

RESOLUTION 114-2011

A RESOLUTION OF THE TOWN OF MALABAR 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.

- WHEREAS,** to honor their service now and in years to come, current and future police officers and firefighters in Florida deserve pension plans that are sound, secure and sustainable; and
- WHEREAS,** Malabar opposes unfunded mandates from the Florida Legislature that have created a pension plan system for local 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 cities relative to the operation of their 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; 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 these employees that cities and other government employers basically cannot 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 cities to a legislatively created board of trustees, a separate legal entity apart from the municipality that exercises broad powers outside the city's control, and is not required to provide fiscal transparency or accountability for substantial amounts of public funds; and
- WHEREAS,** the Town of Malabar is seeking immediate mandate relief from the Florida Legislature and requests the Legislature to untie its hands so that it can responsibly address its pension and other personnel issues locally and in a manner that best 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 OF COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA as follows:

- Section 1.** That the Town of Malabar hereby supports responsible police and firefighter defined benefit pension and disability presumption reforms to ensure sound, secure and stable pensions will be there for current and future police and firefighters.
- Section 2.** That the Town of Malabar believes local issues should be addressed locally and hereby requests the Florida Legislature to remove itself from the local collective bargaining process between the cities and their police and firefighters.
- Section 3.** That the Town of Malabar hereby requests the Florida Legislature 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 municipality.

Section 4. That the Town of Malabar hereby requests the Florida Legislature to enact responsible reforms to bring a fairer balance to the application of disability presumption laws relating to certain health conditions suffered by firefighters and police officers by requiring a police officer or firefighter to meet age and employment standards, 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 use, weight and diet, genetics and lifestyle choices.

Section 5. That the Town of Malabar hereby requests the Florida Legislature to impose reasonable fiscal transparency and accountability standards on legislatively created police and firefighter pension boards of trustees.

Section 6. That the Town of Malabar urges the Florida Legislature to pass and the Governor to approve the above responsible pension reform recommendations relating to police and firefighter pension plans and disability presumptions in the 2012 legislative session.

Section 7. That the Malabar Clerk is directed to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.

Section 8. That this resolution shall be effective upon adoption.

This Resolution was moved for adoption by Council Member Rivet. The motion was seconded by Council Member Acquaviva and, upon being put to a vote, the vote was as follows:

- Council Member Carl Beatty *Aye*
- Council Member David White *Aye*
- Council Member Steven (Steve) Rivet *Aye*
- Council Member Jeffrey (Jeff) McKnight *Aye*
- Council Member Marisa Acquaviva *Aye*

This Resolution was then declared to be duly passed and adopted this 19th day of December, 2011.

TOWN OF MALABAR

By: *Thomas M. Eschenberg*
Mayor Thomas M. Eschenberg, Chair

ATTEST:
Debby K. Franklin

Debby K. Franklin, CMC
Town Clerk/Treasurer

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Karl W. Bohne, Jr., Town Attorney