

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA AUTHORIZING THE CITY ATTORNEY TO FILE A CIVIL ACTION AGAINST THE BOARD OF TRUSTEES OF THE FIREFIGHTERS PENSION SYSTEM (THE "BOARD") FOR THE IMPROPER CALCULATION OF PENSIONS THAT WERE FROZEN IN 2011.

WHEREAS, in 2011, the pension plan for Hollywood firefighters was frozen effective September 30, 2011, and a new benefit structure was created effective October 1, 2011; and

WHEREAS, for years the Board calculated the frozen pensions based on the member's average final compensation as of the freeze; and

WHEREAS, the Board recently voted to calculate the frozen pensions based on the member's average final compensation as of the member's separation from the City; and

WHEREAS, the Board's recent vote apparently included the recalculation of pensions of members who have already retired; and

WHEREAS, the City Attorney recommends that the City Commission authorize the filing of a civil action against the Board and any other appropriate parties to enforce the City's rights with respect to the calculation of the frozen pensions and to seek any and all relief to which the City may be entitled, including, but not limited to, injunctive relief; and

WHEREAS, the Florida Governmental Conflict Resolution Act (the "Act") creates a mandatory governmental conflict resolution procedure that must be complied with prior to the filing of a civil action by one governmental entity against another governmental entity, unless the first governmental entity, by a three-fourths vote of its governing body, finds that an immediate danger to the health, safety, or welfare of the public requires immediate action, or that significant legal rights will be compromised if a court proceeding does not take place before the provisions of the Act are complied with;

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

Section 1: That the City Attorney is hereby authorized to file a civil action against the Board and any other appropriate parties to enforce the City's rights with respect to the calculation of average final compensation for the frozen pensions and to

seek any and all relief to which the City may be entitled, including, but not limited to, injunctive relief.

Section 2: That the City Commission hereby finds that an immediate danger to the health, safety or welfare of the public requires immediate action or that significant legal rights will be compromised if a court proceeding does not take place before the provisions of the Act are complied with.

Section 3: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2017.

JOSH LEVY, 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:

ALAN FALLIK, ACTING CITY ATTORNEY