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O R D I N A N C E

NUMBER 2017-001

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 1-2, ARTICLE V, SECTION 1-2-131 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, GOVERNING DEFERRED COMPENSATION; PROVIDING FOR ONE OR MORE UNDERWRITING ENTITIES AS DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, pursuant to Section 112.215 of the Florida Statutes, Section 1-2-131 of the Code of Laws and Ordinances of Charlotte County, Florida (the "Charlotte County Code") provides for a voluntary deferred compensation program for Charlotte County employees and employees of county constitutional officers electing to participate in the deferred compensation program; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida (the "Board") wishes to modify the method by which deferred compensation underwriters and deferred compensation plans are selected and approved by the Board; and

WHEREAS, the Board wishes to provide for an updated and amended deferred compensation program.

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Charlotte County, Florida, that:

Section 1. Section 1-2-131 of the Code is hereby amended as follows:

- (a) The Board of County Commissioners of Charlotte County, Florida, (the "Board") finds that it is in the best interest of the County to establish and maintain an optional deferred compensation program for its employees and elected officials, and for employees and elected officials of any constitutional county officer electing to jointly participate in the County deferred compensation program. The county hereby adopts the National Association of Counties deferred compensation program and its attendant

1 ~~investment options and hereby establishes the County of Charlotte deferred~~
2 ~~compensation program for the voluntary participation of all eligible county~~
3 ~~employees, elected officials.~~

4 (b) The Board shall authorize one or more underwriting entities that meet the
5 requirements of law to offer approved deferred compensation plans under
6 this section, and may change or revoke any prior authorization, by
7 Resolution adopted at any regular or special meeting. ~~The county hereby~~
8 ~~adopts the Variable Annuity Life Insurance Company (“VALIC”) as an~~
9 ~~additional provider for the county’s deferred compensation program and its~~
10 ~~attendant investment options.~~

11 (c) The eCounty aAdministrator is hereby designated as the Plan Administrator
12 of all deferred compensation plans. The County Administrator, or his or her
13 designee, may execute for the eCounty individual participation agreements
14 with each employee requesting the same, ~~may act as the Administrator of~~
15 ~~the plans representing the county and and~~ may execute such other
16 agreements and contracts as are necessary to implement the program(s).
17 ~~The county administrator may appoint the employee relations director to act~~
18 ~~as his designee on any or all deferred compensation matters covered by~~
19 ~~this section.~~ It is implicitly understood that other than the incidental
20 expenses of collecting and disbursing the employees’ deferrals and other
21 minor administrative matters, or as otherwise may be authorized by
22 contract, there is to be no cost or contribution by the eCounty to the
23 program.

24 Section 2. Severability. If any subsection, sentence, clause, phrase, or portion of
25 this Ordinance is for any reason held invalid or unconstitutional by any court of competent
26 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision
27 and such holding shall not affect the validity of the remainder of this Ordinance.

28 Section 3. Codification. It is the intention of the Board, and it is hereby ordained
29 that the provisions of this Ordinance shall become and be made a part of the Code of
30 Laws and Ordinances of Charlotte County, Florida (“Code”), and the sections of this
31 Ordinance may be renumbered to accomplish such intention. In the event this Ordinance

1 conflicts with any provisions of the Code, the provisions of this Ordinance shall control to
2 the extent of any such conflict.

3 Section 4. Effective Date. A certified copy of this Ordinance shall be filed with the
4 Department of State of the State of Florida within 10 days of enactment and shall take
5 effect upon filing with said Department.

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7 PASSED AND DULY ADOPTED this 10th day of January, 2017.

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BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

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By: _____
William G. Truex, Chairman

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ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

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By: _____
Deputy Clerk

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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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By: _____
Janette S. Knowlton, County Attorney

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