

RESOLUTION NO. 02-04- 56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, RELATING TO MEMBERSHIP INTO THE FLORIDA RETIREMENT SYSTEM ("FRS"); APPROVING AND RATIFYING THE AGREEMENT BETWEEN FRS AND THE CITY; DIRECTING THE CITY MANAGER TO FORWARD THE EXECUTED AGREEMENT TO FLORIDA RETIREMENT SYSTEM AND TO TAKE APPROPRIATE ACTIONS TO IMPLEMENT THE AGREEMENT; PROVIDING FOR THE WITHHOLDING OF CONTRIBUTIONS; PROVIDING FOR RECORD KEEPING; DESIGNATING THE CITY MANAGER AS CUSTODIAN AND REPORTING AGENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon, Florida (the "City") desires to extend to the elected officials of the City, not excluded by law, the benefits of the Florida Retirement System ("FRS"), on the basis of applicable state law, rules, and regulations; and

WHEREAS, the City Council finds that joining FRS is in the best interest of the City

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Purpose. It is hereby declared to be the policy and purpose of the City of Marathon that all its elected officials, except those excluded by law, shall participate in the FRS as authorized by Chapter 121, Florida Statutes. All elected officials shall be compulsory members of the FRS as of the effective date of the City's participation in the FRS.

Section 3. Approval of Agreement with FRS. The Agreement between FRS and the City, attached hereto as Exhibit "A," is approved and ratified by the City Council. The City Manager is directed to forward the executed Agreement to FRS for the purpose of extending the

benefits provided by the FRS to the elected officials of the City of Marathon, in accordance with the terms set forth in the Agreement.

Section 4. **Withholding Authorized.** Withholding from salaries, wages, or other compensation of the City's elected officials for the purpose provided in Section 2 of this Resolution are hereby authorized to be made, in the amounts and at such times as may be required by applicable state law, and shall be paid over to the Administrator of FRS designated by law or regulation to receive such amounts.

Section 5. **Appropriation.** There shall be appropriated from available funds, derived from ad valorem taxes and other sources, such amounts as may be required to pay promptly the contributions and assessments required by the City pursuant to the Agreement. Contributions and assessments shall be paid over to the lawfully designated Administrator of the FRS at the times and in the manner provide by law and regulation.

Section 6. **Records and Reports.** The City Manager shall keep such records and make such reports as may be required by applicable state laws or regulations and shall adhere to all laws and regulations relating to the FRS.

Section 7. **Adoption of Terms and Conditions.** The City of Marathon does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges and other conditions thereunto appertaining of the FRS for and on behalf of all elected officials of its departments and agencies to be covered under the Agreement.

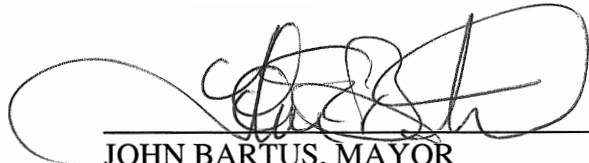
Section 8. **Custodian.** The City Manager is designed as the custodian of all sums withheld from the compensation of the City's elected officials and of the appropriated funds for the City's contributions as provided in Section 5 of the Resolution. The City Manager is hereby

designated as the withholding and reporting agent for the City and shall maintain records for this purpose.

Section 9. Transmittal to FRS. The City Clerk is directed to forward a copy of this Resolution to the Administrator of the FRS.

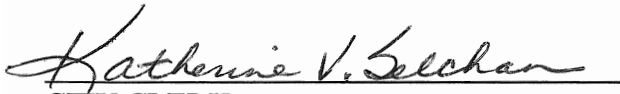
Section 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 30th day of April, 2002.



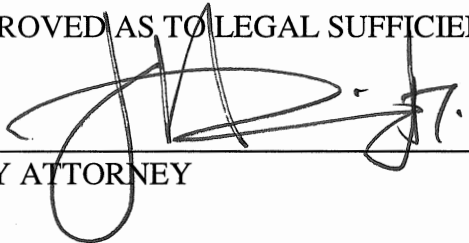
JOHN BARTUS, MAYOR

ATTEST:



KATHERINE V. SELCHAN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY

SCANNED

#5542 5/7/02 KS✓

STATE - CITY OF MARATHON AGREEMENT NO. _____

The Department of Management Services of the State of Florida, under the authority of Chapter 121, Florida Statutes, and City of Marathon of the State of Florida, herein referred to as "City of Marathon", in order to extend to elected officials of said City of Marathon (except such as are hereinafter excluded) the benefits of the Florida Retirement System established by Chapter 121, Florida Statutes, hereby agree as follows:

1. Definitions:

For the purpose of the Agreement -

(a) The definitions, words and phrases as set out in Section 121.021, Florida Statutes, shall have the respective meanings set forth therein.

2. Services Covered:

The agreement includes and covers all services performed by elected officials of this City of Marathon except any service, position, excluded by Chapter 121, Florida Statutes, the rules and regulations of the Florida Retirement System, or Resolution No. ~~02-12-18~~ adopted by the City of Marathon on the 18th day of December, ~~2002~~. 2001

3. Contributions by Employees:

The City of Marathon agrees to impose upon its elected officials covered by this Agreement the required contributions with respect to wages if such services constituted employment within the meaning of Chapter 121, Florida Statutes, and to deduct the amount of such required contributions from the wages as and when paid. Contributions so collected shall be paid to the Administrator of the Retirement System in partial discharge of the liability of said City of Marathon, said payments to be made in accordance with rules and regulations relating to the Florida Retirement system. It is agreed and understood that the failure of said City of Marathon to deduct such contributions shall not relieve it of liability therefore.

4. Contributions by the City of Marathon:

(a) The City of Marathon represents that it has duly and legally adopted, and that there is now in full force and effect, a resolution requiring an appropriation from available funds in its general or special funds derived from ad valorem tax or other sources, which shall be in an amount not less than the sums withheld as the contributions of employees covered by the Agreement, the sum to equal the total amount due from said City of Marathon (employer's and employee's contributions) under applicable provisions of Chapter 121, Florida Statutes.

(b) As assurance of its ability to pay its share of the contributions which will become due and payable to the Administrator under the terms of this Agreement and as assurance that said contributions will be adequate, the City of Marathon hereby obligates itself to maintain, and represents that at all times hereafter there will be maintained, in the appropriation provided in paragraph 4.(a), above, a sum fully sufficient to pay its share of the contributions: and that same (together with contributions deducted from salaries, wages, etc., of employees) will be paid promptly when due.

5. Reports-Compliance and Regulations.

The City of Marathon agrees that it will make such reports, in such form and containing such information, as the Administrator may require. The City of Marathon further agrees that it will comply with all provisions of Chapter 121, Florida Statutes, and with all rules and regulations adopted and promulgated by the Administrator of the Florida Retirement system necessary to carry out the purposes of Chapter 121, Florida Statutes. It is further understood and agreed that late payments come under provisions of Section 121.061, paragraphs (2) (a), (b) and (c), Florida Statutes.

6. Termination:

Once this agreement is made and approved it may not be revoked and all present elected officials average under this agreement and all future elected officials shall be compulsory members of the Florida Retirement System.

7. Past Service of Covered Elected Officials:

The City of Marathon hereby elects and agrees to provide benefits for past service from 2/13/02 - 2/28/02, for its elected officials covered by this Agreement, who were in its employ on 3/1/02, in accordance with provisions of Chapter 121, Florida Statutes.

The cost to purchase past service credit is estimated to be _____ which the City of Marathon agrees to pay in the following manner: _____ upon execution of the Agreement, the remainder to be paid in _____ equal annual installments of _____ each, the first one of said installments shall be paid on or before June 30, _____ and a like installment on each June 30th thereafter until the total cost is paid. This payment includes 6 1/2% interest compounded annually on the unpaid balance. It is further agreed that if an application for retirement benefits or a request for refund is received based in part on past service years, that the total amount of payments for past service credit to be refunded to said employee, shall be made from the payments made by said City of Marathon and if the payments of the City of Marathon are insufficient at the time said benefits or refunds are requested or are due to be paid, the City of Marathon will be required to make an additional payment sufficient to meet these demands prior to the processing of the request or warrant. This will be applicable until the total past service liability has been paid in full. It is understood and agreed that the above described method for liquidating past service liability of the City of Marathon does not preclude payment in part or in full of any amounts prior to the scheduled due dates. The City of Marathon by making this election shall have no right at any time in the future to purchase additional past service credit for its covered group. Such statement of intent shall be binding and irrevocable effective with the date of coverage in the Florida Retirement System.

This Agreement shall be effective as of the _____ day of _____, 2002.

Approved this _____ day of _____, 2002.

Director of the Division of Retirement

Kathleen V. Selchan

Clerk
(SEAL)

Craig Wrathell
City of Marathon

By Craig Wrathell

Title: City Manager

RESOLUTION NO. 02-12-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, DIRECTING THE CITY MANAGER TO TAKE APPROPRIATE STEPS TO ENROLL THE CITY AS A PARTICIPATING EMPLOYER IN THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR THE PARTICIPATION OF THE MAYOR AND CITY COUNCIL MEMBERS IN THE FLORIDA RETIREMENT SYSTEM ELECTED OFFICERS CLASS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has amended Section 121.052, Florida Statutes, to permit the governing body of a municipality to designate all of its elected positions for inclusion in the Elected Officers Class of the Florida Retirement System; and

WHEREAS, the designation of municipal elected officials to participate in the Elected Officers Class of the Florida Retirement System must be made between July 1, 2001 and December 31, 2001; and

WHEREAS, the Mayor and members of the City Council of the City of Marathon (the "City") do not participate in any City retirement program; and

WHEREAS, the City Council finds that giving the City's elected officials the ability to participate in the Elected Officers Class of the Florida Retirement System will benefit the City by making the offices of Mayor and City Council desirable, thereby continuing to encourage qualified individuals to seek and hold elected office; and

WHEREAS, the Florida Retirement System requires that the City first apply to become a participating employer in the Florida Retirement System so that City officers may participate in the Elected Officers Class.

NOW, **THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

Section 1: Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2: The City Manager is directed to take appropriate steps to apply and enroll the City as a participating employer in the Florida Retirement System and to provide such additional information as may be requested by the Florida Division of Retirement so that persons elected to City office may participate in the Elected Officers' Class of the Florida Retirement System.

Section 3: The Mayor and City Council Members positions are hereby designated for inclusion in the Elected Officers' Class of the Florida Retirement System.

Section 4: The City Manager is authorized and directed to make such payments as may be required to fund the participation of the Mayor and City Council Members in the Elected Officers' Class of the Florida Retirement System, including the purchase of past service credit for any of such elected officers who are eligible for past service credit; provided, however, the cost of the purchase of past service credit for any eligible elected officer shall be borne by the elected officer.

Section 5: The City Manager is authorized to do all things necessary and expedient in order to carry out the aims of this Resolution.

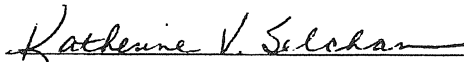
Section 6: Effective Date. The Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 18th day of December, 2001.



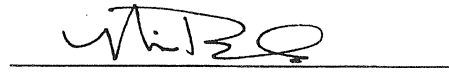
ROBERT MILLER, MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

#4616v1

ORDINANCE NO. **02- 01-04**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, PROVIDING FOR COMPENSATION TO BE PAID TO CITY COUNCIL MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 5(5) of the Charter of the City of Marathon, Florida, provides that the City Council may elect to provide for compensation to City Council members; and

WHEREAS, the City Council has solicited advice from a citizen's group to prepare a report outlining appropriate compensation for elected officials in Monroe County; and

WHEREAS, Section 5(5) of the Charter also provides that election to provide for compensation to City Council members must be accomplished by the adoption of an ordinance with no less than four affirmative votes; and

WHEREAS, Section 5(5) of the Charter also provides that no such ordinance establishing compensation shall take effect until the date of commencement of the terms of Council members selected at the next regular election which follows the adoption of said ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Code. A new section of the Code of Ordinances of the City of Marathon entitled, "Compensation " is created as follow:

S e c t i o n . Compensation.

The Mayor and the City Council members shall receive compensation in the amount of \$18,000.00 per fiscal year.

Section 2. Severability The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall 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 3. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Marathon, Florida; 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 4: Repeal of Conflicting Provisions. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 5: Effective date. This Ordinance shall be effective on the date of commencement of the terms of Council members selected at the next regular election which follows the adoption of this Ordinance. The level of compensation provided in this ordinance shall be reviewed by the City Council in two (2) years.

The foregoing Ordinance was offered by Councilman Johnson, who moved for its adoption. This motion was seconded by Councilman Greenman, and upon being put to a vote, the vote was as follows:

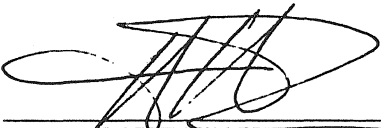
Mayor Robert Miller Yes
Vice Mayor John Bartus Yes
Councilman Frank Greenman Yes
Councilman Jon Johnson Yes
Councilman Randy Mearns Yes

PASSED on first reading this 18th day of December, 2001

The foregoing Ordinance was offered by Councilman Greenman, who moved for its adoption. This motion was seconded by Councilman Bartus, and upon being put to a vote, the vote was as follows:

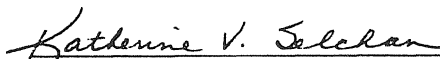
Mayor Robert Miller Yes
Vice Mayor John Bartus Yes
Councilman Frank Greenman Yes
Councilman Jon Johnson Yes
Councilman Randy Mearns Absent

PASSED AND ADOPTED on second reading this 8th day of January, 2002.




ROBERT MILLER, MAYOR

ATTEST:



Kathleen V. Salchan
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

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