

ORDINANCE NO. 08-13

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING CHAPTER 32, ARTICLE II, OF THE CITY CODE RELATING TO THE CITY OF MARCO ISLAND POLICE OFFICERS' PENSION PLAN TO COMPLY WITH THE CURRENT COLLECTIVE BARGAINING AGREEMENT BY PROVIDING FOR THE PURCHASE OF CREDITED SERVICE IN THE PLAN FOR PRIOR MILITARY AND LAW ENFORCEMENT SERVICE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marco Island, Florida, has made it known that the people of the City of Marco Island, Florida desire an adequate retirement system for the police officers of their City; and

WHEREAS, the City Council recognizes the requirement to maintain an employee retirement system that complies with all State and Federal laws and regulations; and

WHEREAS, the City Council recognizes the requirement to amend the police retirement system to comply with current collective bargaining agreements; and

WHEREAS, the current retirement system is in need of amendment in order to meet the above objectives.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THAT:

Section 1. The City of Marco Island Police Officers' Pension Plan was established as a local law pension plan pursuant to Chapter 185, Florida Statutes by adopting the City of Marco Island Ordinance No. 05-14.

Section 2. That Chapter 32, Article II, Section 32-32. of the City of Marco Island

Police Officers' Pension Plan be amended by adding the underlined language as follows:

Prior Service credit. A member may purchase Prior Service credit for service in the Armed Forces of the United States, the United States Merchant Marine or service as a Police Officer for any employer prior to employment by the City of Marco Island, by depositing into the trust fund the full actuarial costs of such Prior Service credit that would have occurred had the member been employed by the City of Marco Island as a police officer, for the period of Prior Service credit purchased. Such payment for said Prior Service credit may be made as a lump sum or by payroll deductions, not to extend beyond five (5) years, according to a schedule approved by the Board of Trustees. Payroll deduction payments shall require interest at the actuarial rate of return for the years purchased. Such purchase of Prior Service credit shall take effect upon attaining six (6) years of Credited service in this pension plan. If a member terminates service prior to attaining six (6) years of Credited service and receives a refund of member contributions, the amount paid for such Prior Service credit shall also be refunded.

a. No member shall receive Prior Service credit for years or fractional parts of years of service if they have withdrawn their contributions to the plan for those years or fractional parts of years of service, unless the member repays into the plan the contributions they had withdrawn plus interest as determined by the Board of Trustees, within ninety (90) days after re-employment with the City of Marco Island. Further, Prior Service credit shall not be granted for service where the member is receiving or is entitled to receive a benefit from another governmental pension system.

b. Prior Service credit under this section shall only be provided for service as a police officer, as defined in Chapter 185 of the Florida Statutes, with any other law enforcement agency and/or for service in the Armed Forces of the United States, or the United States Merchant Marine, voluntary or involuntary, in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA) and Chapter 185 of the Florida Statutes.

c. In determining Prior Service credit of any member for police officer service or United States Armed Forces and Merchant Marine service, Prior Service credit of up to five (5) years shall be added to the years of actual service with the City of Marco Island.

d. Election to purchase Prior Service credit, shall be made in writing to the Board of Trustees. The cost of Prior Service credit shall be

the full actuarial cost of all Prior Service credit purchased hereunder computed as a lump sum payment into the plan that would have occurred had the member been employed by the City of Marco Island as a police officer, for the period of Prior Service credit purchased . Actual payment may, at the member's option, be extended over a period of time not to exceed five (5) years and shall be subject to interest at the actuarial rate of return for the years purchased. Full payment of such purchased Prior Service credit must be completed prior to the member's actual retirement.

Section 3. Conflict and Severability.

If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance. That all sections or parts of sections of all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4. Incorporation.

It is the intention of the City Council and is hereby ordained that the provision of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Marco Island, Florida and that the sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon adoption.

ADOPTED BY CITY COUNCIL OF THE CITY OF MARCO ISLAND THIS 20 day of October, 2008.

Attest:



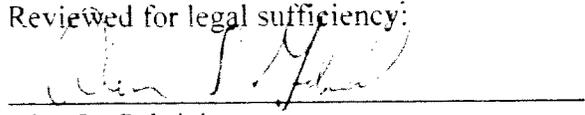
Laura Litzan
City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

William D. Trotter, Chairman

Reviewed for legal sufficiency:

A handwritten signature in black ink, appearing to read "Alan L. Gabriel", is written over a horizontal line.

Alan L. Gabriel
City Attorney