

Item 5.b.iv.

Staggered Trustee Terms

ORDINANCE NO. _____

**AN ORDINANCE
TO BE ENTITLED**

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 "FIREFIGHTERS' RETIREMENT SYSTEM," SECTION 33.79, "ADMINISTRATION", PROVIDING FOR STAGGERED TERMS FOR TRUSTEES; REPEALING ALL ORDINANCES IN CONFLICT HERewith, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the City of Delray Beach Firefighters' Retirement System wishes 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, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Delray Beach; and

WHEREAS, the City Commission deems it to be in the public interest to provide the following changes to the Firefighters' Retirement System;

BE IT ORDAINED BY THE CITY COMMISSION OF DELRAY BEACH, FLORIDA:

SECTION 1. That Section 33-79, "*Administration*", of Chapter 33, POLICE AND FIRE-RESCUE DEPARTMENTS, of the Code of Ordinance of the City of Delray Beach is hereby amended by amending subsection (B), to provide for staggered terms, as

follows:

Sec. 33.79. – ADMINISTRATION.

[...]

- (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. In order to establish staggered terms for the board of trustees, starting with the November 2024 elections, and appointments by the City Commission, one elected member and one appointed member shall serve an initial term of three years, and one elected member and one appointed member shall serve an initial term of four years. All subsequent terms after the stagger is established shall be for four-year terms. The fifth member shall continue to serve a four (4) year term.

SECTION 2. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section,” “Article” or other appropriate word as the codifier may deem fit.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

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 of the City Commission of the City of Delray Beach, Florida this ___ day of _____, 2024.

CITY OF DELRAY BEACH, FLORIDA

By: _____
SHELLY PETROLIA, MAYOR

ATTEST:

Katerri Johnson, MMC, City Clerk

Approved as to form:

Lynn Gelin, City Attorney