

**M E M O R A N D U M**

Date: August 7, 2013

**TO:** Town Commission

**FROM:** Dave Bullock, Town Manager

**SUBJECT:** Resolution 2013-24, Authorization for Agreement Providing for Membership in the Florida Retirement System (FRS) for Longboat Key Firefighters

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The Town Commission provided direction to take actions necessary to freeze the Firefighters' Retirement System defined benefit plan effective September 30, 2013. During contract negotiations, the IAFF and Town agreed to enable participation in the Florida Retirement System (FRS) for the Town's current and future firefighters effective October 1, 2013.

Resolution 2013-24 provides authority to the Town Manager to execute an Agreement with the Florida Department of Management Services for coverage of eligible firefighters in the FRS.

Attorney Jim Linn has prepared Resolution 2013-24 for consideration by the Town Commission at the August 14, 2013, Special Meeting.

Please don't hesitate to contact me if you have any questions.

**RESOLUTION 2013-24**

**A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA, DECLARING THE TOWN'S INTENT TO PARTICIPATE IN THE FLORIDA RETIREMENT SYSTEM FOR FIREFIGHTERS EFFECTIVE OCTOBER 1, 2013; PROVIDING THAT ALL FIREFIGHTERS OF THE TOWN EMPLOYED ON OCTOBER 1, 2013, AND ALL FIREFIGHTERS HIRED ON OR AFTER THAT DATE, EXCEPT THOSE EXCLUDED BY LAW, SHALL BECOME MEMBERS OF THE FLORIDA RETIREMENT SYSTEM; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AGREEMENTS WITH THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; PROVIDING FOR PAYMENT OF REQUIRED FLORIDA RETIREMENT SYSTEM CONTRIBUTIONS BY THE TOWN; PROVIDING FOR WITHHOLDING SOCIAL SECURITY CONTRIBUTIONS FROM EMPLOYEE'S PAY; PROVIDING FOR THE ESTABLISHMENT, MAINTENANCE, AND SUBMISSION OF SUCH RECORDS AS MAY BE REQUIRED FOR PARTICIPATION IN THE FLORIDA RETIREMENT SYSTEM; PROVIDING THAT THE TOWN'S DECISION TO PARTICIPATE IN THE FLORIDA RETIREMENT SYSTEM SHALL BE IRREVOCABLE; PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Longboat Key, Florida, recently entered into a collective bargaining agreement with the International Association of Fire Fighters, Local 2546, containing certain changes to the Longboat Key Firefighters' Retirement Plan and providing for the Town's participation in the Florida Retirement System (FRS); and

**WHEREAS**, in accordance with the collective bargaining agreement, the Town Commission of the Town of Longboat Key has adopted Ordinance 2013-13, freezing the Firefighters' Retirement Plan effective September 30, 2013 and providing for the enrollment of all current and future firefighters in the FRS effective October 1, 2013; and

**WHEREAS**, in accordance with applicable state law, the Town must prepare and submit certain documents to, and enter into certain agreements with, the Florida Department of Management Services, to participate in the Florida Retirement System;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA:**

**SECTION 1.** The Town Commission of the Town of Longboat Key, Florida intends that the Town participate in the Florida Retirement System on behalf of the Town's firefighters, effective October 1, 2013.

**SECTION 2.** The Town Commission of the Town of Longboat Key, Florida hereby authorizes and designates the Town Manager to prepare and submit all

necessary documents and execute all necessary agreements and amendments thereto, as may be required by the Florida Department of Management Services for participation in the Florida Retirement System.

SECTION 3. All firefighters of the Town who are employed on October 1, 2013, and all firefighters hired after that date, except those excluded by law, shall become compulsory members of the Florida Retirement System.

SECTION 4. The Town of Longboat Key hereby adopts the terms, conditions, requirements, reservations, benefits, privileges and other conditions of the Florida Retirement System, for and on behalf of all firefighters to be covered under FRS.

SECTION 5. As a condition of participation in the Florida Retirement System, the Town of Longboat Key, Florida will withhold from participating firefighters' compensation each pay period the social security contributions and FRS member contributions required by applicable law.

SECTION 6. As a condition of participation in the Florida Retirement System, the Town of Longboat Key, Florida will remit to the Florida Department of Management Services each month the required Florida Retirement System contributions, as established by state law.

SECTION 7. As a condition of participation in the Florida Retirement System, the Town of Longboat Key, Florida will establish, maintain and submit such documents and records relating to the Town's participation in the Florida Retirement System as may be required by the Florida Department of Management Services. A copy of this Resolution fully executed as in the original and duly attested by the Town Clerk, shall be furnished to the Administrator of the Florida Retirement System.

SECTION 8. The Finance Director of the Town of Longboat Key is hereby designated the custodian of all sums withheld from the compensation of firefighters as authorized herein, and of the appropriated funds for employer contributions as provided in section 5 hereof. Also, the Finance Director of the Town of Longboat Key is hereby designated the withholding and reporting agent and charged with the duty of maintaining records for the purpose of this Resolution.

SECTION 9. The Town Commission of the Town of Longboat Key, Florida acknowledges that its decision to participate in the Florida Retirement System is irrevocable.

SECTION 10. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 11. If any section, subsection, sentence, clause or phrase of this Resolution, 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, and phrases shall not be affected thereby.

SECTION 12. This Resolution shall become effective immediately upon its adoption.

PASSED at a meeting of the Town Commission of the Town of Longboat Key, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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James L. Brown, Mayor

ATTEST:

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Trish Granger, Town Clerk