

**TOWN OF GOLDEN BEACH, FLORIDA**

**ORDINANCE NO. 544.11**

**AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA AMENDING CHAPTER 24 "PERSONNEL" ARTICLE ii "RETIREMENT OF THE TOWN CODE TO RESOLVE THE CONFLICT IN THE CODE CONCERNING MEMBER CONTRIBUTIONS BY AMENDING SECTION 24-35 "CONTRIBUTIONS" TO CONFORM WITH SECTION 24-32 "MEMBERSHIP"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Golden Beach Employees Pension Plan (the "Plan") is codified in sections 24-31 through 24-40 of Chapter 24, "Personnel") of the Town's Code of Ordinances (the "Code"); and

**WHEREAS**, the Plan as codified in the Code contains 2 sections (i.e. Sec. 24-32 and Sec. 24-35) that set forth the members' contribution into the Plan; and

**WHEREAS**, Section 24-32 and Sec. 24-35 of the Code are in conflict because Sec. 24-35 inadvertently was not amended when the members' contributions increased; and

**WHEREAS**, the Town Council desires to amend the Code to resolve the conflict; and

**WHEREAS**, the Town Council finds this amendment to the Code to be in the best interest and welfare of employees and residents of the Town.

**NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the recitals set forth above are hereby adopted and confirmed.

**Section 2. Section 24-35 of the Town Code Amended.** That Section 24-35 "Contributions" of Chapter 24 "Personnel" of the Town of Golden Beach Code of Ordinances is hereby amended to read as follows:<sup>1</sup>

Sec. 24-35. Contributions.

(a) *Member Contributions.*

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<sup>1</sup> Additions to existing Town Code are shown by underline; deletions from existing Town Code are shown by ~~strikethrough~~.

(1) *Amount.* Except for those Members who elect not to contribute to the Plan, Members shall make regular contributions to the Fund at a rate equal to 2 ~~1~~/<sub>2</sub>-3 <sup>1</sup>/<sub>2</sub> percent of their respective Earnings in the case of General Employee Members and 2-3/<sub>10</sub> 3 <sup>3</sup>/<sub>10</sub> percent of Earnings in the case of Police Officer Members. Provided that effective October 1, 2006 Police Officer Members shall make regular contributions to the fund at a rate equal to six percent of their respective Earnings.

\* \* \*

**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.** That it is the intention of the Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Town of Golden Beach Code of Ordinances, 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. Conflict.** That all sections or parts of section of the Town of Golden Beach Code of Ordinances, all Ordinances or parts of Ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

**Sponsored by** Town Administration.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Vice Mayor Bernstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

**PASSED** on first reading this 28<sup>th</sup> day of June, 2011.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Vice Mayor Bernstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

**PASSED AND ADOPTED** on second reading this 15<sup>th</sup> day of November, 2011.

ATTEST:

  
LISSETTE PEREZ  
INTERIM TOWN CLERK

  
MAYOR GLENN SINGER

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
STEPHEN J. HELFMAN  
TOWN ATTORNEY