

ORDINANCE NO. 22-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, CHAPTER 35 "EMPLOYEE POLICIES AND BENEFITS", SUBHEADING "RETIREMENT PLAN", BY AMENDING SECTION 35.105, "ADMINISTRATION BY RETIREMENT COMMITTEE" TO PROVIDE FOR COMMITTEE MEMBER TERM LIMITS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach General Employees' Retirement Plan ("Plan") was established by ordinance of the City Commission to provide retirement and disability benefits to city employees and their beneficiaries; and

WHEREAS, the City Commission has determined it to be in the best interest of the City and its employees to amend the General Employees' Retirement Plan to provide length of terms and term limits for members of the Retirement Committee; and

WHEREAS, to implement such changes, it is necessary to adopt an ordinance amending the City's Code of Ordinances.

IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Section 35.105(A) of the Code of Ordinances is hereby amended to read as follows:

**Sec. 35.105. ADMINISTRATION BY RETIREMENT COMMITTEE.**

(A) [Retirement Committee Established.]

(1) The plan will be administered by the Retirement Committee (herein referred to as the Committee) appointed by the City Commission, consisting of five (5) members.

(a) One member shall be the Chief Financial Officer of the City. If the Chief Financial Officer cannot serve for any reason, the Treasurer of the City will take his or her place. The City Commission shall appoint four (4) additional members, three (3) of whom may, but need not, be employees of the City and one that may, but need not be an employee of the City or the Mayor or City Commissioner. Each appointed member shall serve until a successor is appointed in like manner.

(b) Notwithstanding the provisions of paragraph (a) above, the terms of all appointed Committee members serving on [effective date of this ordinance] shall end on September 30, 2024. Four members shall be appointed with terms commencing on October 1, 2024 as follows. Two members (who may be currently serving members) shall be appointed by the City Commission to serve an initial term of

three (3) years, and two members (who may be currently serving members) shall be appointed by the City Commission to serve an initial term of four (4) years. All subsequent terms thereafter shall be for a term of four years.

(c) No appointed member shall serve more than two (2) successive terms (original term, plus one additional term). An appointed member who was serving on [effective date of this ordinance] and is appointed to serve a term commencing October 1, 2024 shall be eligible to serve two (2) full successive terms thereafter. A member who has been appointed to fill an unexpired term shall remain eligible to serve two (2) full successive terms.

(d) Upon completion of the maximum allowable two (2) full terms of membership as described above, no appointed Committee member shall be eligible for reappointment for a period of one year.

(e) An individual member of the Committee may resign by delivering his written resignation to the City Commission and to the other members of the Committee. The City Commission may remove an individual member of the Committee by so notifying the member and other Committee members, if any, in writing. Vacancies on the Committee shall be filled by City Commission appointment.

(B) – (H) (These subsection shall remain in full force and effect as adopted.)

Section 2. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 3 Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. Specific authority is hereby given to codify this Ordinance.

Section 5. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_