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ORDINANCE NO. 130203

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8 (Consolidated Police Officers and Firefighters Retirement Plan) of the Code of Ordinances of the City of Gainesville, for purposes of compliance with federal tax law and Chapters 175 and 185, Florida Statutes; amending Section 2-596, Definitions; amending Section 2-597, Establishment; amending Section 2-600, Retirement dates and benefits; amending Section 2-601, Optional forms of retirement income; amending Section 2-602, Administration of the plan; amending Section 2-605, Amendment; termination of plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given of the public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Commission meeting room, first floor, 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.

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

Section 1. Section 2-596, Definitions, of the Code of Ordinances of the City of Gainesville, is amended as follows (except as amended herein, the remaining definitions in Section 2-596 remain unchanged and in full force and effect):

Sec. 2-596. Definitions.

Eligible employee shall mean any full-time regular employee who is certified as a firefighter as a condition of employment in accordance with the provisions of section 633.35, Florida Statutes, and whose duty it is to extinguish fires, to protect life, and to protect property, or any full-time regular employee who is certified or required to be certified as a law enforcement

1 officer in compliance with section 943.14, Florida Statutes, who is vested with authority to bear
2 arms and make arrests, and whose primary responsibility is the prevention and detection of crime
3 or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition
4 includes all certified, supervisory, and command personnel whose duties include, in whole or in
5 part, the supervision, training, guidance, and management responsibilities of full-time law
6 enforcement officers or firefighters, part-time law enforcement officers or firefighters, or
7 auxiliary law enforcement officers or firefighters, but does not include part-time law enforcement
8 officers or firefighters or auxiliary law enforcement officers or firefighters ~~as the same are~~
9 ~~defined in section 943.10(6) and (8), Florida Statutes (2006), respectively.~~ Employees whose
10 work is primarily secretarial or clerical are not classified as eligible employees. An otherwise
11 eligible employee may elect to waive, in accordance with section 2-579, certain claims/rights
12 arising under this plan, and become an ineligible employee as described in subsection 2-
13 598(c)(1)a. Based on October 17, 2005 advice from the Municipal Members and Firefighters
14 Trust Funds Office, a non-certified police officer or firefighter may be an eligible employee and
15 earn credited service in the plan under the following circumstances: A non-certified employee
16 that is hired in a firefighter or police officer position should be enrolled in the plan upon hire and
17 earn credited service while so employed. If the employee fails to meet the certification
18 requirements under chapters 633 or 943 within one year, then the employee's contributions
19 should be refunded and the employee would be removed from the plan and would not receive
20 credited service in the plan for that period of time. Such non-certified employee may not leave
21 his/her contributions in the plan, nor later repay such refunded contributions for the purpose of
22 obtaining credited service for that period, nor purchase credited service for such period pursuant
23 to subsection 2-600(n).

24 *Service credit rules* shall mean the following:

- 1 (1) Day of service shall mean each day for which a member is:
- 2 a. Paid, or entitled to payment, by the city for performance of duties;
- 3 b. Paid, or entitled to payment, by the city on account of a period of time
- 4 during which no duties are performed (e.g., vacation, holiday, illness,
- 5 incapacity, layoff, jury duty, military duty or approved leave of absence);
- 6 c. Each day for which back pay, irrespective of mitigation or damages, has
- 7 been either awarded to or agreed to by the city; provided, however, that the
- 8 same day shall not be credited as a day of service more than once.
- 9 (2) Month of service shall mean a one-month period beginning on the day of the
- 10 month corresponding to a member's date of employment, during which the
- 11 member has earned at least ten days of service; provided however, that ten days of
- 12 service will be deemed to have been earned in each month of service in which
- 13 occurs:
- 14 a. An approved leave of absence, not to exceed 90 days, authorized by the
- 15 city, in accordance with a uniform policy applied on a nondiscriminatory
- 16 basis to all members similarly situated; or
- 17 b. Voluntary or involuntary service in the Armed Forces of the United States
- 18 for a period not greater than five years of the time spent in the military
- 19 service of the Armed Forces of the United States shall be added to the
- 20 years of actual service, if:
- 21 1. The member is in the city's active employ as an eligible employee
- 22 prior to such service and leaves such position for the purpose of
- 23 voluntary or involuntary service in the Armed Forces of the United
- 24 States.

1 2. Such member is entitled to reemployment under the provisions of
2 the Uniformed Services Employment and Reemployment Rights
3 Act.

4 3. The member returns to his or her employment as an eligible
5 employee within one year from the date of his or her release from
6 such active service.

7 (3) A member shall not earn any days or months of service for any purpose under the
8 plan after entering in a DROP, except as a re-employed retiree, if applicable.

9 (4) If the employment of a member is terminated, and such former member is
10 subsequently reemployed by the city, the member's date of employment, for
11 purposes of determining additional months of service, shall be reestablished as
12 his/her date of reemployment.

13 (5) Credited service shall mean the aggregate number of months of service with the
14 city as an eligible employee, expressed in terms of full and fractional year, subject
15 to the following:

16 a. Additional months of service shall be credited for unused sick leave
17 credits, assigning one day of service for each day of unused sick leave,
18 unless otherwise expressly provided for herein, in applicable personnel
19 policies, collective bargaining agreements, or DROP provisions. For
20 service earned on or after July 1, 2013 by members who are police
21 officers, no additional months of service shall be credited for unused sick
22 leave earned on or after July 1, 2013. In calculating credited service on or
23 after July 1, 2013, the lesser number of months between the additional
24 months of service credited for unused sick leave earned on or before June

1 30, 2013 and months of unused sick leave available to members who are
2 police officers at the time of their retirement shall be used. Additional
3 months of service and fractions thereof, as determined by the city, shall be
4 credited to members for periods of employment while a CETA employee.
5 Additional months of service attributable to public safety and military
6 service prior to employment may be credited pursuant to subsection 2-
7 600(n).

8 b. No member will receive credit for years or fractional parts of years of
9 service if he or she has withdrawn his or her contributions to the fund for
10 those years or fractional parts of years of service, unless the member
11 repays into the fund the amount he or she has withdrawn, plus interest as
12 determined by the board. The multiplier applied to such service, and
13 interest payments associated with the repayment, shall utilize the
14 multiplier in effect at the time repayment is made. The member shall have
15 90 days after his or her re-employment to make repayment, except if re-
16 employed after March 1, 2004, but prior to June 12, 2007, in which case
17 the member shall have three years and six months after his or her re-
18 employment to make repayment.

19 c. A member may voluntarily leave his or her contributions in the fund for a
20 period of five years after ceasing to be an eligible employee, pending the
21 possibility of his or her being rehired as an eligible employee, without
22 losing credit for the time he or she has participated actively as a member.
23 If he or she is not re-employed as an eligible employee within five years,
24 his or her contributions shall be returned to him or her without interest.

1 (6) Notwithstanding any provision of this plan to the contrary, effective as of
2 December 12, 1994, contributions, benefits and service credit with respect to
3 qualified military service will be provided in accordance with Section 414(u) of
4 the Internal Revenue Code of 1986, as amended, USERRA and Chapters 175 and
5 185, Florida Statutes, as applicable.

6 **Section 2.** Sub-section (a) of Section 2-597, Establishment, of the
7 Code of Ordinances of the City of Gainesville, is amended to read as follows:

8 **Sec. 2-597. Establishment.**

9 (a) *Declaration of plan.* There is hereby created for the police officers and firefighters
10 of the city, a pension plan to be known as the "City of Gainesville Police Officers
11 and Firefighters Consolidated Retirement Plan," also referred to in this division as
12 the "plan" or "consolidated plan." The creation and maintenance of the assets of
13 the plan, the benefits provided for and the administration of the plan shall be in
14 accordance with the provisions of this division. Neither the city nor the board of
15 trustees shall authorize or permit any part of the trust fund to be diverted for
16 purposes other than for the exclusive benefit of members and their beneficiaries.

17 **Section 3.** Sub-sections (h)(1), (i)(2), (j)(2), and (m) of Section 2-600, Retirement dates
18 and benefits, of the Code of Ordinances of the City of Gainesville, are amended to read as
19 follows:

20 **Sec. 2-600. Retirement dates and benefits.**

21 (h) *Maximum benefit limitation.*

22 (1) The maximum annual benefit payable under the plan shall be limited to
23 \$~~90~~205,000.00, subject to adjustment for increases in the cost of living in
24 accordance with the following sentence. As of the first day of January of

1 each calendar year, the maximum dollar limitation shall be adjusted
2 automatically to an amount determined by the Commissioner of the
3 Internal Revenue Service in accordance with Section 415 of the Internal
4 Revenue Code effective for that calendar year and shall apply only to that
5 calendar year.

6 (i) *Distribution rules.* Notwithstanding any other provision of this plan to the
7 contrary, a form of retirement income payable from this plan after November 24,
8 1997, shall satisfy the following conditions:

9 (2) If the member's death occurs before the distribution of his or her interest in
10 the plan has commenced, his or her entire interest in the plan shall be
11 distributed within five years of his or her death, unless it is to be
12 distributed in accordance with the following rules:

13 a. The member's remaining interest in the plan is payable to his or her
14 spouse, issue or dependent.;

15 b. The remaining interest is to be distributed over the life of the
16 spouse, issue, or dependent; and

17 c. Such distribution begins within one year of the member's death
18 unless the member's spouse, ~~issue or dependent shall receive the~~
19 ~~remaining interest~~ is the sole designated beneficiary, in which case
20 the distribution need not begin before the date on which the
21 member would have attained age 70½ years, and if the member's
22 ~~spouse, issue or dependent~~ dies before the distribution to the
23 ~~spouse, issue or dependent~~ begins, this section shall be applied as if
24 the spouse, ~~issue or dependent~~ were the plan member.

1 (j) *Direct transfers of eligible rollover distributions.*

2 (2) *Definitions.*

3 *Direct rollover.* A direct rollover is a payment by the plan to the eligible
4 retirement plan specified by the distributee. Effective as of January 1,
5 2008, a non-spouse beneficiary may make a direct rollover only to an
6 “inherited” individual retirement account as described in Section 408(b) of
7 the Internal Revenue Code.

8 *Distributee.* A distributee includes an employee, or a former employee, a
9 surviving spouse as described in I.R.C. section 402(c)(9), or designated
10 beneficiary. Effective as of January 1, 2008, an employee’s or former
11 employee’s non-spouse beneficiary is a distributee with regard to the
12 interest of the employee or former employee.

13 *Eligible rollover distribution.* An eligible rollover distribution is any
14 distribution of all or any portion of the balance to the credit of the
15 distributee, except that an eligible rollover distribution does not include:
16 any distribution that is one of a series of substantially equal periodic
17 payments (not less frequently than annually) made for life (or life
18 expectancy) of the distributee, or the joint lives (or joint life expectancies)
19 of the distributee and the distributee's designated beneficiary, or for a
20 specified period of ten years or more; any distribution to the extent such
21 distribution is required under I.R.C. section 401(a)(9); and the portion of
22 any distribution that is not includable in gross income, i.e., member
23 contributions made prior to 1998.

1 *Eligible retirement plan.* An eligible retirement plan as defined in I.R.C.
2 section 402(c)(8)(B), an individual eligible retirement account described in
3 I.R.C. section 408(a), an individual retirement annuity described in I.R.C.
4 section 408(b), an annuity plan described in I.R.C. section 403(a), an
5 annuity contract described in I.R.C. section 403(b), a qualified trust
6 described in I.R.C. section 401(a) that accepts the distributee's eligible
7 rollover distribution, or an eligible deferred compensation plan described
8 in I.R.C. section 457(b) maintained by a state, political subdivision of a
9 state, or any agency or instrumentality of a state or political subdivision of
10 a state and which agrees to separately account for amounts transferred into
11 such plan from this plan.

12 (m) *Rollovers to IRA's.* A mandatory distribution in excess of \$1,000.00 made
13 pursuant to subsection 2-600~~(k)~~(1)(1), or an involuntary return of employee
14 contributions in excess of \$1,000.00, shall be paid in a direct rollover to an IRA
15 designated by the plan administrator if, after notice, the member does not elect to
16 either receive the distribution directly or have it paid in a direct rollover to an
17 eligible retirement plan. In addition, such payments shall be made only upon a
18 written request by the participant in a form and manner determined by the board
19 of trustees.

20 **Section 4.** Sub-sections (a) and (b) of Section 2-601, Optional forms of retirement
21 income, of the Code of Ordinances of the City of Gainesville, are amended to read as follows:

22 **Sec. 2-601. Optional forms of retirement income.**

23 (a) (1) In lieu of the amount and form of retirement income payable in the event of
24 normal or early retirement as specified in section 2-600, a member, upon written

1 request to the board of trustees, submitted at least three months prior to the date of
2 benefit commencement, and subject to the approval of the board of trustees, may
3 elect to receive a retirement income or benefit of equivalent actuarial value
4 payable in accordance with one of the following options:

5 a. A retirement income of larger monthly amount, payable to the
6 member for his or her lifetime only.

7 b. A retirement income of a modified monthly amount, payable to the
8 member during the joint lifetime of the member and a joint ~~pensioner~~
9 annuitant designated by the member, and following the death of either of
10 them, 100 percent, 75 percent, 66 2/3 percent, or 50 percent of such
11 monthly amount payable to the survivor for the lifetime of the survivor.

12 c. A reduced monthly retirement benefit which shall be payable
13 during the joint lifetime of the member and his/her beneficiary, with two-
14 thirds of such reduced annuity amount continuing after the death of the
15 member during the lifetime of the beneficiary. If the beneficiary
16 predeceases the member, 100 percent of the reduced benefit will continue
17 to be received by the member.

18 d. Such other amount and form of retirement payments or benefit as,
19 in the opinion of the board of trustees, will best meet the circumstances of
20 the retiring member.

21 (2) The member upon electing any option of this section ~~will~~ must designate
22 the joint ~~pensioner~~ annuitant or beneficiary (~~or beneficiaries~~) to receive the
23 benefit, if any, payable under the plan in the event of the member's death, and ~~will~~
24 ~~have the power to~~ may change such designation only twice, but any such change

1 shall be deemed a new election and ~~will be~~is subject to approval by the board.
2 Such designation ~~will~~ must name a joint ~~pensioner~~ annuitant or one or more
3 primary beneficiaries where applicable. If a member has elected an option with a
4 joint ~~pensioner~~ annuitant or beneficiary and his or her retirement income benefits
5 have commenced, he or she may ~~thereafter~~ change the designated joint ~~pensioner~~
6 annuitant or beneficiary but only if allowed by law and if the board of trustees
7 consents to such change and if the joint ~~pensioner~~ annuitant last previously
8 designated by the member is alive when he or she files with the board of trustees a
9 request for such change. Except as otherwise required by law, the consent of a
10 member's joint ~~pensioner~~ annuitant or beneficiary to any such change ~~shall~~ is not
11 be required. To the extent allowed by law, the board of trustees may request such
12 evidence of the good health of the joint ~~pensioner~~ annuitant that is being removed
13 ~~as it may require~~ and to the extent allowed by law, the amount of the retirement
14 income payable to the member upon the designation of a new joint ~~pensioner~~
15 annuitant shall be actuarially redetermined taking into account the ages and ~~sex~~
16 gender of the former joint ~~pensioner-annuitant~~, the new joint ~~pensioner~~ annuitant,
17 and the member. Each ~~such~~ designation ~~will~~ must be made in writing on a form
18 prepared by the board of trustees, and ~~on completion will be~~ filed with the board
19 of trustees. ~~In the event that~~ If no designated beneficiary survives the member,
20 such benefits as are payable in the event of the death of the member subsequent to
21 his or her retirement shall be paid as provided in section 2-606. Notwithstanding
22 the provisions of this paragraph, a retired member may change his or her
23 designation of joint annuitant or beneficiary up to two times as provided herein
24 without the approval of the board or the current joint annuitant or beneficiary.

1 Under such circumstances, the retiree is not required to provide proof of the good
2 health of the joint annuitant or beneficiary being removed, and the joint annuitant
3 or beneficiary being removed need not be living.

4 (b) Retirement income payments shall be made under the option elected in
5 accordance with the provisions of this section and shall be subject to the following
6 limitations:

7 (1) If a member dies prior to his or her normal retirement date or early
8 retirement date, whichever first occurs, no benefit will be payable under the
9 option to any person, but the benefits, if any, will be determined under subsection
10 2-600(d).

11 (2) If the designated beneficiary (~~or beneficiaries~~) or joint pensioner annuitant
12 dies before the member's retirement under the plan, the option elected ~~will be~~ is
13 canceled automatically and a retirement income of the normal form and amount
14 ~~will be~~ is payable to the member upon his or her retirement as if the election had
15 not been made, unless a new election is made in accordance with ~~the provisions of~~
16 this section or a new beneficiary is designated by the member ~~prior to~~ before his
17 or her retirement and within 90 days after the death of the beneficiary.

18 (3) If both the retired member and the designated beneficiary (~~or beneficiaries~~)
19 die before the full payment has been effected under any option providing for
20 payments for a period certain and life thereafter, made pursuant to the provisions
21 of subsection (a)(1)c. of this section, the board of trustees may, in its discretion,
22 direct that the commuted value of the remaining payments be paid in a lump sum
23 and in accordance with section 2-606.

1 (4) If a member continues beyond his or her normal retirement date and dies
2 prior to actual retirement and while an option made pursuant to the provisions of
3 this section is in effect, monthly retirement income payments will be made, or a
4 retirement benefit will be paid, under the option to a beneficiary (~~or beneficiaries~~)
5 designated by the member in the amount or amounts computed as if the member
6 had retired under the option on the date on which death occurred.

7 **Section 5.** Sub-section (t) of Section 2-602, Administration of the plan, of the Code of
8 Ordinances of the City of Gainesville, is amended to read as follows:

9 **Sec. 2-602. Administration of the plan.**

10 (t) Method of making payments. Except as otherwise provided in the plan, all
11 payments from the fund shall be made according to charter provisions governing
12 the disbursement of moneys from the city's general fund provided that no payment
13 shall be made from the funds of the plan unless the payment has been previously
14 authorized by the board. All payments shall be made monthly except that
15 payments which would amount to less than \$100.00 may be made quarterly,
16 semiannually or annually, as the case may be. The board of trustees may, upon
17 written request by the retiree of the plan, or by a dependent, when authorized by
18 the retiree or the retiree's beneficiary, authorize the plan administrator to withhold
19 from the monthly retirement payment those funds that are necessary to pay for the
20 benefits being received through the city, including payments to the Retiree Health
21 Insurance Trust Fund, to pay the certified bargaining agent of the governmental
22 entity, and to make any payments for child support or alimony. A member who is
23 retired pursuant to section 2-600(b) or (c) and has separated as an eligible
24 employee may then elect to have some or all of the annuity she or he receives as a

1 result of normal or disability retirement distributed directly to an accident or
2 health insurance plan, as payment of qualified health insurance premiums for her
3 or him and her or his spouse and dependents, to the extent such distribution
4 complies with the requirements of section 402(1) of the Internal Revenue Code
5 2006.

6 **Section 6.** Sub-section (b) of Section 2-605, Amendment; termination of the plan, of the
7 Code of Ordinances of the City of Gainesville, is amended to read as follows:

8 **Sec. 2-605. Amendment; termination of plan.**

9 (b) *Termination of plan.*

10 (1) The board of trustees expects to continue this plan indefinitely, but reserves
11 the right to terminate the plan and its city contributions thereunder at any time.

12 In the event of the termination or partial termination of the plan, or complete
13 discontinuance of contributions under the plan, the rights, if any, of all
14 members to benefits accrued to the date of the termination, partial termination,
15 or discontinuance, to the extent funded as of that date, shall be nonforfeitable.

16 (2) Upon receipt of written notice of termination of the plan, the board shall
17 arrange for the trust fund to be ~~apportioned and distributed after preparing a~~
18 ~~list of members, showing for each, as of the date of plan termination, in~~
19 accordance with the following procedure:

20 a. The board shall determine the date of distribution and the asset
21 value required to fund all the nonforfeitable benefits after taking into
22 account the expenses of such distribution. The board shall inform the city
23 if additional assets are required, in which event the city shall continue to
24 financially support the plan until all nonforfeitable benefits have been

1 funded. ~~For each member and beneficiary receiving payment of benefits,~~
2 ~~the amount and terms of the benefits;~~

3 b. The board shall determine the method of distribution of the asset
4 value, whether distribution shall be by payment in cash, by the
5 maintenance of another or substituted trust fund, by the purchase of
6 insured annuities, or otherwise, for each member entitled to benefits under
7 the plan as specified in Section 2-605(b)(2)c.~~For each terminated member~~
8 ~~entitled to a deferred benefit, the amount, commencement date and terms~~
9 ~~of payment of the benefit;~~

10 c. The board shall distribute the asset value as of the date of
11 termination in the manner set forth herein, on the basis that the amount
12 required to provide any given retirement income is the actuarially
13 computed single-sum value of such retirement income, except that if the
14 method of distribution determined under Section 2-605(b)(2)b. involves
15 the purchase of an insured annuity, the amount required to provide the
16 given retirement income is the single premium payable for such annuity.
17 The actuarial single-sum value may not be less than the employee's
18 accumulated contributions to the plan, with interest if provided by the
19 plan, less the value of any plan benefits previously paid to the employee.
20 ~~For each active member, the amount of his accrued benefit.~~

21 d. If there is asset value remaining after the full distribution specified
22 in Section 2-605(b)(2)c., and after the payment of any expenses incurred
23 with such distribution, such excess shall be returned to the city, less return
24 to the state of the state's contributions, provided that, if the excess is less

1 than the total contributions made by the city and the state to date of
2 termination of the plan, such excess shall be divided proportionately to the
3 total contributions made by the city and the state.

4 e. The board shall distribute, in accordance with Section 2-
5 605(b)(2)b., the amounts determined under Section 2-605(b)(2)c.

6 ~~(3) In the event of termination of the plan, the board shall allocate the assets of the~~
7 ~~trust fund (available to provide benefits) among the members and their~~
8 ~~beneficiaries under the plan, provided that assets attributable to tax levies as~~
9 ~~authorized by F.S. §§ 175.101, 185.08, if required to be separately identified, shall~~
10 ~~be allocated separately to fire members (F.S. Ch. 175) and police members (F.S.~~
11 ~~Ch. 185) respectively prior to allocation of the remaining portion of the trust~~
12 ~~funds. Assets so separated shall be allocated in the following order:-~~

13 a. ~~Priority Class (A): In the case of benefits payable as an annuity, equally~~
14 ~~among members and beneficiaries whose benefits were in pay status;-~~

15 b. ~~Priority Class (B): Equally, among active members who are eligible for~~
16 ~~normal retirement, but who have not yet retired;-~~

17 c. ~~Priority Class (C): Equally, between all other vested accrued benefits of~~
18 ~~both active and terminated members;-~~

19 d. ~~Priority Class (D): The portion of members' accrued benefits which is~~
20 ~~derived from member contributions (if any);-~~

21 ~~----- e. Priority Class (E): All other nonvested accrued benefits under the plan.-~~

22 ~~(4) If the allocated assets are insufficient to provide in full the benefits in each~~
23 ~~priority class the remaining portion of the trust fund shall be distributed to provide~~
24 ~~in full the benefits in each priority class. If the assets are insufficient to provide~~

1 ~~the benefits in full for any class, such assets are to be allocated in full to provide a~~
2 ~~uniform percentage of benefits to the members of that priority class. If there be~~
3 ~~residual assets remaining after the allocation specified above, the excess shall be~~
4 ~~returned to the city, less return of state's contributions to the state, provided that, if~~
5 ~~the excess is less than the total contributions made by the city and the state to date~~
6 ~~of termination of the plan the excess shall be divided proportionately to the total~~
7 ~~contributions made by the city and state.~~

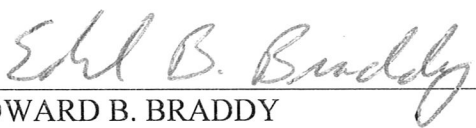
8 **Section 7.** It is the intention of the City Commission that the provisions of Sections 1
9 through 6 of this ordinance shall become and be made a part of the Code of Ordinances of the
10 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be
11 renumbered or relettered in order to accomplish such intentions.

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

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

19 **Section 10.** This ordinance shall become effective immediately upon final adoption.


20 **PASSED AND ADOPTED** this 19th day of September, 2013.

21
22
23 
24 _____
25 EDWARD B. BRADDY
26 MAYOR
27
28

1 ATTEST:

Approved as to form and legality

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3
4 
5 KURT M. LANNON
6 CLERK OF THE COMMISSION


NICOLLE M. SHALLEY
CITY ATTORNEY

7 This Ordinance passed on first reading this 5th day of September, 2013.

8 This Ordinance passed on second reading this 19th day of September, 2013.