

Regular Workshop – June 16, 2014
Agenda Item 16

Agenda Item: Proposed Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees

Presenter: Town Manager

Summary: In order to stabilize rapidly increasing pension costs the Town Commission took formal action to freeze the three Town Retirement Systems in 2013. At that time there was a clear intent to consolidate the three Board of Trustees into one to more efficiently administer the plans.

Ordinance 2014-26 creates one Board of Trustees for all three plans. Jim Linn, the Town's pension attorney will be available at the June 16, 2014 Regular Workshop Meeting to answer any questions the Commission may have.

Attachments: 6-10-14 Memo, Manager to Commission
PowerPoint Presentation

Recommended

Action: Pending discussion, forward Ordinance 2014-26 to the July 7, 2014 Regular Meeting for first reading.

M E M O R A N D U M

Date: June 10, 2014

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Proposed Ordinance 2014-26, Providing for Consolidation of Firefighters', General Employees', and Police Officers' Retirement System Boards of Trustees

In order to stabilize rapidly increasing pension costs the Town Commission took formal action to freeze the three Town Retirement Systems in 2013. At that time there was a clear intent to consolidate the three Board of Trustees into one to more efficiently administer the plans.

Ordinance 2014-26 creates one Board of Trustees for all three plans. Attached is a PowerPoint presentation by Jim Linn, the Town's pension attorney. Mr. Linn will be available at the June 16, 2014 Regular Workshop Meeting to answer any questions you may have.

Please let me know if you have any questions regarding the agenda materials.

ORDINANCE 2014-26

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, CREATING A CONSOLIDATED RETIREMENT SYSTEM FOR EMPLOYEES OF THE TOWN OF LONGBOAT KEY WHO ARE MEMBERS, VESTED FORMER MEMBERS, RETIREES OR BENEFICIARIES OF THE POLICE OFFICERS' RETIREMENT SYSTEM, FIREFIGHTERS' RETIREMENT SYSTEM, AND GENERAL EMPLOYEES' RETIREMENT SYSTEM; CREATING A NEW SECTION 34.100, CONSOLIDATED RETIREMENT SYSTEM; CREATING A NEW SECTION 34.101, BOARD OF TRUSTEES; CREATING A NEW SECTION 34.102, CONSOLIDATED RETIREMENT SYSTEM; FINANCES AND FUND MANAGEMENT; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. A new section 34.100, Consolidated Retirement System, is created to read as follows:

34.100. Consolidated Retirement System.

Effective October 1, 2014, a consolidated retirement system is created for the purpose of administering the police officers' retirement system, firefighters' retirement system and general employees' retirement system, with one board of trustees as set forth in section 34.101, and one trust fund as set forth in section 34.102. It is the intent of the Town Commission that the retirement benefits and plan provisions set forth in sections 34.12 through 34.41 (police officers' retirement system), sections 34.42 through 34.67 (firefighters' retirement system) and sections 34.72 through 34.98 (general employees' retirement system) be administered by the board of trustees created by section 34.101, except that sections 34.15, 34.16, 34.45, 34.46, 34.75 and 34.76, relating to the existing boards of trustees, finances and fund management, shall be repealed and replaced in operation by sections 34.101 and 34.102. The retirement benefits of all Town employees who, on the effective date of this ordinance, are members, vested former members, retirees or beneficiaries of the police officers' retirement system, firefighters' retirement system or general employees' retirement system, shall be administered by the board of trustees provided in section 34.101 on and after October 1, 2014; and such retirement benefits shall be funded as provided in section 34.102 on and after October 1, 2014. The term "system" as used in sections 34.101 and 34.102 refers to the consolidated retirement system created by this section.

SECTION 2. A new section 34.101, Board of Trustees, is created to read as follows:

34.101. Board of Trustees.

(A) A new board of trustees is hereby created to administer the consolidated retirement system. The members of the board of trustees shall be selected no later than

September 19, 2014, and shall be sworn in on or after October 1, 2014. The existing boards of trustees of the police officers', firefighters', and general employees' retirement systems shall continue to operate through September 30, 2014, for the primary purpose of facilitating the transfer of contracts, investment holdings, assets and liabilities of the existing police officers', firefighters' and general employees' retirement systems, as well as all documents and records of those plans, to the consolidated retirement system. The existing boards of trustees shall take all necessary and appropriate action to carry out this purpose in a timely manner.

(B) During the period prior to October 1, 2014 the boards of trustees of the existing police officers', firefighters', and general employees' retirement systems, shall take all necessary and appropriate action to ensure that the benefits due retired plan members and beneficiaries are not interrupted, and that any benefit applications submitted by plan members and beneficiaries are processed in a timely manner. Commencing October 1, 2014, the new board of trustees shall take all necessary and appropriate action to ensure that the benefits due retired plan members and beneficiaries are not interrupted, and that any benefit applications submitted by plan members and beneficiaries are processed in a timely manner.

(C) The new board of trustees shall be established in accordance with subsection (D) below. Effective October 1, 2014, the police officers' board of trustees, firefighters' board of trustees, and general employees' board of trustees shall be abolished, and the board of trustees established in accordance with subsection (D) below shall be responsible for administering the consolidated retirement system and investing all assets of the system in accordance with this section 34.101 and section 34.102, for the benefit of the members, vested former members, retirees, and beneficiaries of the system.

(D) The board of trustees ("board") shall consist of nine members selected as follows:

- (1) One employee who is a member of the police officers' retirement system, elected by the employee members of that plan.
- (2) One employee who is a member of the firefighters' retirement system, elected by the employee members of that system.
- (3) One employee who is a member of the general employees' retirement system, elected by the employee members of that system.
- (4) Five residents of the town who are registered voters and not employees of the town, or members, vested former members, retirees, or beneficiaries of the retirement system, appointed by the Town Commission.
- (5) The Town Manager or designee, who shall serve as a voting ex-officio member.

(E) Trustees other than the Town Manager or designee shall serve staggered three-year terms, and may succeed themselves in office. To implement the staggered terms, the first elected employee trustee who is a police officer member shall serve a one-year term; the first elected employee trustee who is a firefighter member shall serve a two-year term; and the first elected employee trustee who is a general employee member shall serve a three-year term. The staggered terms for the appointed trustees shall be implemented as follows: two appointed trustees shall serve an initial term of one year; two appointed trustees shall serve an initial term of two years; and one appointed trustee shall serve an initial term of three years; as determined by the town commission. Trustees who are elected or appointed following the initial terms shall serve a term of three years.

(F) The board of trustees created by this section 34.101 shall be responsible for the administration and proper operation of the consolidated retirement system. The board

is hereby designated as the plan administrator. The Town Commission shall designate one of the trustees it appoints as chairman of the board and another trustee as vice chairman, and may change such designations from time to time. The board shall establish the nominating and election procedures for the election of employee trustees. 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.

(G) The trustees shall, by a majority vote, elect a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

(H) Each trustee shall be entitled to one vote on the board. Five affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of F.S. § 112.3143.

(I) With input from the board, the Town shall engage such actuarial, accounting, legal, administrative, and other services as shall be required to transact the business of the system. The Town shall consult with the Chair regarding the selection of professional services required by the fund. The compensation of all persons engaged by the Town and all other expenses necessary for the operation of the system shall be paid from the fund.

(J) The duties and responsibilities of the board shall include, but not necessarily be limited to the following:

- (1) To construe the provisions of the system and determine all questions arising thereunder.
- (2) To determine all questions relating to eligibility and membership.
- (3) To determine and certify the amount of all retirement allowances or other benefits hereunder.
- (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.
- (5) To distribute to members, at regular intervals, information concerning the system.
- (6) To receive and process all applications for benefits.
- (7) To authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.
- (8) To have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding changes to the provisions of the system.
- (9) To perform such other duties as are required to prudently administer the system.

(K) The boards of trustees for the existing police officers', firefighters', and general employees' retirement systems shall continue to operate through September 30, 2014, for the primary purpose of facilitating the transfer of contracts, investment holdings, assets and liabilities of the police officers', firefighters', and general employees' retirement systems, as well as all documents and records of those plans, to the new board of trustees established pursuant to subsection (E) above. During the period prior to October 1, 2014, the boards of trustees for the police officers', firefighters', and general employees'

retirement systems shall continue to perform their duties as set forth in sections 34.15, 34.45, and 34.75.

SECTION 3. A new section 34.102, Consolidated retirement fund; finances and fund management, is created to read as follows:

34.102. Consolidated retirement system; finances and fund management.

(A) Effective October 1, 2014, as part of the consolidated retirement system, there is hereby established a consolidated retirement trust fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the system, including all assets of the police officers', firefighters', and general employees' retirement systems.

(B) All existing contracts, investment holdings, assets and liabilities of the existing police officers', firefighters', and general employees' retirement systems shall be transferred to and become contracts, investment holdings, assets and liabilities of the consolidated retirement system on October 1, 2014, or as soon thereafter as administratively possible. The existing police officers', firefighters', and general employees' retirement funds may be separately managed by the new board of trustees for up to twelve months following October 1, 2014, until such time as the new board of trustees determines that it is prudent to consolidate one or more of the funds. The existing police officers', firefighters', and general employees' retirement funds shall be consolidated into one consolidated retirement fund on or before October 1, 2015. Notwithstanding the consolidation of the retirement funds, the new board of trustees shall provide for a separate accounting of the assets and liabilities attributable to the police officers, firefighters, and general employee groups, and all actuarial valuations and studies performed on and after October 1, 2014 shall include a separate accounting of the assets and liabilities attributable to the police officers, firefighters, and general employee groups.

(C) The actual custody and supervision of the fund shall be vested in the board of trustees created by section 34.101. Payment of benefits and disbursements from the fund shall be made by the disbursing agent but only upon written authorization of the board.

(D) All funds of the retirement system may be deposited by the board with the finance director of the town, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he is liable for the safekeeping of funds for the town. However, any funds so deposited with the finance director of the town shall be kept in a separate fund by the finance director or clearly identified as such funds of the retirement system. In lieu thereof, the board shall deposit the funds of the retirement system in a qualified public depository as defined in F.S. § 280.02, which depository with regard to such funds shall conform to and be bound by all of the provisions of F.S. § 280. In order to fulfill its investment responsibilities as set forth herein, the board may retain the services of a custodian bank, an investment advisor registered under the Investment Advisors Act of 1940, or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of maintaining custody of the fund or any portion thereof, and to advise the board on investments.

(E) All funds and securities of the system may be commingled in the fund, provided that accurate records are maintained at all times reflecting the financial composition of the fund, including accurate current accounts and entries as regards the following:

1. Current amounts of accumulated contributions of members on both an individual and aggregate account basis; and
2. Receipts and disbursements; and

3. Benefit payments; and
4. Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the town; and
5. All interest, dividends and gains (or losses) whatsoever; and
6. Such other entries as may be properly required so as to reflect a clear and complete financial report of the fund.

(F) An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the system showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.

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

1. The board shall adopt an investment policy in accordance with F.S. § 112.661, and shall regularly review, evaluate and, if deemed in the best interest of the retirement system, revise the investment policy, subject to the approval of the town commission.
2. In exercising its discretionary authority with respect to the management of the moneys and assets of the retirement system, the board shall exercise the care, skill, prudence and diligence under the circumstances then prevailing, that a person of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims.
3. The board shall have full power and authority to invest and reinvest the moneys and assets held for the benefit of the members, retirees and beneficiaries of the system, subject to all terms, conditions, limitations and restrictions imposed by law on the investments of public employee retirement system assets, and subject to investment policy adopted by the board.
4. The board may invest in securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 USC 80A-1 et seq., and in such other investments authorized by law and by the board's investment policy, including alternative investments.
5. The board shall retain an independent consultant professionally qualified to advise the board on all investment matters and evaluate the performance of professional money managers. The independent consultant shall assist the board in developing and revising its investment policy, and make recommendations regarding the selection of money managers.
6. The board may retain in cash and keep unproductive of income such amount of the fund as it may deem advisable, having regard for the cash requirements of the system.
7. Neither the board, nor any trustee shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the fund, except that due to his or its own negligence, willful misconduct or lack of good faith.
8. The board may cause any investment in securities held by it to be registered in or transferred into its name as trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form

permitting transferability, but the books and records shall at all times show that all investments are part of the fund.

9. The board is empowered, but is not required, to vote upon any stocks, bonds or securities of any corporation, association or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with the trustees or with depositories designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the fund which it may deem to be to the best interest of the fund to exercise.
10. Any overpayments or underpayments from the fund to a member, retiree or beneficiary caused by errors of computation shall be adjusted with interest at a rate per annum approved by the board in such a manner that the actuarial equivalent of the benefit to which the member, retiree or beneficiary was correctly entitled, shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in another manner if prudent. Underpayments shall be made up from the fund in a prudent manner.
11. The board shall sustain no liability whatsoever for the sufficiency of the fund to meet the payments and benefits provided for herein.
12. In any application to or proceeding or action in the courts, only the board shall be a necessary party, and no member or other person having an interest in the fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.
13. Any of the foregoing powers and functions reposed in the board may be performed or carried out by the board through duly authorized agents, provided that the board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said fund shall always remain in the board.

SECTION 4. Sections 34.15, 34.16, 34.45, 34.46, 34.75 and 34.76 of the Code of Ordinances of the Town of Longboat Key are repealed effective October 1, 2014.

SECTION 5. All other ordinances of the Town of Longboat Key, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, 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 section, subsection, sentences, clauses, or phrase under application shall not be affected thereby.

SECTION 7. This Ordinance shall take effect upon adoption.

Passed on first reading the _____ day of _____, 2014.

Adopted on second reading and public hearing the _____ day of _____,
2014.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk



Consolidation of Town Retirement Plans

**Town Commission Workshop
June 16, 2014**



Plan Consolidation

Consolidate three Pension Plans effective
October 1, 2014:

- One Retirement Plan
- One Retirement Board
- One Consolidated Retirement Fund



Plan Consolidation cont.

One retirement board with broad authority to administer the plan and invest the combined assets of the plan.



Plan Consolidation cont.

New Board adopts:

Investment policy

Rules and Procedure guidelines

Transfers assets to new custodian



Plan Consolidation cont.

Town consults with Board's Chair and selects:

Investment advisor

Actuary

Legal counsel

Custodian



Plan Consolidation cont.

**LIST OF CONTRACTS
TOWN OF LONGBOAT KEY PENSION PLANS**

	<u>POLICE OFFICERS'</u>	<u>GENERAL EMPLOYEES'</u>	<u>FIREFIGHTERS'</u>
Attorney	Christiansen & Dehner	Christiansen & Dehner	Sugarman & Susskind
Actuary	Foster & Foster	Foster & Foster	Foster & Foster
Custodian	Salem Trust Company	Salem Trust Company	First State Trust Co.
Monitor/ Consultant	Graystone Consulting- through Morgan Stanley	The Bogdahn Group	The Carter/Hester Group- Graystone Consulting- through Morgan Stanley
Investment Managers	Congress Asset Mgmt. Delaware Investments GW Capital, Inc. HGK Madison Investment Oak Ridge Investments Renaissance Investments	ICC Capital Management Manning & Napier Sawgrass Asset Mgmt. Vanguard	BlackRock Harding Loevner Kennedy MFS Pacific Income Wedgewood Wentworth Hauser



Plan Consolidation Board – Transition Period

Board of Trustees for existing Police Officers', Firefighters', and General Employees' Retirement systems shall continue to operate through September 30, 2014.

Effective October 1, 2014, the new Board of Trustees of the consolidated retirement system shall be responsible for administering the consolidated retirement system.



Plan Consolidation New Board Membership

A Nine (9) member Board of Trustees shall administer the consolidated retirement system:

- 1 Member of police officers' retirement system
- 1 Member of firefighters' retirement system
- 1 Member of general employees' retirement system
- 5 Residents appointed by Town Commission
- Town Manager or designee



Plan Consolidation New Board – Responsibilities

The new Board of Trustees will have the same duties and responsibilities as the 3 existing retirement boards—except Town selects professional service providers after consultation with Board Chair.

The new Board of Trustees' investment powers will be broader than those of the 3 existing retirement boards.



Plan Consolidation

New Board – Investment Powers

New Board of Trustees

- Adopt an investment policy in accordance with section 112.611, F.S.
- Exercise discretionary authority in management of assets (prudent person standard)
- Full power to invest assets subject to limitations of law and policy
- May invest securities in open-end or closed-end management type investment company

3 Board of Trustees

- Asset investment limited to:
 - Annuity/life insurance contracts
 - Savings accounts (limited to certain banks)
 - Obligations of the U.S.
 - Bonds issued by Israel
 - Stocks, mutual funds, bonds (limited to certain companies; 25% foreign securities; 5% stock)
 - Max 10% real estate



Plan Consolidation - Fund

Effective October 1, 2014, there is a consolidated retirement trust fund, into which all contributions and assets of the Police Officers', Firefighters', General Employees', retirement systems shall be deposited.



Plan Consolidation Fund and Fund Management

While funds may be commingled in the consolidated retirement trust fund:

The new board of trustees shall provide a separate accounting of the assets and liabilities attributable to the 3 retirement plans.

All actuarial evaluations and studies shall include a separate accounting for the assets and liabilities attributable to the 3 retirement plans.



Plan Consolidation Fund and Fund Management

The Police Officers', Firefighters', and General Employees', retirement systems may be separately managed by the new board of trustees for up to one year.

All contracts and investments of the 3 retirement systems transfer to the Consolidated Retirement System.



Plan Consolidation cont.

Timeline:

Draft Ordinance Received	June 1, 2014 COMPLETED
Accept applications for the Board	June 16 - Sept 1, 2014
Workshop	June 16, 2014
First Reading	July 7, 2014
Meet & Greet for Board Applicants	September 8, 2014 10 am
Second Reading, public hearing and Adoption	September 8, 2014 7 pm
Select Board Members	September 8, 2014 7 pm



Questions?
Comments?



End of Agenda Item