

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.

Commented [JGH1]: To be confirmed.

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, 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 *2008 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 and future elected officials, in accordance with Sec. 3.06 of the City Charter, as amended; and

Commented [JGH2]: To be confirmed

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.

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, 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.

Commented [JGH3]: To be confirmed.

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 _____ day of _____, 2024.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2024.

ATTEST:

GREG ROSS
Mayor

Tedra Allen
City Clerk

Approved As To Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

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