

CITY OF SANIBEL

ORDINANCE 19-002

**AN ORDINANCE OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 50, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES RETIREMENT PLAN, SECTION 50-483, POWERS OF THE BOARD OF TRUSTEES, PARAGRAPH (B) BOARD OF TRUSTEES, SUBPARAGRAPH (1) B, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the restructuring of the Building, Planning and Public Works Departments resulted in the reduction of two department directors (Building and Planning); and

**WHEREAS**, a current member of the board of trustees was appointed by the city manager while serving as a city department director and ratified by city council as authorized by Sec. 50-483(b)(1)b, but that appointee is no longer designated a city department director; and

**WHEREAS**, in recognition that an appointee need not be a department director to be qualified to serve and to allow a current member of the board of trustees who was a former department director to remain an authorized member of the board of trustees, the City of Sanibel desires to amend the General Employees' Retirement Plan to eliminate the specific requirement that one member of the board of trustees be a department director appointed by the City Manager.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
SANIBEL, FLORIDA:**

**SECTION 1.** The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** The Code of Ordinances of the City of Sanibel, Section 50-483, "Powers of the board of trustees," paragraph (b) Board of trustees, subparagraph (1) b, is hereby amended with deletions indicated by strikeout:

**Sec. 50-483. Powers of the board of trustees.**

*(b) Board of Trustees*

(1) The general administration and responsibility for the proper administration of the fund and for making effective the provisions of this section are hereby vested in a board of trustees consisting of nine persons, as follows:

- b. One member who shall be ~~a department director who shall be~~ appointed by the City Manager and ratified by resolution by city council.

**SECTION 3. CODIFICATION.**

This ordinance shall be deemed an amendment to the Code of Ordinances of the City of Sanibel and the Sanibel Code of Ordinances is hereby amended.

**SECTION 4. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of application hereof.

**SECTION 5. Effective date.**

This Ordinance shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 2<sup>nd</sup> day of April 2019.

  
\_\_\_\_\_  
Kevin Ruane, Mayor

**AUTHENTICATION:**

  
\_\_\_\_\_  
Pamela Smith, City Clerk

APPROVED AS TO FORM:   
\_\_\_\_\_  
John Agnew, City Attorney

4/2/19  
Date

First Reading: March 19, 2019  
Publication Notice: March 22, 2019  
Second Reading: April 2, 2019

**Vote of Council Members:**

Ruane                    Yea  
Denham                Yea  
Johnson               Yea  
Maughan               Yea  
Smith                    Yea

Date Filed With City Clerk: April 02, 2019