**MOTION OF THE BOARD OF TRUSTEES OF THE CONSOLIDATED RETIREMENT SYSTEM**

**WHEREAS**,the Town of Longboat Key has created a Consolidated Retirement System for the purpose of administering the Police Officers’ Retirement System, Firefighters' Retirement System and General Employees’ Retirement System, and has created a Board of Trustees to administer the Consolidated Retirement System; and

**WHEREAS**, Sec. 34.101(J) of the Code of Ordinances of the Town of Longboat Key provides that the duties and responsibilities of the Board shall include, among other things, “(8) To…make recommendations regarding changes to the provisions of the system”; and

**WHEREAS**,the Police Officers’ Retirement System provides a cost-of-living adjustment of 3% of the previous year's benefit amount, commencing on the first October 1st following 5 years of receiving retirement income payments. The Firefighters’ Retirement System also provides a cost-of-living adjustment of 3% of the previous year's benefit amount payable on the first October 1st following 5 years of receiving retirement benefits. For both the Police and Fire Systems, the cost-of living -adjustment is payable to normal and early service retirees; and

**WHEREAS**, the Board of Trustees of the Consolidated Retirement System is aware that the General Employee’s Retirement System does not contain a cost-of-living adjustment; and

**WHEREAS**, the Board of Trustees of the Consolidated Retirement System is aware that the actual cost-of-living has risen greatly in the last several years which has eroded the purchasing power of the retirees of the General Employees’ Retirement System, and has created a financial hardship for them; and

**WHEREAS**, the Board of Trustees of the Consolidated Retirement System is not aware of any legal issue concerning the granting of a cost-of living-adjustment to those persons presently employed and not yet retired in the General System; and

**WHEREAS**, the Board of Trustees has studied the matter and is aware that there is a significant legal issue concerning whether a municipality may grant a cost-of-living adjustment to those persons who are already retired. The legal issue arises under §215.425, Fla. Stat. Florida’s Attorney General has opined that §215.425 prohibits the payments of a benefit to those already retired. The Board is aware that there is active litigation involving other municipalities concerning the granting of a cost-of-living adjustment to those persons already retired. The Board of Trustees has furnished detailed information to the Town of Longboat Key concerning the legality of granting a cost-of-living adjustment to those persons who are retired;

**WHEREAS,** due to the legal issues, the Board of Trustees refrains from making a recommendation concerning a cost-of living adjustment at this time for persons already retired; and

**WHEREAS**, The Board of Trustees will continue to monitor the legal issues and may choose to make a recommendation on this issue in the future:

**THEREFORE,** it is hereby moved by the Board of Trustees of the Consolidated Retirement System that:

1. It recommends to the Town of Longboat Key that it provide a cost-of-living adjustment to all those members of the General Employees Retirement System who are still employed by the Town of Longboat Key. The cost-of-living adjustment that the Board recommends is identical to that which presently exists for the Police Officers’ Retirement System, and the Firefighters' Retirement System;

PASSED AND ADOPTED THIS 23RD DAY OF AUGUST, 2024

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Steve Branham, Chair