

ORDINANCE NO. 2016-08

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 10, PERSONNEL, ARTICLE IV, RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS, DIVISION 3, RETIREMENT SYSTEMS AUTHORIZED, SEC. 10-148 ENTITLED "PUBLIC SAFETY OFFICERS AND FIREFIGHTERS RETIREMENT PLAN AND TRUST"; AMENDING THE DEFINED BENEFIT PLAN AND TRUST ADOPTION AGREEMENT CONTAINED IN EXHIBIT "B-2"; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a retirement plan and trust for the public safety officers and firefighters of the City was established on January 1, 1996 as set forth in Section 10-148 of the City Code; and

WHEREAS, the Plan and Trust Agreement authorizes the City Council to amend the Plan and Trust Agreement, in whole or in part, either retroactively or prospectively, by delivering to the Board of Trustees of the Plan and Trust a written amendment to same; and

WHEREAS, in conjunction with the contracting of law enforcement services with the Palm Beach County Sheriff's Office in lieu of the continued operation of a municipal police department, the City Council approved a Memorandum of Understanding with the Police Benevolent Association on January 19, 2016 regarding changes to the retirement plan; and

WHEREAS, the City Council desires to amend the Plan and Trust Agreement in order to make the changes agreed to in the Memorandum of Understanding approved on January 19, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 10, Article IV, Division 3, Section 10-148, of the Greenacres City Code entitled “Public Safety Officers and Firefighters Retirement Plan and Trust” is hereby amended as follows:

ARTICLE IV. RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS

Sec. 10-148. Public Safety Officers and Firefighters Retirement Plan and Trust.

(a) A retirement plan and trust for the firefighters and public safety officers of the City of Greenacres is hereby established, effective the 1st day of January 1996. The instruments which represent the terms of said plan and trust include the Trust Joinder Agreement (exhibit “A”), Defined Benefit Plan and Trust Adoption Agreement (exhibit “~~B-2~~” “B-3” including the Share Plan attachment “1”), the Retirement Plan and Trust Document, (exhibit “C” together with the 3rd amendment thereto), and the Florida Municipal Pension Trust Fund, Master Trust Agreement (exhibit “D-1”) and the Investment Policy (exhibit “E”) and will be and remain exhibits to this section, remanded to the custody of the city clerk who will maintain such for public inspection.

Section 2. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and

Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “Section”, “Article” or another word.

Section 4. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 19th day of January, 2016.

PASSED AND ADOPTED on the second reading this ___ day of _____, 2016.

Samuel J. Ferreri
Mayor

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Jonathan G. Pearce
Deputy Mayor

Attest:

Denise McGrew
City Clerk

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Lisa Rivera
Councilwoman, District I

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Peter Noble
Councilman, District II

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Judith Dugo
Councilwoman, District III

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Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney