

TAB 6

ORDINANCE NO. _____

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 ~~by the Palmetto city commission 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 Council ~~commission~~ is appointed to the Board, his duties as Trustee shall be deemed ex-officio duties to his duties as Mayor or Commissioner. ~~Upon receipt of the sixth and seventh persons' names, the Palmetto city commission shall, as a ministerial duty, appoint such persons to the board of trustees as its sixth and seventh trustees.~~ 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 ~~three-year~~ two-year terms unless either sooner vacates the office. Each resident trustee shall serve as trustee for a period of ~~three (3)~~ two (2) years, unless he sooner vacates the office or is sooner replaced by the Palmetto city commissioner at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of ~~three (3)~~ two (2) years, unless he sooner leaves the employment of the city 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. Each trustee may succeed himself 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 2: Codification. Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Palmetto.

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: _____, 2011.

Publication: _____, 2011.

Second Reading and Public Hearing: _____, 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 _____ day of _____, 2011.

By: _____

Shirley Groover-Bryant, Mayor

ATTEST:

By: _____
James R. Freeman, City Clerk