

ORDINANCE 00-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING PORTIONS OF CHAPTER 70 OF THE EUSTIS CODE OF ORDINANCES TO PROVIDE FOR COMPLIANCE WITH FLORIDA STATUTES 185 AND TO PROVIDE FOR INVESTMENT IN COMMON STOCK AT COST NOT TO EXCEED SEVENTY-FIVE PERCENT (75%) OF THE POLICE PENSION FUND'S ASSETS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PUBLICATION IN ACCORDANCE TO THE LAW.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA:

Purpose: The purpose of this Ordinance is to amend portions of Chapter 70 of the Eustis Code of Ordinances as follows:

Section 1. Section 70-101 of the Eustis Code of Ordinances is amended to read as follows:

Section 70-101. Established.

- (a) There is established in the City a pension and retirement system for paid police officers of the police department of the City (police officers' pension trust fund) pursuant to the Charter and Florida Statutes 185 shall be applicable.

The city police officers' pension trust fund is a local pension plan as allowed by Florida Statutes §185.35. Pursuant to such law, the plan shall meet the requirements of F.S. §185.35

Section 2. Section 70-102(a) of the Eustis Code of Ordinances is amended to read as follows:

Section 70-102. Contributions.

- (a) *Contributions by the City to the police officers' pension trust fund.* The City shall contribute to the police officers' pension trust fund annually an amount which, together with the contributions from the police officers and the amount derived from the premium tax and other sources allowed by law, will be sufficient to meet the normal cost of the police officers' pension trust fund and to fund the actuarial deficiency as set out in F.S. 112.

Section 3. Section 70-107 of the Eustis Code of Ordinances is amended to read as follows:

Section 70-107. Monthly retirement income for police officers.

The amount of retirement income payable to a police officer of the city who retires on or after his normal retirement date shall be in an amount equal to the number of years of credited service multiplied by two and one half percent (2 1/2%) of his average final compensation for those years of service completed prior to January 1, 1989, and three percent (3%) of his average final compensation for those years of service completed subsequent to January 1, 1989. (Code 1959, §15-37; Ord. No. 94-15, §1,5-19-1994)

Section 4. Section 70-108 of the Eustis Code of Ordinances is deleted in its entirety.

Section 5. Section 70-109 of the Eustis Code of Ordinances is amended to read as follows:

Section 70-109. Vesting.

- (1) All police officers who are qualified law enforcement employees with the City on January 1, 1989, and all those employed as qualified law enforcement employees with the City after January 1, 1989, shall be vested in the police officers' retirement plan after completion of five years of qualified service.
- (2) All police officers who terminated employment as qualified law enforcement employees with the City prior to January 1, 1989, and were not re-employed on or after January 1, 1989, as qualified law enforcement employees with the City shall be vested in this retirement plan only if ten years of qualified service had been completed prior to January 1, 1989. (Ord. No. 94-15, §2, 5-9-1994)

Section 6. Section 70-111 of the Eustis Code of Ordinances is amended to read as follows:

Section 70.111. Definition of "average final compensation."

- (a) Average final compensation for full-time police officers means one-twelfth the average annual compensation of the five best years of the last ten years of credible service prior to retirement, termination or death.
- (b) Annual compensation includes the following:
 1. The total cash remuneration including overtime paid by the City but, not to exceed 300 hours of overtime per year.
 2. Accumulated leave paid at retirement in a lump sum.
- (c) A year shall be 12 consecutive months. (Code 1959, §15-41; Ord. No. 96-34, §1, 9-9-1996)

Section 7. Section 70-114(b) of the Eustis Code of Ordinance is amended to read as follows:

Section 70-114. Direct transfers of eligible rollover distributions.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Direct rollover means a payment by the plan to the eligible retirement plan specified by the distributee.

Distributee means an employee or former employee. In addition, the employee's or former employee's surviving spouse is a distributee with regard to the interest of the spouse.

Eligible retirement plan means an individual retirement account described in section 408(a) of the Internal Revenue Code, an individual retirement annuity described in section 408(b) of the Internal Revenue Code, and annuity plan described in section 403(a) of the Internal Revenue Code, or a qualified trust described in section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

Eligible rollover distribution means any distribution of all or any portion of the balance to the credit of the distributee; except

that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life or life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not included in gross income (Ord. No. 94-35, §1 (2), 12-1-1994).

Section 8. Section 70-115 shall be inserted in the Eustis Code of Ordinances and shall read as follows:

Section 70-115. The Police Pension Board.

- (a) **Members of the Board.** The Police Pension Board (hereinafter referred to as "The Board") shall consist of five (5) members - two police officers who are members of the plan and appointed by the members of the City Police Department eligible to participate in the fund, two members appointed by the City Commission and one member appointed by the members of the Board and confirmed by the City Commission. The non police officer members must be a resident of the City of Eustis.
- (b) **Terms.** The appointees shall serve for a period of two years.
- (c) **Actuarial Requirements.** The Board shall be responsible for the preparation of an actuarial report in accordance with the provisions of the Florida Statutes.

Section 9. Section 70-116 shall be inserted in the Eustis Code of Ordinances and shall read as follows:

Section 70-116. Investment Policy.

- (a) The Board shall be responsible for the investment of the assets of the fund.
- (b) The investment of the fund's assets shall be consistent with the grade and quality requirements set out in the Florida Statutes.
- (c) The Board shall not invest more than five percent (5%) of its assets in the common stock or capital stock of any one company, or shall the aggregate investment of any one issuing company exceed five percent (5%) of the outstanding capital stock of the company or the aggregate of its investments under this subparagraph at cost exceed seventy-five percent (75%) of the fund's assets.

Section 10. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 11. This Ordinance shall become effective immediately on passing.

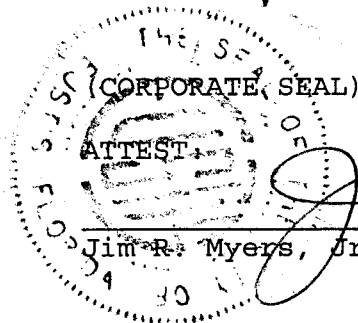
Section 12. It is the intention of the City Commission of the City of Eustis that the provisions of this Ordinance shall become and be made a part of the City of Eustis Code of Ordinances and that the sections of this Ordinance may be renumbered or relettered and the word

"Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase to accomplish such intentions.

Section 13. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 14. This Ordinance shall be published in accordance with the requirements of law.

PASSED, ORDAINED and APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 6th day of April, 2000.



Jim R. Myers, Jr., City Clerk

CITY COMMISSION OF THE CITY OF EUSTIS
Jonnie C. Hale
Jonnie C. Hale, Mayor-Commissioner

CITY OF EUSTIS CERTIFICATION

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 6th day of April, 2000, by JONNIE C. HALE and JIM R. MYERS, JR., the Mayor and Finance Director/City Clerk, of the City of Eustis, Florida, who are personally known to me.



GAIL HOLSTON
COMMISSION # CC722586
EXPIRES MAY 16, 2002
BONDED THROUGH
ADVANTAGE NOTARY OF FLORIDA

Gail Holston
Notary Public. State of Florida

Printed Notary Signature

CERTIFICATE OF POSTING

The foregoing Ordinance 00-07 is hereby approved, and I hereby certify that I published the same by Posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Senior Service Center; all within the Corporate Limits of the City of Eustis, Lake County, Florida.

Jim R. Myers, Jr., City Clerk

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

Lewis W. Stone
Lewis W. Stone, City Attorney

4-6-00
Date

**CITY COMMISSION
CITY OF EUSTIS
OFFICE OF THE CITY MANAGER
AGENDA ITEM COVER SHEET**

DATE: March 9, 2000

MEETING DATE: March 16, 2000

TO: Michael G. Stearman, City Manager

Quasi-Judicial Public Hearing

REVIEWED BY: Jim R. Myers, Jr., Finance Director/City Clerk

Resolution Ordinance

SUBMITTED BY:

Consideration Other:

SUBJECT: Amendment to the Code of Ordinances to provide for a change to the allowable percentage of Police Pension Fund assets to be invested in common stocks not to exceed 75%.

RECOMMENDATION/REQUIRED ACTION: Approval of Ordinance #00-07

BACKGROUND SUMMARY: The Eustis Police Pension Board requested that the Code of Ordinances be amended to allow pension fund assets to be invested in 75% in common stocks. The attached Ordinance was drafted following a Commission Workshop and presentation by the investment advisors of the Pension Board.

Fiscal Impact:

Fiscal Year Impact: \$ Capital Operating Other:

Account Number:

Affected Parties Notified of Meeting Not Required

Date(s) Advertised: March 14, 2000 Newspaper: The Lake Sentinel Not Required

Attachments (List): Ordinance #00-07

STAFF APPROVAL:

DATE:

City Manager: _____

3-8-2000

City Clerk/Finance Director: _____

3-8-00

COMMISSION ACTION TAKEN:

Approved Disapproved Continued/Deferred Until: _____

Other: _____ Special Instructions: _____

From: City Clerk's Office By: _____