

ORDINANCE NO. 09-24

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 46, SECTION 46-277 OF THE CODE OF ORDINANCES ENTITLED "COMPOSITION" OF THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT PLAN TO PROVIDE FOR THE PREFERRED SERVICE OF RETIRED KEY WEST POLICE AND FIRE DEPARTMENT PERSONNEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that service of retired Key West police and fire department personnel on the Board of Trustees of the Police Officers' and Firefighters' Retirement Plan would be beneficial.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:**

Section 1: That Section 46-277 of the Code of Ordinances is hereby amended to read as follows\*:

Sec. 46-277. Composition.

The board of trustees shall be selected as follows:

(1) Two trustees shall be selected by the mayor and city commission. Unless it is determined by a majority vote of the City Commission that a suitable retiree cannot be found to serve on the Board, one trustee shall be a retired member of the Key West Fire

Department and the other trustee shall be a retired member of the Key West Police Department. Each trustee and shall be a legal residents of the city or maintain a legal residence within 30 miles of its boundaries.

(2) Two trustees, one being a police officer, and one being a firefighter, shall be elected by a majority of the respective groups of employees who are active members of the plan.

(3) One trustee shall be chosen by a majority of the other four trustees, and such person's name shall be submitted to the mayor and city commission for appointment. The appointment of the fifth member by the mayor and city commission shall be a ministerial duty.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance

shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

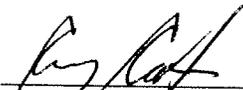
Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a meeting held this 3rd day of December, 2009.

Read and passed on final reading at a meeting held this 15th day of December, 2009.

Authenticated by the presiding officer and Clerk of the Commission on 16th day of December, 2009.

Filed with the Clerk December 16, 2009.

  
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CRAIG CATES, MAYOR

ATTEST:

  
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CHERYL SMITH, CITY CLERK