MEMORANDUM

Date: December 20, 2013

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Ordinance 2014-02, Amending Chapter 34, Composition of Police Officers' Retirement System Board of Trustees

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At the December 11, 2013, Special Meeting the Town Commission held first reading on Ordinance 2014-02 which provides for a change to the composition of the current Police Officers' Retirement System Board of Trustees.

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.

The Ordinance was forwarded to the January 6, 2014, Regular Meeting for second reading and public hearing. Subsequent to adoption, the Town Clerk's office will advertise for volunteers to serve on the Board.

Please contact me if you have any questions.

ORDINANCE 2014-02

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING CHAPTER 34, EMPLOYMENT POLICIES, OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA; AMENDING SECTION 34.15, BOARD OF TRUSTEES, SUBSECTIONS (A) THROUGH (C), 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 34.15, Board of trustees, subsections (A) through (C), are amended to read as follows:

Section 34.15. 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 section derives~~ sections 34-13 through 34.41 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 of the town, who shall be appointed by the Longboat Key Town Commission, and two of whom shall be appointed by the Town Manager. ~~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 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.~~ 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 ~~member~~ trustee shall serve as trustee for a period of one ~~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 trustee appointed by the Town Manager shall serve as trustee for a period of one year, unless he sooner vacates office or is sooner replaced by the Town Manager at whose please he shall serve. ~~leaves the employment of the town 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. ~~DROP participants can be elected as but not vote for elected trustees~~. 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.

(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. A trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of F.S. § 112.3143.

SECTION 2. The changes contained in Section 1 of this Ordinance shall take effect on 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 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 11th day of December, 2013.

Adopted on second reading and public hearing the _____ day of _____, 2014.

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James L. Brown, Mayor

ATTEST:

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Trish Granger, Town Clerk

End of Agenda Item