

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, FURTHER AMENDING CHAPTER 50, PERSONNEL, ARTICLE III, PENSIONS AND RETIREMENT, DIVISION 3, MUNICIPAL POLICE OFFICERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 50-133, BOARD OF TRUSTEES; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1: Chapter 50, Article III, Division 3, Municipal Police Officers' Pension Trust Fund, of the Code of Ordinances of the City of Venice, as subsequently amended, is hereby further amended by amending Section 50-133, Board of Trustees, subsection (a), *Membership, appointment and term of members; legal status of board*, to read as follows:

* * * * *

- (a) *Membership; appointment and term of members; legal status of board.* The sole and exclusive administration of and responsibility for the proper operation of the retirement system and for making effective the provisions of this division is hereby vested in a board of trustees. The board is hereby designated at the plan administrator. The board shall consist of five trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city council, and two of whom shall be members of the system, who shall be elected by a majority of the active and retired police officers who are members of the system ~~and the former police officers who are retired from the system~~. The police officer seats may be held by either retired police officers or active police officers who are elected by the active and retired police officers of the plan. If there are no active or retired police officers remaining in the plan or capable of serving, the remaining board members may elect an individual to serve in the active police officer seats. Upon receipt of such person's name, the City Council shall, as a ministerial duty, appoint such person to the Board. The fifth trustee shall be chosen by a majority of the previous four trustees as provided for in this section, and such person's name shall be submitted to the city council. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board as its fifth trustee. The fifth trustee shall have the same rights as each of the other four trustees appointed or elected as provided in this section, and shall serve a four-year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of four years, unless he sooner vacates the office or is sooner replaced by the city council, at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of four years, unless he ~~sooner leaves the employment of the city as a police officer or otherwise~~ vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. DROP participants can be elected as, and but not vote for elected trustees. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained in this division, the power to bring and defend lawsuits of every kind, nature and description. The chief of police shall be an ex officio member of the board of trustees without vote.

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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: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Venice.

SECTION 5: Effective Date. This Ordinance shall take effect upon adoption.

PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 14th DAY OF JUNE, 2022.

First Reading: May 24, 2022

Final Reading: June 14, 2022

ADOPTION: June 14, 2022

Ron Feinsod, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 14th day of June, 2022, a quorum being present.

WITNESS my hand and the official seal of said City this 14th day of June, 2022.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney