MEMORANDUM

Date: May 9, 2013

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Proposed Ordinance 2013-14, Amending Chapter 34, Section 34.75, Composition of General Employees' Retirement System Board of Trustees

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The Town intends to address its pension plans through a series of actions this calendar year.

Ordinance 2013-14 is presented for discussion at the May 20, 2013, Regular Workshop Meeting to consider the composition of the General Employees' Retirement System Board of Trustees.

The ordinance was drafted based on Commission direction relating to the composition of the Firefighters' Retirement System Board of Trustees and restructures the General Employees' 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); and
- Two members appointed by the Town Manager.

This change to the General Employees' 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 a Defined Contribution Plan administered by ICMA.

The Town Clerk's Office is advertising for applications from interested citizens for consideration of appointments to the Board of Trustees. The ads have run from May 10 through May 22, 2013 in the local media publications. A Meet & Greet for those submitting applications will be held on June 3, 2013 at 10:00 AM.

ORDINANCE 2013-14

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 34, EMPLOYMENT POLICIES; AMENDING SECTION 34.75, 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. Chapter 34, Section 34.75, Board of trustees, subsections (A), (B), and (C) are amended to read as follows:

Section 34.75. 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 the ordinance from which this subchapter derives are hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of ~~five~~ seven trustees, ~~two~~ five of whom, unless otherwise prohibited by law, ~~shall be legal residents~~ must be registered voters and residents of the town, who shall be appointed by the Longboat Key Town Commission, and two of whom shall be ~~members of the system, who shall be elected by a majority of the general employees who are members of the system. 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 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 three-year term unless he sooner vacates the office.~~ 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. Each resident trustee shall serve as trustee for a period of ~~three years~~ one year, unless he sooner vacates the office or is sooner replaced by the Longboat Key Town 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 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~~ appointed by the Town Manager shall serve as trustee for a period of one year, unless he sooner vacates the office or is sooner replaced by the Town Manager at

whose pleasure he shall serve. Each trustee may succeed himself in office. ~~The board shall establish and administer the nominating and election procedures for each election. Each member trustee shall serve as trustee for a period of three years, unless he sooner leaves the employment of the town as a general employee or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. DROP participants can be elected as and vote for elected trustees. Terms shall be staggered with one member trustee and one resident trustee elected or appointed one year with terms to begin on October 1, one member trustee, one resident trustee and the fifth trustee elected or appointed the next year with terms to begin October 1 for the resident trustee and November 1 for the fifth trustee, and no elections or appointments in the third year. The initial terms of two trustees shall be shortened to two years to accomplish the staggering. The board shall establish and administer the nominating and election procedures for each election.~~ All trustees must attend a sunshine and public records law class within three months of their appointment. 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. No trustee shall be an elected official. A person appointed to this board may not serve concurrently on any of the following town boards: Code Enforcement Board, Planning and Zoning Board, or Zoning Board of Adjustment.

(B) 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.

(C) Each trustee shall be entitled to one vote on the board. ~~Three~~ Four affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. The presence of four or more trustees shall constitute a quorum 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 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 ____ day of _____, 2013.

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

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James L. Brown, Mayor

ATTEST:

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Trish Granger, Town Clerk

End of Agenda Item