

TAB 12



City of Palmetto Agenda Item

Meeting Date

8/15/11

Presenter: Jim Freeman

Department: City Clerk

Title:

ORDINANCE NO. 2011-16 General Employees' Pension Plan Board of Trustees terms

In 2008 the voters approved the Charter amendment. Section 16-Mayor-Powers and Duties states that No Mayoral appointment to any board, commission, or committee shall extend beyond a term of two (2) years.

Proposed Ordinance No. 2011-20 amends Sec. 22-83 of the General Employees' Pension Plan ordinance as follows:

1. Provides that appointments to the Board of Trustees shall be pursuant to the Charter
2. Limits the terms of office to two years
3. Eliminates the "ministerial duty" of the Commission to approve the Board's selection of two members of the Board.

The General Employees' Pension Plan Board of Trustees recommended approval of the proposed ordinance at its June 6, 2011 meeting.

UPDATE: Following the 7/18/11 meeting the ordinance was amended to generically refer to gender and to make all successive appointments or trustee replacements pursuant to the Charter.

Budgeted Amount:	\$0.00	Budget Page No(s):		Available Amount:	\$0.00	Expenditure Amount:	\$0.00
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Additional Budgetary Information:

Funding Source(s):	<input type="text"/>	Sufficient Funds Available:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Source:	<input type="text"/>
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City Attorney Reviewed:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	Consistent With:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="text"/>
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Potential Motion/Direction Requested:

Staff Contact:

Attachments:

ORDINANCE NO. 2011-16

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-83, BOARD OF TRUSTEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, IN REGULAR SESSION ASSEMBLED:

SECTION 1: Amendment Language.

That Chapter 22, Personnel, Article IV, General Employees' Retirement System, of the City of Palmetto Code of Ordinances, is hereby amended by amending Section 22-83, Board of trustees, subsection (1), to read as follows:

Sec. 22-83. Board of trustees.

- (1) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this article are hereby vested in a board of trustees. The board of trustees is hereby designated as the plan administrator. The board of trustees shall consist of seven (7) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed pursuant to the City Charter, Section 16, Mayor-Powers and Duties, two (2) 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, one (1) of whom shall be the city clerk, and two (2) of whom shall be chosen by a majority of the previous five (5) trustees as provided for herein, and such persons' names shall be submitted to the Palmetto City Commission. In the event the Mayor or a member of City Commission is appointed to the Board, his duties as Trustee shall be deemed ex-officio duties to the individual's duties as Mayor or Commissioner. The sixth and seventh trustees shall have the same rights as each of the other five (5) trustees appointed or elected as herein provided and shall serve two-year (2) terms unless either sooner vacates the office. Each resident trustee shall serve as trustee for a period of two (2) years, unless the Trustee sooner vacates the office or is sooner replaced pursuant to the Charter. ~~by the Palmetto City Commissioner at whose pleasure he shall serve.~~ Each member trustee shall serve as trustee for a period of two (2) years, unless the member sooner leaves the employment of the city as a general employee or otherwise vacates the member's office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed appointed to successive terms in office. Current trustees who are serving three year terms shall serve until the completion of the three year term and may then be reappointed or reelected for two year terms. 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.

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

SECTION 4: Severability. 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 phrases under application shall not be affected thereby.

SECTION 5: Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four votes.

First Reading: July 18, 2011

Publication: July 22, 2011

Second Reading and Public Hearing: August 15, 2011

PASSED AND DULY ADOPTED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this 15th day of August, 2011.

CITY OF PALMETTO, FLORIDA, BY AND
THROUGH THE CITY COMMISSION OF
THE CITY OF PALMETTO

By: _____
Shirley Groover-Bryant, Mayor

ATTEST:

By: _____
James R. Freeman, City Clerk

Foster & Foster INC.

Actuaries and Consultants

June 23, 2011

Ms. Diane Ponder
Clerk Administration
City of Palmetto
PO Box 1209
Palmetto, FL 34220

Re: General Employees' Retirement System

Dear Diane:

As you requested, we have reviewed the proposed ordinance (identified as Ordinance 2011-16) restating Section 22-83, Board of trustees, subsection (1) of the Plan and have determined that its adoption will have no impact on the assumptions used in determining the funding requirements to the program.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to the following office:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

If you have any questions, please let me know.

Sincerely,



John L. Bartz, ASA

JLB/lsw



DEPARTMENT OF MANAGEMENT
SERVICES

RECEIVED
AUG 01 2011
CITY HALL

RICK SCOTT
Governor

JOHN P. MILES
Secretary

July 28, 2011

Ms. Diane Ponder
General Employees' Retirement System,
City of Palmetto
P O Box 1209
Palmetto, FL 34220-1209

RE: Notification of receipt for the City of Palmetto

Dear Ms. Ponder:

This letter acknowledges receipt of the following items for the City's General Employees' Retirement System.

- June 23, 2011 Actuarial Impact Statement prepared by Foster & Foster, Inc.
- Ordinance 2011-16

Upon further review of this material, you will be notified if additional information is needed. Please feel free to contact our office with any questions or concerns you may have.

Sincerely,

Barbara Lorberg
Staff Assistant
Bureau of Local Retirement Systems

/bl

Section 16. Mayor—Powers and Duties.

The Mayor shall have direct supervision over all *Appointed Officers* of the City and the manner of conducting all City business, except as otherwise provided by this Charter, or by law. The Mayor shall be responsible for the proper administration of the City government and all City affairs as provided by or under this Charter or by ordinance or resolution of the City Commission. The Mayor shall:

- (a) See that all laws, provisions of this Charter and acts of the City Commission, are faithfully executed;
- (b) Sign contracts on behalf of the City pursuant to the provisions of ordinance and as authorized by such ordinances and resolutions or acts as may be enacted or approved by the City Commission; and
- (c) Have the power to bid on all property for the City at any and all judicial sales under process of law where the City is a party, up to an amount equal to the maximum amount owed to the City or to such other amount as may be authorized by the City Commission.

The Mayor shall have the power to appoint members of all boards, commissions and committees of the City, unless otherwise provided by law or City ordinance, and subject to approval of *Majority Vote of the Commission*. No Mayoral appointment to any board, commission, or committee shall extend beyond a term of two (2) years.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)

Section 17. Appointed Officers—Appointment and Removal.

The Mayor shall appoint all *Appointed Officers* of the City. If such officer is appointed for a term of one (1) year or shorter duration, the Commission shall confirm the appointment by *Majority Vote of the Commission*. If the term for such *Appointed Officer* is more than one (1) year, the Commission shall confirm the appointment by four (4) or more votes. If the person does not receive sufficient affirmative votes to be confirmed as provided herein, the person shall no longer be an *Appointed Officer* and Mayor shall appoint another person to serve as the *Appointed Officer* within sixty (60) days of the prior appointment. A person who is not confirmed by the Commission may not be reappointed to that position without approval of the Commission. ~~No term of appointment for an *Appointed Officer* shall extend beyond the date of the first Organizational Meeting following a *General Election* for the Mayor's office.~~ The Mayor may suspend or remove *Appointed Officers*, subject to approval of *Majority Vote of the Commission*, unless prevented by law or this Charter. The City Commission may suspend or remove *Appointed Officers* by its own motion adopted by four (4) or more votes of the Commission members. In all cases when less than five (5) Commissioners may be eligible to vote by law regarding the appointment, suspension or removal of an *Appointed Officer*, then such action may be taken by a *Majority Vote* of the Commission. Commissioners shall be entitled to request and receive information from all *Appointed Officers* as may be necessary to conduct the duties of their office.

(Ord. No. 2010-10, § 1(Exh. A), July 19, 2010)