

ORDINANCE NO. 25-03

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA AMENDING ORDINANCE NO. 24-21, ADOPTED ON SEPTEMBER 17, 2024; PROVIDING FOR CERTAIN BENEFITS FOR THE CITY'S ELECTION OFFICIALS IN ACCORDANCE WITH SECTION 3.06 OF THE CITY CHARTER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 17, 2024, the City Commission adopted Ordinance No. 24-21 (the "Ordinance"), thereby formally establishing a commission compensation and benefit package by ordinance in accordance with Sec. 3.06 of the City Charter; and

WHEREAS, the Ordinance provided for the enrollment of the City's elected officials in the general employee class of the Florida Retirement System (the "FRS"); and

WHEREAS, the FRS has advised the City that enrolling its elected officials in the general employee class is not a legally available option, and that the elected officials must be initially be enrolled in the elected officer class, which may result in a higher cost to the City; and

WHEREAS, the City Commission always intended for its members to participate in a retirement system; and

WHEREAS, in light of the City Commissioners' inability to enroll in the general employee class at the FRS, the City Commission seeks to retroactively provide for its participation in a 401(K) plan; and

WHEREAS, the City Commission now seeks to amend the Ordinance to provide for an alternative pension plan for the City's elected officials; and

WHEREAS, the City Commission finds that providing for the enrollment in a 401K plan for the City's elected officials as an alternative to the FRS is in the best interests of the

citizens and residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF COOPER CITY, FLORIDA:**

Section 1. **RECITALS ADOPTED.** That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. **AMENDMENT TO ORDINANCE NO. 24-21.** In accordance with Section 3.06 of the City Charter, the City Commission hereby amends Ordinance No. 24-21, adopted on September 17, 2024, as it relates to a pension benefit for the City’s elected officials. The City Commission hereby further provides for the participation and enrollment by the City’s elected officials in a 401(k) pension plan, with the City’s contribution amount not to exceed twelve percent (12%).

Section 3. The City Commission hereby authorizes the City Manager, or his/her designee, to take any and all action necessary to implement the commission’s direction set forth in this ordinance.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. Pursuant to Section 3.06(2) of the City Charter, all benefits shall become effective immediately upon its passage and adoption of this Ordinance, and the pension benefit provided for herein shall take effect and apply retroactively to September 17, 2024.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2025.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2025.

ATTEST:

JAMES CURRAN
Mayor

Tedra Allen, MMC
City Clerk

Approved As To Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Curran _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____
Commissioner Smith _____