

RESOLUTION 2013-02

A RESOLUTION OF THE CITY OF LAKE WALES 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 Lake Wales deserve pension plans that are sound, secure and sustainable; and
- WHEREAS,** the City of Lake Wales opposes unfunded mandates from the Florida Legislature that have created a pension plan system for city police officers and firefighters that is unstable, unsustainable and unreliable for current and future police officers and firefighters; and
- WHEREAS,** state level police and fire unions have exercised undue influence on the Florida Legislature relating to the provision of city police officer and firefighter pensions and disability presumptions; and
- WHEREAS,** the Florida Legislature has imposed significant unfunded mandates onto the City of Lake Wales relative to the operation of the City of Lake Wales'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,** unfunded city police officer and firefighter pension mandates from the Florida Legislature result in a direct expenditure of local taxpayer dollars without the benefit of local taxpayer input; 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,** the Florida Legislature transferred all operational and administrative control of police and firefighter pension plans from the City of Lake Wales to a legislatively created board of trustees, a separate legal entity apart from the City of Lake Wales that exercises broad powers outside the City of Lake Wales's control, and is not required to provide fiscal transparency or accountability for substantial amounts of public funds; and

WHEREAS, the City of Lake Wales 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 COMMISSION OF THE CITY OF LAKE WALES, FLORIDA:

- Section 1.** That the City of Lake Wales 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 of Lake Wales 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 of Lake Wales and its police and firefighters.
- Section 3.** That the City of Lake Wales 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 of Lake Wales 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 of Lake Wales.
- Section 4.** That the City of Lake Wales hereby requests the Florida Legislature to enact responsible 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 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 or alcohol use, weight and diet, genetics and lifestyle choices.
- Section 5.** That the City of Lake Wales hereby requests the Florida Legislature to impose reasonable fiscal transparency and accountability standards on legislatively created police and firefighter pension boards of trustees.
- Section 6.** That the City of Lake Wales urges the Florida Legislature to pass and the Governor to approve the above responsible reform recommendations relating to police and firefighter pension plans and disability presumptions in the 2013 legislative session.

Section 7. That the City Clerk of the City of Lake Wales is directed to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.

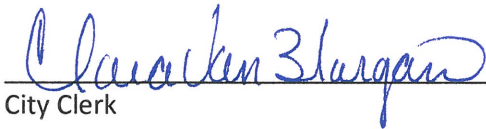
Section 8. That this resolution shall be effective upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, THIS JANUARY 15, 2013.



Mayor/City Commissioner

ATTEST



City Clerk