

ORDINANCE NUMBER 24-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA AMENDING CHAPTER 70, PENSIONS AND RETIREMENT, ARTICLE III, MUNICIPAL FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM, SECTION 70-61.5-BOARD OF TRUSTEES OF THE CODE OF ORDINANCES OF THE CITY OF EUSTIS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eustis firefighters are presently provided pension benefits pursuant to Chapter 70, Article III, Eustis Code of Ordinances, which establishes a plan intended to meet or exceed the minimum benefits and minimum standards set out in Chapter 175, Florida Statutes;

WHEREAS, the Eustis Firefighter Pension Board of Trustees has voted to recommend changes to Section 70-61.5, Article III, Chapter 70, Eustis Code of Ordinances which governs to Board of Trustees to provide for numbered seats, setting election dates for each seat, and clarifying that any new trustees filling a vacancy will serve out the remaining term for that seat;

WHEREAS, the proposed changes have been approved and recommended by the Board of Trustees of the plan;

WHEREAS, the City Commission desires to amend its "local-law" pension plan and adopt the Board of Trustees proposed changes clarifying their office and election terms.

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

Section 1. Chapter 70, PENSIONS AND RETIREMENT, Article III, MUNICIPAL FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM, Section 70-61.5-Board of Trustees of the Code of Ordinances of the City of Eustis, is hereby amended as set forth in Exhibit A attached hereto and made a part hereof.

Section 2. It is the intention of the City Commission of the City of Eustis that the provisions of this Ordinance shall become and be made a part of the City of Eustis Code of Ordinances and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Article" or such other appropriate word or phrase to accomplish such intentions.

Section 3. This Ordinance shall become effective immediately on passing.

Section 4. This Ordinance shall be published in accordance with the requirements of law.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 1st day of August, 2024.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 1st day of August, 2024 by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public – State of Florida
My Commission Expires: _____
Notary Serial No. _____

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance by the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 24-29 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Exhibit A

Sec. 70-61.5. Board of Trustees.

(a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this ordinance is hereby vested in a board of trustees defined elsewhere herein as the board. The board is hereby designated as the plan administrator, provided that it may delegate plan administration duties to a third-party plan administrator in its discretion.

(b) The membership of the board shall consist of five members serving in numbered seats. Seats 1 and 2 must be held by legal residents of the city and must be appointed by the Eustis City Commission for two (2) year terms. Seat 1 shall be appointed in November of each year ending in an odd number and Seat 2 shall be appointed in November of each year ending in an even number. Seats 3 and 4 must be held by full-time firefighters as defined in F.S. § 175.032 who are elected by a majority of the active firefighters who are members of such plan for two (2) year terms. Seat 3 shall be elected in November of each year ending in an odd number and Seat 4 shall be elected in November of each year ending in an even number. Seat 5 shall be chosen by a majority of the previous four members as provided herein, and such person's name shall be submitted to the Eustis City Commission. Upon receipt of the fifth person's name, the Eustis City Commission shall, as a ministerial duty, appoint such person to the board. The member holding Seat 5 shall have the same rights as each of the other four members, and shall serve as trustee for a period of two (2) years. DROP participants can be elected as, but not vote for, elected trustees. Each member may succeed himself or herself as a trustee so long as the member otherwise meets the requirements of that seat. In the event that any seat becomes vacant, a successor member who meets the requirements of that seat shall be appointed or elected in the manner required for that seat and shall serve for the remaining term of that seat. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(c) The trustees shall, by a majority vote, elect a chairman and a secretary. If the board has not appointed an administrator, the secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

(d) Each trustee shall be entitled to one vote on the board. Three affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of F.S. § 112.3143.

(e) The board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the system shall be paid from the fund at such rates and in such amounts as the board shall agree. In the event the board chooses to use the city's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the board.

(f) The duties and responsibilities of the board shall include, but not necessarily be limited to, the following:

(1) To construe the provisions of the system and determine all questions arising thereunder.

(2) To determine all questions relating to eligibility and membership.

(3) To determine and certify the amount of all retirement allowances or other benefits hereunder.

(4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.

(5) To distribute to members, at regular intervals, information concerning the system.

(6) To receive and process all applications for benefits.

(7) To authorize all payments whatsoever from the fund, and to notify the custodian, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.

(8) To have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding any and all changes in the provisions of the system.

(9) To perform such other duties as are required to prudently administer the system.

(g) *Claims procedures.*

(1) The board shall establish administrative claims procedures to be utilized in processing written requests ("claims"), on matters which affect the substantial rights of any person ("claimant"), including members, retirees, beneficiaries, or any person affected by a decision of the board.

(2) The board shall have the power to subpoena and require the attendance of witnesses and the production of documents for discovery prior to and at any proceedings provided for in the board's claims procedures. The claimant may request in writing the issuance of subpoenas by the board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in Florida Statutes.