



HUMAN RESOURCES

CITY OF RIVIERA BEACH

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(561) 840-4880

FAX: (561) 840-4881

September 17, 2013

Attorney Ronald Cohen
8100 Oak Lane Suite 400
Miami, FL 33016

Dear Attorney Cohen:

Attached is a copy of Ordinance #4030. This is amending the "Firefighter's Pension Plan". The attached Ordinance was approved by the City Council on second reading at their regular monthly meeting held Wednesday, September 4, 2013. Please submit a copy of the ordinance to your actuary.

If you have any questions, please feel free to contact me.

Sincerely,



Doretha Perry
Director of Human Resources

/scs

Attachments

Copy to: Bobbie Brooks, Fire Pension Board Chairperson
Denise McNeill, Pension Resource Center

ORDINANCE NO. 4030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA; AMENDING ARTICLE III ENTITLED "FIREFIGHTERS' PENSION PLAN", SECTION 14-47 ENTITLED "BOARD OF TRUSTEES, CREATED, POWERS, DUTIES" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES RELATING TO THE FIRE PENSION PLAN BY PROVIDING FOR AN INCREASE IN TRUSTEE TERMS; PROVIDING FOR CODIFICATION, SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Firefighters' Pension Fund has recommended and approved amendments to the existing Code of Ordinances to allow for the length of the terms of trustees to change from two (2) years to four (4) years; and

WHEREAS, the Board of Trustees of the Firefighters Pension Fund has recommended and approved amendments to the existing Code of Ordinances to allow for Trustees terms to be staggered; and

WHEREAS, the Board of Trustees of the Firefighters Pension Fund has recommended and approved amendments to the existing Code of Ordinances to correct scrivener's errors.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA:

SECTION 1. That Chapter 14, Article III, Section 14-47, "Board of Trustees'; created, powers, duties" of the Riviera Beach Code of Ordinances is hereby amended as follows:

There is hereby created a Board of Trustees of the City Firefighters' Pension Trust Fund. The Board of Trustees shall consist of five (5) members, two (2) of whom shall be legal residents of the City who shall be appointed by the City Council, and two (2) of whom shall be full-time firefighters as defined in F.S. § 175.032(1), who shall be elected by a majority of the firefighters who are members of the plan. The fifth (5th) member shall be chosen by majority of the previous four (4) members as provided for in this section, and such person's name shall be submitted to the City Council. Upon receipt of the fifth (5th) person's name, the City Council shall, as a ministerial duty, appoint such person to the Board of Trustees as its fifth (5th) member. The fifth (5th) member shall have the same rights as each of the other four (4) members appointed or elected as provided in this section and may ~~be succeeded in office~~ succeed him or herself in office. ~~Each resident member shall serve as trustee for a period of two~~

~~(2) years from October 1, 1986, unless sooner replaced by the City Council, at whose pleasure the resident member shall serve, and may be succeeded as a trustee. Each firefighter member shall serve as a trustee for a period of two (2) years from October 1, 1986, unless the firefighter sooner leaves the employment of the City as a firefighter, where upon the City Council shall choose a successor in the same manner as an original appointment. Each firefighter may be succeeded in office. Each new term subsequent to the effective date of this ordinance, the term of the fifth (5th) member shall be for a period of four (4) years, subject to the limitations below.~~

Each new term subsequent to the effective date of this ordinance, a City resident member shall serve as a trustee for four (4) years, provided however, the seat in which the person sits, whose term shall end first, of the two (2) City resident board members, shall have an initial term of three (3) two (2) years. All successive terms thereafter for all City resident board members will be for four (4) years unless the person is sooner replaced by the City Council, at whose pleasure the resident member shall serve. Each City resident trustee may succeed him or herself in office.

Each new term subsequent to the effective date of this ordinance, a full-time firefighter shall serve as a trustee for four (4) years, provided however, the person whose term occupies Seat 2, of the two (2) full-time firefighter board members, shall have an initial term of three (3) two (2) years. All successive terms thereafter for all full-time firefighter board members will be for four (4) years unless the full-time firefighter sooner leaves the employment of the City as a firefighter, where upon a successor shall be chosen in the same manner as the original appointment. Each full-time firefighter trustee may succeed him or herself in office.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

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SECTION 5. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

SECTION 6. Specific authority is hereby granted to codify this ordinance.

PASSED AND APPROVED on first reading this 7th day of August, 2013.

PASSED AND ADOPTED on second and final reading this 4TH day of SEPTEMBER, 2013.

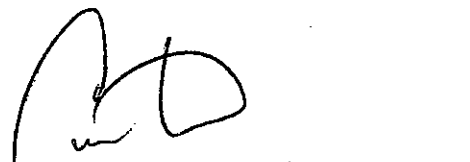
APPROVED:



THOMAS MASTERS
MAYOR

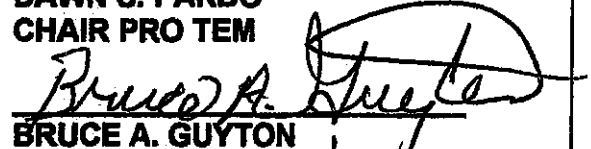
MUNICIPAL SEAL

ATTEST:



CARRIE E. WARD, MMC
CITY CLERK


CEDRICK A. THOMAS
CHAIRPERSON


DAWN S. PARDO
CHAIR PRO TEM


BRUCE A. GUYTON
COUNCILPERSON


JUDY L. DAVIS
COUNCILPERSON


TERENCE D. DAVIS
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, ESQ., B.C.S.
CITY ATTORNEY

DATE: 9/4/13

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1st READING

MOTIONED BY: D. PARDO

SECONDED BY: B. GUYTON

C. THOMAS AYE

D. PARDO AYE

B. GUYTON AYE

J. DAVIS AYE

T. DAVIS AYE

2nd & FINAL READING

MOTIONED BY: D. PARDO

SECONDED BY: B. GUYTON

C. THOMAS AYE

D. PARDO AYE

B. GUYTON AYE

J. DAVIS AYE

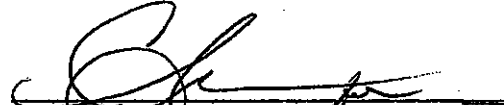
T. DAVIS AYE

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CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

9-4-13
DATE


Carrie E. Ward, MMC, City Clerk