

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO FILE ONE OR MORE CIVIL ACTIONS AGAINST THE BOARD OF TRUSTEES OF THE FIREFIGHTERS PENSION SYSTEM (THE "BOARD") FOR THE IMPROPER PAYMENT OF SUPPLEMENTAL DISTRIBUTIONS.

WHEREAS, the pension plan for Hollywood firefighters provides for the payment of a supplemental distribution to eligible retirees for each year in which the rate of investment return on the assets of the fund exceeds the assumed rate; provided, however, that the plan prohibits the payment of a supplemental distribution if the plan has failed to recover any aggregate losses experienced beginning with the actuarial experience on or after October 1, 2008; and

WHEREAS, the Board has made one or more supplemental distributions, totaling millions of dollars, which were made at times when the plan had failed to recover the aggregate losses experienced on or after October 1, 2008, and which have had and/or will have the effect of increasing the City's required contributions to the plan by the same millions of dollars; and

WHEREAS, the City Attorney recommends that the City Commission authorize the filing of one or more civil actions against the Board, and any other appropriate parties, to enforce the City's rights with respect to limiting when such supplemental distributions may be made by the Board and to seek any and all relief to which the City may be entitled; 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 government 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 one or more civil actions against the Board, and any other appropriate parties, to enforce the City's rights with respect to the supplemental distributions made by the Board and to seek any and all relief to which the City may be entitled.

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE ONE OR MORE CIVIL ACTIONS AGAINST THE BOARD OF TRUSTEES OF THE FIREFIGHTERS PENSION SYSTEM (THE "BOARD") FOR THE IMPROPER PAYMENT OF SUPPLEMENTAL DISTRIBUTIONS.

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 \_\_\_\_\_, 2015.

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PETER BOBER, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC  
CITY CLERK

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

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JEFFREY P. SHEFFEL, CITY ATTORNEY