

ORDINANCE NO. 2011-03

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE V, "PENSION AND CERTAIN OTHER BENEFITS FOR FIRE AND POLICE EMPLOYEES," OF THE VILLAGE CODE OF ORDINANCES TO REMOVE THE DECREASE IN THE COST OF LIVING ADJUSTMENT; AMENDING SECTION 2-161, "BENEFIT;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the North Palm Beach Fire and Police Retirement Fund ("Fund") has proposed an amendment to the Plan to eliminate a decrease in a participant's benefits based on a decrease in the Consumer Price Index; and

WHEREAS, the Village has obtained waivers of collective bargaining from the bargaining units representing the impacted members, namely, the Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc. ("IAFF") and the Police Benevolent Association of Palm Beach County, Inc. ("PBA"); and

WHEREAS, the Village Council determines that the adoption of this Ordinance is the best interests of the public health, safety and welfare of the residents and citizens of the Village of North Palm Beach.

NOW, THEREFORE, BE IT ORDAINED, BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing "whereas" clauses are hereby ratified as true and are incorporated herein.

Section 2. The Village Council hereby Amends Article V, "Pension and Certain Other Benefits for Police and Fire Employees," of Chapter 2, "Administration," of the Village Code of Ordinances by amending Section 2-161 to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 2-161. Benefit amounts.

* * *

(g) *Cost of Living Adjustment.* The amount of pension benefit will be increased ~~or decreased~~ in accordance with the changes in the consumer index (CPI-W U.S.) published by the U.S. Bureau of Labor Statistics. Adjustments of pension payments will be made on October 1 of each year reflecting the change in the consumer price index over the twelve-month period ending April 1. The maximum increase ~~or decrease~~ in the pension benefit for any one (1) year is three (3) percent. ~~However, the member's pension benefit can never be reduced below the amount the member received at date of retirement.~~ Such adjustments shall apply to each retirement, survivor or disability benefit in pay status as of each October 1.

If there is a decrease in the CPI-W U.S. over the twelve month period ending April 1, then the amount of the pension benefit will not increase again until there is an increase in that index beyond the prior high level of the CPI-W U.S. The prior high level of the CPI-W U.S. is the high water mark for purposes of future cost of living increases. After a decrease in the CPI-W U.S., there is no future cost of living increase until the index exceeds the most recent high water mark.

Section 3. The provisions of this Ordinance shall become and be made a part of the Code of the Village of North Palm Beach, Florida.

Section 4. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 5. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall take effect immediately upon adoption.

PLACED ON FIRST READING THIS 27th DAY OF JANUARY, 2011.

PLACED ON SECOND, FINAL READING AND PASSED THIS 10th DAY OF FEBRUARY, 2011.

(Village Seal)


MAYOR

ATTEST:


VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

VILLAGE ATTORNEY