

ORDINANCE 1521

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION AND ELECTIONS, ARTICLE III, OFFICERS AND EMPLOYEES, DIVISION 3, PENSIONS AND RETIREMENT, SUBDIVISION IV, FIREFIGHTERS OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE TERRACE; AMENDING SECTION 2-198, DEFINITIONS; AMENDING SECTION 2-200, BOARD OF TRUSTEES; AMENDING SECTION 2-201, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; AMENDING SECTION 2-205, DEFERRED RETIREMENT OPTION PROGRAM (DROP); AMENDING SECTION 2-205.1, SHARE ACCOUNT; AMENDING SECTION 2-207, DISABILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Temple Terrace has created a retirement system for the Firefighters employed by the City to provide pension, death, and disability benefits; and

WHEREAS, the Board of Trustees ("Board") of the City of Temple Terrace Firefighters Retirement System ("System") recommends certain changes to the Pension Plan document to comply with state law, strengthen the administration, and clarify certain provisions; and

WHEREAS, the Board has determined that these changes are in the best interest of the members and beneficiaries of the System; and

WHEREAS, the City Council desires to make these changes to the City Code;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA:

SECTION 1: That the Code of Ordinances of the City of Temple Terrace, Chapter 2, Administration and Elections, Article III, Officers and Employees, Division 3, Pensions and Retirement, Subdivision IV, Firefighters, Section 2-198, Definitions, *Average Final Compensation* be hereby amended as follows (underline indicates an addition, strikethrough indicates deletion):

Sec. 2-198. - Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Average final compensation means the average of the four (4) highest calendar years of compensation or salary for credited service of the last ten (10) calendar years prior to retirement, termination or death. The amount of vacation payoff shall not be included in one of the four (4)

highest calendar years of compensation but shall be added to such before dividing by forty-eight (48) to obtain the average final monthly compensation, provided however after October 8, 2011, the maximum amount of vacation payoff that may be included shall be the amount of accrued unused vacation leave as of October 8, 2011. For in-line-of-duty disability benefits, if less than four (4) years of credited service have been completed, the term "average final compensation" means the average annual compensation of the total number of years of credited service. Each year used in the calculation of average final compensation shall commence on January 1. When the last calendar year prior to retirement, termination, or death does not constitute a full calendar year, such partial calendar year may be used in connection with part of another calendar year, pursuant to written rules adopted by the board of trustees. Notwithstanding the maximum amount set forth in section 2-207(a) and (b), for firefighters who separate from employment or who enter DROP, whichever comes first, on or after September 1, 2011, the maximum amount shall be ninety (90) percent of his average final compensation; provided, however, a firefighter who has completed forty-five (45) years of credited service shall receive an additional two and seventy-five hundredths (2.75) percent per year of credited service for each year in excess of forty-five (45) years.

SECTION 2: That the Code of Ordinances of the City of Temple Terrace, Chapter 2, Administration and Elections, Article III, Officers and Employees, Division 3, Pensions and Retirement, Subdivision IV, Firefighters, Section 2-200. – Board of Trustees be hereby amended at subsection (a) as follows:

Sec. 2-200. – Board of trustees.

(a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this article are hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the municipality, who shall be appointed by the city council; and two (2) of whom shall be full-time firefighter members of the system, who shall be elected by a majority of the firefighters who are members of the system. The fifth trustee shall be chosen for a four ~~two~~-year term by a majority of the previous four (4) trustees as provided for herein, and such person's name shall be submitted to the city council. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board of trustees as its trustee. The fifth trustee shall have the same rights as each of the other four (4) trustees appointed or elected as herein provided and shall serve a four ~~two~~-year term unless the office is sooner vacated and reappointed or reelected a trustee. Each resident shall serve as trustee for a period of four ~~two~~ (2) years, unless sooner replaced by the city council at whose pleasure the trustee shall serve, and be reappointed or reelected a trustee. Each firefighter trustee shall serve as trustee for a period of four ~~two~~ (2) years, unless the trustee sooner retires, leaves employment as a firefighter with the city, enters DROP, or otherwise vacates office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each firefighter may reappointed or reelected a trustee. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

SECTION 3: That the Code of Ordinances of the City of Temple Terrace, Chapter 2, Administration and Elections, Article III, Officers and Employees, Division 3, Pensions and Retirement,

Subdivision IV, Firefighters, Section 2-201, Finances and fund management; establishment and operation of fund, subsections (f)(2) and (3) ~~be is~~ hereby amended as follows:

Sec. 2-201. - Finances and fund management; establishment and operation of fund.

(f) The board shall have the following investment powers and authority:

~~(2) The investment of the assets of the fund shall be subject to the limitations and conditions set forth in F.S. § 215.47(1) — (6), (8), (9), (11), and (17), except as prohibited in subsection (f)(4) of this section.~~ The board shall have the power and authority to invest and reinvest the moneys of the system and to hold, purchase, sell, assign, transfer, and dispose of any securities and investments held in the system, including the power and authority to employ counseling or investment management services. The aim of the investment policies shall be to preserve the integrity and security of the system principal, to maintain a balanced investment portfolio, to maintain and enhance the value of the system principal, and to secure the maximum total return on investments that is consonant with safety of principal, provided that such investments and reinvestments shall be limited only by the investments permitted by the investment policy guidelines adopted by the Board. Notwithstanding the foregoing, investments are limited in accordance with the provisions of paragraph (4) below. The Board members must discharge these duties with respect to the Plan solely in the interest of the participants and beneficiaries and:

- a. For the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the system;
- b. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and
- c. By diversifying the investments of the Plan so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

(3) Pursuant to F.S. § 112.661, the board shall adopt a written investment policy.

(4) Investment activity in the following is prohibited:

- a. Short sales, margin purchases and borrowing.
- b. Private placements and other restricted securities.
- c. Commodities.
- d. Puts, calls, straddles and hedging.
- e. Warrants and other options, except as part of the purchase of another security.
- f. Municipal and county bonds.
- g. More than twenty-five (25) percent of the fund's assets in foreign securities on a market-value basis.

SECTION 4: That the Code of Ordinances of the City of Temple Terrace, Chapter 2, Administration and Elections, Article III, Officers and Employees, Division 3, Pensions and Retirement, Subdivision IV, Firefighters, Section 2-205, Deferred retirement option program (DROP)., subsection (c)(2), be hereby amended as follows:

Sec. 2-205. - Deferred retirement option program (DROP).

(c) Funding.

(2) **Accumulation of DROP benefit** ~~Transfers from retirement.~~

a. As of the first day of each month of a firefighter's period of participation in the DROP, the monthly retirement benefit which would have been received under the firefighters' pension trust fund had the firefighter terminated employment as a firefighter and elected to receive monthly benefit payments thereunder shall be credited to a DROP account. A firefighter's period of participation in the DROP shall be determined in accordance with the provisions of subsections (b) (3) and (4) of this section, but in no event shall it continue past the date of termination as a firefighter.

b. Except as otherwise provided in subsection (b)(4)b of this section, amounts credited to a firefighter's DROP account under this subsection (c)(2) of this section shall be credited or debited with interest as follows:

1. After each fiscal year quarter, the average daily balance in a firefighter's deferred retirement option account shall be credited with the flat interest rate or credited or debited at a rate equal to the actual net rate of investment return realized by the firefighters' pension trust fund for that quarter, as previously elected by the firefighter. Net investment return for the purpose of this subsection is the total return of the assets in which the firefighter's DROP account is invested by the board net of brokerage commissions, management fees and transaction costs.

2. A firefighter's DROP account shall only be credited or debited with earnings while the firefighter is a participant in the DROP.

SECTION 5: That the Code of Ordinances of the City of Temple Terrace, Chapter 2, Administration and Elections, Article III, Officers and Employees, Division 3, Pensions and Retirement, Subdivision IV, Firefighters, Section 2-205.1, Share account, subsection (e) be hereby amended as follows:

Sec. 2-205.1. - Share account.

(e) **As soon as administratively practicable following retirement, a member shall receive their share as determined in (d) balance as determined in (d) in the DROP account by direct rollover or in a cash lump sum, or a combination of both.** ~~The~~

~~member's share is payable at retirement in a lump sum of the entire balance, which can be rolled over.~~

SECTION 6: That the Code of Ordinances of the City of Temple Terrace, Chapter 2, Administration and Elections, Article III, Officers and Employees, Division 3, Pensions and Retirement, Subdivision IV, Firefighters, Section 2-207, Disability., subsection (f) be hereby amended as follows:

Sec. 2-207. - Disability.

- (f) *Application for disability payments.* A member who separates from employment as a firefighter with the city fire department shall not be eligible for disability benefits unless the member files a complete application for disability benefits on the required form **before termination of employment.** ~~within sixty (60) calendar days of the date of separation.~~ **Terminated persons, either vested or non-vested, are not eligible for disability benefits, except that those terminated by the city for medical reasons may apply for a disability within 30 days after termination.** A member who has filed a complete application for disability benefits on the required form **and** who thereafter separates from employment (either voluntarily or involuntarily) may continue to seek disability benefits, and, if eligible, may start receipt of normal or early retirement benefits. If, at a later date, the member is determined by the board of trustees to be eligible for disability benefits, such disability benefits shall be paid retroactive to the first day of the month following the last day the member works prior to retiring or separating from employment. A member, who files an application for disability benefits who is determined by the board of trustees not to be totally and permanently disabled who does not separate from employment as a firefighter, may reapply for disability benefits only if there has been a change of circumstances. Change of circumstances may include, but is not limited to, additional injury or injuries, additional diagnostic test or tests, or application of disability benefits based on another medical condition. Any final order of the board of trustees in connection with an application for disability benefits shall be subject to review by way of filing a timely petition for writ of certiorari in the Thirteenth Judicial Circuit in and for the county **of Hillsborough.** The board of trustees does not grant a rehearing in connection with any final order entered by the board of trustees, unless ordered by the court.

SECTION 7: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Temple Terrace.

SECTION 8: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 9: If any section, subsection, sentence, clause, or 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 sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 10: That this Ordinance shall become effective upon its adoption.

PASSED ON FIRST READING, THIS 18TH DAY OF JANUARY 2022.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE,
FLORIDA, THIS 18TH DAY OF JANUARY 2022.**

(Corporate Seal)



X 

Andrew Ross, Mayor
Chair of the City Council
Signed by: City Clerk

Attest:

X 

Cheryl A. Mooney
City Clerk
Signed by: City Clerk

Approved As To Form & Content:

X 

Pamela Cichon
City Attorney
Signed by: City Clerk