

# CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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**Bill Type and Number:** Ordinance 2023-307

**Introducer/Sponsor(s):** Council President at the request of Police and Fire Pension Fund and Council Member White

**Date of Introduction:** May 9, 2023

**Committee(s) of Reference:** R, F

**Date of Analysis:** May 11, 2023

**Type of Action:** City Charter amendment

**Bill Summary:** The bill amends Ordinance Code Article 22 – Jacksonville Police and Fire Pension Fund (PFPF) Board of Trustees – to delete paragraphs (a) and (b) of Section 22.12 – Retirement for Board Employees – which prohibit the PFPF board from creating or administering any pension or other retirement plan other than the PFPF.

**Background Information:** The Charter sections being repealed were adopted by City Council in 2015 after the discovery by the Council Auditor’s Office that the PFPF Board of Trustees had created a Senior Staff Voluntary Retirement Plan (SSVRP) that covered several of the fund’s top administrators and provided them an alternative to membership in the City’s General Employees Pension Plan. The General Counsel at the time issued a legal opinion finding that the PFPF board was authorized only to administer the PFPF and not to create a separate pension plan for its employees and ordered the board to cease operation of the SSVRP and recover retirement funds it had paid out to participants. The SSVRP’s participants sued the PFPF board and the City to retain their benefits under the plan. The circuit court found in favor of the plaintiffs, holding that since the PFPF board had the authority “to fix the compensation of its employees”, it had the power to create the SSVRP.

The current General Counsel has determined that the judge’s ruling overrides the previous binding legal opinion and therefore the City Charter should be amended as requested by the PFPF board to remove the prohibitions against the PFPF creating a separate retirement plan so as to be consistent with the judge’s order.

**Policy Impact Area:** PFPF operations

**Fiscal Impact:** None

**Analyst:** Clements