

DIVISION 5. – POLICE OFFICERS' PENSIONS

Sec. 2-257. - Board of trustees; powers and duties.

- (a) Membership; term.
- (1) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this article are hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the North Port City Commission, and two of whom shall be members of the system, who shall be elected by a majority of the police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four trustees as provided for herein, and such person's name shall be submitted to the North Port City Commission. Upon receipt of the fifth person's name, the North Port City Commission shall, as a ministerial duty, appoint such person to the board of trustees as its fifth trustee. The fifth trustee shall have the same rights as each of the other four members appointed or elected as herein provided and shall serve a two year term unless he or she sooner vacates the office.
- (2) Each resident trustee shall serve as trustee for a period of two years, unless he or she sooner vacates the office or is sooner replaced by the North Port City Commission, at whose pleasure he or she shall serve. Each member trustee shall serve as trustee for a period of two years, unless he or she sooner leaves the employment of the city as a police officer or otherwise vacates his or her office as trustee, whereupon his or her successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself or herself in office. DROP participants can be elected as but not vote for elected trustees. The board shall meet at least quarterly each year. Each board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description.
- (b) The trustees shall by a majority vote elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings or hearings of the board. The trustees shall not receive any compensation as such but may receive expenses and per diem as provided by law.
- (c) Each trustee shall be entitled to one vote on the board. Three affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of F.S. § 112.3143.
- (d) The board shall engage such actuarial, accounting, legal and other services as shall be required to transact the business of the system. The compensation of all persons engaged by

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the board and all other expenses of the board necessary for the operation of the system shall be paid from the fund at such rates and in such amounts as the board of trustees shall agree. In the event the board chooses to use the city's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the board.

- (e) The duties and responsibilities of the board shall include but not necessarily be limited by the following:
- (1) To construe the provisions of the system and determine all questions arising thereunder.
 - (2) To determine all questions relating to eligibility and membership.
 - (3) To determine and certify the amount of all retirement allowances or other benefits hereunder.
 - (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.
 - (5) To distribute to members at regular intervals information concerning the system.
 - (6) To receive and process all applications for benefits.
 - (7) To authorize all payments whatsoever from the fund and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.
 - (8) To have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding any and all changes in the provisions of the system.
 - (9) To perform such other duties as are required to prudently administer the system.

(Code 1990, § 49-18; Ord. No. 07-04, § 1, 2-12-2007)

State Law reference— Board of trustees, F.S. § 185.05.

DIVISION 6. – FIREFIGHTERS PENSIONS

Sec. 2-307. - Board of trustees; powers and duties.

(a) Membership; term.

(1) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this division are hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five trustees, two whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the North Port City Commission; and two of whom shall be members of the system, who shall be elected by a majority of the firefighters who are members of the system. The fifth trustee shall be chosen by a majority of the previous four trustees as provided for herein, and such person's name shall be submitted to the North Port City Commission. Upon receipt of the fifth person's name, the North Port City Commission shall, as a ministerial duty, appoint such person to the board as its fifth Trustee. The fifth trustee shall have the same rights as each of the other four members appointed or elected as herein provided and shall serve a two-year term unless he or she sooner vacates the office.

(2) Each resident trustee shall serve as trustee for a period of two years, unless he or she sooner vacates the office or is sooner replaced by the North Port City Commission at whose pleasure he or she shall serve.

Each member trustee shall serve as trustee for a period of two years, unless he or she sooner leaves the employment of the city as a firefighter or otherwise vacates his or her office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself or herself in office. DROP participants can be elected as but not vote for elected trustees. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description.

(b) The trustees shall by a majority vote elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

(c) Each trustee shall be entitled to one vote on the board. Three affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall abstain from voting as the result of a conflict of interest, and shall comply with the provisions of F.S. § 112.3143.

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- (d) The board shall engage such actuarial, accounting, legal and other services as shall be required to transact the business of the system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the system shall be paid from the fund at such rates and in such amounts as the board shall agree. In the event the board chooses to use the city's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the board.
- (e) The duties and responsibilities of the board shall include, but not necessarily be limited to, the following:
- (1) To construe the provisions of the system and determine all questions arising thereunder.
 - (2) To determine all questions relating to eligibility and membership.
 - (3) To determine and certify the amount of all retirement allowances or other benefits hereunder.
 - (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.
 - (5) To distribute to members at regular intervals information concerning the system.
 - (6) To receive and process all applications for benefits.
 - (7) To authorize all payments whatsoever from the fund and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.
 - (8) To have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding any and all changes in the provisions of the system.
 - (9) To perform such other duties as are required to prudently administer the system.

(Code 1990, § 49-48; Ord. No. 07-03, § 2, 2-12-2007)

State Law reference— Board of trustees, F.S. § 175.061.