

RESOLUTION 2011- 09

A RESOLUTION OF THE CITY OF POLK CITY SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS.

WHEREAS, to honor their service now and in years to come, current and future police officers and firefighters in the City of Polk City deserve pension plans that are sound, secure and sustainable; and

WHEREAS, City of Polk City opposes unfunded mandates from the Florida Legislature that have created a pension plan system for local police officers and firefighters that is unstable, unsustainable and unreliable for current and future police officers and firefighters; and

WHEREAS, the Florida Legislature has imposed significant unfunded mandates onto the City relative to the operation of the City's police officer and firefighter defined benefit pension plans by mandating minimum pension benefit levels and mandating the use of revenues to fund pension plan costs; and

WHEREAS, prior to state mandates established in 1999, the City, was largely free to bargain with local police and fire unions, or provide for the non-unionized police and firefighters, the pension benefits that best fit the priorities and needs of the City and its police and firefighters; and

WHEREAS, in 1999, the Florida Legislature passed a law that established pension plan mandates that included revisions to how the City could use insurance premium tax revenues to fund its police and firefighter defined benefit pension plans by forcing the City to use any increase in the tax revenues to provide new, extra pension benefits to police and firefighters; and

WHEREAS, since 1999, the mandate to provide new, extra pension benefits to police and firefighters with increases in insurance premium tax revenues has required cities across the state to provide collectively more than \$460 million in new, extra pension benefits to police and firefighters; and

WHEREAS, state pension mandates continue to force the City to provide extra pension benefits to police and firefighters even though the City struggles with funding the current level of pension benefits provided to police and firefighters; and

WHEREAS, even if the City desired to reduce the level of pension benefits provided to police and firefighters to address the City's critical revenue constraints, the state Division of Retirement imposes a policy that police and firefighter pension benefit levels may not be reduced to a level lower than the level that existed in 1999; and

WHEREAS, if the City did lower its pension benefits for police and firefighters to a level lower than existed in 1999, the state Division of Retirement would withhold all the City's insurance premium tax revenues as a penalty; and

WHEREAS, the Florida Legislature has provided that health conditions related to heart disease, hypertension or tuberculosis suffered by a police officer or firefighter are presumed to be job related, and these "disability presumptions" are applicable to both workers' compensation and disability pension claims; and

WHEREAS, the Florida Legislature has written and the courts have interpreted the disability presumption laws so favorably toward these employees that cities and other government employers basically cannot overcome the presumption and show the health condition was not work related; and

WHEREAS, "disability presumptions" and other loopholes in the police officer and firefighter pension laws threaten the City taxpayer-funded police and firefighter pension plan by increasing the potential for abuse in the police and firefighter pension system; and

WHEREAS, the Florida Legislature transferred all operational and administrative control of police and firefighter pension plans from the City to a legislatively created board of trustees, a separate legal entity apart from the City that exercises broad powers outside the City's control, and is not required to provide fiscal transparency or accountability for substantial amounts of public funds; and

WHEREAS, the City supports flexibility in state law that would allow cities to deal with their local problems locally, and needs for the Florida Legislature to remove barriers in state law that prohibit this flexibility; and

WHEREAS, the City is seeking immediate mandate relief from the Florida Legislature and requests the Legislature to untie its hands so that it can responsibly address its pension and other personnel issues locally and in a manner that best serves its taxpayers, stops potential pension abuse and protects pensions for current and future generations of police and firefighters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA:

Section 1. That the City hereby supports responsible police and firefighter defined benefit pension and disability presumption reforms to ensure sound, secure and stable pensions will be there for current and future police and firefighters.

Section 2. That the City believes local issues should be addressed locally and hereby requests the Florida Legislature to remove itself from the local collective bargaining process between the City and its police and firefighters.

Section 3. That the City hereby requests the Florida Legislature to remove mandates establishing minimum pension benefit standards for police and firefighter pensions, remove the requirement to provide new, extra pension benefits to police and firefighters, and allow the City to use insurance premium tax revenues to pay for the level of pension benefits for police and firefighters that meets the needs and priorities of the City.

Section 4. That the City hereby requests the Florida Legislature to prohibit the state Division of Retirement from imposing administrative policies that result in increased costs to the taxpayers of the City in providing the police and firefighter pension plans.

Section 5. That the City hereby requests the Florida Legislature to enact responsible police officer and firefighter pension reforms to bring a fairer balance to the application of disability presumption laws relating to certain health conditions suffered by firefighters and police officers by requiring a police officer or firefighter to meet age and employment requirements, allowing a disability presumption to be overcome by a preponderance of the evidence, and allowing certain individual risk factors to be considered when applying a disability presumption, such as tobacco use, weight and diet, genetics and lifestyle choices.

Section 6. That the City hereby requests the Florida Legislature to impose reasonable fiscal transparency and accountability standards on legislatively created police and firefighter pension boards of trustees.

Section 7. That the City urges the Florida Legislature to pass and the Governor to approve the above responsible pension reform recommendations relating to police and firefighter pension plans and disability presumptions in the 2012 legislative session.

Section 8. That the City Clerk is directed to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.

Section 9. That this resolution shall be effective upon adoption.

RESOLVED, PASSED, AND CERTIFIED AS TO PASSAGE THIS
_____ DAY OF _____, 2011.

Joe LaCascia, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY

City Clerk

Thomas A. Cloud, City Attorney