

ORDINANCE NO. 1390-17

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA, AMENDING APPENDIX B, POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF LAKE ALFRED; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE ALFRED, FLORIDA;

SECTION 1: CODE OF ORDINANCES: SECTION 4. That Appendix B, Police Officers' and Firefighters' Retirement System, of the Code of Ordinances of the City of Lake Alfred, is hereby amended by amending Section 4, Finances and Fund Management, subsection 6.B., to read as follows (deleted provisions are shown in ~~strikethrough~~ and new provisions are underlined):

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- B. All moneys paid into or held in the fund shall be invested and reinvested by the board and the investment of all or any part of such funds shall be ~~limited to~~ subject to the following:
- (1) ~~— Annuity and life insurance contracts with life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the members in the fund shall be entitled under the provisions of this system and pay the initial and subsequent premium thereon.~~
 - (2) ~~— Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund or a savings/building and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.~~
 - (3) ~~— Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States or by an agency of the government of the United States.~~
 - (4) ~~— Bonds issued by the State of Israel.~~
 - (5) ~~— Stocks, commingled funds administered by national or state banks, mutual funds or other investment vehicles approved by the board, and bonds or other evidences of indebtedness, provided that:~~
 - (a) ~~— Except as provided in subparagraph (b), all individually held securities and all securities in a commingled or mutual fund or other investment vehicles approved by the board, must be issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia.~~
 - (b) ~~— Up to twenty five percent of the assets of the fund at market value may be invested in foreign securities.~~
 - (c) ~~— The aggregate investment in any one issuing company shall not exceed five percent of the outstanding capital stock of that company; nor shall the aggregate of~~

~~its investments in common stock, capital stock and convertible securities at cost exceed 60 percent of the assets of the fund.~~

- ~~(6) Real estate, provided the board shall not invest more than four percent at cost in real property or real estate, and there shall be no investment in a limited partnership or trust. The Board may invest in real estate directly or through an investment vehicle approved by the Board.~~
- (1) Notwithstanding any limitation provided for in Chapters 175 and 185, Florida Statutes to the contrary (unless such limitation may not be amended by local ordinance) or any limitation in prior City ordinances to the contrary, all monies paid into or held in the Fund may be invested and reinvested in such securities, investment vehicles or property wherever situated and of whatever kind, as shall be approved by the Board, including but not limited to common or preferred stocks, bonds, and other evidences of indebtedness or ownership. In no event, however, shall more than twenty-five percent of the assets of the Fund at market value be invested in foreign securities.
- (2) The Board shall develop and adopt a written investment policy statement setting forth permissible types of investments, goals and objectives of investments and setting quality and quantity limitations on investments in accordance with the recommendations of its investment consultants. The investment policy statement shall be reviewed by the Board at least annually.
- (3) In addition, the Board may, upon recommendation by the Board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, Revenue Ruling 2011-1, IRS Notice 2012-6 and Revenue Ruling 2014-24 or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under Section 401(a) of the Code, individual retirement accounts that are exempt under Section 408(e) of the Code, eligible governmental plans that meet the requirements of Section 457(b) of the Code, and governmental plans under 401(a)(24) of the Code. For this purpose, a trust includes a custodial account or separate tax favored account maintained by an insurance company that is treated as a trust under Section 401(f) or under Section 457(g)(3) of the Code. While any portion of the assets of the Fund are invested in such a group trust, such group trust is itself adopted as a part of the System or Plan.
- (a) Any collective or common group trust to which assets of the fund are transferred pursuant to subsection (3) shall be adopted by the board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.
- (b) The separate account maintained by the group trust for the plan pursuant to subsection (3) shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.
- (c) For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.

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SECTION 2: CONFLICTS. All Ordinances in conflict herewith and hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Code of Ordinances, unless such repeal is explicitly set forth herein.

SECTION 3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4: CODIFICATION. Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Lake Alfred. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lake Alfred; and that sections of this Ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the City of Lake Alfred is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing corrected or re-codified copy of same with the City Clerk.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

INTRODUCED AND PASSED on first reading at a regular meeting of the Lake Alfred City Commission held on the 21st day of August, 2017.

PASSED AND FINALLY ADOPTED on second reading/public hearing at the meeting of the Lake Alfred City Commission duly assembled on the 7th day September, 2017.

**CITY OF LAKE ALFRED
CITY COMMISSION**

By: Charles O. Lake
Charles O. Lake, Mayor

ATTEST:

By: Ameé Bailey-Speck
Ameé Bailey-Speck, City Clerk

APPROVED AS TO FORM:

By: Frederick J. Murphy Jr.
Frederick J. Murphy Jr., City Attorney

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