

M E M O R A N D U M

Date: April 9, 2013

TO: Town Commission
FROM: Dave Bullock, Town Manager
SUBJECT: 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.

Ordinance 2013-12 was discussed at the March 20, 2013, Regular Workshop Meeting and was forwarded to the April 1, 2013, Regular Meeting for first reading, and to the April 15, 2013, Special Meeting for second reading and public hearing.

The Ordinance was modified based on Commission direction at the April 1, 2013, Regular Meeting and restructures the Firefighters' Retirement System Board of Trustees from its current configuration.

The makeup of the new Board of Trustees is described within the ordinance as follows:

- Five members appointed by the Town Commission (includes the Chair and Vice Chair)
- Two members appointed by the Town Manager
- One year terms for all appointed members.

The Town Clerk's Office advertised for interested citizens for consideration of appointments to the Board of Trustees and a Meet & Greet for those submitting applications was scheduled for April 15, 2013, at 9:00 a.m.

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.

Appointment of the members will be considered at the April 15, 2013, Special Meeting (see Item 4) following adoption of Ordinance 2013-12.

ORDINANCE 2013-12

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 34, EMPLOYMENT POLICIES; AMENDING SECTION 34.45, BOARD OF TRUSTEES; PROVIDING FOR IMPLEMENTATION; 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, subsections (A), (B) and (C) are amended to read as follows:

Section 34.45. Board of trustees.

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 seven trustees, ~~two~~ five 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 appointed by the Town Manager. The Longboat Key Town Commission shall designate one of the trustees it appoints as chairman of the board and another trustee as vice chairman and may change such designations from time to time. ~~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. 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~~ one years, unless he sooner vacates the office or is sooner replaced by the Longboat Key Town Commission at whose pleasure he shall serve. Each employee trustee appointed by the Town Manager shall serve as trustee for a period of ~~two~~ one years, unless he sooner vacates the office or is sooner replaced by the Town Manager at whose pleasure he shall serve. 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.

- (A) The trustees shall, by a majority vote, elect a chairman, ~~vice 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.
- (B) Each trustee shall be entitled to one vote on the board. ~~Four~~ 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.

SECTION 2. The changes contained in Section 1 of this Ordinance shall take effect upon adoption of this Ordinance. Upon the effective date of this Ordinance, or at or prior to the next regular meeting thereafter, the Town Commission shall appoint five residents to serve as trustees (who may include the prior Town Commission appointed trustees) and shall designate one of the five resident trustees as chairman of the board and another trustee as vice chairman. Upon the effective date of this Ordinance, or at or prior to the next regular meeting of the Town Commission thereafter, the Town Manager shall appoint two trustees (who may include prior trustees). Those trustees who are serving prior to the effective date of this Ordinance who are not appointed as a trustee in accordance with this Ordinance shall no longer serve as a trustee. The Board of Trustees, with the changes in membership provided in this Ordinance, shall meet ~~on or before ten (10) days business days after the effective date of this ordinance~~ within thirty (30) days after appointment as provided herein.

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 1st day of April, 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