

ORDINANCE NO. 05-01

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY OF MARCO ISLAND FIREFIGHTERS' PENSION PLAN TO COMPLY WITH CHAPTER 2004-21, LAWS OF FLORIDA, PROVIDING THAT RETIREES MAY AUTHORIZE DIRECT THIRD PARTY PAYMENTS AS A DEDUCTION FROM NET BENEFITS FOR SPECIFIC PURPOSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2004 Florida Legislature enacted Chapter 2004-21, Laws of Florida, which authorizes the trustees of the city's firefighters' pension plan, when authorized by a retiree or retiree's dependent, to make certain deductions from monthly retirement payments, and

WHEREAS, an amendment to the city code is necessary to permit such deductions, and

WHEREAS, the trustees of the City of Marco Island Firefighters' Pension Plan have requested and approved such an amendment as being in the best interests of the participants and beneficiaries and improves the administration of the plan, and

WHEREAS, an actuarial impact statement is not necessary since this amendment is not a change in plan benefits,

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

Section 1. The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Chapter 22, Article III, Firefighters' Pension Plan, Section 22-69 of the Marco Island Code is hereby amended as follows:

Sec. 22-69. Exemption from execution and non-assignability.

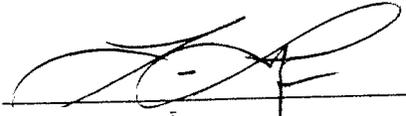
Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this article and the accumulated contributions and the cash securities in the fund created under this article are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable; except the recipient of any monthly benefit may authorize the board of trustees to withhold from the monthly benefit those funds necessary to pay for the benefits being received through the city, to pay the certified bargaining agent of the city, and to make any payments for child support or alimony.

Section 3. If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

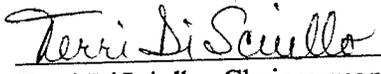
Section 4. That all sections or parts of sections of all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall take effect April 27, 2004, which was the effective date of Chapter 2004-21, Laws of Florida.

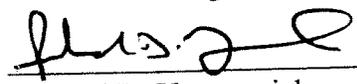
ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND THIS 6th day of December 2004.



Laura Litzan
City Clerk



Terri DiSciullo, Chairwoman

Reviewed for legal sufficiency:


Richard D. Yovanovich
City Attorney