

RESOLUTION 77-2011

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, SUPPORTING POLICE OFFICER AND FIRE FIGHTER PENSION PLAN REFORMS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar opposes unfunded state mandates in that mandates impose state-initiated policy changes and programs onto municipalities without providing any funding to pay for them; and

WHEREAS, the legislature has imposed significant unfunded mandates onto municipalities relative to the operation of their police officer and firefighter pension plans by mandating minimum pension benefit levels and mandating the use of revenues to fund pension plan costs; and

WHEREAS, prior to 1999, the municipalities were largely free to bargain with local police and fire unions, or provide for the non-unionized police and firefighters, the pension benefits that best fit the priorities and needs of the municipalities and its police and firefighters; and

WHEREAS, in 1999, the legislature passed a law that required the municipalities police and fire pension plans to meet all of the minimum pension benefit standards established in state law; and

WHEREAS, in 1999, the legislature substantially revised how the municipalities could use insurance premium tax revenues to fund its police and firefighter pension plans by requiring the municipalities to use any increase in the tax revenues to provide new, extra pension benefits to police and firefighters; and

WHEREAS, since 1999, the requirement to provide new, extra pension benefits to police and firefighters with increases in insurance premium tax revenues has collectively required cities across the state to provide more than \$400 million in new, extra pension benefits to police and firefighters; and

WHEREAS, state law continues to require the provision of new, extra pension benefits to police and firefighters even though the municipalities struggle with funding the current level of pension benefits provided to police and firefighters; and

WHEREAS, even if the municipalities desired to reduce the level of pension benefits provided to police and firefighters to address the critical revenue constraints, the state Division of Retirement imposes a policy that police and firefighter pension benefit levels may not be reduced to a level lower than the level that existed in 1999; and

WHEREAS, the municipalities support flexibility in state law that would allow cities to deal with their local problems locally, and needs for the legislature to remove barriers in state law that prohibit this flexibility.

WHEREAS, the municipalities are not seeking a handout from the legislature but is instead requesting the legislature to untie its hands so that it can address its pension issues locally and in a manner that best serves its citizens.

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 police and firefighter pension reform.

Section 2. That the Town of Malabar hereby requests the legislature to remove minimum pension benefits standards for police and firefighter pensions, remove the requirement to provide new, extra pension benefits to police and firefighters, and allow the municipalities to use insurance premium tax revenues to pay for pension benefits already provided to police and firefighters.

Section 4. That the Town of Malabar hereby requests the legislature to prohibit the state Division of Retirement from imposing administrative policies that result in increased costs to the Town of Malabar in providing the police and firefighter pension plans.

Section 5. That the Town of Malabar urges the legislature to pass and the Governor to approve the above recommendations relating to police and firefighter pension plans in the 2011 legislative session.

Section 6. That the Town Clerk is authorized to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.

Section 7. That this resolution shall be effective upon adoption.

This Resolution was moved for adoption by Council Member Acquaviva. The motion was seconded by Council Member McKnight 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	excused

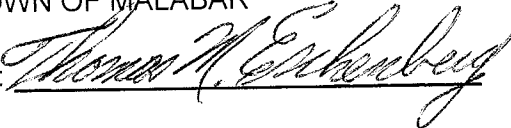
Council Member Jeffrey (Jeff) McKnight

Council Member Marisa Acquaviva

This Resolution was then declared to be duly passed and adopted this 7th day of March, 2011.

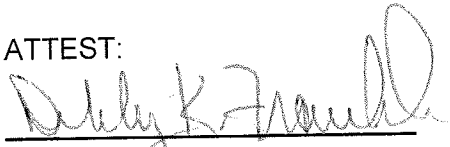
TOWN OF MALABAR

By:



Mayor Thomas M. Eschenberg, Chair

ATTEST:



Debby K. Franklin, CMC

Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

(seal)