

ORDINANCE NO. 24-22

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA RATIFYING AND CONFIRMING A RETIREMENT HEALTH INSURANCE BENEFIT FOR CERTAIN FORMER MEMBERS OF THE CITY COMMISSION; CONFIRMING A RETIREMENT HEALTH INSURANCE BENEFIT FOR CURRENT AND FUTURE MEMBERS OF THE CITY COMMISSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 29, 1999, the City Commission of the City of Cooper City (the "City") adopted Resolution No. 99-6-3, thereby approving a Manual of Personnel Policies (the "July 1999 Manual") and establishing a set of policies in order for the City to manage its personnel matters; and

WHEREAS, Sec. 14.06 of the July 1999 Manual provides for "Retirement Health Insurance" for certain department heads and elected officials, and any eligible spouses of elected officials, who meet certain enumerated criteria under the policy; and

WHEREAS, on August 28, 2002, the City Commission adopted Ordinance No. 2002-08-07 (the "Ordinance"), thereby proposing an amendment to Section 3.06 of the City Charter providing that any benefit plans established for the City Commission be adopted by ordinance; and

WHEREAS, the Charter amendment referendum proposed by the Ordinance was approved by the City's electorate on November 5, 2002; and

WHEREAS, since the adoption of Sec. 3.06 of the City Charter by the electorate in 2002, no ordinance has been adopted ratifying, confirming or conferring any Retirement Health Insurance benefit for former, current or future elected officials; and

WHEREAS, despite the requirements of Sec. 3.06 of the City Charter the City has

been providing former elected officials the Retirement Health Insurance benefit in violation of the City Charter; and

WHEREAS, on April 10, 2012, the City Commission adopted Resolution No. 12-4-1, thereby approving a further revised Manual of Personnel Policies for the City (the “March 2012 Manual”); and

WHEREAS, Sec. 2.1(B) of the March 2012 Manual states, in part, as follows:

“Elected Officials and Department Director hired or elected prior to January 1, 2012, and who have met the criteria (in accordance with policy 14.06 of the *2010 edition of the Manual of Personnel Policies*) shall receive: (1) fully paid health insurance coverage and associated benefits; and (2) the Medicare supplement offered by the City as the City’s Code. This provision does not apply to anyone first elected or hired after January 1, 2012” (emphasis added); and

WHEREAS, an ordinance would have been legally required to establish such a benefit pursuant to Sec. 3.06 of the City Charter; and

WHEREAS, the City Commission finds that the adoption of the March 2012 Manual pursuant to Resolution No. 12-4-1 was in conflict with the City Charter, and the commission now seeks to ratify and confirm the Retirement Health Insurance benefit for certain eligible former elected officials, as well as current and future elected officials, in accordance with Sec. 3.06 of the City Charter, as amended; and

WHEREAS, the City Commission finds that publicly ratifying and confirming the Retirement Health Insurance benefit for former, current and future members of the City Commission, by ordinance, is required by the City Charter and is in the best interest of the health, safety, and welfare of its citizens and residents

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. The City Commission hereby finds that the City Commission's action to eliminate the Retirement Health Insurance benefit in accordance with Resolution No. 12-4-1, dated April 10, 2012, was in conflict with the City Charter and is hereby void.

Section 3. The City commission hereby further finds that any benefits given subsequent to the enactment of Sec. 3.06 of the City Charter, which benefits were not first established by ordinance, are void.

Section 4. RATIFICATION & ADOPTION OF BENEFIT PLAN. In accordance with Section 3.06 of the City Charter, the City Commission hereby ratifies, confirms and adopts the following Retirement Health Insurance benefits:

RETIREMENT HEALTH INSURANCE:

Pursuant to the provisions of §112.0801, Florida Statutes, the City will provide eligible elected officials, and any eligible spouses of elected officials, upon completion of their terms of office, city health insurance coverage until age Sixty-five (65) years. When a participant becomes eligible for Medicare the City shall provide basic individual supplementary insurance coverage. Further, eligible elected officials may elect dependent health insurance coverage at his/her own expense.

Eligibility: In order to qualify as an eligible participant, the following standards must be met:

1. Elected Officials
 - a. Be elected to three (3) terms as a Cooper City elected official.
2. Elected Official's spouse
 - a. Married to an eligible elected official; and
 - b. Was married to the elected official at the time the elected official's benefits vested (became eligible pursuant to Section 1 above).

Prohibition on Duplication of Benefits: If an eligible elected official becomes reemployed with the City in any capacity, these Retirement Health Insurance benefits shall be paused and tolled during that time, to prevent entitlement to duplicate benefits.

Benefit Contribution Cap: Notwithstanding anything to the contrary contained herein, for any elected official whose entitlement to benefits vested after April 10, 2012, the City's total combined financial responsibility (for eligible elected official and spouse) shall not exceed the greater of (i.) \$1,000 per month or (ii.) the City's portion of an employee and family health insurance premium, regardless of the total premium amount for any selected health insurance plan.

Section 5. Nothing contained herein shall be deemed to ratify, validate, address or approve any benefits or rights relating to current or former Department Directors.

Section 6. 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 7. 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 8. This Ordinance shall become effective immediately upon its passage and adoption.

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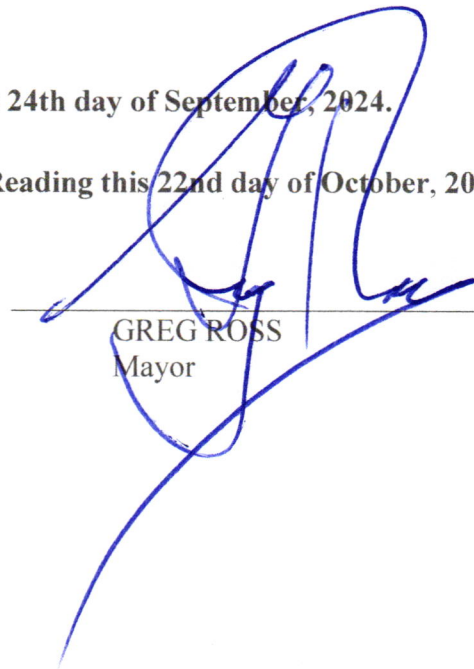
PASSED AND ADOPTED on First Reading this 24th day of September, 2024.

PASSED AND FINAL ADOPTION on Second Reading this 22nd day of October, 2024.

ATTEST:

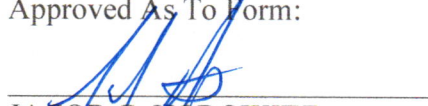


Tedra Allen, MMC
City Clerk



GREG ROSS
Mayor

Approved As To Form:



JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross
Commissioner Green
Commissioner Shrouder
Commissioner Katzman
Commissioner Mallozzi

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BUSINESS IMPACT ESTIMATE

10/22/2024 Meeting Date

Ordinance Title: Ordinance 24-22

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, RATIFYING AND CONFIRMING A RETIREMENT HEALTH INSURANCE BENEFIT FOR CERTAIN MEMBERS OF THE CITY COMMISSION; CONFIRMING A RETIREMENT HEALTH INSURANCE BENEFIT FOR CURRENT AND FUTURE MEMBERS OF THE CITY COMMISSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

If any of the following exceptions to the Business Impact Estimate requirements apply, check the applicable box and leave the remainder of the form blank.

- The ordinance is required for compliance with federal or state law or regulation;
- The ordinance relates to the issuance or refinancing of debt;
- The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the City;
- The ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The purpose of the ordinance is to reestablish the Retirement Health Insurance benefit for elected officials as set forth in the July 1999 Manual of Personnel Policies, as amended, and finds that subsequent changes to such a benefit provided to members of the City Commission must be established by ordinance pursuant to Sec. 3.06 of the City Charter

- 2. Estimate the direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

None

Estimate of direct compliance costs: None

- 3.

Any new charge or fee imposed by the proposed ordinance: None

- 4.

- 5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs

- 6. None

Estimate of the number of businesses impacted by the proposed ordinance: None

- 7.

- 8. Additional Information: _____
