

**ORDINANCE 2008-09**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING SECTION 2-26(3), SECTION 16-43(b), SECTION 16-163(a) AND SECTION 16-233(a) OF THE LAKES WALES CODE, TO PROVIDE THAT THE TRUSTEES OF THE GENERAL EMPLOYEES' PENSION PLAN AND TRUST, THE FIREFIGHTERS' PENSION PLAN AND TRUST AND THE MUNICIPAL POLICE OFFICERS' PENSION PLAN AND TRUST MAY SERVE WITHOUT LIMITATION; PROVIDING FOR CODIFICATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION 1:** Section 2-26(3) of the City of Lake Wales Code be amended by deleting the stricken through language and adding the underlined language as follows:

**Sec. 2-26. Boards, commissions and committees organized under the code.**

Several boards, commissions and committees have been organized pursuant to various provisions of the Code. The following general regulations apply to all of these boards, commissions or committees:

...

(3) *Limit on consecutive terms.*

(a) Except as provided in paragraph (b) below, No person shall serve more than three (3) consecutive terms on a single board, commission or committee except that a person appointed to a partial term that is less than one-half (1/2) of the normal term for that particular board, commission or committee shall be permitted to serve three (3) consecutive terms in addition to the partial term. Members appointed before July 1, 1989, may be permitted to serve three (3) additional consecutive terms.

(b) There shall be no limit to consecutive terms served by an elected or appointed trustee on a board established for the purpose of administering an employee retirement plan.

**SECTION 2:** Section 16-43(b) of the City of Lake Wales Code be amended by adding the following underlined language.

**Sec. 16-43. Board of trustees**

(b) *Terms and election.* The regular term of office of each employee member and of the public member shall be two (2) years. Each employee member may succeed himself in office. Each public member trustee shall serve as trustee for a period of two (2) years, unless sooner replaced by the city commission at whose pleasure each trustee shall serve, and may succeed himself as a trustee without limitation. Employee members shall be elected in the following manner:

**SECTION 3:** Section 16-163(a) of the City of Lake Wales Code be amended by adding the following underlined language.

**Sec. 16-163. Board of trustees**

(a) *Make-up of board.* The sole and exclusive administration of and responsibilities for the proper operation of the retirement system and for making effective the provisions of this article are hereby vested in a board herein designated the plan administrator, consisting of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city commission, and two (2) of whom shall be full-time firefighter members of the system, who shall be elected by a majority of the firefighters who are members of the system. The fifth trustee shall be chosen for a two-year term by a majority of the previous four (4) trustees as provided for herein, and such person's name shall be submitted to the city commission. Upon receipt of the fifth person's name, the city commission shall, as a ministerial duty, appoint such person to the board as its fifth trustee. The fifth trustee shall have the same rights as each of the other four (4) trustees appointed or elected as herein provided and shall serve a two-year term unless the office is sooner vacated and may succeed himself in office. Each resident trustee shall serve as trustee for a period of two (2) years, unless sooner replaced by the city commission at whose pleasure each trustee shall serve, and may succeed himself as a trustee without limitation. Each firefighter trustee shall serve as trustee for a period of two (2) years, unless he sooner leaves the employment of the city as a firefighter or

otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each firefighter may succeed himself in office. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

**SECTION 4:** Section 16-233(a), of the City of Lake Wales Code be amended by adding the following underlined language.

**Sec. 16-233. Board of trustees.**

(a) *Make-up of board.* The sole and exclusive administration of and responsibilities for the proper operation of the retirement system and for making effective the provisions of this article are hereby vested in a board herein designated the plan administrator, consisting of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city commission, and two (2) of whom shall be full-time police officer members of the system, who shall be elected by a majority of the police officers who are members of the system. The fifth trustee shall be chosen for a two-year term by a majority of the previous four (4) trustees as provided for herein, and such person's name shall be submitted to the city commission. Upon receipt of the fifth person's name, the city commission shall, as a ministerial duty, appoint such person to the board as its fifth trustee. The fifth trustee shall have the same rights as each of the other four (4) trustees appointed or elected as herein provided and shall serve a two-year term unless the office is sooner vacated and may succeed himself in office. Each resident trustee shall serve as trustee for a period of two (2) years, unless sooner replaced by the city commission at whose pleasure each trustee shall serve, and may succeed himself as a trustee without limitation. Each police officer trustee shall serve as trustee for a period of two (2) years, unless he sooner leaves the employment of the city as a police officer or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each police officer may succeed himself in office. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

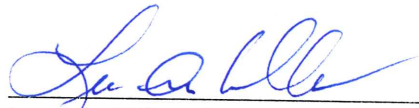
**SECTION 5:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6:** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

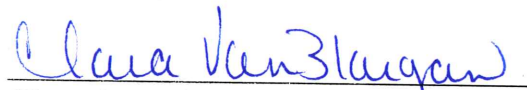
**CERTIFIED AS TO PASSAGE** this 18<sup>th</sup> day of March, 2008.

**CITY COMMISSION OF THE  
CITY OF LAKE WALES, FLORIDA**

(SEAL)

  
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**Lee A. Wheeler, III, Mayor**

**ATTEST:**

  
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**Clara VanBlargan, City Clerk**