

**ORDINANCE 06- 02**

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA; AMENDING SECTION 16 OF THE CITY OF MARCO ISLAND POLICE OFFICERS' PENSION PLAN, "BOARD OF TRUSTEES" TO PROVIDE FOR EX-OFFICIO DUTIES OF LOCAL RESIDENT TRUSTEES; AMENDING SECTION 4 OF THE CITY OF MARCO ISLAND FIREFIGHTERS' PENSION PLAN, "BOARD OF TRUSTEES", TO PROVIDE FOR EX-OFFICIO DUTIES OF LOCAL RESIDENT TRUSTEES; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marco Island implemented the City of Marco Island Firefighters Pension Plan and the City of Marco Island Police Officers' Pension Plan pursuant to Chapter 175 and Chapter 185, Florida Statutes, respectively; and

**WHEREAS**, The Firefighters' Pension Plan and the Police Officers' Pension Plan provide for two local resident members of the Board of Trustees; and

**WHEREAS**, the City Council of the City of Marco Island has determined that it would be in the best interest of the people of the City of Marco Island and the best interest of the Firefighters' Pension Plan and the Police Officers' Pension Plan to require the local resident members to serve on both Pension Boards.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

**Sec. 1.** A new Subsection 6 of Section 16, "Board of Trustees", of the City of Marco Island Police Officers' Pension Plan is created to read as follows:

**Section 16.** Board of Trustees.

6. Notwithstanding any provision herein to the contrary, "legal resident" members appointed by the Marco Island City Council to the Board of Trustees of the City of Marco Island Police Officers' Pension Plan pursuant to paragraph 1 of this Section, shall serve in the same capacity as members of the Board of Trustees of the City of Marco Island Firefighters' Pension Plan as follows. Upon the effective date of this Ordinance, the "legal resident" members of the Firefighters' Pension Plan Board of Trustees shall be appointed as the "legal resident" members of Board of Trustees of this Plan. Said Trustees shall serve until the expiration of their terms on the Firefighters' Pension Plan Board of Trustees. Upon expiration of the members' terms and thereafter, the City Council shall appoint or reappoint two legal residents pursuant to paragraph 1 of this Section, whose duty it shall be to serve on both the Board of Trustees of this Plan and the Board of Trustees of the Firefighters' Pension Plan.

**Sec. 2.** A new Subsection G of Section 4, "Board of Trustees", of the City of Marco Island Firefighters' Pension Plan is created to read as follows:

Section 4. Board of Trustees.

G. Notwithstanding anything contained herein to the contrary, "legal resident" members appointed by the Marco Island City Council to the Board of Trustees of the City of Marco Island Firefighters' Pension Plan pursuant to paragraph B. of this Section, shall serve in the same capacity on the Board of Trustees of the City of Marco Island Police Officers' Pension Plan.

**Sec. 3. Incorporation, Conflict, and Severability.**

(a) It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

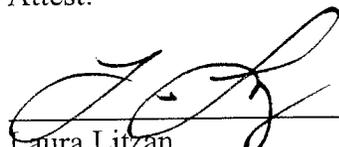
(b) All sections or parts of sections of the Marco Island City Code of Ordinances, all City of Marco Island resolutions or parts of resolutions made applicable by City Charter in conflict herewith are hereby repealed to the extent of such conflict.

(c) If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

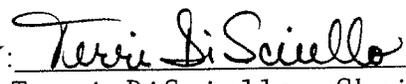
**Sec. 4. Effective Date.**

This Ordinance shall take effect immediately upon adoption.

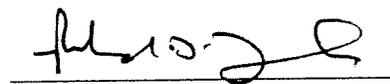
Attest:

  
\_\_\_\_\_  
Laura Litzan  
City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY:   
\_\_\_\_\_  
Terri DiSciullo, Chairwoman

Approved as to form and  
legal sufficiency:

  
\_\_\_\_\_  
Richard Yovanovich  
City Attorney