

LEGISLATIVE #

110370

1 (1) The city commission shall have the right, at any time, to amend any or all of the
2 provisions of the employees pension plan; provided, however, that ~~no such amendment~~
3 ~~shall authorize or permit any part of the trust fund to be diverted for purposes other than~~
4 ~~for the exclusive benefit of members and their beneficiaries.~~ it is impossible for any part
5 of the corpus or income of the trust fund to be used for, or diverted to, purposes other
6 than the exclusive benefit of the plan participants and their beneficiaries.

7 **Section 2.** Subsection (c) of Section 2-549, “Administration”, of the Code of Ordinances
8 of the City of Gainesville, is amended to read as follows:

9 **Sec. 2-549. – Administration.**

10 (c) *Future changes in plan, power to amend.* It is contemplated, and all original and new
11 members of the plan shall be deemed to have notice, that the city commission may in the future
12 decide that it is in the best interest of the city and/or the members of the plan to modify any of the
13 benefits or procedures contained in this division, or of the terms and conditions contained in this
14 division; provided, however, it is impossible for any part of the corpus or income of the trust
15 fund to be used for, or diverted to, purposes other than the exclusive benefit of the plan
16 participants and their beneficiaries.

17 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1
18 and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the City of
19 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered
20 or relettered in order to accomplish such intentions.

21 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
22 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
23 finding shall not affect the other provisions or applications of the ordinance which can be given

1 effect without the invalid or unconstitutional provisions or application, and to this end the
2 provisions of this ordinance are declared severable.

3 **Section 5.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
4 such conflict hereby repealed.

5 **Section 6.** This ordinance shall become effective retroactive to January 10, 2011 upon
6 final adoption.

7 **PASSED AND ADOPTED** this 17th day of November, 2011.

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CRAIG LOWE
MAYOR

ATTEST: Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this 3rd day of November, 2011.

This Ordinance passed on second reading this 17th day of November, 2011.