

ORDINANCE NO. 00-13

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY OF MARCO ISLAND FIREFIGHTERS' PENSION PLAN TO COMPLY WITH APPLICABLE PROVISIONS OF STATE LAW; PROVIDING THAT THE DISABILITY PENSION OFFSET FOR WORKERS' COMPENSATION BENEFITS SHALL NOT RESULT IN A PENSION THAT IS LESS THAN THE STATUTORY MINIMUM; PROVIDING THAT OPTIONAL FORMS OF BENEFITS SHALL BE AVAILABLE TO MEMBERS WHO RECEIVE A DISABILITY PENSION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marco Island has established a pension plan for its firefighter pursuant to Chapter 175, Florida Statutes; and

WHEREAS, the Florida Legislature amended Chapter 175, Florida Statutes in 1999; and

WHEREAS, certain changes to the Firefighters' Pension Plan are necessary to comply with changes in state law, to ensure that the City will continue to be eligible to receive state premium tax revenues pursuant to Chapter 175; and

WHEREAS, the plan actuary has determined that the required changes can be made with no additional cost; and

WHEREAS, the City Council has previously adopted these identical amendments to the pension plan by emergency ordinance, and the Council now wishes to adopt such amendments in accordance with normal advertising requirements pursuant to City Charter and state statutes;

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

Section 1. Section 9, paragraph I. of the City of Marco Island Firefighters' Pension Plan, is amended to read:

Section 9. Disability Benefits.

- I. Workers' Compensation. When a member is receiving a disability pension and workers' compensation benefits pursuant to Chapter 440, Florida Statutes, for the same disability, and the total monthly benefit received from both exceed one hundred percent (100%) of the member's final monthly salary, excluding overtime, the disability pension benefit shall be reduced so that the total monthly amount received by the member does not exceed one hundred percent (100%) of such salary-; provided that in no event shall the resulting disability retirement income payable from the pension plan be less than the member's accrued benefit or forty-two percent (42%) of average monthly salary, which ever is greater. In the case of a lump sum workers' compensation settlement, the disability retirement income payable from the pension plan shall be adjusted as follows:
1. The amount of the lump sum settlement shall be divided by the participant's remaining life expectancy (in months) as determined using standard actuarial tables approved by the actuary for the pension plan.
 2. If the number obtained in paragraph 1 above, when added to the participant's monthly disability retirement income from the pension plan, exceeds the participant's final monthly compensation on the date of disability, the amount of the excess shall be deducted from the participant's monthly disability retirement income from the pension plan, for the duration of the participant's remaining life expectancy as determined ion paragraph 1 above.
 3. If the number obtained in paragraph 1 above, when added to the participant's monthly disability retirement income from the pension plan, does not exceed the participant's final monthly compensation on the date of disability, there shall; be no reduction of the participant's retirement income from the pension plan.

Section 2. Section 11 paragraph A. of the City of Marco Island Firefighters' Pension Plan, is amended to read:

Section 11. Optional Forms of Benefits.

- A. In lieu of the amount and form of retirement income payable ~~in the event of normal, or early retirement~~ as specified in this ~~resolution~~pension plan, a member, upon written request to the board, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:

1. A retirement income of a monthly amount payable to the member for his lifetime only.
2. A retirement income of a modified monthly amount payable to the member during the lifetime of the member and, following the death of the member, one hundred percent (100%), sixty-six and two thirds percent (66 and 2/3%), seventy five percent (75%) or fifty percent (50%) of such monthly amount payable to a joint pensioner for his lifetime.
3. If a member retires prior to the time at which social security benefits are payable, he may elect to receive an increased retirement benefit until such time as social security benefits shall be assumed to commence and a reduced benefit thereafter in order to provide, to as great an extent as possible, a more level retirement allowance during the entire period of retirement. The amounts payable shall be as recommended by the actuaries for the pension plan, based upon the social security law in effect at the time of the member's retirement.

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.

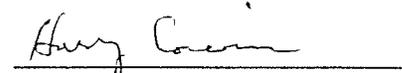
Section 4. That all sections or parts of sections of all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall take effect retroactively to December 31, 1999.

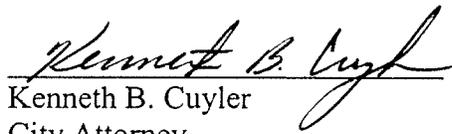
ADOPTED ON FIRST READING THIS 16th DAY OF October, 2000 BY THE CITY OF MARCO ISLAND COUNCIL.

ADOPTED ON SECOND READING THIS 6th DAY OF November, 2000 BY THE CITY OF MARCO ISLAND COUNCIL.


A. William Moss
City Manager/City Clerk


Harry Cowin
Chairman

Reviewed for legal sufficiency:


Kenneth B. Cuyler
City Attorney

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATTN: KENDY
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
58126026 SECOND READING & PUB

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 09/26

AD SPACE: 56.000 INCH
FILED ON: 09/26/00

Signature of Affiant *B. Lamb*
Sworn to and Subscribed before me this 27 day of Sept 2000
Personally known by me *Susan D. Flora*



Susan D Flora
My Commission CC581717
Expires Dec. 10, 2000

SECOND READING &
PUBLIC HEARING
ORDINANCE

CITY OF
MARCO ISLAND
The City Council of Marco Island, meeting in regular session at 6:00 p.m., on October 16, 2000, at the Frank E. Mackie, Jr., Community Park, 1361 Andalusia Terrace, Marco Island, Florida will consider:

AN ORDINANCE OF THE CITY OF MARCO ISLAND, AMENDING THE CITY OF MARCO ISLAND FIREFIGHTERS' PENSION PLAN BY PROVIDING FOR COMPLIANCE WITH STATE LEGISLATIVE CHANGES FOR THE FLORIDA RETIREMENT SYSTEM; PROVIDING THAT OPTIONAL FORMS OF BENEFITS SHALL BE AVAILABLE TO DISABILITY RETIREMENT BENEFIT RECIPIENTS; PROVIDING THAT WORKERS COMPENSATION OFFSETS TO DISABILITY BENEFITS SHALL NOT BE LESS THAN THE STATUTORY MINIMUM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This Ordinance is available for inspection by the Public in the Deputy City Clerk's office located at City Hall. Members of the Public are invited to make oral or written comments in regards to this Ordinance.
Sept. 26 No. 1686766

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATTN: KENDY
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
58137729 SECOND READING & PUB

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 10/19

AD SPACE: 56.000 INCH
FILED ON: 10/19/00

Signature of Affiant [Signature]
Sworn to and Subscribed before me this 19 day of Oct 2000
Personally known by me [Signature]



Susan D Flora
My Commission CC581717
Expires Dec. 10, 2000

SECOND READING &
PUBLIC HEARING
ORDINANCE
CITY OF
MARCO ISLAND
The City Council of Marco Island, meeting in regular session at 6:00 p.m. on November 6, 2000, at the Frank E. Mackie, Jr. Community Park, 1361 Andalusia Terrace, Marco Island, Florida will consider:

AN ORDINANCE OF THE CITY OF MARCO ISLAND, AMENDING THE CITY OF MARCO ISLAND FIREFIGHTERS' PENSION PLAN BY PROVIDING FOR COMPLIANCE WITH STATE LEGISLATIVE CHANGES TO THE FLORIDA RETIREMENT SYSTEM; PROVIDING THAT OPTIONAL FORMS OF BENEFITS SHALL BE AVAILABLE TO DISABILITY RETIREMENT BENEFIT RECIPIENTS; PROVIDING THAT THAT WORKERS COMPENSATION OFFSETS TO DISABILITY BENEFITS SHALL NOT BE LESS THAN THE STATUTORY MINIMUM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This Ordinance is available for inspection by the Public in the Deputy City Clerk's office located at City Hall. Members of the Public are invited to make oral or written comments in regards to this Ordinance.
Oct. 19 No. 1696943

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATTN: KENDY
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
58137730 SECOND READING & PUB

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 10/19

AD SPACE: 43.000 INCH
FILED ON: 10/19/00

Signature of Affiant *[Signature]*
Sworn to and Subscribed before me this 20 day of Oct 2000
Personally known by me *[Signature]*

SECOND READING &
PUBLIC HEARING
ORDINANCE
CITY OF
MARCO ISLAND

The City Council of Marco Island, meeting in regular session at 6:00 p.m., on November 6, 2000, at the Frank E. Mackle, Jr. Community Park, 1361 Andalusia Terrace, Marco Island, Florida will consider:

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF MARCO ISLAND; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

This Ordinance is available for inspection by the Public in the Deputy City Clerk's office located at City Hall. Members of the Public are invited to make oral or written comments in regards to this Ordinance.
Oct. 19 No. 1696938



Susan D Flora
My Commission CC581717
Expires Dec. 10, 2000