

ORDINANCE NO. 16-012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; ARTICLE II. RETIREMENT SYSTEM FOR OFFICERS AND EMPLOYEES OF PARTICIPATING EMPLOYERS; DIVISION I. GENERALLY; **SECTION 13-24. MEMBERSHIP – REQUIREMENTS FOR; EXCLUSIONS FROM.** ALSO AMENDING DIVISION II. RETIREMENT BOARD; **SECTION 13-73. OFFICERS; ACTUARY; CONTRACTS.** PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:

SECTION 1. Section 13-24 is hereby amended so that the same shall read hereinafter as follows:

Sec. 13-24. – Membership - Requirements for; exclusions from.

- (a) Each employee of a participating employer shall be a member of the retirement system unless excluded from membership by subsections (b) or (c). Elected officials must file written application for membership with the retirement board. If any question arises about the membership status of any person, the retirement board shall resolve the question and such resolution shall be final.
- (b) An employee holding an excludable position may be elected to be excluded from membership. The election shall be in writing and to be valid must be filed with the retirement board within thirty (30) days of assuming an excludable position. Excludable positions are:
 - (1) The city manager;
 - (2) The chief of police;
 - (3) The director of the Fort Pierce Utilities Authority; and
 - (4) ~~The director of the code enforcement and building department;~~ The city attorney.
 - ~~(5) The director of planning.~~
- (c) A former employee of a participating employer, who is presently receiving regular or disability retirement benefits under this chapter, who is subsequently reemployed by a participating employer, shall not be a member of the retirement system. For the purpose of this subsection, the term "employee" is given the meaning imposed by general law governing agency principals, not as such term is otherwise defined in section 13-16.

SECTION 2. Section 13-73 is hereby amended so that the same shall read hereinafter as follows:

Sec. 13-73. - Officers; actuary; contracts.

- (a) The retirement board, at its first meeting in October, shall designate from its own number a chairperson and vice chairperson.
- (b) The director of finance of the city shall be treasurer and secretary of the retirement system and the custodian of its assets.
- (c) The city attorney or his designee shall be legal advisor to the retirement board.
- (d) The retirement board shall designate an actuary who shall be technical advisor to the board and who shall perform such other duties as the retirement board shall from time to time designate.

- (e) The retirement board is authorized and empowered to employ such professional and other services as are required for the proper administration of the retirement system. Such services shall be employed on a contractual or fee basis and persons performing such services shall not be considered employees of the city. Compensation for such services shall be fixed by the retirement board, subject to approval by the city commission.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. This Ordinance is and the same shall become effective immediately upon final passage hereof

APPROVED AS TO FORM
AND CORRECTNESS:

James M. Messer, Esq.
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 16-012 was duly advertised by title only in the St. Lucie News Tribune on _____; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on _____; and was duly introduced, read by title only, and passed on second and final reading on _____, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the ____ day of _____, 2016.

Linda Hudson,
Mayor Commissioner

Linda W. Cox,
City Clerk

(CITY SEAL)