

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to negotiate an agreement with BENCOR to provide certain retirement benefits through a Special Pay Plan for County employees and to present a written report with a recommendation on such agreement to the Board within 120 days

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 1, 2022

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Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(3)
6-1-22

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AN
AGREEMENT WITH BENCOR TO PROVIDE CERTAIN
RETIREMENT BENEFITS THROUGH A SPECIAL PAY PLAN
FOR COUNTY EMPLOYEES AND TO PRESENT A WRITTEN
REPORT WITH A RECOMMENDATION ON SUCH
AGREEMENT TO THE BOARD OF COUNTY
COMMISSIONERS WITHIN 120 DAYS

WHEREAS, the County's employees are its greatest asset, and providing these employees
a secure retirement is of vital importance to this Board; and

WHEREAS, many County employees enter the Deferred Retirement Option Program
("DROP") and/or retire from the County with accumulated leave that they were unable to use
during their employment with the County; and

WHEREAS, when paid out to qualified employees at their retirement, such accumulated
leave pay is subject to taxation, including the payment of income tax and up to 7.65 percent of
Social Security and Medicare taxes; and

WHEREAS, BENCOR, a company which specializes in the design, implementation and
administration of retirement plans for public employees across the United States, offers a Special
Pay Plan, which is a retirement program approved by the Internal Revenue Service and consisting
of three parts: the first part satisfying the requirements under section 401(a) of the Federal tax law,
the second part following the dictates of section 403(b), and the third part meeting the rules of
section 457(b); and

WHEREAS, the Special Pay Plan allows for employees' unused leave pay to be transferred as non-elective employer contributions into a retirement account at BENCOR, where such contributions are 100 percent vested in the employee participant, and can either be withdrawn from the plan upon retirement, total disability or death of the employee, or invested by the employee in an array of investment options made available under the plan by BENCOR; and

WHEREAS, for any leave pay invested through the Special Pay Plan, income taxes are imposed only upon withdrawal from the participant's plan account; and

WHEREAS, contributions to the Special Pay Plan would not affect employees' ability to make voluntary contributions to other retirement accounts, such as a 457(b) plan, within limits specified by the Internal Revenue Code; and

WHEREAS, other local government agencies such as the Miami-Dade County School Board offer the benefits of the BENCOR Special Pay Plan to their employees; and

WHEREAS, this Board desires to allow County employees to benefit from the tax savings, tax deferrals, and investment options offered by the BENCOR Special Pay Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. The County Mayor or County Mayor's designee is directed to negotiate a Special Pay Plan Agreement with BENCOR for non-bargaining County employees and for all other County employees within collective bargaining units, provided that written consent of the applicable collective bargaining agents is obtained to provide this benefit to bargaining unit employees, and to present a written report to this Board including a recommendation as to whether the County should enter into such agreement. The County Mayor or County Mayor's designee

shall provide the report to this Board within 120 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of June, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Estevé
Marlon D. Moffett

