

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 CERTAIN CURRENT COMMISSION MEMBERS; 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, the Retirement Health Insurance benefit may have also been adopted by the City Commission prior to 1999 and included in prior versions of the City’s personnel manuals; 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 by 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, the Retirement Health Insurance benefit established pursuant to the

July 1999 Manual predates the ordinance requirement approved by the voters in November 2002; and

WHEREAS, on October 28, 2008, the City Commission adopted Resolution No. 08-10-9, thereby approving a revised Manual of Personnel Policies (the “October 2008 Manual”) and providing for an updated set of policies in order for the City to manage its personnel matters; and

WHEREAS, similar to the July 1999 Manual, Sec. 14.06 of the October 2008 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; and

WHEREAS, similar to the July 1999 Manual, Sec. 14.06 of the November 2010 Manual (the “November 2010 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; 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, notwithstanding the fact that the Retirement Health Insurance benefit

was not required to be established by ordinance at the time that it was conferred pursuant to the July 1999 Manual, an ordinance would have been legally required to establish such a benefit pursuant to the October 2008 Manual; and

WHEREAS, since an ordinance would have been required to establish a Retirement Health Insurance benefit for members of the City Commission in 2008, an ordinance would have also been required to eliminate such a benefit as set forth in the March 2012 Manual; 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 commission members elected to office in 2012 who have since met the requirements of the November 2010 Manual ~~and future elected officials~~, in accordance with Sec. 3.06 of the City Charter, as amended; and

WHEREAS, the City Commission finds that commission's 2012 action to terminate the Retirement Health Insurance benefit was procedurally improper and void due to its conflict with the City Charter; 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 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. RATIFICATION OF BENEFIT PLAN. In accordance with Section 3.06 of the City Charter, the City Commission hereby ratifies and confirms the Retirement Health Insurance benefit for all eligible former members of the City Commission in accordance with the July 1999 Manual of Personnel Policies, as amended.

In accordance with the City's personnel policies, as amended, this benefit shall be afforded to eligible former members of the City Commission and the spouses of such commission members who were married at the time that the commission member left office and first became eligible to receive the Retirement Health Insurance benefit. Consistent with the City's personnel policies, as amended, the Retirement Health Insurance benefit shall not extend to the dependent children of eligible former or current commission members.

Section 3. 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. The City commission hereby further reestablishes the Retirement Health Insurance benefit set forth in the July 1999 Manual of Personnel Policies, as amended, for those current members of the City Commission who were first elected in 2012 and have since met the eligibility requirements pursuant to the personnel manual, as amended. With the exception of those eligible individuals (and eligible spouses), receiving the Retirement Health Insurance pursuant to this ordinance, the City Commission hereby further terminates the Retirement Health Insurance benefit for all current (who had not been previously vested above) and future members of the City Commission. 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.~~

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. 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 8th day of October, 2024.

ATTEST:

GREG ROSS
Mayor

Tedra Allen, MMC
City Clerk

Approved As To Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____



BUSINESS IMPACT ESTIMATE

10/8/2024 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: _____
