

Chapter 2

ADMINISTRATION*

Article I. In General

- Sec. 2-1. Applications for permits generally—Deposit of cost of notice.
- Sec. 2-2. Same—Collection of expenses.
- Secs. 2-3—2-25. Reserved.

Article II. Town Council

Division 1. Generally

- Sec. 2-26. Preparation and submission of ordinances and resolutions.
- Secs. 2-27—2-35. Reserved.

Division 2. Meetings

- Sec. 2-36. Regular meetings.
- Sec. 2-37. Special meetings, method of calling, notice, business to be transacted.
- Sec. 2-38. Agenda, submissions deadline.
- Sec. 2-39. Duties of presiding officer.
- Sec. 2-40. Roll call.
- Sec. 2-41. Order of business.
- Sec. 2-42. Reading of minutes.
- Sec. 2-43. Robert's Rules of Order.
- Sec. 2-44. Suspension of the rules of procedure.
- Sec. 2-45. Rules of debate.
- Sec. 2-46. Conduct of council meetings; speech by nonmembers; violation; penalty.
- Sec. 2-47. Decorum, disturbing meeting.
- Sec. 2-48. Sergeant-at-arms.
- Secs. 2-49—2-70. Reserved.

Article III. Officers and Employees

Division 1. Generally

- Secs. 2-71—2-80. Reserved.

Division 2. Town Manager

- Sec. 2-81. Appointment.
- Sec. 2-82. Qualifications.
- Sec. 2-83. Residence.
- Sec. 2-84. Powers and duties.
- Sec. 2-85. Acting town manager.
- Sec. 2-86. Removal.

*Cross reference—Elections, ch. 9.

HAVANA CODE

Secs. 2-87—2-95. Reserved.

Division 3. Town Attorney

Sec. 2-96. Appointment.
Sec. 2-97. Qualifications.
Sec. 2-98. Powers and duties.
Sec. 2-99. Removal.
Secs. 2-100—2-110. Reserved.

Division 4. Town Clerk

Sec. 2-111. Appointment.
Sec. 2-112. Qualifications.
Sec. 2-113. Powers and duties.
Sec. 2-114. Removal.
Secs. 2-115—2-125. Reserved.

Division 5. Chief of Police

Sec. 2-126. Appointment.
Sec. 2-127. Qualifications.
Sec. 2-128. Powers and duties.
Sec. 2-129. Removal.
Secs. 2-130—2-140. Reserved.

Division 6. Finance Director

Sec. 2-141. Generally.
Sec. 2-142. Appointment.
Sec. 2-143. Qualifications.
Sec. 2-144. Powers and duties.
Sec. 2-145. Clerk as finance director.
Sec. 2-146. Removal.
Secs. 2-147—2-155. Reserved.

Division 7. Retirement System

Sec. 2-156. Election of coverage by state retirement system.
Sec. 2-157. Adoption of terms, conditions, etc., of state retirement system.
Sec. 2-158. Exclusion of certain employees and officials; future employees to be compulsory employees.
Sec. 2-159. Authority to execute necessary agreements, etc.
Sec. 2-160. Appropriation from available funds for payment of town contributions and assessments.
Sec. 2-161. Town clerk designated custodian of withheld sums and appropriated funds and withholding and reporting agent.
Sec. 2-162. Town to keep records, make reports and comply with state and other laws and regulations.
Secs. 2-163—2-175. Reserved.

ADMINISTRATION

Division 8. Social Security

- Sec. 2-176. Declaration of policy.
- Sec. 2-177. Employee contributions; withholding authorized.
- Sec. 2-178. Town contributions.
- Sec. 2-179. Custodian of funds; records.
- Sec. 2-180. Adoption of federal laws and regulations.
- Secs. 2-181—2-190. Reserved.

Division 9. Deferred Compensation Plan

- Sec. 2-191. Establishment, purpose.
- Sec. 2-192. Participation agreement with Equitable Life Assurance Society.
- Sec. 2-193. Approval and administration of plan.
- Sec. 2-194. Town manager to administer the plan and obtain necessary federal documentation for same.
- Sec. 2-195. Exclusive of other programs.
- Sec. 2-196. Confidential records.
- Sec. 2-197. Benefits shall be exempt from local taxation and levy or assignment.
- Sec. 2-198. Compliance with the Internal Revenue Code.

ARTICLE I. IN GENERAL**Sec. 2-1. Applications for permits generally—Deposit of cost of notice.**

Whenever any application is made to the town for the granting of a permit of any kind, whereby it is necessary to publish newspaper notice or to notify property owners or others by mail, the person making application shall deposit with the town the estimated cost and expense of giving such notice, and the amount so estimated shall be deposited in the town treasury.

(Code 1980, § 1-10)

Cross references—Buildings and building regulations, ch. 6; businesses, ch. 7; vehicles for hire, ch. 20; zoning, app. A.

Sec. 2-2. Same—Collection of expenses.

The officers of the town with whom such application as provided in section 2-1 may be filed shall be charged with the duties of collecting such expenses and costs.

(Code 1980, § 1-11)

Secs. 2-3—2-25. Reserved.

ARTICLE II. TOWN COUNCIL***DIVISION 1. GENERALLY****Sec. 2-26. Preparation and submission of ordinances and resolutions.**

All ordinances and specified resolutions shall be prepared or reviewed by the town attorney. No ordinance or resolution shall be submitted to the town council for consideration unless ordered by a majority vote of the council or requested by at least three councilmembers or by the town manager.

(Code 1980, § 2-36)

Secs. 2-27—2-35. Reserved.

DIVISION 2. MEETINGS†**Sec. 2-36. Regular meetings.**

The town council shall hold one regular meeting per month. The time and day of holding such meeting shall be determined by resolution from time to time. Regular meetings of the council which fall upon a legal holiday shall be set by town council.

(Code 1980, § 2-25)

***Charter references**—Town council, art. II; elections, art. III.

State law references—Code of ethics, F.S. § 112.311 et seq.; public records act, F.S. ch. 119; public meetings, F.S. ch. 286.

†State law reference—Public meetings, F.S. ch. 286.

Sec. 2-37. Special meetings, method of calling, notice, business to be transacted.

(a) The mayor, town manager or three or more councilmembers may request the calling of special meetings of the council whenever in their opinion the public business may require it. The request for a special meeting shall be served upon or sent to the town clerk, or in his absence to his designee.

(b) Notice of the special meeting shall be served upon each member of the council and the mayor, either in person, at their place of residence, by mail or by telephone. The notice shall contain the date, hour, place and subject matter to be considered at the special meeting.

(c) Reasonable notice of a special meeting shall be posted at the town hall so that the notice shall be visible from the exterior of the building. The notice shall state the date, hour and place of the meeting and the purpose for which such meeting is called. If time permits, notice of a special meeting shall be advertised in the newspaper.

(d) No business shall be transacted at the special meeting except such as is stated in the notice.

(e) Special meetings may be called without written notice during the course of a regular meeting upon motion passed by a majority vote of the council.

(Code 1980, § 2-26)

Sec. 2-38. Agenda, submissions deadline.

The town clerk shall prepare an agenda for each town council meeting. Any matter to be placed on the agenda shall be submitted to the town clerk no later than 12:00 noon of the fourth business day preceding the day of the regular meeting. The day of the regular meeting shall be included in the computation for the purpose of this section.

(Code 1980, § 2-27)

Sec. 2-39. Duties of presiding officer.

The presiding officer shall preserve strict order and decorum at all meetings of the council. He shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the councilmembers present shall govern and conclusively determine such questions of order. He shall vote on all questions called for vote, his name being called last, and shall sign all ordinances and resolutions adopted by the council during his presence.

(Code 1980, § 2-28)

Sec. 2-40. Roll call.

Before proceeding with the business of any meeting, the town clerk or deputy clerk shall call the roll of the members and the names of the members of the council absent or present shall be entered on the minutes.

(Code 1980, § 2-29)

Sec. 2-41. Order of business.

The order of business shall be set by the town council in the rules of order and procedure, which shall be adopted by the town council from time to time.

(Code 1980, § 2-30)

Sec. 2-42. Reading of minutes.

Unless a reading of the minutes of a town council meeting is requested by a majority of the council present, such minutes may be approved without a reading.

(Code 1980, § 2-31)

Sec. 2-43. Robert's Rules of Order.

Robert's Rules of Order, Newly Revised, shall govern the deliberations of the town council except when in conflict with the terms and provisions of this division.

(Code 1980, § 2-37)

Sec. 2-44. Suspension of the rules of procedure.

The rules of order and procedure adopted by the town council may be temporarily suspended at any time by the consent of a majority of the members of the council present at any meeting. No action taken by the council shall be deemed void or invalid by reason of the failure to adhere to the provisions of the rules of order and procedure.

(Code 1980, § 2-38)

Sec. 2-45. Rules of debate.

(a) *Presiding officer may debate, vote, etc.* The presiding officer of the town council may debate from the chair and by relinquishing the chair may move and second and shall not be deprived of any of the rights and privileges of a councilmember by reason of his acting as the presiding officer.

(b) *Obtaining the floor.* Every person desiring to speak shall address the chair, and upon recognition by the presiding officer shall confine himself to the question under debate, avoiding all reference to personalities and indecorous language.

(c) *Interruptions.* A member of the council, or of the public, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided.

(d) *Motion to limit debate.* A motion to limit debate shall take precedence over all motions, except a motion to adjourn, a point of order or a motion to table. It shall not be debatable and shall require an affirmative vote of two-thirds of the members of the council present in order to carry.

(e) *Order of recognition.* The members of the council, the mayor and town officials shall be recognized first on any matter under discussion before any member of the public shall be allowed to address the council.

(f) *Addressing the council.* Any person desiring to address the council shall first secure the permission of the presiding officer and shall give his name and address for the record. All remarks shall be addressed to the council as a body and not to any member thereof, unless permission to do so is first granted by the presiding officer. Unless further time is granted by the presiding officer or the council, members of the public shall limit their discussion or address to no more than three minutes. No question shall be asked a councilman or town official except through the presiding officer.

(Code 1980, § 2-33)

Sec. 2-46. Conduct of council meetings; speech by nonmembers; violation; penalty.

(a) No person other than a member of the town council shall be permitted to engage in expressions of opinion or discussions of any question pending at any regular or special meeting of the council without obtaining permission from the presiding officer.

(b) Any person so doing without obtaining such permission, or who, during a session, shall make use of any impolite or insulting language toward any member thereof shall be deemed guilty of a misdemeanor and shall be punished as provided by section 1-9.

(Code 1980, § 2-32)

Sec. 2-47. Decorum, disturbing meeting.

While the town council is in session, the councilmembers and the public present in the council chambers shall not, by conversation or otherwise, delay or interrupt the proceeding nor the peace of the council. It shall be unlawful for any person to disturb or disrupt a meeting of the town council or to refuse to obey the orders of the presiding officer in the conduct of the meeting, and such person shall be subject to being summarily ejected from the meeting, subject to an appeal to the council which may overrule the chair.

(Code 1980, § 2-34)

Sec. 2-48. Sergeant-at-arms.

The chief of police, or such member of the police department as he shall designate, shall be the sergeant-at-arms of the council meetings for the purpose of maintaining order and decorum. He shall act under the direction and control of the presiding officer.

(Code 1980, § 2-35)

Secs. 2-49–2-70. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES***DIVISION 1. GENERALLY**

Secs. 2-71–2-80. Reserved.

DIVISION 2. TOWN MANAGER†**Sec. 2-81. Appointment.**

The town council shall appoint a town manager to serve at the pleasure of the council and shall fix his compensation. The manager shall be appointed on the basis of his executive and administrative qualifications.

(Ord. No. 235, § 1, 8-28-90)

Sec. 2-82. Qualifications.

In qualifying for the position of town manager, a bachelor of science degree in public or business administration from a four-year college or university, or similar degree in management, engineering or a related profession is desirable. Engineering experience is desirable. Experience as an administrator, assistant administrator or related work may be substituted for a bachelor of science degree.

(Ord. No. 235, § 1, 8-28-90)

Sec. 2-83. Residence.

The town manager shall reside within the town limits. If his residence is located outside the town limits at the time of employment, the town manager shall be given a period not to exceed six months to relocate his residence to within the town limits.

(Ord. No. 235, § 1, 8-28-90)

Sec. 2-84. Powers and duties.

The town manager shall be the chief administrative officer of the town. He shall be responsible to the town council for the administration of all town affairs placed in his charge by or under the town Charter. He shall have the following powers and duties:

- (1) He shall appoint and, when he deems it necessary for the good of the town, may suspend or remove for just cause, any and/or all town employees and appointive administrative officers, except as otherwise provided by the town Charter. He may authorize any administrative and/or Charter officer who is subject to his direction and supervision to exercise those powers with respect to subordinates in that officer's department, office or agency.

***Charter reference**—Administrative provisions, art. IV.

Cross reference—Building official, § 6-26.

State law reference—Code of ethics, F.S. § 112.311.

†**Charter reference**—Town manager, § 4.01.

- (2) He shall direct and supervise the Charter officers and the administration of all departments, offices and agencies of the town, except as otherwise provided in the town Charter or by law.
 - (3) He or his designated representative shall attend all town council meetings and shall have the right to take part in discussions, but may not vote.
 - (4) He shall see that all laws, provisions of the town Charter, and directives of the town council subject to enforcement by him or by officers subject to his direction and supervision are faithfully executed.
 - (5) He shall recommend to the town council for adoption such measures as he may deem necessary or expedient in the interest of the town.
 - (6) He shall prepare and submit the annual budget to the town council.
 - (7) He shall make such other reports as the town council may require concerning the operations of the town's departments, officers and agencies subject to his direction and supervision.
 - (8) He shall keep the town council fully advised as to the financial condition and future needs of the town and make such recommendations to the town council concerning the financial affairs of the town as he deems necessary.
 - (9) He shall see that all terms and conditions imposed in favor of the town or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, he shall call the violation to the attention of the town attorney.
 - (10) He shall be the purchasing agent of the town, by whom all purchases of supplies shall be made. In the capacity of purchasing agent he shall also conduct all sales of personal property which the town council may authorize to be sold as having become unnecessary or unfit for the town's use. All purchases and sales shall conform to such regulations as the town council may from time to time prescribe and shall allow for competition.
 - (11) He shall perform such other duties as are specified in the town's Charter or as may be required by the town council.
- (Ord. No. 235, § 1, 8-28-90)

Sec. 2-85. Acting town manager.

By letter filed with the town council, the town manager shall designate an assistant town manager, or in the absence thereof, the town clerk, to exercise the powers and perform the duties of manager during his temporary absence or disability.

(Ord. No. 235, § 1, 8-28-90)

Sec. 2-86. Removal.

The town council may remove the town manager from office in accordance with the following procedures:

- (1) The town council shall adopt, by affirmative vote of a majority of all of its members, a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period of time not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.
- (2) Within five days after a copy of the resolution is delivered to the manager, he may file with the town council a written request for a hearing which shall be open to the public. Notice of such hearing shall be posted in the town hall at least five days prior to the hearing. This hearing shall be held at the town council meeting not earlier than 15 days nor later than 30 days after the request is filed. The manager may file with the town council a written reply to the resolution for removal not later than five days before the hearing.
- (3) The town council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all of its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a hearing open to the public, or at any time after the public hearing if he has requested one.
- (4) The manager may, at the discretion of the town council, continue to receive his salary until the effective date of final resolution of removal.

(Ord. No. 235, § 1, 8-28-90)

Secs. 2-87–2-95. Reserved.**DIVISION 3. TOWN ATTORNEY*****Sec. 2-96. Appointment.**

The town attorney shall be appointed by the town manager with the approval of the town council.

(Ord. No. 235, § 3, 8-28-90)

Sec. 2-97. Qualifications.

The town attorney shall be an attorney-at-law of at least three years' experience in the active practice of law.

(Ord. No. 235, § 3, 8-28-90)

*Charter reference—Town attorney, § 4.03.

Sec. 2-98. Powers and duties.

The town attorney shall be the legal adviser to the town council, the town manager, and other town officers upon all municipal matters. He shall prepare or approve as to form and legality all ordinances, resolutions, contracts and other written instruments which concern the town when requested to do so by the town manager or the town council. He shall appear for the town in all civil cases in the courts except those as may be handled for the town's insurance carrier or otherwise. He shall perform such other duties as may be required of him by ordinance. He shall not accept adverse employment in any matter in which the town is interested. His compensation shall be fixed by the town council. The town may also employ special counsel in any case in which the town attorney may be disqualified or unable to act, or in any other matter requiring the assistance of special counsel.

(Ord. No. 235, § 3, 8-28-90)

Sec. 2-99. Removal.

The town attorney may be removed by the town manager with the approval of the town council.

(Ord. No. 235, § 3, 8-28-90)

Secs. 2-100–2-110. Reserved.**DIVISION 4. TOWN CLERK*****Sec. 2-111. Appointment.**

The town clerk shall be appointed by the town manager with the approval of the town council.

(Ord. No. 235, § 2, 8-28-90)

Sec. 2-112. Qualifications.

In qualifying for the position of town clerk, a degree in public or business administration, accounting, finance or a related field from a four-year college or university is desirable. Experience in related work may be substituted for a degree.

(Ord. No. 235, § 2, 8-28-90)

Sec. 2-113. Powers and duties.

(a) It shall be the duty of the town clerk, or his designated representative, to attend each meeting of the town council and keep the minutes thereof. He shall also attend to the posting and publishing of all ordinances which should be posted and published, and properly authenticate all ordinances, resolutions and minutes. He shall keep the corporate seal of the town and affix the same when lawfully directed to do so. He shall perform such other duties as may be

***Charter reference**—Town clerk, § 4.02.

required of him by the town council and the town manager. He shall be the custodian of all records, documents and papers of the town.

(b) The town clerk shall have the authority to administer any oath as may be provided for in any town ordinance or otherwise by law.

(c) The town clerk may, in addition to his duties as clerk, perform the duties of finance director as the same may be provided by ordinance.

(d) The town clerk shall perform such other duties as shall be imposed by the town Charter, this Code or other ordinances of the town.

(Ord. No. 235, § 2, 8-28-90)

Sec. 2-114. Removal.

The town clerk may be removed by the town manager with the approval of the town council.

(Ord. No. 235, § 2, 8-28-90)

Secs. 2-115–2-125. Reserved.

DIVISION 5. CHIEF OF POLICE*

Sec. 2-126. Appointment.

The chief of police shall be appointed by the town manager with the approval of the town council.

(Ord. No. 235, § 4(1), 8-28-90)

Sec. 2-127. Qualifications.

(a) In qualifying for the position of chief of police, a degree in criminology, public or business administration, or a related field from a four-year college or university is desirable. Experience as a police officer or administrator may be substituted for a degree.

(b) The chief of police shall reside within the town limits. If his residence is located outside the town limits at the time of employment, the chief of police shall be given a period not to exceed six months to relocate his residence into the town.

(Ord. No. 235, § 4(2), (3), 8-28-90)

Sec. 2-128. Powers and duties.

(a) The chief of police shall be head of the police department and the chief law enforcement officer of the town. He shall be responsible to the town manager. He shall enforce all of the town Code provisions and ordinances and all applicable state laws.

*Charter reference—Chief of police, § 4.04.

(b) He shall appoint subordinates, subject to applicable civil service rules and regulations and subject to the approval of the town manager.

(c) It shall be the duty of the chief of police or his designated representative to attend each meeting of the town council.

(d) He shall perform such other duties as may be required of him by the town manager and the town council.

(e) The chief of police may appoint representatives to carry out requirements of the office at the direction of the town manager.

(f) The chief of police shall perform such other duties as shall be imposed by the town Charter, this Code or other ordinances of the town.

(Ord. No. 235, § 4(4), 8-28-90)

Sec. 2-129. Removal.

The chief of police may be removed by the town manager with the approval of the town council.

(Ord. No. 235, § 4(5), 8-28-90)

Secs. 2-130–2-140. Reserved.

DIVISION 6. FINANCE DIRECTOR*

Sec. 2-141. Generally.

There shall be a finance director for the town, and the appointment, qualifications, powers and duties, and removal of the finance director shall be as prescribed in this division.

(Ord. No. 235, § 5, 8-28-90)

Sec. 2-142. Appointment.

The finance director shall be appointed by the town manager.

(Ord. No. 235, § 5, 8-28-90)

Sec. 2-143. Qualifications.

In qualifying for the position of finance director, the following is desirable: a degree in public or business administration, accounting, finance or a related field, from a four-year college or university. Experience in related work may be substituted for a degree.

(Ord. No. 235, § 5, 8-28-90)

*State law reference—Financial matters, F.S. ch. 218.

Sec. 2-144. Powers and duties.

(a) The finance director shall be the accounting department head, responsible for the equipment of finance, accounting, cashiering, licensing, billing and collecting sums due by the town and related financial accounting and systems operations.

(b) The finance director shall be personally responsible for maintaining current and accurate accounting records of town activities, in accordance with accepted municipal accounting practices and governing town laws.

(c) The finance director shall issue monthly financial reports to the town council if desired.

(d) All matters concerning the fiscal and financial conditions of the town shall be his responsibility and he shall assist in preparing the annual financial budget and monthly financial reports, showing comparison of revenue and expenditures to anticipated revenues and appropriation expenditures.

(e) He shall be responsible for advising the town manager and the town council as soon as possible concerning any significant deviation.

(f) The finance director shall be personally responsible for adequate safeguards for town assets, including cash, inventories, equipment and pertinent records concerning the same, as well as records of all receivables and liabilities of the town. Adequate safeguards shall include the proper internal control procedures and sufficient insurance concerning any theft, casualty and liability exposure.

(g) The finance director shall be custodian of all moneys of the town and responsible for prompt depositing of all receipts in designated bank accounts as well as responsible for prompt payment of current bills and obligations against the town, when approved.

(h) All checks or vouchers shall be signed by the finance director (or by the town clerk acting in such capacity), or in his absence by the town manager and countersigned by the mayor or in his absence by the mayor pro tempore.

(i) The finance director shall be properly and sufficiently bonded.

(j) He shall perform such other duties as may be required of him by the town manager. (Ord. No. 235, § 5, 8-28-90)

8-493
per Bob Powell - If both
Mayor & Pro Tem are
not available - Have Town
Manager & Town Clerk sign
Councilman to let them
know what we are doing

Sec. 2-145. Clerk as finance director.

The town clerk may, in addition to his duties as clerk, perform the duties of finance director as such may be provided by ordinance. The clerk may appoint deputies to carry out requirements of such office at the discretion of the town manager.

(Ord. No. 235, § 5, 8-28-90)

Sec. 2-146. Removal.

The town finance director may be removed by the town manager.
(Ord. No. 235, § 5, 8-28-90)

Secs. 2-147–2-155. Reserved.

DIVISION 7. RETIREMENT SYSTEM*

Sec. 2-156. Election of coverage by state retirement system.

It is hereby declared to be the policy and purpose of the town to extend, effective April 1, 1971, to the employees and officials thereof, not excluded herein, the benefits of the Florida retirement system, as authorized by F.S. ch. 121, and amendments thereto, to cover by such plan all services which constitute employment as defined in F.S. § 121.021, performed in the employ of such town by employees and officials thereof.
(Code 1980, § 2-73)

Sec. 2-157. Adoption of terms, conditions, etc., of state retirement system.

The town hereby adopts the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining, of the Florida retirement system, for and on behalf of all officers and employees of its departments and agencies to be covered under the agreement.
(Code 1980, § 2-74)

Sec. 2-158. Exclusion of certain employees and officials; future employees to be compulsory employees.

There is hereby excluded from this division any authority to include in any agreement entered into under section 2-159 any service, position, employee, or official now covered by or eligible to be covered by an existing retirement system sponsored by the town, except social security, only after holding a referendum, in which all employees and officials in the affected units have the right to participate. Only those employees and officials electing coverage under the Florida retirement system by affirmative vote in such referendum shall be eligible for coverage, and those not participating or electing not to be covered by the Florida retirement system shall remain in their present system and shall not be eligible for coverage. After such referendum is held, all future employees shall be compulsory members of the Florida retirement system.
(Code 1980, § 2-75)

Sec. 2-159. Authority to execute necessary agreements, etc.

The mayor, or other chief executive officer, is hereby authorized and directed to execute all necessary agreements and amendments thereto with the administrator of the Florida

*State law reference—Florida retirement system, F.S. ch. 121.

retirement system for the purpose of extending the benefits provided by the Florida retirement system to the employees and officials of this town as provided in sections 2-156 and 2-158, which agreement shall provide for such methods of administration of the plan by the town as are found by the administrator of the Florida retirement system to be necessary and proper, and shall be effective with respect to services in employment covered by such agreement performed on and after April 1, 1971..

(Code 1980, § 2-76)

Sec. 2-160. Appropriation from available funds for payment of town contributions and assessments.

There shall be appropriated from available funds, derived from the general fund as supported by the various revenue funds, such amounts and at such times as may be required to pay promptly the contributions and assessments required of the town, as employer, by applicable state laws or regulations, which shall be paid over to the lawfully designated administrator of the state retirement system at the times and in the manner provided by law and regulation.

(Code 1980, § 2-79)

Sec. 2-161. Town clerk designated custodian of withheld sums and appropriated funds and withholding and reporting agent.

The town clerk is hereby designated the custodian of the funds appropriated for the employer's contributions as provided in section 2-160. The town clerk is hereby made the reporting agent and is charged with the duty of maintaining records for the purpose of this division.

(Code 1980, § 2-78)

Sec. 2-162. Town to keep records, make reports and comply with state and other laws and regulations.

The town shall keep such records and make such reports as may be required by applicable state laws or regulations, and shall adhere to all laws and regulations relating to the state retirement system.

(Code 1980, § 2-80)

Secs. 2-163—2-175. Reserved.

DIVISION 8. SOCIAL SECURITY*

Sec. 2-176. Declaration of policy.

It is hereby declared to be the policy and purpose of the town to extend, effective as of September 30, 1951, to the employees and officials thereof, not excluded by law, and whether

*State law reference—Social security, F.S. ch. 650.

employed in connection with a governmental or proprietary function, the benefits of the system of old age and survivor's insurance as authorized by the federal social security act and amendments thereto, and by F.S. ch. 650, and to cover by such plan all services which constitute employment as defined in F.S. § 650.02, performed in the employ of the town by employees thereof. In pursuance of such policy, and for that purpose, the town shall take such action as may be required by applicable state or federal laws or regulations.

(Code 1980, § 2-91)

Sec. 2-177. Employee contributions; withholding authorized.

Withholdings from salaries, wages, or other compensation of employees and officials for the purpose provided in section 2-176 of this division are hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state agency designated by such laws or regulations to receive such amounts.

(Code 1980, § 2-92)

Sec. 2-178. Town contributions.

There shall be appropriated from available funds such amounts, at such times, as may be required to pay promptly the contributions required of the town as employer by applicable state or federal laws or regulations, which shall be paid over to the lawfully designated state agency at the times and in the manner provided by law and regulation.

(Code 1980, § 2-93)

Sec. 2-179. Custodian of funds; records.

(a) The town shall keep such records and make such reports as may be required by applicable state or federal laws or regulations, and shall adhere to the rules and regulations of the state agency for the enforcement of such laws and regulations.

(b) The town clerk is hereby designated the custodian of all sums withheld from the compensation of officers and employees and of the appropriated funds for the contribution of the town, and the town clerk is hereby made with the withholding and reporting agent and charged with the duty of maintaining personnel records for the purposes of this division.

(Code 1980, § 2-94)

Sec. 2-180. Adoption of federal laws and regulations.

The town hereby adopts the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining, of title II of the social security act, as amended, for and on behalf of all the officers and employees thereof and of its departments and agencies, excepting any official or employee who occupies any position, office, or employment not authorized to be covered by applicable state or federal laws or regulations.

(Code 1980, § 2-95)

Secs. 2-181—2-190. Reserved.

DIVISION 9. DEFERRED COMPENSATION PLAN*

Sec. 2-191. Establishment and purpose.

There is hereby established for eligible city employees of the town a deferred compensation plan pursuant to F.S. § 112.215. The purpose of the plan is to permit employees to participate in a deferred compensation plan by entering into an agreement with the town as the employer, wherein a portion of their salary not yet earned will be deferred.

(Ord. No. 269, § 1, 4-25-95)

Sec. 2-192. Participation agreement with Equitable Life Assurance Society.

Unless and until otherwise designated by the town council, an employee of the town may designate a certain amount of money to be deducted from his or her compensation and invested with the Equitable Life Assurance Society of the United States under a participation agreement with the town. The plan shall be effective as to each such employee upon the date the employee becomes a "participant" by signing and filing a participation agreement with the town as the employer.

(Ord. No. 269, § 2, 4-25-95)

Sec. 2-193. Approval and administration of plan.

The town manager or his or her designee is hereby designated as the appropriate town official to approve and administer such deferred compensation plan.

(Ord. No. 269, § 3, 4-25-95)

Sec. 2-194. Town manager to administer the plan and obtain necessary federal documentation for same.

The town manager or his or her designee is hereby designated as the appropriate town official, before such deferred compensation plan becomes effective, to be satisfied by opinion from such federal agency or agencies as may be deemed necessary, that the compensation deferred thereunder and/or the investments products purchased pursuant to the plan will not be included in the employee's taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the retirement system of the town, and for any other retirement, pension or benefit program established by law.

(Ord. No. 269, § 4, 4-25-95)

***Editor's note**—At the discretion of the editor, §§ 1—8 of Ord. No. 269, adopted April 25, 1995, has been codified as herein set out in §§ 2-191—2-198. Said provisions did not expressly amend the Code.

Sec. 2-195. Exclusive of other programs.

The deferred compensation plan herein authorized shall exist and serve in addition to any other retirement, pension or benefit system established by the town and shall not supersede, make inoperative, or reduce any benefits provided by another retirement, pension or benefit program established by law.

(Ord. No. 269, § 5, 4-25-95)

Sec. 2-196. Confidential records.

All records identifying individual participants in the plan created hereunder and their personal account activities shall be confidential and are exempt from the provisions of F.S. § 119.07(1).

(Ord. No. 269, § 6, 4-25-95)

Sec. 2-197. Benefits shall be exempt from local taxation and levy or assignment.

The monies, pensions, annuities, or other benefits accrued or accruing to any person under the provisions of the plan created hereunder and the accumulated contributions and the cash and securities in the funds created hereunder are hereby exempt from any state, county or municipal tax, and they shall not be subject to execution or to any legal process whatsoever by a creditor of the employee and shall be unassignable by the employee.

(Ord. No. 269, § 7, 4-25-95)

Sec. 2-198. Compliance with the Internal Revenue Code.

Contributions to, investment options with, and payments of benefits from such deferred compensation plan shall be consistent with the provisions of Section 457 of the Internal Revenue Code as the same now exists or may hereafter be amended.

(Ord. No. 269, § 8, 4-25-95)