

ORDINANCE NO. 02-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING TITLE III, "ADMINISTRATION," CHAPTER 33 "POLICE AND FIRE-RESCUE DEPARTMENTS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 33.60, "DEFINITIONS", TO IMPLEMENT PENSION CHANGES CONTAINED IN THE 2024-2027 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC.; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach negotiated a collective bargaining agreement with the Palm Beach County Police Benevolent Association, Inc. ("Union") for the period October 1, 2024 through September 30, 2027; and

WHEREAS, the collective bargaining agreement provides certain modifications to the City of Delray Beach Police Officers' Retirement System; and

WHEREAS, to implement the modifications to the Police Officers' Retirement System, it is necessary to adopt an ordinance amending the City's Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Title III, "Administration," Chapter 33, "Police and Fire-Rescue Departments", Section 33.60, "Definitions", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 33.60. – DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

[...]

Earnings. *Earnings.* Prior to October 1, 2006, earnings shall mean base wages paid to a member, including state education compensation, police basic education and police career education compensation, but excluding overtime, bonuses and any other payments. Effective October 1, 2006,

earnings shall mean base wages paid to the member including state education compensation, police basic education, police career education compensation and up to twenty-five (25) hours of overtime compensation per fiscal year, but excluding bonuses and any other payments. Effective July 7, 2015, earnings for members who are employed and have less than ten (10) years of continuous service on July 7, 2015, shall mean base wages paid to the member including state education compensation, police basic education, police career education compensation and up to twenty-five (25) hours per fiscal year of overtime compensation earned through July 7, 2015, but excluding overtime compensation earned after July 7, 2015, bonuses and any other payments. Earnings for members hired after July 7, 2015 shall mean basic wages paid to the member including state education compensation, police basic education, police career education compensation, and language incentive pay but excluding overtime compensation, bonuses and any other payments.

[...]

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 6. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney