

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, ADOPTED PURSUANT TO SECTION 164.1052, FLORIDA STATUTES, DECLARING ITS INTENT TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN FLORIDA STATUTES CHAPTER 164; DECLARING THAT THE CONFLICT EXISTS WITH THE CITY'S THREE DEFINED BENEFIT PENSION BOARDS AND ARISES OUT OF THE BOARDS' PAYMENT OF SUPPLEMENTAL DISTRIBUTIONS TO RETIREES; AUTHORIZING AND DIRECTING THE APPROPRIATE CITY OFFICIALS TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THIS RESOLUTION.

WHEREAS, the City of Hollywood, Florida has three defined benefit pension plans – one for police officers, one for firefighters, and one for general employees; and

WHEREAS, each of these pension plans provides for the payment of a benefit, known as a supplemental distribution or "13th check", to eligible retirees for each year in which the rate of investment return on the assets of the plan exceeds a certain amount; and

WHEREAS, payment of a supplemental distribution is governed by the respective pension plan *and by state law*, and payment is proper only if all of the conditions for payment contained in the pension plan and state law are met; and

WHEREAS, over the past several years, the Board of Trustees of the Police Retirement Plan, the Board of Trustees of the Firefighters Retirement Plan and the Board of Trustees of the Employees Retirement Plan (collectively, the "Boards") have made supplemental distributions totaling millions of dollars; and

WHEREAS, in the opinion of the City Attorney, one or more supplemental distributions made by each Board violated either the pension plan, state law or both, and the City is entitled to judicial relief against the Boards; and

WHEREAS, Florida Statutes Chapter 164, entitled the "Florida Governmental Conflict Resolution Act" (the "Act"), requires that governmental entities in conflict with one another attempt to negotiate their differences pursuant to the procedures outlined in the Act prior to commencing litigation regarding the conflict; and

WHEREAS, Florida Statute Section 164.1052 requires the governing body of the governmental entity initiating the conflict resolution procedures to adopt a resolution expressing its intent to initiate such procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That it intends to initiate the conflict resolution procedures provided by the Act.

Section 2: That the governmental entities with which the City has conflicts are the Boards.

Section 3: That the issues with respect to which the City and the Boards are in conflict are the improper payments by the Boards, over the past several years, of supplemental distributions totaling millions of dollars.

Section 4: That the appropriate City officials are hereby authorized and directed to take all steps necessary to effectuate this Resolution.

Section 5: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL, CITY ATTORNEY