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ORDINANCE NO. _____
0-08-62

An ordinance of the City of Gainesville, Florida, amending Article VII of Chapter 2 of the Code of Ordinances, relating to Employee Benefits, amending Section 2-526(j), Benefits, Annuity Options; amending Section 2-530(a), Miscellaneous, Limitations of assignment; amending Section 2-530(b), Miscellaneous, Payments to legally incompetent; amending Section 2-606(c), Miscellaneous, Payments to legally incompetent; amending Chapter 7 of the Code of Ordinances, relating to Cemeteries, amending Section 7-18(m), Installations, foundations, vaults, memorials, mausoleums; amending Chapter 13 of the Code of Ordinances, relating to the Housing and Commercial Building Codes, amending Section 13-19, Definitions, by creating and adding the definition of registered domestic partner and amending the definition of rooming house; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Subsection (j) "Annuity options" of Section 2-526, "Benefits" of Article VII of Chapter 2 of the Code of Ordinances of the City of Gainesville, shall be amended to read as follows:

1 **Sec. 2-526. Benefits.**

2 (j) *Annuity options.* Upon a member becoming eligible to receive an
3 annuity either through regular retirement or through a DROP, he/she may
4 elect to receive annuity benefits, payable under the plan in the form of a
5 joint survivor annuity instead of a normal annuity form, which shall be the
6 actuarial equivalent of the annuity he/she would receive under the normal
7 form. If any member who has a spouse or registered domestic partner at
8 his/her benefit commencement date fails to make such an election it will
9 be assumed that he/she elected option A below with his/her spouse or
10 registered domestic partner as the beneficiary and if the member does not
11 have a spouse or registered domestic partner at his/her benefit
12 commencement date, that the member elected the normal form.

13 **Section 2.** Subsection (a) "Limitations of assignment" and subsection (b)
14 "Payments to legally incompetent" of Section 2-530, "Miscellaneous" of Article
15 VII of Chapter 2 of the Code of Ordinances of the City of Gainesville, shall be
16 amended to read as follows:

17 **Sec. 2-530. Miscellaneous.**

18 a) *Limitations of assignment.* None of the benefit distributions under the
19 employees pension plan shall be subject to the claim or to any legal
20 process of any creditor of the member or beneficiary; and neither such
21 member nor beneficiary shall have any right to alienate, commute or
22 assign any of the benefit distributions under this plan. If any member shall
23 attempt to dispose of his/her benefits or the right to receive the benefits, or

1 if there should be an effort to seize the benefits or the right to receive the
2 benefits by attachment, execution, or other legal or equitable process, the
3 right may be transferred, at the discretion of the plan administrator, to one
4 or more beneficiaries, if any, designated by the member, or to the spouse,
5 registered domestic partner, children, or other dependents of the member,
6 in such shares as the plan administrator may appoint. The plan
7 administrator may revoke his/her appointment at any time and make
8 further appointments, which may include the member.

9 (b) *Payments to legally incompetent.* If any member or beneficiary is a
10 minor, or, in the judgment of the plan administrator is otherwise legally
11 incapable of personally receiving and giving a valid receipt for any
12 payment due him/her, the plan administrator may, unless claim shall have
13 been made by a duly appointed guardian, direct that payments be made to
14 the person's spouse, registered domestic partner, child, parent, brother, or
15 sister, or other person deemed by the plan administrator to have assumed
16 responsibility for the expenses of the member or beneficiary.

17 **Section 3.** Subsection (c) "Payments to legally incompetent" of Section 2-
18 606, "Miscellaneous" of Article VII of Chapter 2 of the Code of Ordinances of the
19 City of Gainesville, shall be amended to read as follows:

20 **Sec. 2-606. Miscellaneous.**

21 (c) *Payments to legally incompetent.* If any member or beneficiary is a
22 minor, or, in the judgment of the board of trustees is otherwise legally
23 incapable of personally receiving and giving a valid receipt for any

1 payment due him/her, the board of trustees may, unless claim shall have
 2 been made by a duly appointed guardian, direct that payments be made to
 3 the person's spouse, registered domestic partner, child, parent, brother, or
 4 sister, or other person deemed by the board to have assumed responsibility
 5 for the expenses of the member or beneficiary.

6 **Section 4.** Subsection (m) "Payments to legally incompetent" of Section
 7 7-18, "Installations, foundations, vaults, memorials, mausoleums" of Chapter 7 of
 8 the Code of Ordinances of the City of Gainesville, shall be amended to read as
 9 follows:

10 **Sec. 7-18. Installations, foundations, vaults, memorials, mausoleums.**

11 (m) In all new additions only one (1) grave memorial will be permitted
 12 on one (1) space. No memorial may be set to embrace two (2) or more
 13 grave spaces except a companion or a family memorial, nor shall more
 14 than one ~~(1)~~ (2) family names be permitted on any memorial unless
 15 approved in writing by the city at the time of the sale of the interment
 16 rights. All memorials shall be set on uniform lines as prescribed by the
 17 supervisor to conform to the general plan of the cemetery.

18 **Section 5.** Section 13-19 "Definitions" of Article II of Chapter 13 of the
 19 Code of Ordinances of the City of Gainesville, creating and adding the definition
 20 of registered domestic partner, to read as follows:

21 **ARTICLE II. HOUSING CODE**

22 **Sec. 13-19. Definitions.**

1 Registered domestic partner means a person in a relationship as provided
2 in Article VIII of Chapter 2 of the City of Gainesville, Florida, Code of
3 Ordinances.

4 **Section 6.** Section 13-19 “Definitions” of Article II of Chapter 13 of the
5 Code of Ordinances of the City of Gainesville, amending the definition of
6 rooming house, to read as follows:

7 **ARTICLE II. HOUSING CODE**

8 **Sec. 13-19. Definitions.**

9 *Rooming house* shall mean any dwelling, or that part of any dwelling
10 containing one or more rooming units, in which space is let by the owner to three
11 or more persons who are not husband or wife, or registered domestic partner, son
12 or daughter, mother or father, or sister or brother of the owner.

13 **Section 7.** It is the intention of the City Commission that the provisions of
14 Section 1 of this ordinance shall become and be made a part of the Code of
15 Ordinances of the City of Gainesville, Florida, and that the Sections and
16 Paragraphs of this Ordinance may be renumbered or relettered in order to
17 accomplish such intentions.

18 **Section 8.** If any word, phrase, clause, paragraph, section or provision of
19 this ordinance or the application hereof to any person or circumstance is held
20 invalid or unconstitutional, such finding shall not affect the other provisions or
21 applications of the ordinance which can be given effect without the invalid or
22 unconstitutional provisions or application, and to this end the provisions of this
23 ordinance are declared severable.

D R A F T

10/21/2008

1 **Section 9.** All ordinances, or parts of ordinances, in conflict herewith are
2 to the extent of such conflict hereby repealed.

3 **Section 10.** This ordinance shall become effective immediately upon
4 adoption.

5 **PASSED AND ADOPTED** this ____ day of _____, 2008.

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PEGEEN HANRAHAN, MAYOR

10 ATTEST:

Approved as to form and legality

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12

13 KURT M. LANNON
14 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

15 This Ordinance passed on first reading this ____ day of _____, 2008.

16 This Ordinance passed on second reading this ____ day of _____, 2008.