

**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.

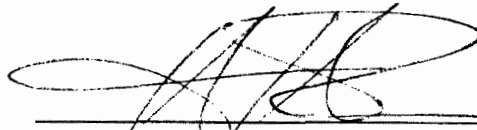
**Section 3:** The Mayor and City Council Members positions are hereby designated for inclusion in the Elected Officers' Class of the Florida Retirement System.

**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.

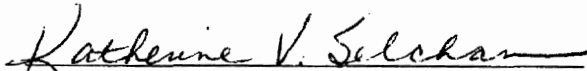
**Section 6: Effective Date.** The Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 18<sup>th</sup> day of December, 2001.



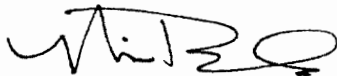
ROBERT MILLER, MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

#4616v1

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 18<sup>th</sup> day of December, 2002. 2001 and Resolutions NO. 02-04-56 and

Ordinance No. 02-01-04 PRO

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.

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6. Termination:

Once this agreement is made and approved it may not be revoked and all present elected officials coverage 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 \$2,190.00 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 1 day of June, 2002.

Approved this 16<sup>th</sup> day of August, 2002.

[Signature]  
Director of the Division of Retirement

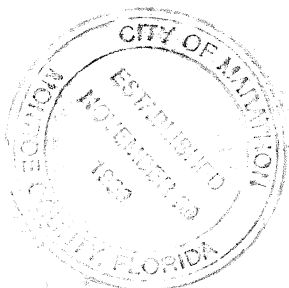
Katherine V. Selchan

Clerk  
(SEAL)

[Signature]  
City of Marathon

By Craig Wrathell

Title: City Manager



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DEPARTMENT OF MANAGEMENT  
**SERVICES**

UNIG-DALEY  
JAMES  
AND  
File: Inman-City  
FAS

Bureau of Enrollment and Contributions  
Cedars Executive Center  
2639 North Monroe Street, Building C  
Tallahassee, FL 32399-1560

Telephone: 850-488-8837  
Fax: 850-410-2196

www.MyFlorida.com/frs

JEB BUSH, GOVERNOR

CYNTHIA A. HENDERSON, SECRETARY

August 16, 2002

MR EMMETT WAINWRIGHT  
CITY OF MARATHON  
10045-55 OVERSEAS HIGHWAY  
MARATHON FL 33050

AUG 19 2002

Re: Agency 54102

Dear Mr. Wainwright:

We are pleased to return your signed copy of the agreement for membership of elected officials in the Florida Retirement System effective June 1, 2002. The City of Marathon has been assigned reporting unit number 54102. This number should be used on all correspondence to the Division of Retirement.

By copy of this letter, I am requesting that our Contributions Section contact you regarding reporting procedures and the Bureau of Retirement Calculations provide you information concerning retirement benefits.

Within the near future, we will send you a 69 series number I.D. card which should be used in all correspondence directed to the Social Security Administration in Baltimore. This number should appear on all W-2 forms directly under the employer name and address.

If you have any questions, please call Pat Ochoa or me at SUNCOM 278-8837 or (850) 488-8837.

Sincerely,

*David W. Ragsdale*  
David W. Ragsdale  
Benefits Administrator

DWR:pow

Enclosure

cc: Bureau Chiefs  
Contributions Section



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