

ORDINANCE NO. 02-2009

**AN ORDINANCE OF THE CITY OF COCOA, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, GENERAL EMPLOYEES' RETIREMENT PLAN, OF THE CITY OF COCOA CODE OF ORDINANCES; AMENDING SECTION 2-107, BOARD OF TRUSTEES; AMENDING SECTION 2-108, FINANCES AND FUND MANAGEMENT; PROVIDING FOR INCORPORATION INTO THE CODE; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA;

**SECTION 1:** That Chapter 2, Administration, Article VI, General Employees' Retirement Plan of the Code of Ordinances of the City of Cocoa is hereby amended by amending Section 2-107, Board of trustees, subsection (a), as follows: (strikeout type indicates deletion and underlined type indicates addition)

(a) 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 (5) trustees, two (2) of whom shall be appointed by the city council, and be residents of the city or retirees of this plan, and two (2) of whom shall be full-time general employees who are members of the system, who shall be elected by a majority of the general employees who are members of the system. The fifth trustee shall be a retiree and shall be chosen by a majority of the previous four (4) trustees and shall have the same rights as each of the other four (4) trustees appointed or elected as herein provided. The city council may appoint the City Manager to serve as one of the two residents of the city and such appointment shall constitute ex officio duties on the City Manager. Each trustee shall serve as a trustee for a period of three (3) years, unless he/she sooner vacates the office or unless a member trustee's employment with the city is terminated, whereupon a successor shall be chosen in the same manner as the departing trustee to serve the remainder of the term. Each trustee may succeed himself/herself in office. Drop participants can be elected as and 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.

**SECTION 2:** That Chapter 2, Administration, Article VI, General Employees' Retirement Plan of the Code of Ordinances of the City of Cocoa is hereby amended by amending Section 2-108, finances and fund management, subsection (6)b., as follows: (strikeout type indicates deletion and underlined type indicates addition)

- b. All monies paid into or held in the fund shall be invested and reinvested by the board and the investment of all or any portion of such funds shall be limited subject to the following:

1. Amnity and life illsmance conttacts with life insma:i:ice companies in amounts sufficient to p10vide, iu whole or in pait, the benefits to which all of the Inembels in the fund slral! be entitled under the provisious cf this system aud pay tlr initial allid subsequent pt ellittitl theleon.

2. Time 01 savings accounts of a national bank, a state bank illsuled by the Bank Insurance Futld 01 a savings/building and loan association iwmlled by the Savings Associatio11 Insui ance Fund which is administeted by the Fedelal Deposit Insurance Car pm ation or a state 01 fedct al chattered ct edit union whose shale accotmts ate insuled by the National Ctedit Union Share Insula1 lee Fund.

3. Obligations of the United States 01 obligations gualallteed as to ptineipal allid intelest by the government of the Uttited States 01 by an agrney of the government of the United States.

4. Stocks, com111ingled funds administeled by national 01 state baliks, mutual funds allid bonds 01 othet evidences of illdebtetness, plovided that,

i. Except as provided in scfbpaia1aph ii., all itrdividually held secimities and all seciuities i1t a con111ringled 01 tntttual fund 11rst be isstted 01 guarnteed by a colpmatiotl mganized ttndel the laws of the United States, any state 01 01ganized tenitoly of the United States, or the District of Columbia and, in the case of bonds only, shall hold a rating in one (1) of the fom (4) highest classifications of a maj01 lating set vice.

ii. International seemitiesshall not exceed fifteen pelcent (15%) of the total fund assets valued at 111atket. International bonds 01 othel evidences of indebtetness sh,tll hold a lating in Olie (1) of the fout (4) highest classificcttions by a nwjor lating set vice.

111. The boabd shall not invest more than five pct cent (5%) of its assets in the col11111011 stock, capital stock, 01 col11vc1tible securities of any one (1) issuing company, 1101 shall the aggregate inv estrment in any one (1) issuing col11pally exceed five pelcent (5%) of the outstanding capital stock of tlctt company, 1101 shall the agglegate of its in vestments in common stock, capital stock ,md convcltible seciuities at 111alket value exceed seventy

percent (70%) of the total assets of the fund.

1. Notwithstanding 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.
- b* 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.
- J* . 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 or successor rulings or guidance of similar import, and 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.

**SECTION 3: Severability.** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 4: Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances or resolutions adopted by the City Council, or parts of ordinances and resolutions **in** conflict herewith, are hereby repealed to the extent of the conflict.

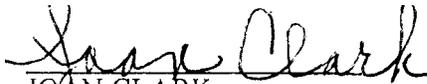
**SECTION 5: Incorporation Into Code.** This ordinance shall be incorporated into the Cocoa City Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 6: Effective Date.** This ordinance shall become effective upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF COCOA,  
FLORIDA, IN A REGULAR MEETING ASSEMBLED ON THE DAY OF  
February , 2009.

  
MICHAEL C. BLAKE  
MAYOR

ATTEST

  
JOAN CLARK  
CITY CLERK

First Reading:  
Second Reading:  
Effective Date:

January 27, 2009  
February 10, 2009  
February 10, 2009

