

ORDINANCE 03-65

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-112(5) OF THE CODE OF ORDINANCES TO PROVIDE ADDITIONAL BENEFITS TO POLICE OFFICERS DISABLED IN THE LINE OF DUTY; AMENDING CHAPTER 70, ARTICLE IV OF THE CODE OF ORDINANCES TO CREATE SECTION 70-108 TO PROVIDE FOR A FORM OF COST-OF-LIVING-ADJUSTMENT TO CERTAIN PARTICIPANTS IN THE CITY'S POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-109(a) TO PROVIDE FOR EXTENDING THE VESTING PERIOD FROM 5 YEARS TO 10 YEARS FOR POLICE OFFICERS HIRED AFTER OCTOBER 1, 2003; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-102(b) TO PROVIDE FOR INCREASING THE AMOUNT OF CONTRIBUTIONS FROM POLICE OFFICERS TO THE POLICE OFFICERS' PENSION TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

WHEREAS, the City Commission has determined it necessary and in the public interest to amend certain provisions of Chapter 70 of the Code of Ordinances relating to the City's Police Officers' Pension and Retirement System;

NOW, THEREFORE, be it ordained by the City Commission of the City of Eustis, Florida.

Section 1. Chapter 70, Article IV, Section 70-112(5) of the Code of Ordinances is amended to read as follows:¹

~~(5) The benefit payable to a police officer who retires from the city after ten years of service and inclusion in the plan with a total and permanent disability as a result of a disability commencing prior to his normal retirement date is the monthly income payable for ten years certain and life for which, if the police officer's disability occurred in the line of duty, his monthly benefit shall be the accrued retirement benefit, but shall not be less than 4265 percent of his average monthly salary as of his disability retirement date. If the disability is other than in the line of duty, the police officer's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his average monthly salary as of his disability retirement date.~~

(5) a. The benefit payable to a police officer, employed after October 1, 2003 regardless of vesting, who is totally and permanently disabled in the line of duty prior to his or her normal retirement date is the monthly income payable for ten years certain and life. The amount of his or her monthly benefit shall be the normal retirement benefit, but shall not be less than 65 percent of his or her average monthly salary as of his or her disability retirement date.

b. The benefit payable to a vested police officer who is totally and permanently disabled other than in the line of duty prior to his or her normal retirement date is the monthly income payable for ten years certain and life. The amount of his or her monthly benefit shall be the early retirement benefit, but shall not be less than 25 percent of his or her average monthly salary as of his or her disability retirement date.

¹ Additions are underlined, ~~deletions~~ are stricken through.

Section 2. Chapter 70, Article IV of the Code of Ordinances is amended to create Section 70-108 to read as follows:

Sec. 70-108. Cost of Living Adjustment.

- (1) The purpose of this section is to provide cost-of-living adjustments to the monthly benefits payable to plan participants employed on or after October 1, 2003.
- (2) As used in this section, "initial benefit" means the first monthly benefit payable to a plan participant in accordance with the laws governing the determination of such benefit at the time of retirement or earlier death.
- (3) Commencing October 1, 2003, the benefit of each plan participant employed on or after October 1, 2003 shall be adjusted on each October 1 thereafter, as follows, for those plan participants who receive a cost-of-living adjustment under this section, the adjusted monthly benefit shall be the amount of the monthly benefit being received on September 30 immediately preceding the adjustment date plus an amount equal to 3 percent of this benefit.
- (4) The initial benefit of a plan participant who elected an optional form of benefit payment which provided for a percentage of the benefit to be continued to a beneficiary after his or her death shall be reduced at the death of the plan participant by application of the stated percentage.

Section 3. Chapter 70, Article IV, Section 70-109 of the Code of Ordinances is hereby amended to read as follows:

- (a) All police officers who are first employed as qualified law enforcement employees with the city on or after October 1, 2003, shall be vested in the police officers' retirement plan after completion of ten (10) years of service.
- (b) All police officers who are qualified law enforcement employees with the city on January 1, 1989, and all those first employed as qualified law enforcement employees with the city after January 1, 1989, but prior to October 1, 2003, shall be vested in the police officers' retirement plan after completion of five (5) years of qualified service.
- (c) All police officers who terminated employment as qualified law enforcement employees with the city prior to January 1, 1989, and were not reemployed on or after January 1, 1989, as qualified law enforcement employees with the city shall be vested in this retirement plan only if ten (10) years of qualified service had been completed prior to January 1, 1989.

Section 4. Chapter 70, Article IV, Section 70-102(b) is amended to read as follows:

- (b) Contributions by the police officers to the police officers' pension trust fund. The city shall pay in to the police officers' pension trust fund an amount not less than one percent nor more than five percent of the salary of each police officer who is a member of the police department and eligible for inclusion in the police officers' pension trust fund, which one to five percent shall be deducted by the city from the compensation due the police officer. The police officer contribution currently in effect is one percent, but the percentage may be changed by ordinance as may be required by periodic actuary

~~studies.~~ Currently, the police officer contribution is one percent of annual compensation and shall increase by an additional one percent of annual compensation on November 1st each year until the police officer contribution is a total of four percent of annual compensation. Should periodic actuary studies reveal that city's contribution to the police officers' pension trust fund could be reduced to a level below that of the police officers' level of contribution to the police officers' pension trust fund at the time of the study and still maintain actuarial soundness, and the City does lower its annual contribution to an amount less than the officer's contribution, then city shall by ordinance reduce the amount of the police officers' contribution to the police officers' pension trust fund to a level that is equal to the city's contribution, but which does not exceed four percent of annual compensation. It being the intent of this subsection that in no event shall the police officer contribution exceed the city's contribution to the police officers' pension trust fund.

Section 5. Chapter 70, Article IV, Section 70-112 of the Code of Ordinances is amended to read as follows:

Sec. 70-110. Retirement Age.

- (a) ~~A police officer who was a qualified law enforcement employee with the city on January 1, 1989, and those employed after January 1, 1989, shall have as a normal retirement date the first day of the month coincident with or next following the earlier of attainment of age 55 and the completion of five years of qualified service, or the attainment of age 52 and completion of 25 years of qualified service.~~
A plan participant who is vested in the police officers' pension trust fund as provided in this article, shall have a normal retirement date the first day of the month coincident with or next following the earlier of attainment of age 55 or the attainment of the age of 52 and the completion of 25 years of qualified service.
- ~~(b) A police officer who was employed prior to and not on or after January 1, 1989, as a qualified law enforcement employee with the city shall have a as a normal retirement date the first day of the month coincident with or next following the earlier of the attainment of age 55 and the completion of ten years of qualified service, or the attainment of age 52 and the completion of 25 years of qualified service.~~
- (b) A qualified law enforcement employee of the city may retire on his normal retirement date or on the first day of any month thereafter. ~~and each qualified law enforcement employee plan participant shall become 100 percent vested in his accrued benefit on his normal retirement date.~~

Section 6. 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.

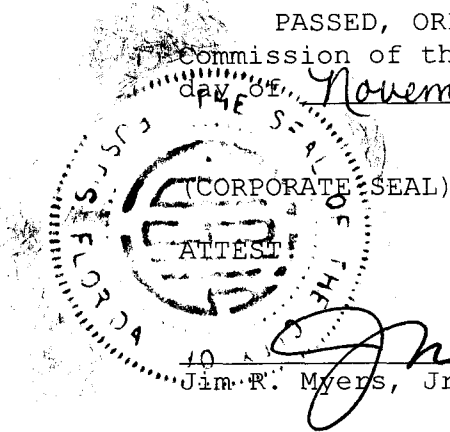
Section 7. This Ordinance shall become effective immediately on passing.

Section 8. 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 9. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PASSED, ORDAINED and APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 6th day of November, 2003.



Jim R. Myers, Jr., City Clerk

CITY COMMISSION OF THE CITY OF EUSTIS

Gwendolyn M. Manning
Gwendolyn M. Manning
Mayor-Commissioner

CITY OF EUSTIS CERTIFICATION

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 6th day of November, 2003, by **GWENDOLYN M. MANNING** and **JIM R. MYERS, JR.**, the Mayor and Finance Director/City Clerk, of the City of Eustis, Florida, who are personally known to me.



Judy Roberts
Notary Public, State of Florida
Judy Roberts
Printed Notary Signature

CERTIFICATE OF POSTING

The foregoing Ordinance 03-65 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.
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

November 6, 2003
Date

READABLE COPY OF MINUTES:

3. Ratify the appointment of Dan Post to the Eustis Police Retirement and Trust Fund Board for a two year term from August 1, 2003 through July 31, 2005.

MOTION by Vice Mayor Evelyn Smith / SECONDED by Commissioner Frank Royce to ratify the appointment of Dan Post to the EUSTIS Police Retirement and Trust Fund Board for a two-year term from August 1, 2003 through July 31, 2005.

Motion approved unanimously

4. Metropolitan Planning Organization: Assign a ranking order to the three scenarios for the membership voting structure.

Discussion: Mr. Stearman noted the alternative structures and reviewed the votes for each.

MOTION by Commissioner Frank Royce / SECONDED by Commissioner John Benton to assign the following ranking to the three scenarios for the membership voting structure in the Metropolitan Planning Organization:

[1] Scenario #2, Option B [2] Scenario #1, Option B [3] Scenario #3, Option B.

Motion approved unanimously

MOTION by Commissioner Royce / SECONDED by Vice Mayor Smith to request time on the agenda as the Police Board Liaison to discuss the requests of the Police Pension Board.

Motion approved unanimously

Discussion:

Commissioner Royce noted the request from the Police Pension Board for the addition of the following benefits:

- Change the vesting of officers from 5 years to 10 years (New employees hired after the effective date of the vesting change.)
- Increase the disability benefits for "Line of Duty" disability from the current minimum of 42% to 65%.
- Provide a supplemental monthly health stipend in the amount of \$10 per year of service with a cap of \$200. This would be a monthly payment upon retirement over and above the pension benefit.
- Provide an automatic annual COLA equal to 3% per year, the same amount as provided to law enforcement officers by the Florida Retirement System. This benefit would not include current retirees.
- Retirement after 25 years, regardless of age.

Commissioner Royce spoke in favor of a COLA contribution. He noted the issue is confusing. The Police Pension Board believes the city was to contribute 4% to the plan. In early 1990 the plan was over-funded. Commissioner Royce feels a COLA at that time would have avoided the current situation. Options were offered by Mr. Gaylord: 1) Cover just the four soon-to-retain officers vs. all employees. Commissioner Royce noted that in reviewing the current status of the budget he noted the annexations and lower returns on investments and revenue sharing will yield less money in the coming year than it did last year. He also stated if a Police COLA is considered, then a COLA for the Fire Department should also be considered. Commissioner Royce stated the Police Department is an investment. He also offered a different scenario for funding. The City could borrow from reserves and work out a pay-back plan to cover the cost of the additional benefits. He reviewed the millage decreases from 1986 to the present. Commissioner Royce stated that a millage rate, once set, should never be cut.

Mayor Manning feels the economy was good and the Commission felt they were giving residents a break by lowering millage rates.

Vice Mayor Smith stated that more revenue from utilities should allow for a lower millage rate. She would support the Police Pension Board COLA contribution.

Commissioner Hale stated that the Police and Firemen and all employees are an investment. We need to take it slowly; they are deserving, and a COLA is needed. She would not support taking funds from the General Fund and would not support lowering the millage rate. The city could possibly phase the contributions in or consider millage to cover COLA for the Police and Fire Pension Funds. A brief discussion of the status of the Fireman's Pension Fund vs. the Police Pension Fund ensued.

Commissioner Benton stated that the millage rate needs to be advertised and the Commission needs a total cost to consider before committing. He likes the concept of a loan. Commissioner Benton noted this COLA benefit has been in debate for two years and the Commission has only received a figure to fund the benefit today. He wants to help; however, wants a comprehensive solution.

Mayor Manning concurs with Commissioner Benton.

Vice Mayor Smith wants a COLA for the Police and wants to take a faster look. The Commission should consider reserves. She noted the Citizen Task Force may come back with some good ideas.

Discussion ensued. The Florida Retirement System (FRS) was compared to the current retirement system with regard to the change in membership in the next 15 years. In response to a Commission question, Chief Templin advised that currently four officers are eligible for retirement and four could retire early.

Mr. Stearman noted that even with the upturn in the market there is no assurance that the market will stay up. The Commission may need a new actuarial study (at Commission expense). Discussion ensued.

Commissioner Royce noted the current 1% officer contribution could be increased each year to a 4% cap.

A loan scenario was discussed.

Tracy Belton reviewed the period of time in which the actuarial study was done. She noted that the city's trained employees are lured away by entities that offer more benefits.

Mr. Gaylord addressed the past history of the plan being over-funded. He reviewed Commissioner Royce's suggestion of borrowing from a "rainy day fund". He noted it is a cash flow issue today that could be paid back over time.

Tracy Belton noted the actuarial could be done more often to avoid the current problem.

Mr. Stearman asked if Mr. Gaylord is recommending that the City loan money to the fund and then pay it back. Mr. Gaylord responded that the City should contribute when the fund is in need and deposit the contribution into a "rainy day fund" when the fund is actuarially sound.

Kathleen Farner-Thomas, Police Pension Board Chairman, does not feel a city loan is a good plan. She clarified the fact that the city would loan money to the plan and then the city would pay itself back.

Capt. Carmine Aurigemma reported that a memorandum that was sent to the Commission to stop contributions into the Police Pension Fund. He noted a memorandum cannot override an ordinance. Mr. Aurigemma stated the budget shows pension contributions from the city; however, no funds were contributed in 1990-91, 1991-92, and 1992-93. He requested that the Commission ask the City Attorney, not the City Manager and the Finance Director about overriding the ordinance. He asked if that is legal. Captain Aurigemma accused the City Manager and the Finance Director of violating the ordinance; again he asked the Commission to take the question to the City Attorney regarding the legality of diversion of the contribution; where it went; what was it used for, and budget book entries. He stated in 1993 a new ordinance was adopted to change the way contributions were made.

Mayor Manning noted she has faith in each City employee. She reviewed the reason she feels the City Commission, seated at the time, made the decision.

Commissioner Hale noted that the entire Commission is in agreement to find a solution to this problem.

Mr. Gaylord again reviewed the requests of the Pension Board.

- Change the vesting of officers from 5 years to 10 years (New employees hired after the effective date of the vesting change.)
- Increase the disability benefits for "Line of Duty" disability from the current minimum of 42% to 65%.
- Provide a supplemental monthly health stipend in the amount of \$10 per year of service with a cap of \$200. This would be a monthly payment upon retirement over and above the pension benefit.
- Provide an automatic annual COLA equal to 3% per year, the same amount as provided by the Florida Retirement System. This benefit would not include current retirees.
- Retirement after 25 years, regardless of age.

He noted that no liaison was appointed to the Police Pension Board. Mr. Sheppard has been attending the Board Meeting and communications from the Board were sent to the City Manager. The AG Edwards Joint Meeting was reviewed in which a COLA cost was computed and figures were made available to the Commission. All police officers feel COLA is important. Mr. Gaylord stated he will be glad to offer a packet tracking the requests from the Police Pension Board to the City.

CONSENSUS: The Commission directed the City Attorney to clear this situation by investigating the allegations made by Captain Carmine Aurigemma against the Finance Director and the City Manager.

Commissioner Royce feels all employees need the same benefits. Currently the Police Department and Fire Department do not have a COLA.

Mayor Manning stated the Commission needs to move forward on this issue.

Vice Mayor Smith wants answers from Mr. Myers and Mr. Stearman.

Commissioner Benton stated the City Attorney has direction to go forward on the matter and he does not feel a need to throw rocks.

Vice Mayor Smith demanded answers from Mr. Stearman.

Commissioner Hale stated every effort has been made by the Commission to commit to correct this problem.

Mayor Manning stated a COLA is needed. The City Attorney will look into the 1990-1993 contributions. The Commission is committed to fund a COLA for fire and police.

Mr. Stone confirmed that he would research the matter.

MOTION by Commissioner Frank Royce / SECONDED by Vice Mayor Evelyn Smith to include the cost to add a COLA to the benefits presented to the Police Pension Board and Retirement Fund, from the 2003-04 Budget, in the amount of \$249,110, to be done by resolution; funding to come from Restricted Funds as a loan, to be paid back by the City.

Discussion: -Mr. Stone asked Mr. Myers if the Budget would be impacted by unrestricting funds. Mr. Myers stated it would not.
-Commissioner Hale asked about employee contributions.
-Mr. Gaylord noted that 100% of the officers have agreed to make an additional contribution of 1% per year for the next 3 years, to make a total cumulative contribution of 4%. The contribution is made on the assumption that the officers' pay will increase each year.

Roll Call:

Commissioner Royce	AYE
Commissioner Hale	AYE
Commissioner Benton	AYE
Vice Mayor Smith	AYE
Mayor Manning	AYE

Motion approved 5-0

Discussion:

Sherry Watts, 3846 Bayshore Circle, Tavares, asked if any other employees pay into their retirement fund. Mr. Myers replied affirmatively.

Mr. Stearman confirmed that the Commission has directed the City Attorney to draft an ordinance to include an employee contribution.

Commissioner Royce stated the motion was only for a COLA in the amount of \$249,110.

Mr. Stone noted it is his understanding that the ordinance is to amend the plan and provide the additional COLA benefit as outlined in the motion; it does not mention a paid contribution at any time. It is a defined benefit plan, not a defined contribution plan.

Captain Aurigemma asked that the Commission consider changing the 'line of duty disability' benefit minimum from 42% to 65% to match the State plan.

Mr. Gaylord advised that the officers are asking for 3% a year. He requested an ordinance to amend the Police Pension Board which would allow for a 3% per year increase.

Mr. Stone noted he will prepare an ordinance.

Following discussion, it was determined that a separate motion should be made to include the two additional items.

MOTION by Commissioner Royce / SECONDED by Vice Mayor Smith to amend the Police Pension Board Plan to change the vesting from five (5) years to ten (10) years; and to amend the "line of duty disability" minimum from 42% to 65%.

Discussion: Commissioner Benton asked if retention was no longer an issue with regard to vesting. Chief Templin noted that 5 year vesting was no hook to attract/retain officers.

Roll Call:

Commissioner Royce	AYE
Commissioner Hale	AYE
Commissioner Benton	AYE
Vice Mayor Smith	AYE
Mayor Manning	AYE

Motion approved 5-0

5. Set the proposed millage rate for 2003 and the date and time of the first millage and budget hearing.

MOTION by Commissioner John Benton / SECONDED by Commissioner Frank Royce to set the proposed millage rate for 2003 at 6.04 mils and the date and time of the first millage and budget hearing for September 4, 2003, at 7:30 p.m.

Discussion: -Vice Mayor Smith stated she is against raising the millage.
-Commissioner Royce noted numerous names were submitted for a citizens committee of 5-7 people through the Chamber of Commerce. It is his feeling that this will be a long running committee, perhaps two to three years. He would recommend one designee to approach the City with questions. Questions should be in detail, in writing. Discussion ensued.

	<u>Employer Required Contribution (ERC)</u>	<u>ERC as % of Payroll</u>	<u>Change from Baseline</u>	
			<u>ERC</u>	<u>% Payroll</u>
10/1/2002 Valuation (Baseline)	\$ 121,563	7.05%	N/A	N/A
Vesting changed from 5 years to 10 years	110,889	6.43%	(10,674)	-0.62%
Line of Duty Disability benefit minimum Changed from 42% to 65%	127,532	7.39%	5,969	0.35%
Allow Normal Retirement after 25 years of service, regardless of age	148,337	8.60%	26,774	1.55%
Provide supplemental monthly pension of \$10 per year of service with a cap of \$200	153,583	8.90%	32,020	1.86%
Provide an automatic annual COLA equal to change in CPI but no more than 3%; does not include present retirees	370,673	21.48%	249,110	14.44%
Provide an automatic annual COLA equal to change in CPI but no more than 3%; does not include present retirees or the following four employees: H. HUGHES, S MATTHEWS, J.A. MCKIMMEY and R. TEMPLIN	321,828	18.65%	200,265	11.60%

June 30, 2003

STONE & GERKEN, P.A.

ATTORNEYS AT LAW

4850 N. Highway 19A
Mount Dora, Florida 32757
(352) 357-0330
Lakeside Office Fax (352) 357-5445

LEWIS W. STONE
SCOTT A. GERKEN

JASON E. MERRITT

October 8, 2003

Via Email

Lake Sentinel
Legal Advertising
633 North Orange Avenue
Orlando, FL 32801-1349

Re: City of Eustis/Ordinance Publication
Billing Account: 009363001

Dear Madam or Sir:

Please publish the following Notice of Proposed Ordinance 03-65 in the Lake Sentinel on Tuesday, October 14, 2003.

The cost of this advertisement is to be billed under the account of City of Eustis, Florida, as referenced above. Please forward the proof of publication and your statement to The City of Eustis at Post Office Drawer 68, Eustis, Florida 32727-0068.

Should you have any questions, please do not hesitate to contact me at (352) 357-0330.

Very truly yours,

Lewis W. Stone

LWS:cak
Enclosure

xc: Michael G. Stearman

PLEASE PUBLISH THE FOLLOWING IN THE LAKE SENTINEL ON
TUESDAY, OCTOBER 14, 2003

NOTICE OF PROPOSED ENACTMENT OF
CITY OF EUSTIS
ORDINANCE NO. 03-65

Notice is hereby given, that Ordinance No. 03-65 shall come up for first reading by the City Commission at its regular meeting on October 16, 2003; and said Ordinance shall come up for second and final reading by the City Commission at its regular meeting on November 6, 2003, or as may be continued at the discretion of the Commission at 7:30 p.m. in the City Commission Room, City Hall, 10 North Grove Street, Eustis, Florida; as follows:

ORDINANCE 03-65

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-112(5) OF THE CODE OF ORDINANCES TO PROVIDE ADDITIONAL BENEFITS TO POLICE OFFICERS DISABLED IN THE LINE OF DUTY; AMENDING CHAPTER 70, ARTICLE IV OF THE CODE OF ORDINANCES TO CREATE SECTION 70-108 TO PROVIDE FOR A FORM OF COST-OF-LIVING-ADJUSTMENT TO CERTAIN PARTICIPANTS IN THE CITY'S POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-109(a) TO PROVIDE FOR EXTENDING THE VESTING PERIOD FROM 5 YEARS TO 10 YEARS FOR POLICE OFFICERS HIRED AFTER OCTOBER 1, 2003; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-102(b) TO PROVIDE FOR INCREASING THE AMOUNT OF CONTRIBUTIONS FROM POLICE OFFICERS TO THE POLICE OFFICERS' PENSION TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

Said Ordinance may be inspected in its entirety by the public during regular business hours at the office of the City Clerk, City Hall, Eustis, Florida. Interested parties may appear and be heard with respect to the proposed Ordinance. Any person wishing to appeal a decision of this public body should ensure himself that a verbatim record of the proceedings is made.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at (352) 483-5440, forty-eight (48) hours in advance of the scheduled meeting.

Lewis W. Stone
Stone & Gerken, P.A.
4850 N. Highway 19A
Mount Dora, FL 32757
City Attorney

STONE & GERKEN, P.A.

ATTORNEYS AT LAW

4850 N. Highway 19A

Mount Dora, Florida 32757

(352) 357-0330

Lakeside Office Fax (352) 357-5445

LEWIS W. STONE
SCOTT A. GERKEN

JASON E. MERRITT

October 10, 2003

Via email and facsimile

Mayor Gwendolyn Manning
Commissioners

Dear Mayor and Commissioners:


Attached, please find a copy of the advertised police pension ordinance as revised.

I have met with numerous persons on many occasions trying to draft this document. I have provided for a ten-year period of vested for newly hired police officers, a higher in-line disability pension, and a "cost of living" provision. Additionally, we have included the requirements that the officers contribute an additional one percent per year until the officer's contribution has reached four percent.

In speaking with Frank Gaylord, the Pension Board's attorney, and Officer Aurigemma, they are concerned that I have not put a provision in the ordinance that requires the officers to make their additional contributions only in the event that the officers pay is increased. This was a provision of their ballot (copy attached). It may have been your instruction to me that I in fact do this (attached is a copy of minutes of City Commission meeting) but I have concerns in this regard. First, this would apparently bind a future Commission to give an increase and secondly, I was concerned that while there may be an overall increase to the police department, individual officers may not in fact see an increase due to demotion, fewer over-time hours, family medical leave or some other unforeseen reason. I believe Mr. Gaylord intends to discuss this at the meeting and certainly can make a strong argument that it was the intention of the ballot that this applied to an increase to the department as a whole and not to individual officers.

I trust that all these matters can be adequately resolved at the first reading of the ordinance so that if there is a need to make a change, we can do so at the first reading and the clarified/finalized ordinance may be sent to the State for review.

Very truly yours,


Lewis W. Stone

LWS:cak

xc: Frank T. Gaylord

Official Ballot

The Eustis Police Pension Board has approved a recommendation and the City Commission in a 5-0 vote has instructed the City Attorney to prepare an ordinance including the following changes for the improvement of the benefits provided under the current pension plan. The changes are as follows:

- Changing the vesting of officers from five years to ten years. This would apply to officers hired after the date of the change and would not affect the officers currently in place.
- Increasing the disability benefits for "Line of Duty" disability from the current minimum of 42% to a minimum of 65%.
- Provide an automatic annual COLA equal to 3% per year, the same amount as provided by the current Florida Retirement System. This benefit would not include current retirees.

The purpose of this ballot is to increase the officer contribution, if the above improved benefits are agreed upon by the city commission and met. The current officer contribution is 1% of annual compensation. The proposal is to increase the officer contribution by 1% per year from the date of the approval by the City Commission of the benefits. The contribution would be capped at a total officer contribution in the amount of 4% of annual compensation.

The increased contribution is conditioned upon the officer salary being increased over the same annual period.

As the need of city contribution decreases, the officer contribution will remain the same at 4% of officer salary until the city and officer contribution are the same. In the event the city reduces its contribution less than 4%, then the officer contribution will be reduced in the same amount.

I approve of the increase in contributions for the increased benefits:  _____

I disapprove any additional contributions: _____

Ballot Instructions:

Please insert the ballot after it is marked into an envelope. Seal the envelope and sign your name across the seal. Please print your name under the signature. Deliver the ballot to Capt. C. E. Aurigemma. The all of the ballots should be delivered on or before July 29 at 8:00 AM. It is important that all of the officers vote. It may affect

Oct 08 03 02:06p

Frank T. Gaylord

(352) 483-0732

p. 1

Oct 08 03 11:40a

Eustis Police Dept.

3524835429

p. 1

EUSTIS POLICE DEPARTMENT

FAX COVER SHEET

Telephone (352) 357-4121
Fax (352) 483-5429

P.O. Drawer 68
51 E. Norton Avenue
Eustis, FL 32727-0068

TO: FRANK GAYLORD

FROM: CARMINE

DATE: 10-8-03

REF: Comm marked

Post-it® Fax Note	7671	Date	10/8/03	# of pages	4
To	Lewis Stone	From	Frank Gaylord		
Co./Dept.		Co.			
Phone #	357-0330	Phone #	569-1731		
Fax #	357-2474	Fax #	483-0732		

** Please

irs) **

COMMENTS:

YOU LET LEWIS KNOW

THANKS!

@

- 3. Ratify the appointment of Dan Post to the Eustis Police Retirement and Trust Fund Board for a two year term from August 1, 2003 through July 31, 2005.

MOTION by Vice Mayor Evelyn Smith / SECONDED by Commissioner Frank Royce to ratify the appointment of Dan Post to the EUSTIS Police Retirement and Trust Fund Board for a two-year term from August 1, 2003 through July 31, 2005. Motion approved unanimously

- 4. Metropolitan Planning Organization: Assign a ranking order to the three scenarios for the membership voting structure.

Discussion: Mr. Stearnman noted the alternative structures and reviewed the votes for each.

MOTION by Commissioner Frank Royce / SECONDED by Commissioner John Benton to assign the following rankings to the three scenarios for the membership voting structure in the Metropolitan Planning Organization: (1) Scenario #2, Option B (2) Scenario #1, Option B (3) Scenario #3, Option B. Motion approved unanimously

MOTION by Commissioner Royce / SECONDED by Vice Mayor Smith to request time on the agenda as the Police Board Liaison to discuss the requests of the Police Pension Board. Motion approved unanimously

Discussion:

Commissioner Royce noted the request from the Police Pension Board for the addition of the following benefits:

- Change the vesting of officers from 5 years to 10 years (New employees hired after the effective date of the vesting change.)
- Increase the disability benefits for "Line of Duty" disability from the current maximum of 42% to 65%.
- Provide a supplemental monthly health stipend in the amount of \$10 per year of service with a cap of \$200. This would be a monthly payment upon retirement over and above the pension benefits.
- Provide an automatic annual COLA equal to 3% per year, the same amount as provided to law enforcement officers by the Florida Retirement System. This benefit would not include current retirees.
- Retirement after 25 years, regardless of age.

Commissioner Royce spoke in favor of a COLA contribution. He noted the issue is confusing. The Police Pension Board believes the city was to contribute 4% to the plan. In early 1990 the plan was over-funded. Commissioner Royce feels a COLA at that time would have avoided the current situation. Options were offered by Mr. Gaylord: 1) Cover just the four soon-to- retire officers vs. all employees. Commissioner Royce noted that in reviewing the current status of the budget he noted the annexations and lower returns on investments and revenue sharing will yield less money in the coming year than it did last year. He also stated if a Police COLA is considered, then a COLA for the Fire Department should also be considered. Commissioner Royce stated the Police Department is an investment. He also offered a different scenario for funding. The City could borrow from reserves and work out a pay-back plan to cover the cost of the additional benefits. He reviewed the millage decreases from 1986 to the present. Commissioner Royce stated that a millage rate, once set, should never be cut.

Mayor Manning feels the economy was good and the Commission felt they were giving residents a break by lowering millage rates.

Vice Mayor Smith stated that more revenue from utilities should allow for a lower millage rate. She would support the Police Pension Board COLA contribution.

Commissioner Hale stated that the Police and Firemen and all employees are an investment. We need to take it slowly; they are deserving, and a COLA is needed. She would not support taking funds from the General Fund and would not support lowering the millage rate. The city could possibly phase the contributions in or consider millage to cover COLA for the Police and Fire Pension Funds. A brief discussion of the status of the Firemen's Pension Fund vs. the Police Pension Fund ensued.

Commissioner Benton stated that the millage rate needs to be advertised and the Commission needs a total cost to consider before committing. He likes the concept of a loan. Commissioner Benton noted this COLA benefit has been in debate for two years and the Commission has only received a figure to fund the benefit today. He wants to help; however, wants a comprehensive solution.

Mayor Manning concurs with Commissioner Benton.

Vice Mayor Smith wants a COLA for the Police and wants to take a faster look. The Commission should consider reserves. She noted the Citizen Task Force may come back with some good ideas.

Discussion ensued. The Florida Retirement System (FRS) was compared to the current retirement system with regard to the change in membership in the next 15 years. In response to a Commission question, Chief Templin advised that currently four officers are eligible for retirement and four could retire early.

Mr. Shearman noted that even with the upturn in the market there is no assurance that the market will stay up. The Commission may need a new actuarial study (at Commission expense). Discussion ensued.

Commissioner Royce noted the current 1% officer contribution could be increased each year to a 4% cap.

A loan scenario was discussed.

Tracy Belton reviewed the period of time in which the actuarial study was done. She noted that the city's trained employees are lured away by entities that offer more benefits.

Mr. Gaylord addressed the past history of the plan being over-funded. He reviewed Commissioner Royce's suggestion of borrowing from a "rainy day fund". He noted it is a cash flow issue today that could be paid back over time.

Tracy Belton noted the actuarial could be done more often to avoid the current problem.

Mr. Shearman asked if Mr. Gaylord is recommending that the City loan money to the fund and then pay it back. Mr. Gaylord responded that the City should contribute when the fund is in need and deposit the contribution into a "rainy day fund" when the fund is actuarially sound.

Kathleen Farmer-Thomas, Police Pension Board Chairman, does not feel a city loan is a good plan. She clarified the fact that the city would loan money to the plan and then the city would pay itself back.

Capt. Carmine Aurigemma reported that a memorandum that was sent to the Commission to stop contributions into the Police Pension Fund. He noted a memorandum cannot override an ordinance. Mr. Aurigemma stated the budget shows pension contributions from the city; however, no funds were contributed in 1990-91, 1991-92, and 1992-93. He requested that the Commission ask the City Attorney, not the City Manager and the Finance Director about overriding the ordinance. He asked if that is legal. Captain Aurigemma accused the City Manager and the Finance Director of violating the ordinance; again he asked the Commission to take the question to the City Attorney regarding the legality of diversion of the contribution; where it went; what was it used for, and budget book entries. He stated in 1993 a new ordinance was adopted to change the way contributions were made.

Mayor Manning noted she has faith in each City employee. She reviewed the reason she feels the City Commission, seated at the time, made the decision.

Commissioner Hale noted that the entire Commission is in agreement to find a solution to this problem.

Mr. Gaylord again reviewed the requests of the Pension Board.

- Change the vesting of officers from 5 years to 10 years (New employees hired after the effective date of the vesting change.)
- Increase the disability benefits for "Line of Duty" disability from the current minimum of 42% to 65%.
- Provide a supplemental monthly health stipend in the amount of \$10 per year of service with a cap of \$200. This would be a monthly payment upon retirement over and above the pension benefit.
- Provide an automatic annual COLA equal to 3% per year, the same amount as provided by the Florida Retirement System. This benefit would not include current retirees.
- Retirement after 25 years, regardless of age.

He noted that no liaison was appointed to the Police Pension Board. Mr. Sheppard has been attending the Board Meeting and communications from the Board were sent to the City Manager. The AG Edwards Joint Meeting was reviewed in which a COLA cost was computed and figures were made available to the Commission. All police officers feel COLA is important. Mr. Gaylord stated he will be glad to offer a packet tracking the requests from the Police Pension Board to the City.

CONSENSUS: The Commission directed the City Attorney to clear this situation by investigating the allegations made by Captain Carmine Aurigemma against the Finance Director and the City Manager.

Commissioner Royce feels all employees need the same benefits. Currently the Police Department and Fire Department do not have a COLA.

Mayor Manning stated the Commission needs to move forward on this issue.

Vice Mayor Smith waits answers from Mr. Myers and Mr. Shearman.

Commissioner Benton stated the City Attorney has direction to go forward on the matter and he does not feel a need to throw rocks.

Vice Mayor Smith demanded answers from Mr. Shearman.

Commissioner Hale stated every effort has been made by the Commission to commit to correct this problem.

Mayor Manning stated a COLA is needed. The City Attorney will look into the 1990-1993 contributions. The Commission is committed to fund a COLA for fire and police.

Mr. Stone confirmed that he would research the matter.

MOTION by Commissioner Frank Royce / SECONDED by Vice Mayor Evelyn Smith to include the cost to add a COLA to the benefits accrued to the Police Pension Board and Retirement Fund, from the 2003-04 Budget, in the amount of \$249,110, to be done by resolution; funding to come from Restricted Funds as a loan, to be paid back by the City.

Discussion:
-Mr. Stone asked Mr. Myers if the Budget would be impacted by unrestricted funds. Mr. Myers stated it would not.
-Commissioner Hale asked about employee contributions.
-Mr. Gaylord noted that 100% of the officers have agreed to make an additional contribution of 1% per year for the next 3 years, to make a total cumulative contribution of 4%. The contribution is made on the assumption that the officers' pay will increase each year.

Roll Call:
Commissioner Royce AYE
Commissioner Hale AYE
Commissioner Benton AYE
Vice Mayor Smith AYE
Mayor Manning AYE

Motion approved 5-0

Discussion:

Sherry Warr, 3846 Bayshore Circle, Tavares, asked if any other employees pay into their retirement fund. Mr. Myers replied affirmatively.

Mr. Steerman confirmed that the Commission has directed the City Attorney to draft an ordinance to include an employee contribution.

Commissioner Royce stated the motion was only for a COLA in the amount of \$249,110.

Mr. Stone noted it is his understanding that the ordinance is to amend the plan and provide the additional COLA benefit as outlined in the motion; it does not mention a paid contribution at any time. It is a defined benefit plan, not a defined contribution plan.

Captain Aurigenius asked that the Commission consider changing the "line of duty disability" benefit minimum from 42% to 65% to match the State plan.

Mr. Gaylord advised that the officers are asking for 3% a year. He requested an ordinance to amend the Police Pension Board which would allow for a 3% per year increase.

Mr. Stone noted he will prepare an ordinance.

Following discussion, it was determined that a separate motion should be made to include the two additional items.

MOTION by Commissioner Royce / SECONDED by Vice Mayor Smith to amend the Police Pension Board Plan to change the vesting from five (5) years to ten (10) years; and to amend the "line of duty disability" minimum from 42% to 65%.

Discussion: Commissioner Benton asked if retention was no longer an issue with regard to vesting. Chief Tamplin noted that 5 year vesting was no hook to attract/retain officers.

Roll Call:
Commissioner Royce AYE
Commissioner Hale AYE
Commissioner Benton AYE
Vice Mayor Smith AYE
Mayor Manning AYE

Motion approved 5-0

5. Set the proposed millage rate for 2003 and the date and time of the first millage and budget hearing.

MOTION by Commissioner John Denton / SECONDED by Commissioner Frank Royce to set the proposed millage rate for 2003 at 6.04 mills and the date and time of the first millage and budget hearing for September 4, 2003, at 7:30 p.m.

Discussion:
-Vice Mayor Smith stated she is against raising the millage.
-Commissioner Royce noted numerous names were submitted for a citizens committee of 5-7 people through the Chamber of Commerce. It is his feeling that this will be a long running committee, perhaps two to three years. He would recommend one designate to approach the City with questions. Questions should be in detail, in writing. Discussion ensued.

STONE & GERKEN, P.A.

ATTORNEYS AT LAW

4850 N. Highway 19A
Mount Dora, Florida 32757
(352) 357-0330
Lakeside Office Fax (352) 357-5445

LEWIS W. STONE
SCOTT A. GERKEN

JASON E. MERRITT

October 8, 2003

Via Email

Lake Sentinel
Legal Advertising
633 North Orange Avenue
Orlando, FL 32801-1349

Re: City of Eustis/Ordinance Publication
Billing Account: 009363001

Dear Madam or Sir:

Please publish the following Notice of Proposed Ordinance 03-65 in the Lake Sentinel on Tuesday, October 14, 2003.

The cost of this advertisement is to be billed under the account of City of Eustis, Florida, as referenced above. Please forward the proof of publication and your statement to The City of Eustis at Post Office Drawer 68, Eustis, Florida 32727-0068.

Should you have any questions, please do not hesitate to contact me at (352) 357-0330.

Very truly yours,

Lewis W. Stone

LWS:cak
Enclosure

xc: Michael G. Stearman

PLEASE PUBLISH THE FOLLOWING IN THE LAKE SENTINEL ON
TUESDAY, OCTOBER 14, 2003

NOTICE OF PROPOSED ENACTMENT OF
CITY OF EUSTIS
ORDINANCE NO. 03-65

Notice is hereby given, that Ordinance No. 03-65 shall come up for first reading by the City Commission at its regular meeting on October 16, 2003; and said Ordinance shall come up for second and final reading by the City Commission at its regular meeting on November 6, 2003, or as may be continued at the discretion of the Commission at 7:30 p.m. in the City Commission Room, City Hall, 10 North Grove Street, Eustis, Florida; as follows:

ORDINANCE 03-65

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-112(5) OF THE CODE OF ORDINANCES TO PROVIDE ADDITIONAL BENEFITS TO POLICE OFFICERS DISABLED IN THE LINE OF DUTY; AMENDING CHAPTER 70, ARTICLE IV OF THE CODE OF ORDINANCES TO CREATE SECTION 70-108 TO PROVIDE FOR A FORM OF COST-OF-LIVING-ADJUSTMENT TO CERTAIN PARTICIPANTS IN THE CITY'S POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-109(a) TO PROVIDE FOR EXTENDING THE VESTING PERIOD FROM 5 YEARS TO 10 YEARS FOR POLICE OFFICERS HIRED AFTER OCTOBER 1, 2003; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-102(b) TO PROVIDE FOR INCREASING THE AMOUNT OF CONTRIBUTIONS FROM POLICE OFFICERS TO THE POLICE OFFICERS' PENSION TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

Said Ordinance may be inspected in its entirety by the public during regular business hours at the office of the City Clerk, City Hall, Eustis, Florida. Interested parties may appear and be heard with respect to the proposed Ordinance. Any person wishing to appeal a decision of this public body should ensure himself that a verbatim record of the proceedings is made.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at (352) 483-5440, forty-eight (48) hours in advance of the scheduled meeting.

Lewis W. Stone
Stone & Gerken, P.A.
4850 N. Highway 19A
Mount Dora, FL 32757
City Attorney

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

DATE: October 10, 2003

MEETING DATE: October 16, 2003

TO: Michael G. Stearman, City Manager

Quasi-Judicial Public Hearing

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

Resolution Ordinance

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

Consideration Other:

SUBJECT: Ordinance 03-65, Amending and providing additional benefits for members of the City of Eustis Police Officers' Pension and Retirement System

RECOMMENDATION/REQUIRED ACTION: Approval of Ordinance 03-65.

BACKGROUND SUMMARY: The City Attorney was instructed to prepare the attached ordinance for the second meeting in October. Final approval is subject to submission and review of the ordinance and applicable impact statement by the State .

Fiscal Impact:

Fiscal Year Impact: \$ 244,405 Capital Operating Other:

Account Number: City payment obligation to begin 10/01/04.

ADG0330

Affected Parties Notified of Meeting Not Required

Date(s) Advertised: October 14, 2003

Newspaper: Lake Sentinel

Not Required

Attachments (List): Ordinance 03-65, letter from City Attorney and supporting documentation.

STAFF APPROVAL:

City Manager: _____



DATE:

10/10/03

City Clerk/Finance Director: _____



10/10/03

COMMISSION ACTION TAKEN:

Approved

Disapproved

Continued/Deferred Until: _____

Other: _____

Special Instructions: _____

From: City Clerk's Office

By: _____

ORDINANCE 03-65

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AMENDING CHAPTER 70, ARTICLE IV, SECTION 70-112(5) OF THE CODE OF ORDINANCES TO PROVIDE ADDITIONAL BENEFITS TO POLICE OFFICERS DISABLED IN THE LINE OF DUTY; AMENDING CHAPTER 70, ARTICLE IV OF THE CODE OF ORDINANCES TO CREATE SECTION 70-108 TO PROVIDE FOR A FORM OF COST-OF-LIVING-ADJUSTMENT TO CERTAIN PARTICIPANTS IN THE CITY'S POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM; PROVIDING FOR EXTENDING THE VESTING PERIOD FROM 5 YEARS TO 10 YEARS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

WHEREAS, the City Commission has determined it necessary and in the public interest to amend certain provisions of Chapter 70 of the Code of Ordinances relating to the City's Police Officers' Pension and Retirement System;

NOW, THEREFORE, be it ordained by the City Commission of the City of Eustis, Florida.

Section 1. Chapter 70, Article IV, Section 70-112(5) of the Code of Ordinances is amended to read as follows:¹

- (5) The benefit payable to a police officer who retires from the city after ten years of service and inclusion in the plan with a total and permanent disability as a result of a disability commencing prior to his normal retirement date is the monthly income payable for ten years certain and life for which, if the police officer's disability occurred in the line of duty, his monthly benefit shall be the accrued retirement benefit, but shall not be less than 4265 percent of his average monthly salary as of his disability retirement date. If the disability is other than in the line of duty, the police officer's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his average monthly salary as of his disability retirement date.

Section 2. Chapter 70, Article IV of the Code of Ordinances is amended to create Section 70-108 to read as follows:

Sec. 70-108. Cost of Living Adjustment.

- (1) The purpose of this section is to provide cost-of-living adjustments to the monthly benefits payable to all officers participating in this pension and retirement system who retire after September 30, 2003.
- (2) Commencing October 1, 2003, the benefit of each retiree participating in this pension and retirement system and who is eligible to receive a cost-of-living adjustment under this section shall be increased on each October 1 thereafter by three percent (3%) regardless of any particular cost of living index.
- (3) The funds necessary to pay for the cost-of-living adjustment provided by this section shall be contributed as provided in Section 70-102.

¹ Additions are underlined, ~~deletions~~ are stricken through.

*Withdrawn
Defeated
8-7-03*

Section 3. Chapter 70, Article IV, Section 70-109(a) of the Code of Ordinances is hereby amended to read as follows:

(a) 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~~ten years of qualified service.

Section 4. 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 5. This Ordinance shall become effective immediately on passing.

Section 6. 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 7. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PASSED, ORDAINED and APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this _____ day of _____, 2003.

(CORPORATE SEAL)

CITY COMMISSION OF THE CITY OF EUSTIS

ATTEST:

Gwendolyn M. Manning
Mayor-Commissioner

Defeated

Jim R. Myers, Jr., City Clerk

CITY OF EUSTIS CERTIFICATION

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this _____ day of _____, 2003, by **GWENDOLYN M. MANNING** and **JIM R. MYERS, JR.**, the Mayor and Finance Director/City Clerk, of the City of Eustis, Florida, who are personally known to me.

Notary Public. State of Florida

Printed Notary Signature

CERTIFICATE OF POSTING

The foregoing Ordinance 03- 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, City Attorney

Date

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

DATE: August 5, 2003

MEETING DATE: August 7, 2003

TO: Michael G. Stearman, City Manager

Quasi-Judicial Public Hearing

REVIEWED BY: Jim R. Myers, Jr., City Clerk

Resolution Ordinance

SUBMITTED BY: Lewis Stone, City Attorney

Consideration Other:

SUBJECT: Amending the Code of Ordinances Chapter 70, Article IV, to provide additional benefits to police officers.

RECOMMENDATION/REQUIRED ACTION: Approval of Ordinance #03-65

BACKGROUND SUMMARY: Following a workshop on benefits for police officers, the City Attorney was directed to prepare an ordinance to amend the Code of Ordinances to add additional benefits for both police officers and firefighters.

Fiscal Impact:

Fiscal Year Impact: \$ Capital Operating Other:

Account Number:

Affected Parties Notified of Meeting Not Required

Date(s) Advertised: August 6, 2003 Newspaper: Lake Sentinel Not Required

Attachments (List): Ordinance #03-65

STAFF APPROVAL:

DATE:

City Manager: _____ 

_____ *8-5-03*

City Clerk/Finance Director: _____ 

_____ *8-5-03*

COMMISSION ACTION TAKEN:

Approved Disapproved Continued/Deferred Until: _____

Other: *Repeated 8/7/03* _____ Special Instructions: _____

From: City Clerk's Office

By: _____