

ORDINANCE NO. 968

AN ORDINANCE OF THE CITY OF OKEECHOBEE IN AND FOR THE CITY OF OKEECHOBEE, FLORIDA, AMENDING THE CITY OF OKEECHOBEE AND OKEECHOBEE UTILITY AUTHORITY EMPLOYEES' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 828; AMENDING SECTION 2, MEMBERSHIP; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, it is ordained before the City Council for the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City:

SECTION 1.

That the City of Okeechobee and Okeechobee Utility Authority Employees' Retirement System, adopted pursuant to Ordinance No. 828, Section 2, Membership, is hereby amended to read as follows:

SECTION 2. MEMBERSHIP.

Conditions of Eligibility.

- A. All General Employees as of the Effective Date, and all future new General Employees, shall become Members of this System as a condition of employment.
- B. Notwithstanding the previous paragraph, the current City Administrator and any future City Administrator or Administrative Assistant and the current or future Executive Director of the Okeechobee Utility Authority may, in the event he has elected to participate in another pension program, within the first sixty (60) days of his employment as City Administrator or Administrative Assistant or Executive Director, notify the Board and the City of Okeechobee (with respect to the City Administrator or Administrative Assistant) or the Okeechobee Utility Authority (with respect to the Executive Director), in writing, of his election to not be a Member of the System. In the event of any such election, he shall be barred from future membership in the System.
- C. Notwithstanding any provision herein to the contrary, the current City Administrator as of April 1, 2001, may, in the event he has elected to participate in another pension program on or before June 1, 2001, notify the Board and the City of Okeechobee, in writing, of his election to opt out of the System. In the event of such election, the Board shall refund the Accumulated Contributions to the City Administrator and he shall be barred from future membership in the System.
- D. Notwithstanding any provision herein to the contrary, any current elected official who is a member of the System may elect, in writing, within thirty (30) days of the adoption of the ordinance adopting this paragraph, to discontinue membership and opt out of the System. In the event of such election, the Board shall refund all Accumulated Contributions and the elected official shall be barred from future membership in the System.
- E. Notwithstanding any provision herein to the contrary, any future elected official may, within sixty (60) days of taking office, elect to discontinue membership in the System and receive the return of all Accumulated Contributions. In the event of such election, the elected official shall be barred from future membership in the System.

SECTION 2.

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3.

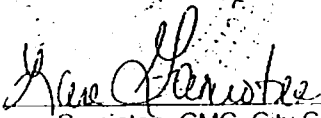
If any section, subsection, sentence, clause, phrase of this ordinance or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

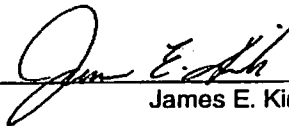
SECTION 4.

That this Ordinance shall become effective upon adoption.

INTRODUCED for first reading and set for final public hearing this 2nd day of January, 2007.

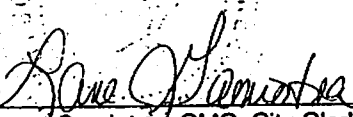
ATTEST:



Lane Gamiotea, CMC, City Clerk


James E. Kirk, Mayor

PASSED and ADOPTED on second and final public hearing this 16th day of January, 2007.

ATTEST:


Lane Gamiotea, CMC, City Clerk


James E. Kirk, Mayor

REVIEWED FOR LEGAL SUFFICIENCY:


John R. Cook, City Attorney

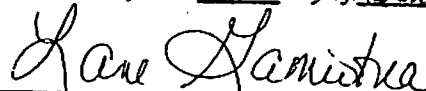
CLERK'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF OKEECHOBEE)ss:
CITY OF OKEECHOBEE

I, LANE GAMIOTEA, HEREBY CERTIFY THAT I am the duly qualified Clerk of the City of Okeechobee, Florida; that the above and foregoing is a true and correct copy of a document the original of which is on file in the Office of the City Clerk of the City of Okeechobee, Florida.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of said city, this 19th day of February A.D. 20 07

Seal



LANE GAMIOTEA
City Clerk