MEMORANDUM

Date: December 4, 2012

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Resolution 2013-04, Expressing Town Commission Support for Police and Firefighter Pension Reform

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At the December 10, 2012, Regular Workshop Meeting, the Town Commission forwarded Resolution 2013-04 to the January 7, 2013, Regular Meeting for formal action.

The Florida League of Cities has submitted a "Pension Reform Kit" supporting legislative reforms to the State mandated pension benefits for municipal police officers and firefighters pension benefits.

The documentation included in the kit encourages local municipal governments to consider passing a Resolution in support of meaningful pension reform during the upcoming 2013 Legislative Session relating to Florida Statutes Chapters 175 and 185 which mandate specific benefits for police officers and firefighters pensions and disability presumptions.

Resolution 2013-04 addresses many of the concerns the Town has, as well as other municipal governments, in providing a sound and sustainable pension plan for police officers and firefighters that is fiscally responsible to both the members of the plan and to the taxpayers of the Town.

RESOLUTION 2013-04

A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA, SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND, AND SECURE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key supports the Home Rule authority allowing Florida's local governments to institute and maintain programs that promotes the health, safety, and welfare of its' citizenry.

WHEREAS, the Town of Longboat Key opposes unfunded mandates from the Florida Legislature that have created a pension plan system for municipal police officers and firefighters that is unstable, unsustainable, and unreliable for current and future police officers and firefighters; and,

WHEREAS, the Florida Legislature has imposed significant unfunded mandates onto the Town of Longboat Key relative to the operation of the Town's police officer and firefighter defined benefit pension plans by mandating minimum pension benefit levels and mandating the use of revenues to fund pension plan costs without the benefit of local taxpayer input; and,

WHEREAS, the Florida Legislature has provided that health conditions related to heart disease, hypertension or tuberculosis suffered by a police officer or firefighter are presumed to be job related, and these "disability presumptions" are applicable to both workers' compensation and disability pension claims; and,

WHEREAS, the Florida Legislature has written and the courts have interpreted the disability presumption laws so favorably toward the employees that municipalities and other government employers find it difficult to overcome the presumption and show the health condition was not work related; and,

WHEREAS, the Florida Legislature transferred all operational and administrative control of police and firefighter pension plans from the municipal government to a legislatively created board of trustees that exercises broad powers outside the control, of the municipal government and does not require fiscal transparency or accountability for substantial amounts of public funds; and,

WHEREAS, the Town of Longboat Key is seeking immediate mandate relief from the Florida Legislature and requests the Legislature to responsibly address its pension and other personnel legislation to provide for local control that serves its taxpayers, stops potential pension abuse, and protects pensions for current and future generations of police and firefighters.

NOW, THEREFORE, be it resolved by the Town Commission of the Town of Longboat Key, Florida, that:

SECTION 1. The above Whereas clauses are true and correct and are hereby ratified and confirmed.

SECTION 2. The Town of Longboat Key supports responsible police and firefighter defined benefit pension and disability presumption reforms to ensure sound, secure, and stable pensions will be available for current and future police and firefighters.

SECTION 3. The Town of Longboat Key supports home rule authority and confirms that local issues should be addressed locally and requests the Florida Legislature to remove itself from the local collective bargaining process between municipal governments and its police and firefighters.

SECTION 4. The Town of Longboat Key supports legislative changes to remove mandates establishing minimum pension benefit standards for police and firefighter pensions, remove the requirement to provide new, extra pension benefits to police and firefighters, and allow the municipality to use insurance premium tax revenues to pay for the level of pension benefits for police and firefighters that meets the needs and priorities of the Town.

SECTION 5. The Town of Longboat Key supports action by the Florida Legislature to enact responsible reforms to the application of disability presumption laws relating to certain health conditions by allowing a disability presumption to be overcome by a preponderance of the evidence, and allowing certain individual risk factors to be considered when applying a disability presumption, such as tobacco or alcohol use, weight and diet, genetics and lifestyle choices.

SECTION 6. The Town of Longboat Key supports action by the Florida Legislature to impose reasonable fiscal transparency and accountability standards on legislatively created police and firefighter pension boards of trustees.

SECTION 7. That the Town of Longboat Key urges the Florida Legislature to pass and the Governor to approve responsible reform recommendations relating to police and firefighter pension plans and disability presumptions in the 2013 legislative session.

SECTION 8. The Town Clerk is directed to transmit a copy of this resolution to Governor Rick Scott and the Town's Legislative delegation.

SECTION 9. This Resolution shall become effective immediately upon adoption.

Passed by the Town Commission of the Town of Longboat Key on the _____ day of _____, 2013.

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James L. Brown, Mayor

ATTEST:

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Trish Granger, Town Clerk

End of Agenda Item