

TAB 8



City of Palmetto Agenda Item

Meeting Date

9/27/10

Presenter: Jim Freeman

Department: City Hall

Title:

**Appointment of Trustee to the Police Officers' Pension Board of Trustees
Ratification of the 5th Trustee to the Police Officers' Pension Board of Trustees**

On January 25, 2010, Michael J. Fuller was appointed by City Commission to the Police Officers' Pension Board of Trustees. The ordinance governing the Board of Trustees required that he be a legal resident of the City.

The 5th Trustee of the Board is appointed by the other four members of the Board, and requires Commission ratification, as a ministerial duty. Mr. Fuller has recently moved from the City, but wishes to remain seated as a Trustee. Because this seat is currently vacant, the Board felt it in the best interest of the Plan to move Mr. Fuller into the 5th Trustees' seat. Therefore, Commission, as a ministerial duty, shall appoint Mr. Fuller as the 5th Trustee, for a term expiring January, 2012.

Lawrence W. (Larry) Denyes, a legal resident of the City, has expressed interest in filling the City Commission appointed seat that was occupied by Mr. Fuller. Mr. Denyes will bring additional financial knowledge to the composition of the Board. Mr. Denyes' appointment shall be for a term expiring January, 2012.

The seating of these two gentlemen will mean a full Board, the first time since January, 2010.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

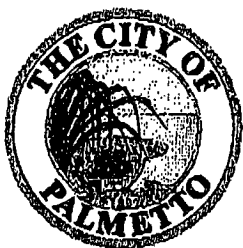
Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/Direction Requested: Motion to ratify the appointment of Michael J. Fuller as the 5th Trustee and approve the appointment of Lawrence W. (Larry) Denyes to the Police Officers' Pension Plan Board of Trustees, each for a term expiring January, 2012.

Staff Contact: Jim Freeman

Attachments: Portion of the Police Officers' Pension Plan ordinance relating to the Board of Trustees.



ADVISORY BOARD APPLICATION

Board Preference: POLICE PENSION PLAN BOARD

Name: LAWRENCE W. (LARRY) DENTON Date: 09/08/2010

Home Address: 130 AVIGNA DUNE WAY # 304 Zip Code: PALMETTO, FL 34221

Home Phone: (941) 504-0711 How long have you lived in Palmetto? 2 MONTHS

Occupation: FINANCIAL REPRESENTATIVE

Name & Address of Business: NORTHWESTERN MUTUAL 1751 MONROE ST. #107 SARASOTA, FL

Business Phone: (941) 957-4512 Fax# (941) 951-1807 Email: LDENTON@AOL.COM 34236

Are you retired? Yes / No NO If yes, from what?

Are you currently serving on a City Board/Committee? NO - I JUST RETIRED

If yes, which Board? FROM THE CODE ENFORCEMENT BOARD IN BRADENTON (RESIDENCE)

Educational Background: BA - CARSON-NEWMAN COLLEGE

Civic Organizations: SOUTH MANAAGE SOLTMA CLUB

Three Personal References (Include address and phone number)

1. TOM MOSELLEY - 1701-5151 ST. W BRADENTON FL 34209 - (P) 209-8765
2. MARTY JACOBS - 9215-13TH AVE CIE NW BRADENTON FL 34209 (P) 730-8487
3. KETON TAYLOR - 1710-21ST ST. W PALMETTO FL 34221 (P) 812-2023

Why do you desire to serve on the above Board/Committee?

TO USE MY FINANCIAL BACKGROUND IN SERVING THE CITY OF PALMETTO. I ENJOY SERVING THE CITY OF BRADENTON, SO I WOULD LIKE TO HELP ONCE AGAIN.

Larry Denton
Signature

Spouse means the lawful wife or husband of a member or retiree at the time benefits become payable.

System means the City of Palmetto Police Officers' Retirement Plan as contained herein and all amendments thereto.

(b) *Masculine gender*. The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

(Ord. No. 679, § 1, 6-29-00; Ord. No. 02-759, § 1, 10-7-02; Ord. No. 06-901, § 1, 10-2-06; Ord. No. 09-998, § 1, 10-19-09)

Sec. 22-172. Membership.

(a) *Conditions of eligibility*. All police officers shall become members of this system as a condition of employment.

(b) *Opt out option*. Notwithstanding (a) above, any future police chief may, within the first three (3) months of his employment as police chief, notify the board and the city, in writing, of his election to not be a member of the system. In the event of any such election, accumulated contributions made to the system shall be refunded and he shall be barred from future membership in the system.

(c) *Designation of beneficiary*. Each police officer shall complete a form prescribed by the board designating a beneficiary or beneficiaries.

(Ord. No. 679, § 1, 6-29-00; Ord. No. 06-901, § 1, 10-2-06)

Sec. 22-173. 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 this ordinance is hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city commission, and two (2) 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 (4) trustees as provided for herein, and such person's name shall be submitted to the city commission. In the event the mayor, a member of city commission or the police chief is appointed to the board, his duties as trustee shall be deemed ex-officio duties to his duties as mayor, commissioner or police chief. Upon receipt of the fifth person's name, the city 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 (4) trustees appointed or elected as herein provided and shall serve a two (2) year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of two (2) 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 (2) 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. 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 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 (1) vote on the board. Three (3) 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.

(d) 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.

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

- (1) To construe the provisions of the system and determine all questions arising thereunder.
 - (2) To determine all questions relating to eligibility and membership.
 - (3) To determine and certify the amount of all retirement allowances or other benefits hereunder.
 - (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.
 - (5) To distribute to members, at regular intervals, information concerning the system.
 - (6) To receive and process all applications for benefits.
 - (7) To authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.
 - (8) To 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) To perform such other duties as are required to prudently administer the system.
- (Ord. No. 679, § 1, 6-29-00; Ord. No. 04-823, § 1, 10-18-04; Ord. No. 06-901, § 1, 10-2-06)