

ORDINANCE NO. 2023-21

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING CHAPTER 50, PERSONNEL, ARTICLE III, PENSIONS AND RETIREMENT, DIVISION 2, MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND; AMENDING SECTION 50-83, BOARD OF TRUSTEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

WHEREAS, amendments to the pension plan are proposed to provide for a change in the composition of the Board of Trustees, as permitted by F.S., Ch. 175.;

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

SECTION 1: Chapter 50, Personnel, Article III, Pensions and Retirement, Division 2, Municipal Firefighters' Pension Trust Fund, Section 50-83, Board of Trustees, subsection (a), *Composition; appointment and term of members; meetings; legal status*, is hereby amended to read as follows:

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- (a) *Composition; appointment and term of members; meetings; legal status.* 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 are hereby vested in a board of trustees. The board is hereby designated as 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 firefighters who are members of the system. Once the active firefighter membership of this closed plan falls below 10, the active firefighter member seats may be held by either a retired firefighter or an active firefighter who is elected by the active and retired firefighters of the plan. If there are no active or retired firefighters remaining in the plan or capable of serving, the remaining board members may elect an individual to serve in an active firefighter seat. 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 subsection, 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 of trustees 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 subsection 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 the trustee 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 firefighter 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. 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.

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SECTION 2: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Venice.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: Severability. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 5: Effective date. This Ordinance shall take effect immediately upon its adoption.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 27th DAY OF JUNE 2023.

First Reading: June 13, 2023

Second Reading: June 27, 2023

Adoption: June 27, 2023

Nick Pachota, 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 City of Venice Council, a meeting thereof duly convened and held on the 27th day of June 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 27th day of June 2023.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney