

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 46, SECTION 323 THE POLICE AND FIRE PENSION PLAN TO PROVIDE FOR TERMS REGARDING REEMPLOYMENT OF POLICE OFFICERS AS FIREFIGHTERS, AND REEMPLOYMENT OF FIREFIGHTERS AS POLICE OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Police Officers' and Firefighters' Retirement Plan has recommended passage of this Ordinance; and

WHEREAS, the City of Key West and the respective police and firefighter unions have entered into a letter of understanding regarding revisions to the Retirement Plan; and

WHEREAS, the City Commission finds that this ordinance will best serve the interest of the citizens of Key West.

NOW, THEREFORE, BE IT ORDAINED by the City of Key West, Florida:

Section 1: That Section 46-323 of the Code of Ordinances is hereby amended to read as follows*:

Sec. 46-323. Buybacks/reemployment.

- (a) Any member of the plan who is employed by the city prior to entry into military service and who takes a leave of absence for the purpose of entering into military service in the armed forces of the United States and thereafter reenters the employ of the city, within one year from the date of his release from active service shall have up to five years of credited service added to his years of actual credited service with the city, at no cost to the member. The amount of credit to be added shall coincide with the member's actual time served in the military.

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

- (b) A member who is receiving or will receive a pension benefit for military service in any other pension plan supported by public funds may not use that service for this pension plan. A member who is receiving or will receive any other pension in which time served in the military was used by the employee in that other pension plan shall not be eligible for military buyback as provided in this section.
- (c) Reemployment by the city, other than as a full-time civil servant, shall not affect receipt of benefits from the plan. If a retiree is reemployed as a full-time civil service employee in a position covered by this plan, receipt of benefits shall be suspended for the period of reemployment. Upon ending the period of reemployment, benefits shall be recommenced, taking into account any additional credited service or change in final monthly compensation. Notwithstanding the foregoing, if a police officer member retires from the plan, and is subsequently reemployed as a firefighter, or if a firefighter retires from the plan, and is subsequently reemployed as a police officer, the reemployed member may continue to receive their retirement benefit from the plan, and shall be enrolled in the plan as a newly hired member.
- (d) Effective October 1, 2004, police officer members who have completed at least seventeen (17) years of service, but no more than twenty (20) years of service may purchase an increase to the benefit multiplier to achieve a normal retirement benefit not to exceed sixty (60%) percent of his or her final monthly compensation. The police officer member must tender the entire actuarial cost of the benefit as determined by the actuary for the plan. Any benefit purchased under this subsection must, when added to the member's other accrued benefit, qualify the member for normal retirement eligibility. Additionally, in order to participate in the voluntary early retirement program created in this section, a member must agree to retire from the Plan and separate from service with the City at the time the service purchase is completed. Any member purchasing service under this subsection may not enter the DROP. The cost for participation under this subsection must be made in one lump sum. This subsection will expire on October 1, 2007, unless otherwise reenacted by the City Commission.

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Section 2: It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Key West, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 3: 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 4: All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: This Ordinance shall take effect upon passage.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2011.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2011.

Authenticated by the presiding officer and the Clerk of the
Commission on this _____ day of _____, 2011.

Filed with the Clerk on this _____ day of _____, 2011.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK