

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A HOLD HARMLESS AGREEMENT INDEMNIFYING AFSCME, LOCAL 2432, AND THE GENERAL EMPLOYEES PENSION BOARD FOR CLAIMS ARISING OUT OF CORRECTION OF SCRIVENER'S ERROR.

WHEREAS, AFSCME Local 2432 ("Union"), and the City of Hollywood, Florida ("City"), are in the process of finalizing three new collective bargaining agreements (one for each of the three bargaining units represented by the Union – the General Employees, the Professional Employees, and the Supervisory Employees Bargaining Units) that will cover the period from October 1, 2018 through September 30, 2020; and

WHEREAS, in the course of bargaining over changes to retirement benefits, the parties discovered what appears to be a scrivener's error in the current pension plan that would entitle certain non-general fund employees to receive a pension based, in part, on a 3% multiplier for a limited period of time, when the parties agree that the multiplier should be 2.5%; and

WHEREAS, the parties wish to correct this scrivener's error, but the Union has expressed a concern that one or more individuals who would be entitled to the 3% multiplier under a literal reading of the pension plan may challenge (i) any attempt by the parties, as a part of the current collective bargaining negotiations, to correct the scrivener's error and (ii) any application by the Board of Trustees of the Employees Retirement Fund (the "Pension Board") of a 2.5% multiplier instead of a 3% multiplier pursuant to the correction of the scrivener's as a part of the current collective bargaining negotiations; and

WHEREAS, the Union has indicated its willingness to support the correction of the scrivener's error if the City indemnifies the Union and the Pension Board.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

RESOLUTION APPROVING HOLD HARMLESS AGREEMENT BY WHICH CITY INDEMNIFIES GENERAL EMPLOYEES' UNION AND PENSION BOARD FOR CLAIMS ARISING OUT OF CORRECTION OF SCRIVENER'S ERROR REDUCING MULTIPLIER FROM 3% TO 2.5%

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached Hold Harmless Agreement by which the City will indemnify the Union and the Pension Board, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney

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

PASSED AND ADOPTED this _____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida only:

DOUGLAS R. GONZALES
CITY ATTORNEY