

ORDINANCE NO. 18-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 33, "POLICE AND FIRE-RESCUE DEPARTMENTS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING "POLICE OFFICERS' RETIREMENT SYSTEM," SECTION 33.65, "ADMINISTRATION"; AMENDING "FIREFIGHTERS' RETIREMENT SYSTEM," AND SECTION 33.79, "ADMINISTRATION" TO PROVIDE FOR STAGGERED TERMS FOR TRUSTEES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Trustees of the City of Delray Beach Firefighters' Retirement System and City of Delray Beach Police Officers' Retirement System wish to establish staggered terms for the Board of Trustees; and

WHEREAS, the City Commission has received, reviewed, and considered an actuarial impact statement describing the actuarial impact of the amendment provided for herein; and

WHEREAS, the City Commission deems it to be in the public interest to provide the following changes to the Police and Firefighters' Retirement Systems.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Section 33.65, "Administration," of the Code of Ordinances is hereby amended to read as follows:

**Sec. 33.65. – ADMINISTRATION.**

- (A) Effective October 1, 2016, the general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this subchapter are vested in a Board of Trustees consisting of five (5) persons as follows:
- (1) Two (2) legal residents of the City to be appointed by the City Commission;
  - (2) Two (2) full-time City police officers as defined in F.S. § 185.02, to be elected by all active members as provided herein; and

- (3) A fifth member, who shall be chosen by a majority of the other four members. Such person's name shall be submitted to the City Commission, which shall, as a ministerial act, appoint such person to the Board of Trustees.
- (B) Each appointed trustee shall serve as trustee for a period of four (4) years, unless sooner replaced by the City Commission, at whose pleasure he or she serves, and may succeed himself or herself as a trustee. Each elected police officer trustee shall serve as trustee for a period of four (4) years, unless he or she sooner leaves the employment of the City as a police officer, whereupon a successor shall be chosen in the same manner as the original election. Each elected police officer trustee may succeed himself or herself in office. The fifth member shall have the same rights and duties as the other trustees, shall serve as trustee for a period of four (4) years, and may succeed himself or herself in office. Commencing November 1, 2024, one elected trustee and one trustee appointed by the City Commission shall serve an initial term of three years, and one elected trustee and one trustee appointed by the City Commission shall serve an initial term of four years. All subsequent terms thereafter shall be for a term of four years. The fifth member shall continue to serve a four (4) year term.

{All other provisions remain in full force and effect}

Section 3. Section 33.79, "Administration," of the Code of Ordinance is hereby amended to read as follows:

**Sec. 33.79. – ADMINISTRATION.**

- (A) Effective October 1, 2016, the general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this subchapter are vested in a Board of Trustees consisting of five (5) members as follows:
  - (1) Two (2) legal residents of the City to be appointed by the City Commission;
  - (2) Two (2) full-time City firefighters as defined in F.S. § 175.032, to be elected by all active members as provided herein; and
  - (3) A fifth member, who shall be chosen by a majority of the other four (4) members. Such person's name shall be submitted to the City Commission, which shall, as a ministerial act, appoint such person to the Board of Trustees.
- (B) Each appointed member shall serve as trustee for a period of four (4) years, unless sooner replaced by the City Commission, at whose pleasure he or she serves, and may succeed himself or herself as a trustee. Each elected firefighter member shall serve as trustee for a period of four (4) years, unless he or she sooner leaves the employment of the City as a firefighter, whereupon a successor shall be chosen in the same manner as the original election. Each elected firefighter trustee may succeed himself or herself in office. The fifth member shall have the same rights and duties as the other trustees, shall serve as trustee for

a period of four (4) years, and may succeed himself or herself in office. Commencing November 1, 2024, one elected trustee and one trustee appointed by the City Commission shall serve an initial term of three years, and one elected trustee and one trustee appointed by the City Commission shall serve an initial term of four years. All subsequent terms thereafter shall be for a term of four years. The fifth member shall continue to serve a four (4) year term.

{All other provisions remain in full force and effect}

Section 4. 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 5. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 6. Specific authority is hereby given to codify this Ordinance.

Section 7. That this ordinance shall become effective immediately upon passage on second and final reading.

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

ATTEST:

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

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Thomas F. Carney, Jr., Mayor

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

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

Approved as to form and legal sufficiency:

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