

ORDINANCE 04-41

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING CHAPTER 70, SECTION 70-103 OF THE EUSTIS CODE OF ORDINANCES TO ALLOW A POLICE CHIEF TO OPT OUT OF THE LOCAL POLICE OFFICERS' PENSION PLAN; 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 Section 70-103 of Chapter 70 of the Eustis Code of Ordinances as follows:

**Section 1.** Section 70-103 of the Eustis Code of Ordinances is amended to read as follows:

**Section 70-103. Participation in plan mandatory.**

Any police officer of the city who is eligible for inclusion into the police officers' plan must join this fund as a prerequisite to employment in the police department. Any police officer that meets that definition found in F.S. §185.02(11) is eligible for inclusion in the plan. Provided, however the Police Chief shall have the option to participate or not participate in the plan pursuant to F.S. §185.02(11).

**Section 2.** 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.

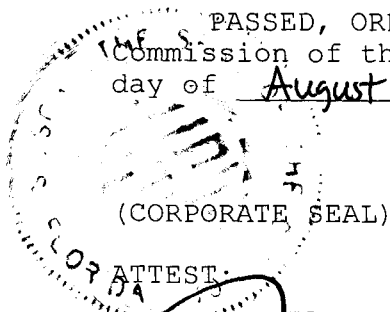
**Section 3.** This Ordinance shall become effective immediately on passing.

**Section 4.** 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.

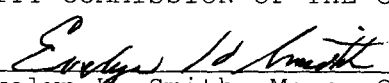
**Section 5.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 6.** 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 5<sup>th</sup> day of August, 2004.



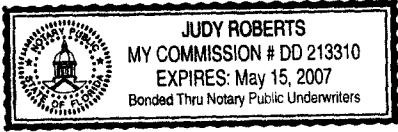
ATTEST:  
  
Jim R. Myers, Jr., City Clerk

CITY COMMISSION OF THE CITY OF EUSTIS  
  
Evelyn M. Smith, Mayor-Commissioner

**CITY OF EUSTIS CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 5th day of August, 2004, by **EVELYN H. SMITH** 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 04-41 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

8/5/04  
Date

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

DATE: July 8, 2004

MEETING DATE: July 15, 2004

TO: Michael G. Stearman, City Manager

Quasi-Judicial     Public Hearing

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

Resolution     Ordinance

SUBMITTED BY: Lewis Stone, City Attorney

Consideration     Other:

SUBJECT: Amendment to the Code of Ordinances to allow a Police Chief to opt out of the local Police Officers' Pension Plan.

RECOMMENDATION/REQUIRED ACTION: Approval of Ordinance #04-41

BACKGROUND SUMMARY: Florida Statutes 185 (Police Pension Plan) states that the plan may allow the option for the newly hired chief to elect participation in the plan. Our Ordinance does not provide that option.

Fiscal Impact:

Fiscal Year Impact: \$                     Capital     Operating     Other:

Account Number:

Affected Parties Notified of Meeting     Not Required

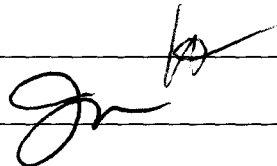
Date(s) Advertised: July 13, 2004                    Newspaper: Orlando Sentinel                     Not Required

Attachments (List): Memo from Mr. Stearman dated July 7, 2004

**STAFF APPROVAL:**

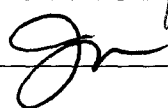
**DATE:**

City Manager: \_\_\_\_\_



7-8-04

City Clerk/Finance Director: \_\_\_\_\_



7-8-04

**COMMISSION ACTION TAKEN:**

Approved 8/5/04     Disapproved     Continued/Deferred Until: \_\_\_\_\_

Other: copy to Police, Finance                    Special Instructions: \_\_\_\_\_

From: City Clerk's Office

By: \_\_\_\_\_