

CITY OF HOMESTEAD, FLORIDA

ORDINANCE NO. 2023-11-35

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOMESTEAD; AMENDING SECTION 22.5-46 OF THE POLICE OFFICERS' RETIREMENT PLAN TO PROVIDE FOR FOUR YEAR TERMS OF OFFICE FOR PENSION TRUSTEES AND PERMITTING DROP PARTICIPANTS TO BE ELECTED TO THE BOARD OF TRUSTEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Homestead sponsors a retirement plan for police officers; and,

WHEREAS, the Board of Trustees of the City of Homestead Police Officers' Retirement Plan has recommended amending the Plan to expand terms of office for pension trustees from two to four years;

WHEREAS, the Board of Trustees of the City of Homestead Police Officers' Retirement Plan has recommended amending the Plan to o permit DROP participants to serve as trustees and stand for re-election to the Pension Board, and,

WHEREAS, the City Council of the City of Homestead concurs that the adoption of this ordinance is in the best interests of the citizens and taxpayers of the City;

NOW, THEREFORE, IT IS HEREBY ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That the above stated recitals are hereby adopted and confirmed.

Section 2. City Code Amended. That Section 22.5-46, "Created" of Chapter 22.5 Police Officers' Retirement Plant is hereby amended as follows:¹

Additions to the City Code of Ordinances are demonstrated by underline, deletions are denoted by ~~strikethrough~~.

Section 22.5-46. Created.

- (a) There is hereby created a board of trustees of the City of Homestead Municipal Police Officers' Retirement Trust Fund, which shall be solely responsible for administering the trust fund. Effective December 31, 1986, and thereafter, the board of trustees shall consist of five (5) members, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city council, and two (2) of whom shall be police officers as defined in section 22.5- 21 who shall be elected by a majority of the police officers who are members of the plan. Participants in the Deferred Retirement Option Plan may serve as trustees and stand for re-election to the Board. The fifth member shall be chosen by a majority of the previous four (4) members, 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 member. The fifth member shall have the same rights as each of the other four members appointed or elected as herein provided and may succeed himself in office. Each resident member shall serve as trustee for a period of four (4) ~~two (2)~~ years, unless sooner replaced by the city council at whose pleasure he shall serve, and may succeed himself as a trustee. However, the terms of the mayor, or corresponding chief executive officer of the municipality, and the chief of the police department as members of the board of trustees as provided in chapter 28230, Laws of Florida, 1953, as amended, together with any city manager and member of the legislative body of the municipality as members of the board of trustees shall terminate on December 30, 1986. Each police officer member shall serve as trustee for a period of four (4) ~~two (2)~~ years, unless he sooner leaves the employment of the city as a police officer, whereupon the city council shall choose his successor in the same manner as an original appointment. Each police officer may succeed himself in office. The board of trustees shall meet at least quarterly each year. Each board of trustees shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

Section 3. Severability. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 4. Inclusion in the Code. It is the intention of the City Council of the City of Homestead that the provisions of this ordinance shall become and be made a part of the Code of the City of Homestead, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to

accomplish such intentions.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading, this 18th day of October,2023.

PASSED AND ADOPTED on second reading, this 15th day of November, 2023.

STEVEN D. LOSNER,
Mayor

ATTEST:

ELIZABETH SEWELL, MPA, MMC, FRCM
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND BENEFIT OF THE CITY ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
City Attorney

Motion to adopt by Vice Mayor Fletcher, seconded by Councilman Canabal.

FINAL VOTE AT ADOPTION

<i>Mayor Steven D. Losner</i>	<u>YES</u>
<i>Vice Mayor Sean L. Fletcher</i>	<u>YES</u>
<i>Councilwoman Erica G. Ávila</i>	<u>YES</u>
<i>Councilwoman Jenifer N. Bailey</i>	<u>YES</u>
<i>Councilman Clemente Canabal</i>	<u>YES</u>
<i>Councilman Tom Davis</i>	<u>YES</u>
<i>Councilman Larry Roth</i>	<u>YES</u>

BUSINESS IMPACT ESTIMATE¹

Meeting Date: 10/18/2023

Agenda Item No. 4053

Summary of Proposed Ordinance and Statement of Public Purpose to be Served

The Police Officers' Retirement Plan is administered by a board of trustees of which current terms of elected members are two (2) year terms. The board of trustees has recommended to extend the terms to four (4) years for members due to the requirement to educate members concerning their fiduciary duties. Additionally, the board has recommended to permit DROP participants to serve as Trustees and stand for re-election to the Board of Trustees.

Estimate of Direct Economic Impact on Private/For Profit Businesses

a. Estimate of Direct Business Compliance Costs:

None

b. New Charges/Fees on Businesses Impacted:

None

c. Estimate of Regulatory Costs:

None

Good Faith Estimate of Number of Businesses Likely Impacted:

No impact.

Any Additional Information:

N/A

¹ Business Impact Estimate does not apply to the following:

1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances related to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract/agreement;
5. Emergency ordinances;
6. Ordinances relating to procurement;
7. Ordinances enacted to implement the following:
 - a. Part II of Chapter 163, F.S.;
 - b. Sec. 190.005, F.S. and Sec. 190.046, F.S.;
 - c. Sec. 553.73, F.S. (Fla. Building Code);
 - d. Sec. 633.202, F.S. (Fla. Fire Prevention Code).