

Regular Workshop – March 20, 2013
Agenda Item 10

Agenda Item: Proposed Ordinance 2013-12, Amending Chapter 34.45, Composition of Firefighters' Retirement System Board of Trustees

Presenter: Town Manager

Summary: Terms of the IAFF Collective Bargaining Agreement provide for firefighters' to enter the Florida Retirement System and for the Town to freeze the current pension plan. A series of actions will be taken to effectuate that conversion including restructuring the Firefighters' Retirement System Board of Trustees.

Proposed Ordinance 2013-12 provides for a change to the composition of the Board of Trustees.

Attachments: 3-12-13 Memo, Manager to Commission;
Proposed Ordinance 2013-12.

Recommended Action: Pending discussion, provide direction to Manager.

MEMORANDUM

Date: March 12, 2013

TO: Town Commission
FROM: Dave Bullock, Town Manager
SUBJECT: Proposed Ordinance 2013-12, Amending Chapter 34.34
Composition of Firefighters' Retirement System Board of Trustees

The Town intends to address its pension plans through a series of actions this calendar year. The ratification of the IAFF collective bargaining agreement sets the stage for the first action.

The attached ordinance restructures the Firefighters' Retirement System Board of Trustees from its current configuration. The makeup of the new Board of Trustees is suggested as follows:

- Three members appointed by the Town Commission
- The Town Manager or designee
- Two members who are elected by the majority of the firefighters and are employees of the department

This change to the Firefighters' Retirement System Board of Trustees will be followed by other actions of the Town Commission and the new Board of Trustees to freeze the plan and enter employees into the Florida Retirement System.

ORDINANCE 2013-12

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, AMENDING CHAPTER 34, EMPLOYMENT POLICIES, OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA; AMENDING SECTION 34.45, BOARD OF TRUSTEES, SUBSECTION (A), BOARD COMPOSITION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA THAT:

SECTION 1. Section 34.45, Board of trustees, subsection (A), is amended to read as follows:

Section 34.45. Board of trustees.

(A) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of sections ~~34.43~~ through ~~34.67~~ are hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of ~~five~~ six trustees, ~~two~~ three of whom, unless otherwise prohibited by law, shall be legal residents of the town, who shall be appointed by the Longboat Key Town Commission, and two of whom shall be ~~members of the system~~ employees of the fire department, who shall be elected by a majority of the firefighters who are members of the system, and one of whom shall be the Town Manager or his/her designee. Solely for purposes of serving as a trustee, DROP participants shall qualify as members of the system and be eligible for election as described herein. ~~The fifth trustee shall be chosen by a majority of the previous four trustees as provided for herein, and such person's name shall be submitted to the Longboat Key Town Commission. Upon receipt of the fifth person's name, the Longboat Key Town Commission shall, as a 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 herein provided and shall serve a two-year term unless he sooner vacates the office.~~ Each resident trustee shall serve as trustee for a period of two years, unless he sooner vacates the office or is sooner replaced by the Longboat Key Town Commission at whose pleasure he shall serve. Each ~~member~~ employee trustee shall serve as trustee for a period of two years, unless he sooner leaves the employment of the town as a firefighter 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 herein, the power to bring and defend lawsuits of every kind, nature, and description.

SECTION 2. The changes contained in Section 1 of this Ordinance shall take effect upon adoption of this ordinance. On that date, the fifth trustee and the two trustees appointed by the Town Commission who were serving under section 34.45(A) prior to this amendment shall no longer serve as trustees. Upon the effective date of this ordinance, or at or prior to the next regular meeting thereafter, the Town Commission shall appoint

three residents to serve as trustees (who may include the prior town commission appointed trustees) and the Town Manager or his/her designee shall become a trustee. The two employee trustees serving prior to the effective date of this ordinance shall continue to serve for the remainder of their terms, unless they sooner leave Town employment as a firefighter or vacate their office as a trustee. The Board of Trustees, with the changes in membership contained in Section 1, shall meet on or before ten (10) days business days after the effective date of this ordinance.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrase under application shall not be affected thereby.

SECTION 5. This Ordinance shall take effect upon second reading and adoption, except as otherwise specifically provided herein.

Passed on first reading the _____ day of _____, 2013.

Adopted on second reading and public hearing the _____ day of _____, 2013.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk



End of Agenda Item