\_\_\_

ORDINANCE 2003-1338-E

CERTIFICATE OF AUTHENTICATION

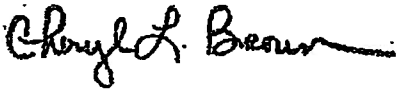
ENACTED BY THE COUNCIL

MARCH 9, 2004



LAD DANIELS  
COUNCIL PRESIDENT

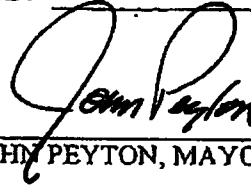
ATTEST:



CHERYL L. BROWN  
COUNCIL SECRETARY

APPROVED:

MAR 12 2004



JOHN PEYTON, MAYOR



Jacksonville City Council

Regular Session

03-1338

RCS# 2745  
3/09/2004  
9:40 PM

Amend(2)-Approve

Yea: 18      Nay: 0      Abs 0      Not Voting: 0      Excused: 1      PASSED

Yea: 18

Pres. Daniels	Fullwood	Johnson	Self
Alvarez	Graham	Jones	Shad
Copeland	Holland	L-Felder	Yates
Corrigan	Hyde	Ray	
Davis	Jenkins	Rustin	

Nay: 0

Abs 0

Not Voting: 0

Excused: 1

Brown

*Amended(2)*

*Ord. # 2003-1338-E*