

**ORDINANCE NO. 2024-O-42**

**AN ORDINANCE OF THE CITY OF EDGEWATER, AMENDING CHAPTER 13 (PERSONNEL), SECTION 13-40 (BOARD OF TRUSTEES FOR GENERAL EMPLOYEES PENSION TRUST FUND) OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA, PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND FOR ADOPTION.**

**WHEREAS**, there is a pending revocation under Florida Statutes §447.305(6) of Union Certification 1971 for Northeast Florida Public Employees, Local 630, Laborers International Union of North America AFL-CIO (“Union”) to continue to represent the general employees of the City;

**WHEREAS**, one of the seats on the Board of Trustees is a Union Representative appointed by the Union;

**WHEREAS**, this amendment is recommended so that if there is a revocation of the Union Certification 1971, there is a means to select a person to hold the fifth member seat on the Board of Trustees;

**WHEREAS**, the City Council of the City of Edgewater, Florida has made the following determinations:

1. Based on the recommendation of the Board of Trustees of the Edgewater General Employees’ Retirement Plan, the General Employees’ Retirement Plan, Section 13-40 (Board of trustees for general employees pension trust fund) should be amended.

**NOW, THEREFORE, BE IT ENACTED**, by the City Council of the City of Edgewater, Florida

**PART A. AMENDING CHAPTER 13 (PERSONNEL), SECTION 13-40 (BOARD OF TRUSTEES FOR GENERAL EMPLOYEES PENSION TRUST FUND) OF THE CODE OF ORDINANCES.**

~~Struck through~~ passages are deleted.

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Underlined passages are added.

Chapter 13 (Personnel), Section 13-40 (Board of Trustees for General Employees Pension Trust Fund) of the City of Edgewater Code of Ordinances is amended pursuant to Exhibit “A”, which is attached and incorporated herein.

**PART B. FILING WITH THE DIVISION OF RETIREMENT**

Upon adoption, a copy of this Ordinance shall be filed with the Division of Retirement of the Florida Department of Management Services.

**PART C. CONFLICTING PROVISIONS**

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

**PART D. SEVERABILITY AND APPLICABILITY**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property, or circumstance.

**PART E. CODIFICATION**

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Parts B through F shall not be codified.

**PART F. EFFECTIVE DATE**

This ordinance shall take effect upon adoption.

**PASSED AND DULY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diezel DePew, Mayor

**ATTEST:**

\_\_\_\_\_  
Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**REVIEWED AND APPROVED:** \_\_\_\_\_  
Aaron R. Wolfe, City Attorney

## EXHIBIT “A”

### Sec. 13-40. Board of trustees for general employees pension trust fund.

- (a) *Created.* There is hereby created the board of trustees for the general employees pension trust fund. The board of trustees shall be solely responsible for administering the trust fund. The board shall not receive any compensation in this capacity. The board shall be a legal entity with the powers and responsibility enumerated herein and as may be amended from time to time by the city council.
- (b) *Membership.* The board of trustees shall consist of five members appointed as follows:
- (1) Two of whom, unless otherwise prohibited by law, must be legal residents of the municipality and must be appointed by the governing body of the municipality.
  - (2) Two of whom are current or retired members of the plan, who are elected by a majority of current and retired members, regardless of City employment status.
  - (3) The fifth member shall be a union representative for the general employees as appointed by the union. **Should the operation of Florida Statutes §447.305(6) revoke Union Certification 1971, the fifth member shall be chosen by a majority of the previous four members, and such person’s name shall be submitted to the legislative body of the municipality. Upon receipt of the fifth person’s name, the legislative body shall, as a ministerial duty, appoint such person to the board of trustees.** The fifth member shall have the same rights as each of the other four members.
  - (4) If the majority of the members of the plan fails to elect a member as a trustee, the city manager shall appoint either a resident or an employee that is a resident of the city.
  - (5) Two un-excused absences, as determined by the board, within a 12-month period shall be a deemed resignation.
- (c) *Term.* Election to the board of trustees shall be for a term of three years, unless a trustee shall sooner leave office. Council appointed members shall serve an initial term of two years followed by a three year term. The **fifth member, if** union-appointed, member shall serve as a trustee as long as he or she is appointed; **otherwise the fifth member serves a three year term.** A vacancy shall be filled in the same manner as originally seated for the remainder of the expired term. Trustees may succeed themselves in office.
- (d) *Officers.* The board shall select from their members a chairman, vice chairman and a secretary by a majority vote of the trustees annually. The secretary of the board shall keep

a complete minute book of the actions. Proceedings or hearings of the board, all correspondence, documents and records shall be public records subject to the same requirements and exemptions as other public records of the city.

- (e) *Meetings*. Regular meetings shall be held at least quarterly. The hour and place of each meeting may be determined by the members of the board. Special meetings may be held at the request of the chairman, providing proper notice is given. The secretary shall provide notices of all meetings to all members of the board and to all city departments for posting. Meetings shall be held in accordance with the "Sunshine Law" requirements. Roberts Rules of Order shall govern the parliamentary procedure of the board.
- (f) *Quorum*. A quorum shall consist of three members present at the meeting. Three votes shall be required to take action.
- (g) *Order of business*. The order of business at all regular meetings of the board shall be as follows:
  - (1) Call to order.
  - (2) Roll call.
  - (3) Public comment.
  - (4) Approval of minutes.
  - (5) Old business.
  - (6) Communication/reports.
  - (7) New business.
  - (8) Adjournment.
- (h) *Powers of board of trustees*. The authority of the General Employees' pension board shall be to administer, monitor and evaluate the pension fund. The board shall review, discuss and decide upon investment options for the general employees' pension funds. The board shall review and discuss any improvement of benefits and consider recommending such improvements to the city council for approval.
- (i) *Amendments*. Amendments and additions to the bylaws may be proposed at any board meeting to become effective after a majority vote of the board and final approval by city council.