RESOLUTION 15-10-102

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING ENTRY INTO AND PARTICIPATION IN THE FLORIDA RETIREMENT SYSTEM FOR VILLAGE EMPLOYEES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES FOR PARTICIPATION IN THE FLORIDA RETIREMENT SYSTEM; ADOPTING THE TERMS AND CONDITIONS FOR PARTICIPATION IN THE FLORIDA RETIREMENT SYSTEM AS REQUIRED BY STATE LAW AUTHORIZING WITHHOLDING FROM EMPLOYEE SALARIES; AUTHORIZING THE VILLAGE TO MAKE EMPLOYER CONTRIBUTIONS TO THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands, Florida, (the “Village”) presently authorizes employees within the Village Fire Rescue department to participate in the Florida Retirement System (“FRS”); and

WHEREAS, the Village Council of Islamorada, Village of Islands, Florida, (the “Village Council”) desires to extend the benefits of FRS to non-Fire Rescue employees (“Employees”); and

WHEREAS, in accordance with the rules and regulations of the FRS, the Village is required to enter into an Agreement with the Florida Department of Management Services for coverage and enrollment of the Village’s employees, a copy of which is attached hereto as Exhibit “A;” and

WHEREAS, the Village Council finds that it is in the best interest of the Village to extend the benefits of FRS to its general employees.
NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein by reference.

Section 2. Participation in the Florida Retirement System. The Village Council hereby authorizes that all Village employees, except those excluded by law, be eligible to participate in the FRS as authorized by Chapter 121, Florida Statutes effective December 1, 2015. Upon the effective date of the Village’s participation in the Florida Retirement System, any new employees of the Village shall be compulsory members of the FRS.

Section 3. Authority to Execute Agreements. The Village Manager is hereby authorized to execute the Agreement attached as Exhibit “A” hereto between the Village and the Florida Department of Management Services for the purpose of extending the benefits provided by the FRS to the employees of the Village, together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney. The Village Manager is further authorized to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Village Attorney.

Section 4. Withholding. The Village is authorized to withhold from salaries, wages, or other compensation of the Village’s employees such amounts as may be required by applicable State laws or regulations for participation in the FRS and such amounts shall be paid over to the Administrator of the FRS as designated by State law or regulations.
Section 5. Employer Contributions to FRS. The Village shall appropriate and pay the employer’s contributions and assessments from available funds, derived from ad valorem taxes or other sources, as required by applicable State laws or regulations to the Department of Management Services in such amounts and at such times as may be required by the Administrator of FRS.

Section 6. Records and Reports. The Village shall keep records and make such reports to the Administrator of the FRS as may be required by applicable State laws or regulations, and shall adhere to all laws and regulations relating to the FRS.

Section 7. Adoption of Terms and Conditions of Participation in FRS. Upon execution of the Agreement attached hereto as Exhibit “A”, the Village will adopt the terms, conditions, requirements, reservations, benefits, privileges, and other conditions pertaining to participation in the Florida Retirement System, for and on behalf of all the Village’s employees covered under the Agreement.

Section 8. Custodian of funds. The Village Manager is hereby designated the custodian of all sums withheld from the compensation of the Village’s employees and of the funds appropriated for the employer’s contribution as set forth in this Resolution. The Village Manager is hereby designated as the withholding and reporting agent and charged with the duty of maintaining records and reports in accordance with State law or regulations.

Section 9. Transmittal. The Village Clerk is hereby directed to provide a certified copy of this Resolution to the Division of Retirement, Florida Department of Management Services.

Section 10. Effective date. This Resolution shall take effect immediately upon its adoption.

Motion to adopt by Councilman Dennis Ward, seconded by Mayor Mike Forster.
FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Mike Forster YES
Vice Mayor Deb Gillis YES
Councilman Jim Mooney YES
Councilman Chris Sante YES
Councilman Dennis Ward YES

PASSED AND ADOPTED ON THIS 1st DAY OF October, 2015.

MIKE FORSTER, MAYOR

ATTEST:

KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY

ROGER V. BRYANT, VILLAGE ATTORNEY
Islamorada, Village of Islands AGREEMENT NO. Q1

The Department of Management Services, Division of Retirement, of the State of Florida, under the authority of Chapter 121, Florida Statutes, and Islamorada, Village of Islands (the "Village"), a political subdivision of the State of Florida, in order to extend to General Employees of said Village (except such as are hereinafter excluded) the benefits of the Florida Retirement System established by Chapter 121, Florida Statutes, hereby agree as follows:

1. Definitions:

For the purpose of the Agreement -
(a) The definitions, words and phrases as set out in Section 121.021, Florida Statutes, shall have the respective meanings set forth therein.

2. Services Covered:

The agreement includes and covers all services performed by General Employees of this Village except any service, position, employee, or official excluded by Chapter 121, Florida Statutes, the rules and regulations of the Florida Retirement System, or Resolution No. 15-10-102 adopted by the Village on the 1st day of October, 2015.

3. Contributions by Employees:

The Village agrees to impose upon its employees covered by this Agreement the required contributions with respect to wages if such services constituted employment within the meaning of Chapter 121, Florida Statutes, and to deduct the amount of such required contributions from the wages as and when paid. Contributions so collected shall be paid to the Administrator of the Florida Retirement System in partial discharge of the liability of said Village, said payments to be made in accordance with rules and regulations relating to the Florida Retirement System. It is agreed and understood that the failure of said to deduct such contributions shall not relieve it of liability therefore.

4. Contributions by the Village:

(a) The Village represents that it has duly and legally adopted, and that there is now in full force and effect, a resolution/ordinance requiring an appropriation from available funds in its general or special funds derived from ad valorem tax or other sources, which shall be in an amount not less than the sums withheld as the contributions of employees covered by the Agreement, the sum to equal the total amount due from said Village (employer's and employee's contributions) under applicable provisions of Chapter 121, Florida Statutes.

(b) As assurance of its ability to pay its share of the contributions which will become due and payable to the Administrator under the terms of this Agreement and as assurance that said contributions will be adequate, the Village hereby obligates itself to maintain, and represents that at all times hereafter there will be maintained, in the appropriation provided in paragraph 4.(a), above, a sum fully sufficient to pay its share of the contributions: and that same (together with contributions deducted from salaries, wages, etc., of employees) will be paid promptly when due.
5. **Reports-Compliance and Regulations:**

The Village agrees that it will make such reports, in such form and containing such information, as the Administrator may require. The Village further agrees that it will comply with all provisions of Chapter 121, Florida Statutes, and with all rules and regulations adopted and promulgated by the Administrator of the Florida Retirement system necessary to carry out the purposes of Chapter 121, Florida Statutes. It is further understood and agreed that late payments come under provisions of Section 121.061, paragraphs (2) (a), (b) and (c), Florida Statutes.

6. **Termination:**

Once this agreement is made and approved it may not be revoked and all present General Employees electing coverage under this agreement and all future General Employees shall be compulsory members of the Florida Retirement System.

This Agreement shall be effective as of the 1st day of _January_, 2016.

Approved this 14th day of _January_ 2016.

Director of the Division of Retirement