

Ordinance 2020-07

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING CHAPTER 66, PENSIONS AND RETIREMENT; ARTICLE III, POLICE OFFICERS' RETIREMENT SYSTEM; ADDING A NEW SECTION B; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Section 66-181 of Chapter 66, Article III, of the City Code of St. Pete Beach is hereby amended to read as follows:

Sec. 66-181. - Board of trustees.

(a) The sole and exclusive administration of and responsibility for the proper operation of the system, and for making effective provisions of this article, is vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city commission, at the first regularly scheduled meeting following the general election, or at the first regularly scheduled meeting after the city commission meeting where newly elected commissioners are sworn into office, whichever is later; and two of whom shall be members of the system, who shall be elected by a majority of the police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four trustees as provided herein, and such person's name shall be submitted to the city commission. Upon receipt of the fifth person's name, the city commission shall, ministerial duty, appoint such person to the board of trustees as its fifth trustee. The fifth trustee shall have the same rights as each of the other four trustees appointed or elected as provided herein and shall a two-year term, unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of two years with staggered terms expiring in alternate years, unless he sooner vacates the office or is sooner replaced by the city commission, at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of two years, unless he sooner leaves the employment of the city as a police officer or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained in this article, the power to bring and defend lawsuits of every kind, nature, and description.

(b) Whenever the police officer membership of a closed local law plan falls below 10, an active police officer member seat may be held by either a retired police officer or an active police officer member of the plan who is elected by the active and retired

members of the plan. If there are no active or retired police officers remaining in the plan or capable of serving, the remaining board members may elect an individual to serve in the active police officer member seat. Upon receipt of such person's name, the legislative body of the municipality shall, as a ministerial duty, appoint such person to the board of trustees.

(c) The trustees shall, by a majority vote, elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

(d) Each trustee shall be entitled to one vote on the board. Three affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall have the right to abstain from voting as the result of a conflict of interest, provided that trustee complies with the provisions of F.S. § 112.3143.

(e) The board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the system shall be paid from the fund at such rates and in such amounts as the board shall agree. In the event the board chooses to use the city's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the board.

(f) The duties and responsibilities of the board shall include, but not necessarily be limited to:

- (1) Construe the provisions of the system and determine all questions arising thereunder.
- (2) Determine all questions relating to eligibility and membership.
- (3) Determine and certify the amount of all retirement allowances or other benefits under this article.
- (4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.
- (5) Distribute to members, at regular intervals, information concerning the system.
- (6) Receive and process all applications for benefits.

- (7) Authorize all payments whatsoever from the fund, and notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.
- (8) Have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding any and all changes in the provisions of the system.
- (9) Perform such other duties as are required to prudently administer the system.

SECTION 2. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

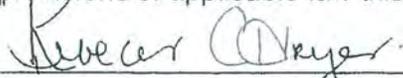
FIRST READING:	06/09/2020
PUBLISHED:	07/01/2020
SECOND READING:	07/14/2020
PUBLIC HEARING:	07/14/2020

CITY COMMISSION,
CITY OF ST. PETE BEACH, FLORIDA.



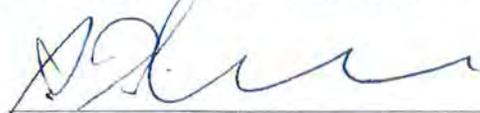
Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this **14th day of July, 2020**.



Rebecca C. Haynes, City Clerk

APPROVED AS TO FORM ONLY:



Andrew Dickman, City Attorney