

ORDINANCE NO. 2003-5

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING CHAPTER 23 "RETIREMENT" OF THE VILLAGE CODE BY AMENDING SECTION 23-32 "MEMBERSHIP," TO PROVIDE FOR AN IRREVOCABLE OPTION FOR ANY POLICE OFFICER OR FIREFIGHTER IN FULL-TIME EMPLOYMENT WITH THE VILLAGE AT THE TIME OF THE EFFECTIVE DATE OF THIS ORDINANCE, WHO FAILED TO ELECT TO BECOME A MEMBER OF THE VILLAGE'S POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN, AS REQUIRED BY SECTION 23-32 OF THE VILLAGE CODE, TO ELECT TO BECOME A MEMBER OF THE RETIREMENT PLAN, WITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE OF THIS ORDINANCE, AND SUCH MEMBERSHIP SHALL BECOME EFFECTIVE ONLY UPON SUCH ELECTION, COMPLETION OF THE FORM PRESCRIBED BY THE BOARD PURSUANT TO SECTION 23-32 (b) AND THE COMPLETION OF A PENSION BOARD PHYSICAL EXAMINATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council desires to provide for a one time irrevocable option for any police officer or firefighter in full-time employment with the Village at the time of the effective date of this ordinance, who failed to elect to become a member of the Village's Police Officers and Firefighters Retirement Plan (the "Plan") as required by section 23-32 of the Village Code, to elect to become a member of the Plan; and

WHEREAS, such election must be exercised within sixty (60) days of the effective date of this ordinance, and such membership shall become effective only upon such election, completion of the form prescribed by the Board pursuant to section 23-32 (b) and the completion of a pension board physical examination.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recital Adopted. That the recital stated above is hereby adopted and confirmed.

Section 2. Village Code Amended. That Chapter 23 "Retirement" of the Village Code is hereby amended by amending Section 23-32 "Membership" to read as follows:

Section 23-32. Membership.

(a) Conditions of eligibility.

(1) Each Police Officer and Firefighter in full-time employment with the Village on October 1, 1997 shall have the option of making an irrevocable election to become a Member of the System. Each such person who elects not to become a Member shall forever be barred from becoming a Member. Provided, however, any police officer or firefighter in full-time employment with the Village at the time of the effective date of this ordinance, who failed to elect to become a Member of the Plan, in accordance with this section, shall have a one time irrevocable option to elect to become a Member. Such option must be exercised within sixty (60) days of the effective date of this ordinance. Such membership shall become effective only upon such election,

completion of the form prescribed by the Board pursuant to paragraph (b) of this section and the completion of a pension board physical examination. In such event, no credit shall be granted for any service prior to the effective date of such election.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 22nd day of April , 2003.

PASSED AND ADOPTED on second reading this 13th day of May , 2003.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
VILLAGE ATTORNEY