

**GOLDEN BEACH, FLORIDA  
RESOLUTION NO. 1069.97**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; AMENDING RESOLUTION NO. 991.97, PROVIDING FOR A CONTINUED APPOINTMENT OF RICHARD WITT AS POLICE CHIEF OF THE TOWN OF GOLDEN BEACH; PROVIDING AN AMENDMENT TO THE TERMS OF EMPLOYMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Police Chief Richard Witt has requested a reduction in weekly hours of work and the Town Manager and Mayor have concurred with the request, subject to some day to day responsibilities being transferred to a second in Command; and

WHEREAS, the Town Council desires to amend Resolution No. 991.97 to change the terms and conditions of employment for Chief Witt;

WHEREAS, the Mayor, pursuant to Section 4.01(b) of the Town Charter, upon the recommendation of the Town Manager, recommends this amendment to the terms and conditions of employment for Richard Witt as Police Chief of the town;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA:

**Section 1.** That Section 1 of Resolution No. 991.97 is hereby amended pursuant to Section 4.01(b) of the Town Charter, providing for the terms of employment of Richard Witt as Police Chief of the Town of Golden Beach, to be as provided below:

"A. He shall serve at the pleasure of the Mayor and Town Manager as provided in the Town Charter and Code of Ordinances.

B. He shall receive a salary at the annual rate of ~~\$48,000.00~~, \$34,200.00 payable pro rata in the same pay periods as other executive employees of the town.

C. He shall receive a car allowance at the rate of ~~\$200.00~~ \$100.00 per month, payable monthly or in any other increment determined by the Town Manager.

D. He shall not be a member of the town retirement plan. In lieu of that benefit, neither the town nor Mr. Witt shall contribute to the retirement plan, but rather the town shall deposit pro rata periodic contributions to an acceptable deferred compensation account at Mr. Witt's direction at the annual rate of 10% of his base salary, which currently would equate to ~~\$4,800.00.~~  
\$3,420.00.

E. He forgoes any group hospitalization or health insurance coverage available to town employees.

F. He shall receive the same benefits provided by statute to other sworn municipal police officers and to executive employees of the town which are not inconsistent with the terms of this section. However, his clothing allowance shall be reduced to \$250.00 per year and he shall not receive holiday pay. "

**Section 2.** That this resolution shall remain in effect until it is amended by a subsequent resolution of the Town Council.

**Section 3. Severability.** Should any provisions of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part declared to be invalid.

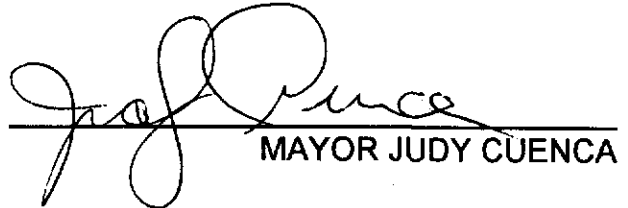
**Section 4. Conflict.** That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 5. Effective Date.** That this Resolution shall become effective January 3, 1998.

The Motion to adopt the foregoing Resolution was offered by Vice Mayor Chikovsky, seconded by Councilman Fistel and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Chikovsky	<u>Aye</u>
Councilwoman Addicott	<u>Aye</u>
Councilman Fistel	<u>Aye</u>

PASSED AND ADOPTED this 22<sup>nd</sup> day of December, 1997.

  
MAYOR JUDY CUENCA

ATTEST:


  
ROBERT JOHNSTON  
INTERIM TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
JON M. HENNING  
TOWN ATTORNEY

ACKNOWLEDGMENT:

I Richard Witt, acknowledge and agree to the terms and conditions of employment contained herein, I further agree to indemnify the Town of Golden Beach in an amount equal to all contributions which the Town of Golden Beach may in the future be required to make on my behalf, in the event this waiver of participation in the pension plan by me should become invalid in the future due to changes in State and/or Federal law or application thereof.

  
Richard Witt

STATE OF FLORIDA )  
)SS  
COUNTY OF DADE )

The foregoing instrument was acknowledged before me this 6 day of Jan, 1998, by Richard Witt, who is personally known to me, or who has produced \_\_\_\_\_ as identification, and who did/did not take an oath.

  
Notary Public, State of Florida

Print Notary Name: Michele F. Robineau

