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COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Wednesday, September 18, 2013

6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

1. **Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.

2. **Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.

3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda.

4. **Consent**
   a. **Approval of the August 22, 2013 City Commission special meeting minutes; the August 27, 2013 and the September 3, 2013 regular meeting minutes.**
   b. **Authorize the City Manager to enter into an Interlocal Agreement with Pinellas County for the**

implementation and operation of a surface water quality and biological monitoring program.

c. **Authorize the City Manager to close Gulf Winds Dr. from 64th to 70th, 70th Ave. between Gulf Winds Dr. and Gulf Blvd., and Corey Ave. from Gulf Blvd. to Mangrove Ave. for the St. Pete Beach Hometown Christmas Parade scheduled for Saturday, December 14, 2013.**

5. **Action Items**
   a. **Authorize the City Manager to accept a proposal from Michael Baker Jr. Inc. in the amount of $219,820 to provide planning services related to the Corey Avenue District.**

6. **Ordinances**
   a. **Ordinance 2013-20, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida adopting a final millage rate for the fiscal year ending September 30, 2014.**
   b. **Ordinance 2013-21, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida adopting a budget for the fiscal year ending September 30, 2014.**
   c. **Ordinance 2013-17, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach providing for the operation of golf carts upon designated streets.**
   d. **Ordinance 2013-19, Final Reading and Public Hearing, providing for wastewater and reclaimed water fee adjustments in FY 2014.**
   e. **Ordinance 2013-22, First Reading and Public Hearing, amending the Firefighters' Retirement System to comply with recent changes to the Internal Revenue Code.**
   f. **Ordinance 2013-23, First Reading and Public Hearing, amending the General Employees' Retirement System to comply with recent changes to the Internal Revenue Code**
   g. **Ordinance 2013-24, First Reading and Public Hearing, amending the Police Officers' Employees' Retirement System to comply with recent changes to the Internal Revenue Code.**

7. **Resolutions – None for this Agenda**

8. Items for Discussion – None for this Agenda

9. City Manager, City Attorney and City Commission Reports

10. Adjournment

APPEAL

If a person decides to appeal any decision made at this meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

AMERICAN DISABILITIES ACT

In Accordance with the American's with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than (4) days prior to the meeting for assistance.

The public is cordially invited to attend. All agenda material is available for review at City Hall.

.CITY COMMISSION MEETING

MINUTES

August 22, 2013

3:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRESENT:

Steve McFarlin, Mayor
Lorraine Huhn, Vice Mayor
Melinda Pletcher, Commissioner

ABSENT:

Jim Parent, Commissioner - Excused
Marvin Shavlan, Commissioner - Excused

ALSO PRESENT:

Mike Bonfield, City Manager
Mike Davis, City Attorney
Rebecca C. Haynes, City Clerk

1. <u>Action Items</u>

a. Authorize the Mayor to sign a perpetual public access and construction easement for City property in Pass-a-Grille.

City Manager Bonfield explained the easement is part of the beach nourishment program. Pinellas County is currently drafting the bid documents for both Pass-a-Grille Beach and Upham Beach.

Commissioner Pletcher moved to approve Item 1(a), authorize the Mayor to sign a perpetual public access and construction easement for City property outlined in the easement agreement. The motion was seconded by Vice Mayor Huhn and unanimously approved by an individual roll call vote.

2. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 3:05 p.m.

Attest:

__________________________ ______________________

Rebecca C. Haynes, City Clerk Steve McFarlin, Mayor

Minutes approved on: ___________

CITY COMMISSION MEETING

MINUTES

August 27, 2013

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Steve McFarlin, Mayor
Lorraine Huhn, Vice Mayor
Jim Parent, Commissioner
Marvin Shavlan, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Mike Bonfield, City Manager
Mike Davis, City Attorney
Rebecca C. Haynes, City Clerk
Elaine Edmunds, Administrative Services Director
George Kinney, Community Development Director
Jennifer McMahon, Recreation Director
Dan O'Connor, Administrative Services Supervisor
Phyllis Ruscella, Library Administrator
Corporal Jim Campbell, PCSO

1. Changes to the Agenda

Vice Mayor Huhn requested to add a discussion on land use in District One area.

Commissioner Parent requested to add a resolution opposing the Biggert-Waters Act regarding flood insurance rates.

2. Presentations

There were no presentations.

3. Audience Comments

Bill Pyle, Sunset Way, expressed his objections to the re-adopted Comprehensive Plan and submitted correspondence regarding the same.

John Michaels, Bay Street, spoke in support of a dog beach at Upham Beach and increasing parking spaces.

Deborah Schechner, Boca Ciega Isle Drive, spoke in favor of renewing the trolley agreement and lobbying for bed tax money.

4. Consent

a. Approval of the August 13, 2013 City Commission regular meeting minutes.

b. Authorize the City Manager to enter into a one year agreement for Fiscal Year 2012-2013 with PSTA for trolley and DART services.

c. Authorize the Mayor and City Manager to execute the one year extension of the ALS First Responder Agreement.

d. Authorize the City Manager to execute an Interlocal Agreement with Pinellas Public Library Cooperative for coordination of county-wide library services.

e. Authorize the City Manager to enter into a professional services agreement with Michael Baker, Jr., for $16,665 for Survey and Subsurface Utility Investigation in connection with the Blind Pass Road project.

f. Authorize the City Manager to accept a rate increase for solid waste services provided by WSI, as per the terms of their contract, of 2.5% starting October 1, 2013 through September 30th, 2014.

g. Authorization to hang banners over 75th Avenue at Boca Ciega Drive and over Pinellas Bayway at Granada Avenue for Corey Area Business Association's 2014 events.

h. Authorization to hang banners over 75th Avenue at Boca Ciega Drive and over Pinellas Bayway at Granada Avenue for the October Concert Series held each Friday in October 2013.

Commissioner Shavlan moved to approve the Consent Agenda, Items (a), (b), (c), (d), (e), (f), (g) and (h), as presented. The motion was seconded by Commissioner Parent and unanimously approved by an individual roll call vote.

5. Action Items

a. Authorize the City Manager to accept a proposal from Tindale-Oliver & Associates, Inc. in the amount of $36,638.52 to provide economic development services, including an update and implementation of the St. Pete Beach Community Reinvestment Area (CRA) Plan.

Community Development Director Kinney reviewed the scope of work for completion of the Community Reinvestment Area Plan that included Tax Increment Financing, a revised list of projects and a strategic action plan.

Evan Johnson, Project Manager with Tindale-Oliver, responded to questions asked by Commissioners and noted that the CRA process would include additional public input.

Vice Mayor Huhn moved to approve Item 5(a), to authorize the City Manager to enter into a contract agreement with Tindale-Oliver & Associates, Inc. for economic development services in the amount of $36,638.52 and pursuant to the approved Scope of Work. The motion was seconded by Commissioner Shavlan and unanimously approved by an individual roll call vote.

b. Authorize the City Manager to enter into a Right-of-Way Agreement with Jackie's Bistro & Catering permitting the use of City Right-of-Way, including three (3) Corey Avenue parking spaces, for the placement of an outdoor seating area to include tables, chairs, shading, and landscaping.

Tom Rodgers, President of Corey Avenue Business Association, presented a rendering of the proposed changes for Jackie's Bistro & Catering that will include table service for eight tables set in three parking spaces covered by awnings and surrounded by planter boxes. Mr. Rodgers noted that the awnings are secured by bolts to the street and that chairs will be brought in every evening.

City Attorney Davis will review the insurance policy submitted by Jackie's Bistro to guarantee the City is listed as an 'additional insured' with sufficient terms.

Mr. Rodgers agreed that approval is conditioned upon completion of a survey and the proof of adequate insurance coverage.

Vice Mayor Huhn moved to approve Item 5(b), to authorize the City Manager to enter into a Right-of-Way agreement for the utilization of City Right-of-Way, conditioned upon submittal of a survey and insurance that lists the City as an additional insured. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin called for audience comments.

John Michaels, Bay Street, spoke about restaurants and bars with activity on sidewalks and streets, and parking signage.

Rosemary Manning, First Avenue, spoke in favor of the changes and was excited the City is allowing a new concept for dining.

Paul Pfister, Gulf Boulevard, said it was a great opportunity for Corey Avenue.

Deborah Schechner, Boca Ciega Isle Drive, commented on safety issues associated with dining on the street and suggested lowering the speed limit along Corey Avenue.

There were no additional audience comments.

Mayor McFarlin called for the vote.

The motion was unanimously approved by an individual roll call vote.

6. Ordinances

a. Ordinance 2013-17, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach providing for the operation of golf carts upon designated streets.

City Manager Bonfield explained that the ordinance relates to the use of golf carts in the public roadways in the area south of Pinellas Bayway. After discussion, staff was directed to return with a revised ordinance to include all applicable roads in the City.

7. Resolutions

a. Resolution 2013-17, opposing and urging amendment to the Biggert Waters Flood Insurance Reform Act of 2012.

City Manager Bonfield noted that Commissioner Pletcher requested to add a reference regarding the historic district in Pass-a-Grille.

Commissioner Parent moved to approve Item 7(a), Resolution 2013-17, a resolution of the City Commission of the City of St. Pete Beach, Florida, opposing and urging amendment to the Biggert Waters Flood Insurance Reform Act of 2012. The motion was seconded by Commissioner Shavlan and unanimously approved by an individual roll call vote.

City Manager Bonfield reported that Robin Sollie, President/Tampa Bay Chamber of Commerce, presented a petition opposing the Biggert Waters Flood Insurance Reform Act of 2012. The petition will be located in City Hall and at the St. Pete Beach Chamber of Commerce. The petition is also available through the Chamber's website.

8. Items for Discussion

a. Land Use in District One

Vice Mayor Huhn commented on businesses that she would like to see at the entrances to the City that serve as an introduction to St. Pete Beach.

City Manager Bonfield recommended the Planning Board review current regulations and discuss allowable uses.

9. City Manager, City Attorney and City Commission Reports

City Manager Bonfield reported on the agenda items for the September 3, 2013 City Commission meeting.

City Attorney Davis stated that Mr. Tom Drage will attend the next City Commission meeting in his stead.

Commissioner Shavlan encouraged Commissioners to attend the ribbon cutting ceremony this Thursday for Elizabeth's Boutique.

Vice Mayor Huhn reported that Jackie's Bistro is now serving Sunday brunch.

10. Adjournment

There being no further business to come before the commission, the meeting was adjourned at 8:25 p.m.

Attest:

___________________________	______________________
Rebecca C. Haynes, City Clerk	Steve McFarlin, Mayor

Minutes approved on: ___________

CITY COMMISSION MEETING

MINUTES

SEPTEMBER 3, 2013

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Steve McFarlin, Mayor
Lorraine Huhn, Vice Mayor
Jim Parent, Commissioner
Marvin Shavlan, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Mike Bonfield, City Manager
Tom Drage, Attorney
Rebecca C. Haynes, City Clerk
Elaine Edmund, Administrative Services Director
Steve Hallock, Public Services Director
Phyllis Ruscella, Library Administrator
Dan O'Connor, Administrative Services Administrator
Deputy Mancusi, Pinellas County Sheriff's Office

1. Changes to the Agenda

Commissioner Shavlan requested to add proposed Ordinance 2013-17 regarding golf carts.

City Manager Bonfield requested to act upon Items 6(b) and 6(c) before Item 6(a).

2. Presentations

There were no presentations.

3. Audience Comments

There were no audience comments.

4. Consent

There were no consent items.

5. Action Items

There were no action items.

6. Ordinances

b. Ordinance 2013-20, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida adopting a final millage rate for the fiscal year ending September 30, 2014: providing for an effective date.

City Manager Bonfield reported that the proposed operating millage rate is 2.8569, which is 13% lower than the current millage rate. Mr. Bonfield explained that there is a 3% increase in assessed property values. The general fund is the largest revenue source for the budget. He explained that the person making the motion is required to read the ordinance in its entirety.

> **Commissioner Shavlan moved to approve Item 6(b), First Reading of Ordinance 2013-20, an ordinance of the City of St. Pete Beach, Florida, adopting a final millage rate for the fiscal year ending September 30, 2014, providing for an effective date. The City of St. Pete Beach, Florida does ordain: Section 1. That a millage levy of 2.8569 general and operative levy is hereby fixed and adopted for the fiscal year of the City ending on September 30, 2014 and shall be placed upon the total taxable assessed valuation of property of any kind liable for and subject to taxation by the City of St. Pete Beach, Florida, including real and personal property, lying within the City of St. Pete Beach, Florida. Section 2. Said monies as raised by the levy of 2.8569 mills, estimated at $5,694,628 shall be used for the general operation of the City of St. Pete Beach including, but not limited to, salaries, insurance and energy costs and transfers for capital projects for the afore-mentioned fiscal period. Section 3. The fiscal year 2014 operating millage rate of 2.8569 mills is less than the rolled back rate of 3.1588 mills by 9.56%. Section 4. That a certified copy of this ordinance shall be forwarded to the Property Appraiser of Pinellas County, Florida, together with a request that the aforementioned levies be made by her office on behalf of the City of St. Pete Beach for the Fiscal Year 2013-2014. Section 5. This ordinance shall become effective immediately upon its final passage. The motion was seconded by Commissioner Parent.**

Mayor McFarlin called for audience comments. There were none.

Mayor McFarlin called for the vote.

The motion was unanimously approved by an individual roll call vote.

c. Ordinance 2013-21, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida adopting a budget for the fiscal year ending September 30, 2014; providing for appropriations; providing for an effective date.

City Manager Bonfield reported that the General Fund expenditures are expected to decrease by 5.9%. Increases include: 2.5% merit for CWA and non-union employees, 15% in health insurance and 10% increase in workers' compensation costs. Pension contributions based upon the actuary's suggestion are fully funded. The Waste Water Fund reflects a 4% increase, the Reclaimed Water indicates an 8% increase and the Storm Water Fund shows no increase. The Capital Improvement Program (CIP) includes a total transfer from the General Fund of $1.825 million. Projects in the CIP include on-going projects previously approved: the Blind Pass Road improvements, the engineering for Pass-a-Grille Way, the Community Center dock and marina project with grant funding and Egan Field lighting. $1.3 million remains available from reserves and upcoming excess revenues not yet dedicated to any project.

Vice Mayor Huhn moved to approve Item 6(c), First Reading of Ordinance 2013-21, an ordinance of the City of St. Pete Beach, Pinellas County, Florida; adopting a budget for the fiscal year beginning October 1, 2013 and ending September 30, 2014; providing appropriations; and providing an effective date. The motion was seconded by Commissioner Parent.

Mayor McFarlin called for audience comments. There were none.

Mayor McFarlin called for the vote.

The motion was unanimously approved by an individual roll call vote.

a. Ordinance 2013-19, First Reading and Public Hearing, providing for wastewater and reclaimed water fee adjustments in FY 2014.

Commissioner Parent moved to approve Item 6(a), Ordinance 2013-19, an ordinance of the City of St. Pete Beach, Florida providing for amendment of Appendix A – fee schedule of the Code of Ordinances implementing a 4.0% increase in wastewater fees; providing for amendment of Chapter 86 Utilities Article IV of the Code of Ordinances implementing an 8.0% increase in reclaimed water fees; providing for severability; providing for repeal of ordinances or parts of ordinances, in conflict herewith, to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin called for audience comments. There were none.

Mayor McFarlin called for the vote.

The motion was unanimously approved by an individual roll call vote.

d. Ordinance 2013-17, First Reading and Public Hearing, providing for the operation of golf carts upon designated streets.

City Manager Bonfield reported that the ordinance was originally proposed to include streets south of the Pinellas Bayway but has been revised to include all City-owned streets with speed limits of 25 mph or less. Staff will request permission from the State of Florida to cross over state owned roads such as Gulf Boulevard.

Commissioner Pletcher moved to approve Item 6(d), Ordinance 2013-17, an ordinance of the City of St. Pete Beach amending Part II of Chapter 82 of the code of Ordinances of the City of St. Pete Beach by the adoption of Article VI consisting of Sections 82-283 to 82-294, inclusive; providing for the operation of golf carts upon designated streets; providing for restrictions relating to operation of golf carts; providing that the operation of golf carts on said streets shall constitute a license between the City and the golf cart owner or operator; providing that in the event such license is rescinded by subsequent ordinance over the portions of the City on which golf carts may be operated is contracted or otherwise changed that the golf cart owner by acceptance of a license has waived any claim against the City for any funds or action spent or undertaken in reliance on this ordinance; requiring consistency with state statute; providing for the issuance of a decal; providing that golf carts may only be operated by individuals with a valid driver's license; providing for signage on city roads; providing for the issuance of annual licenses and the payment of fees therefore; providing for the responsibilities of the owner/operator of the golf cart; providing for specific equipment on the golf cart; providing that golf carts may be operated only by licensed drivers; providing for the repeal of all ordinances or resolutions previously adopted by the City regarding the operation of golf carts on City streets, rights-of-way, sidewalks or other portions of the City; designating roads for the operation of golf carts; and providing for an effective date hereof. The motion was seconded by Commissioner Shavlan.

Mayor McFarlin called for audience comments. There were no comments.

Mayor McFarlin called for the vote.

City Manager Bonfield recommended that signage not be installed at any crossing unless required by the State of Florida; rather, provide a map as part of the registration process.

The motion was approved by a vote of 4-1 with Commissioner Parent voting 'no'.

7. Resolutions

a. Resolution 2013-14 approving the fiscal year 2013-14 non-ad valorem assessment rolls for stormwater management services and authorizing the City Manager to certify the stormwater service assessment rolls to the Tax Collector prior to September 15, 2013.

City Manager Bonfield noted that the City of St. Pete Beach collects the assessment through the tax rolls at a lesser rate than Pinellas County charges to process through the utility billing.

Commissioner Shavlan moved to approve Item 7(a), Resolution 2013-14, a Resolution of the City Commission of the City of St. Pete Beach, Florida, approving the Fiscal Year 2013-14 non-ad valorem assessment rolls for stormwater management services; directing certification of the assessment rolls to the Pinellas County Tax Collector; and providing for an effective date. The motion was approved by Vice Mayor Huhn and unanimously approved by an individual roll call vote.

b. Resolution 2013-16, establishing the date of the 2014 election, the runoff election and the Qualification period for the Mayor-Commissioner and Commissioners in Districts One and Three.

Commissioner Parent moved to approve Item 7(b), Resolution 2013-16, a resolution of the City of St. Pete Beach, Pinellas County, Florida establishing the date of the 2014 Municipal Election, the Runoff Election and the Qualification Period for the Mayor-Commissioner and the Commissioners for District One and District Three. The motion was seconded by Vice Mayor and unanimously approved by an individual roll call vote.

The municipal election date is set for March 11, 2014; the runoff election (if necessary) is set for April 8, 2014; the qualification period is set for noon on Monday, December 9, 2013 through noon on Friday, December 13, 2013.

8. Items for Discussion

There were no items for discussion.

9. City Manager, City Attorney and City Commission Reports

City Manager Bonfield reminded everyone that the next City Commission meeting is Wednesday, September 18, 2013 at 6:00 p.m. due to Pinellas County and school district budget hearings.

Mr. Bonfield listed the agenda items for the next meeting.

Commissioner Pletcher requested reconsideration of commercial parking in Pass-a-Grille due to residential parking limitations.

Commissioner Shavlan reported on the ribbon cutting ceremony at Elizabeth's Boutique.

Commissioner Parent reported on the Florida League of Cities committees and educational seminars.

Vice Mayor Huhn reported on the Corey Avenue Car & Truck Show on Saturday, September 14th and that Jackie's Bistro was listed as #1 in Trip Advisor.

10. <u>Adjournment</u>

There being no further business to come before the Commission, the meeting was adjourned at 7:00 p.m.

Attest:

____________________________	______________________
Rebecca C. Haynes, City Clerk	Steve McFarlin, Mayor

Minutes approved on: ___________

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Authorize the City Manager to enter into an Interlocal Agreement with Pinellas County for the implementation and operation of a surface water quality and biological monitoring program.
Date:	9/18/13
Prepared By:	Steven J. Hallock, Public Services Director
Summary of Issue:	Pinellas County entered into an Agreement with its National Pollutant Discharge Elimination System (NPDES) co-permittees effective April 17th, 2003 for the implementation, operation and maintenance of the Ambient Water Quality Monitoring Program as required by the terms of NPDES Permit FLS000005. Effective January 19th, 2009, Amendment No. 1 provided additional detail regarding the Monitoring Program operation and costs, and extended the Agreement term to September 30th, 2010. Amendment No. 2 revised the Agreement completion date to September 30th, 2012, and allowed for program changes based on new NPDES requirements as issued by the Florida Department of Environmental Protection (FDEP). This latest Agreement adds a new component for biological monitoring as required by the recently implemented state and federal Numeric Nutrient Criteria. It also reiterates the cost sharing structure as established in the previous Agreements.
Requested Motion:	"I move to authorize the City Manager to enter into an Interlocal Agreement with Pinellas County for the implementation and operation of a surface water quality and biological monitoring program."
Attachments:	NPDES Water Quality Interlocal Agreement
Reviewed by City Manager:	MB

INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND ITS NPDES COPERMITTEES

FOR THE IMPLEMENTATION AND OPERATION OF

A SURFACE WATER QUALITY AND BIOLOGICAL MONITORING PROGRAM

This AGREEMENT, by and among the Cities of Pinellas County, Florida, including the Town of Belleair, City of Belleair Beach, City of Belleair Bluffs, City of Clearwater, City of Dunedin, Town of Kenneth City, City of Gulfport, City of Indian Rocks Beach, City of Largo, City of Madeira Beach, Town of North Redington Beach, City of Oldsmar, City of Pinellas Park, Town of Redington Beach, Town of Redington Shores, City of St. Pete Beach, City of Safety Harbor, City of Seminole, City of South Pasadena, City of Tarpon Springs, City of Treasure Island, all of which are municipal corporations of the State of Florida, hereinafter collectively referred to as CO-PERMITEES, and Pinellas County, a political subdivision of the State of Florida, hereinafter referred to as the COUNTY, is entered into this ____ day of ________ 2013.

WITNESSETH, That:

WHEREAS, the CO-PERMITTEES and COUNTY desire to protect and promote the public health, safety and general welfare through the management of stormwater runoff; and

WHEREAS, the CO-PERMITTEES and COUNTY desire to maintain and assist in the improvement of water quality and to preserve and enhance the environmental quality of receiving waters; and

WHEREAS, pursuant to the Clean Water Act (CWA), and the regulations promulgated thereunder, the United States Environmental Protection Agency (EPA) has developed regulations under the National Pollutant Discharge Elimination System (NPDES) permit program published as 40 C.F.R. § 122.26; and

WHEREAS, 40 C.F.R. § 122.26 requires that, based on the 1990 census, the COUNTY obtain a NPDES permit; and

WHEREAS, the EPA, Region IV notified the remaining CO-PERMITTEES, by letter dated December 16, 1993 that the remaining CO-PERMITTEES are designated as part of the COUNTY municipal separate storm sewer system (MS4) for the purposes of NPDES permitting; and

WHEREAS, the COUNTY as lead applicant and the Town of Belleair, City of Belleair Beach, City of Belleair Bluffs, City of Clearwater, City of Dunedin, Town of Kenneth City, City of Gulfport, City of Indian Rocks Beach, City of Largo, City of Madeira Beach, Town of North Redington Beach, City of Oldsmar, City of Pinellas Park, Town of Redington Beach, Town of Redington Shores, City of St. Pete Beach, City of Safety Harbor, City of Seminole, City of South Pasadena, City of Tarpon Springs, City of Treasure Island as co-applicants applied for and received NPDES permit #FLS000005; and

WHEREAS, NPDES permits in Florida were delegated from the Environmental Protection Agency's jurisdiction to the Florida Department of Environmental Protection (FDEP) in October 2000 as set forth in Section 403.0885, F.S.; and

WHEREAS, stormwater discharges from medium and large MS4's are regulated under Chapter 62-624, F.A.C.; and

WHEREAS, NPDES permit #FLS000005 Part V.B.1 requires a monitoring program to assist in determining the impact of stormwater discharges on receiving waters located in the geographical area covered by the permit; and

WHEREAS, NPDES permit #FLS000005 Part V.B.1 requires a monitoring program to assist in determining the effectiveness of the stormwater management programs being implemented and shall assist in identifying and prioritizing portions of the MS4 requiring additional controls; and

WHEREAS, in 2012, the Florida Department of Environmental Protection (FDEP) promulgated numeric nutrient water quality standards in Chapters 62-302 (Water Quality Standards) and 62-303 (Identification of Impaired Surface Waters) of the Florida Administrative Code (F.A.C.); and

WHEREAS, pursuant to these new regulations, an evaluation of water chemistry, biological data (flora and fauna), and physical information are used to determine if a water body's nutrient concentrations are protective of balanced flora and fauna; and

WHEREAS, it is the mutual desire of the COUNTY and the CO-PERMITTEES to establish relationships and responsibilities for the funding, implementation, operation and maintenance of a water quality monitoring and biological monitoring program to meet NPDES Stormwater permit requirements.

NOW THEREFORE, in consideration of the mutual covenants hereafter set forth, the parties hereto mutually agree as follows:

SECTION 2, <u>PURPOSE</u>

The purpose of this Agreement is to set forth the relationship of the COUNTY and the CO-PERMITTEES with respect to the following:

A. To define the general responsibilities of the COUNTY and the CO-PERMITTEES in implementing and continuing a water quality monitoring program that will be consistent with, and in support of, the requirements of NPDES permit #FLS000005.

B. To define the general responsibilities of the COUNTY and the CO-PERMITTEES in implementing the biological monitoring program required by the Florida Department of Environmental Protection to determine compliance with the Numeric Nutrient Criteria.

C. To establish a cost allocation method to ensure equitable distribution of program operation and maintenance costs.

SECTION 3, <u>GENERAL RESPONSIBILITIES</u>

A. Water Quality Monitoring Program

The COUNTY will continue to operate and maintain the water quality monitoring program set forth in Exhibit “A” using COUNTY staff and equipment. The COUNTY and CO-PERMITTEES may be issued a new NPDES permit prior to the expiration of the Agreement and the COUNTY and CO-PERMITTEES shall abide by the requirements of this new permit. The COUNTY’s monitoring program will consist of:

- managing staff
- maintaining equipment and instruments in working order
- ordering supplies and calibration standards
- performing necessary field quality assurance protocols in accordance with Florida Department of Environmental Protection (FDEP) guidelines
- collection of samples
- coordinating sample delivery to a National Environmental Laboratory Accreditation Conference (NELAC) certified analytical laboratory
- reviewing and managing analytical data results
- entering data into the state database as required by FDEP
- reporting of data results to FDEP in accordance with NPDES permit requirements
- include a reference to each of the CO-PERMITTEES listed in this agreement as a contributor to a countywide monitoring program in monitoring results submitted to FDEP as required by NPDES permit FLS000005
- reporting of raw data results to the CO-PERMITTEES every calendar year
- reporting to the municipalities of trends in each watershed so the CO-PERMITTEES may individually determine the effectiveness of their stormwater management programs and identify and prioritize portions of the MS4 requiring additional controls

B. Biological Monitoring Program

The COUNTY will implement the Biological Monitoring Program by January 1, 2014. The COUNTY will operate and maintain the program set forth in Exhibit “B” using COUNTY staff and equipment or a consultant. The COUNTY’s monitoring program will consist of:

- managing staff, supplies and equipment or consultant(s)
- ensuring field quality assurance protocols are in accordance with Florida Department of Environmental Protection (FDEP) guidelines
- collection and analysis of samples
- reviewing and managing analytical data results
- entering data into the state database as required by FDEP
- include a reference to each of the CO-PERMITTEES listed in this agreement as a contributor to a countywide monitoring program in monitoring results submitted to FDEP as required by NPDES permit FLS000005
- reporting of raw data results to the FDOT and the CO-PERMITTEES every calendar year as applicable

SECTION 4, <u>COST ALLOCATION</u>

A. The CO-PERMITTEES and the COUNTY shall share the actual annual costs of the water quality and biological monitoring programs. Costs shall be paid by each CO-PERMITTEE and the COUNTY on a pro-rata basis based upon jurisdictional acreage figures provided by the Pinellas County Planning Department. Acreage figures for the COUNTY and each CO-PERMITTEE are set forth in Exhibit "C." The acreage figures presented in Exhibit "C" are the most recent acreage figures available at the time this Agreement is being executed and shall remain in effect for the duration of this Agreement Term. In addition, costs will be shared in accordance with the terms shown in Exhibit "D."

B. The COUNTY shall invoice the CO-PERMITTEES for their respective contribution, as stated above, to be paid in a lump sum after the end of each fiscal year (Oct. 1st – Sept. 30th). Each CO-PERMITTEE will make payment of its indicated share to the COUNTY within forty (40) days of receipt of the invoice.

C. The COUNTY will provide the CO-PERMITTEES with annual data report and summary invoice including operating, labor and laboratory analyses costs.

SECTION 5, <u>COPIES</u>

Upon final execution of this document, the COUNTY will file the original with the Pinellas County Clerk of Circuit Court pursuant to Chapter 163.01, Florida Statutes. Two (2) certified copies will be provided to each CO-PERMITTEE.

SECTION 6, NOTICES

All written notices to THE CO-PERMITTEES and the COUNTY under this agreement shall be directed to the following addresses:

Belleair:
Mr. Perry Lopez
Public Works Director
City of Belleair
901 Ponce De Leon Blvd.
Belleair, FL 33756-1096

Belleair Bluffs:
Mr. Robert David
Public Works Director
City of Belleair Bluffs
2747 Sunset Blvd.
Belleair Bluffs, FL 33770

Belleair Beach:
Ms. Nancy Gonzalez
City Manager
City of Belleair Beach
444 Causeway Boulevard,
Belleair Beach, Florida 33786

Clearwater:
Ms. Sarah Josuns
Engineering Department
City of Clearwater
P.O. Box 4748
Clearwater, FL 33758-4748

Dunedin:
Mr. Keith Fogarty
Director of Maintenance
City of Dunedin
750 Milwaukee Avenue
Dunedin, FL 34698

Gulport:
Mr. Don Sopak
Public Works Director
City of Gulfport
2401-53rd St. South
Gulfport, FL 33707

Indian Rocks Beach:
Mr. Dean Scharmen
Public Services Director
City of Indian Rocks Beach
1507 Bay Palm Blvd.
Indian Rocks Beach, FL 33785-2899

Kenneth City:
Mr. John Dutton
Director of Public Works
Town of Kenneth City
6000 54th Ave. N.
Kenneth City, FL 33709-1800

Largo:
Mr. Leland Dicus
City Engineer
City of Largo
P.O. Box 296
Largo, FL 33779-0296

Madeira Beach:
Mr. Shane Crawford
City Manager
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708-1996

North Redington Beach:
Ms. Donna Rolih
Town Clerk
Town of N. Redington Beach
190 173rd Avenue
North Redington Beach, FL 33708-1397

Oldsmar:
Ms. Lisa R. Rhea
Public Works Director
City of Oldsmar
100 State Street West
Oldsmar, FL 34677-3756

Pinellas Park:
Mr. Randal Roberts
Streets & Drainage Division Director
City of Pinellas Park
6051 78th Ave. N.
Pinellas Park, FL 33781

Redington Beach:
Mr. Mark Davis
Public Works Director
Town of Redington Beach
105-164th Ave.
Redington Beach, FL 33708-1519

Redington Shores:
Ms. Patti Herr
Deputy Town Clerk
Town of Redington Shores
17425 Gulf Blvd.
Redington Shores, FL 33708-1299

Safety Harbor:
Mr. Raymond D. Boler
Public Works Director
City of Safety Harbor
1200 Railroad Avenue
Safety Harbor, FL 34695

South Pasadena:
Mr. Gary Anderson
Public Works Director
City of South Pasadena
7047 Sunset Dr. S.
South Pasadena, FL 33707-2895

Seminole:
Mr. Jeremy Hockenbury
Public Works Director
City of Seminole
9199 113th Street North
Seminole, FL 33772

St. Pete Beach:
Mr. Steven Hallock
Public Services Director
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706-1839

Tarpon Springs:
Ms. Roni Barrow
NPDES Coordinator
City of Tarpon Springs
324 E. Pine Street
Tarpon Springs, FL 34689

Treasure Island:
Mr. James Newton
Water Pollution Control Supervisor
City of Treasure Island
120 108th Ave.
Treasure Island, FL 33706

Pinellas County:
Ms. Kelli Hammer Levy
Pinellas County Dept. of Environment and
Infrastructure – Natural Resources
22211 US HWY 19 N – building 10
Clearwater, FL 33765

SECTION 7, AUDIT REQUIREMENTS

A. All parties' records shall be open to inspection and subject to examination, audit, and/or reproduction during normal working hours by any parties' agents or authorized representatives to the extent necessary to adequately permit evaluation and verification of any invoices, payments or claims submitted pursuant to the execution of this Agreement. These records shall include, but not be limited to, accounting records, written policies and procedures, subcontractor files (including proposals of successful and unsuccessful bidders), original estimates, estimating worksheets, correspondence, change order files (including documentation covering negotiated final settlements), and any other supporting evidence necessary to substantiate charges related to this Agreement. They shall also include, but not be limited to, those records necessary to evaluate and verify direct and indirect costs, including overhead allocations as they may apply to costs associated with this Agreement.

B. For the purpose of such audits, inspections, examinations and evaluations, the parties' agents or authorized representatives shall have access to said records from the effective date of the Agreement for the duration of the work, and until three (3) years after the date of final payment by the parties pursuant to this Agreement.

C. The parties' agents or authorized representatives shall have access to all facilities and all necessary records to the extent necessary to conduct audits in compliance with this

Section. The parties' agents or authorized representatives shall give all other parties reasonable advance notice of intended inspections, examinations, and/or audits.

SECTION 8, TERMINATION OF AGREEMENT:

Any party may terminate this Agreement by notifying all other parties in writing thirty (30) calendar days prior to the beginning of the fiscal year. For all parties, fiscal year begins on October 1st, so termination notices shall be provided no later than September 1st. The Agreement will stay in effect for all parties remaining.

SECTION 9, ENTIRE AGREEMENT

This Agreement together with Exhibits "A", "B", "C","D" and "E" embodies the whole agreement of the parties. There are no promises, terms, conditions or allegations other than those contained herein and this document shall supercede all previous communications, representations and/or agreements, whether written or verbal, between the parties hereto. This Agreement may be modified only in writing, executed by all parties.

SECTION 10, AGREEMENT TERM

This Agreement shall take effect as provided in section 13 and shall remain in effect until December 31st, 2017, unless renewed in writing by mutual agreement of all parties hereto for an additional length of time.

SECTION 11, FISCAL FUNDING

In the event that sufficient budgeted funds are not available for a new fiscal period, the terminating party shall notify all other parties of such occurrence and the agreement with that party shall terminate on the last day of the current fiscal period without penalty or expense to the terminating party.

SECTION 12, HOLD HARMLESS

The parties hereto agree to be fully responsible for their own acts of negligence, or their respective agents' acts of negligence when acting within the scope of their employment, and agree to be liable for any damages resulting from said negligence to the extent permitted by section 768.28, Florida Statutes. Nothing herein shall be construed as consent by the COUNTY or the CO-PERMITTEES to be sued by third parties in any manner arising out of this agreement.

SECTION 13, EFFECTIVE DATE

This Agreement will be retroactive to October 1, 2012 upon execution by the parties.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their hands and seals as the day and year first above written.

PINELLAS COUNTY
A political subdivision of the State of Florida

By:

____
Kenneth T. Welch, Chairman
Board of County Commissioners

ATTEST:

By:

____
County Clerk

OFFICIAL SEAL
APPROVED AS TO FORM:

By:

____
County Attorney

INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND ITS NPDES COPERMITTEES FOR THE IMPLEMENTATION AND OPERATION OF A SURFACE WATER QUALITY AND BIOLOGICAL MONITORING PROGRAM

CITY/TOWN OF
A municipal corporation of the State of Florida

By:

____
Name, Title

ATTEST:

By:

____
City Clerk

OFFICIAL SEAL

REVIEWED AND APPROVED:

By:

____
City Attorney

EXHIBIT A – PINELLAS COUNTY AMBIENT WATER QUALITY MONITORING PROGRAM

The Pinellas County Department of Environment and Infrastructure Natural Resources Section has conducted surface water quality monitoring in Pinellas County since 1991. Beyond fulfilling the monitoring requirements of NPDES permit FLS000005, this monitoring effort provides important water quality data to support Pinellas County watershed planning initiatives, the Pinellas County Comprehensive Plan, and the Tampa Bay Estuary Program (TBEP) Comprehensive and Conservation Management Plan (CCMP).

The 1991-2002 monitoring program was designed to collect monthly surface water quality data at a series of fixed stations in County streams, creeks, lakes and marine waters. In early 2002, county staff recognized the need to assess receiving waterbody water quality with a known level of confidence while minimizing sampling bias. In response to the need to improve the monitoring program and growing NPDES and Florida Department of Environmental Protection (FDEP) Total Maximum Daily Load (TMDL) program requirements, Pinellas County and its co-permittees entered into an Interlocal Agreement to re-design and share the costs of the Ambient Water Quality Monitoring Program. The new program was designed to provide statistically valid and defensible results and to fill gaps in the geographic coverage sampled by the 1991-2002 monitoring program.

A. What is the monitoring program intended to accomplish?

The revised monitoring program is aimed to:

- Assess status and trends in water quality of fresh and marine open waterbodies;
- Determine annual and seasonal pollutant loadings delivered from County sub-basins; and
- Determine the effectiveness of water quality Best Management Practices (BMPs) implemented in the County; and
- Assist in identifying and prioritizing portions of the MS4 requiring additional controls.

The program components are summarized below.

1. <u>Probabilistic monitoring design for open waterbodies</u>

The first portion of the monitoring program focuses on Pinellas County coastal waters, Lake Seminole, and Lake Tarpon (Figure 1). The monitoring program is a probabilistic design that employs an EMAP-based design element and a stratified random design element. The probabilistic element allows for the calculation of estimates and confidence limits of the total surface area for various water quality conditions within each geographic reporting unit or stratum. The stratified random element allows for the calculation of mean annual estimates of population means and confidence limits. The strengths of this monitoring program are supported by the data analysis and reporting that can be achieved including:

- Water quality status and trends calculations;
- Identification and prioritization of receiving waters not meeting designated uses; and
- Statistical water quality comparisons among geographical reporting units or strata.

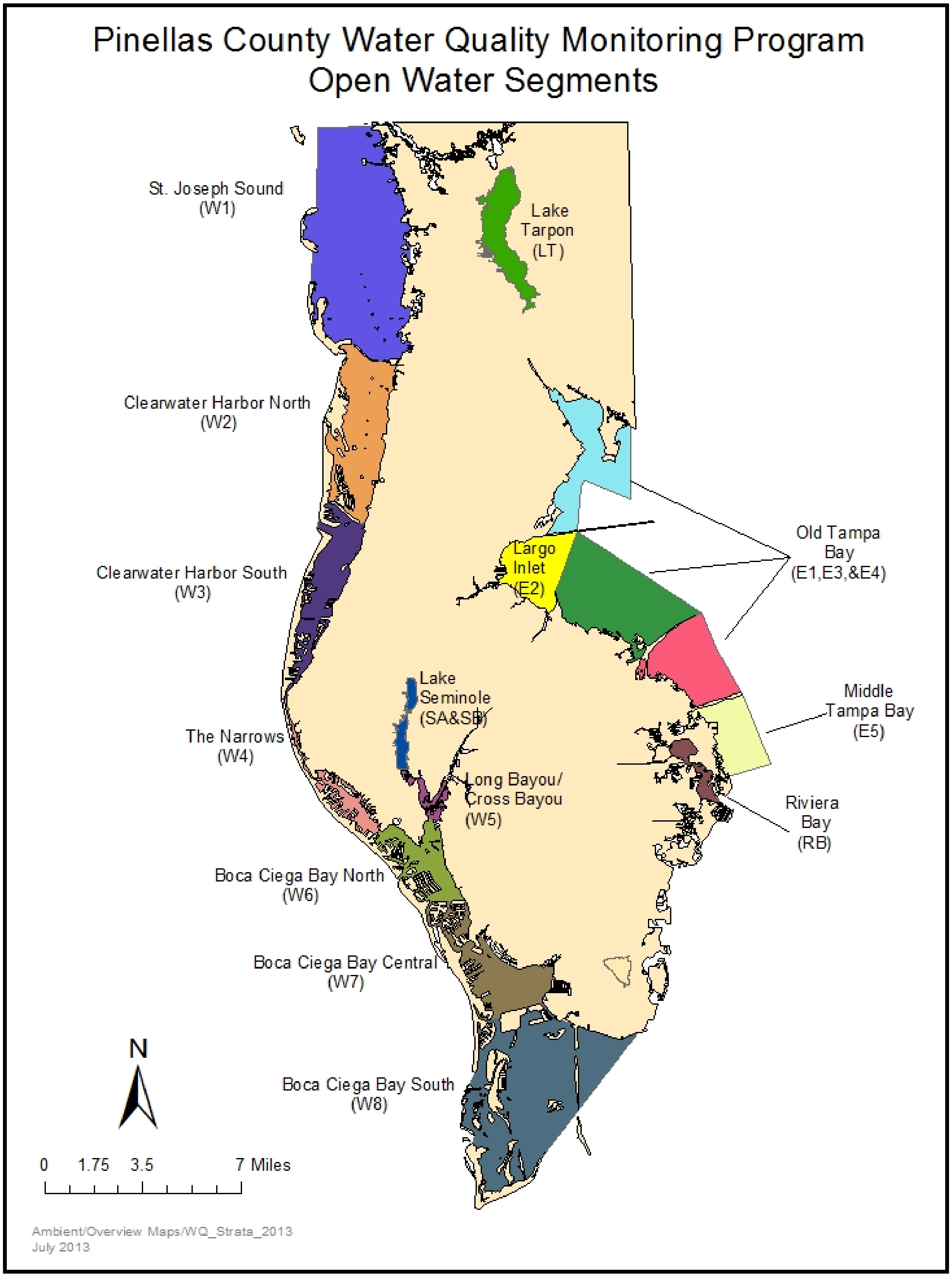


Figure 1. Pinellas County Water Quality Monitoring Program Open Water Segments

Fixed site monitoring program

The second tier of the Pinellas County Ambient Water Quality Monitoring Program includes a series of fixed stream and creek sites located in each basin within the permit coverage area (Figure 2). Sites where water quality samples and flow measurements are taken are located upstream of tidal influences to better characterize stream and creek water quality resulting exclusively from freshwater runoff and to allow for receiving waterbody pollutant loading estimates. Water quality (not flow) is sampled for a few additional sites that are located in marine portions of streams, creeks, or channels.

These data are being used to generate baseline countywide loading estimates from a wide variety of basin sizes and land uses as well as to characterize existing in-stream water quality conditions. Flexibility in the year-to-year site selections and sampling frequencies must be allowed to address refinements to sampling objectives and changing federal and state regulatory priorities.

2. Basin and land use specific Event Mean Concentration (EMC) development and BMP evaluations.

In tier three of the monitoring program, Pinellas County may conduct EMC and BMP evaluations at specific sites throughout the County. Monitoring is conducted manually or by using automated sampling systems comprised of refrigerated auto samplers, multi-probe water quality meters, rain gages, and flow sensors.

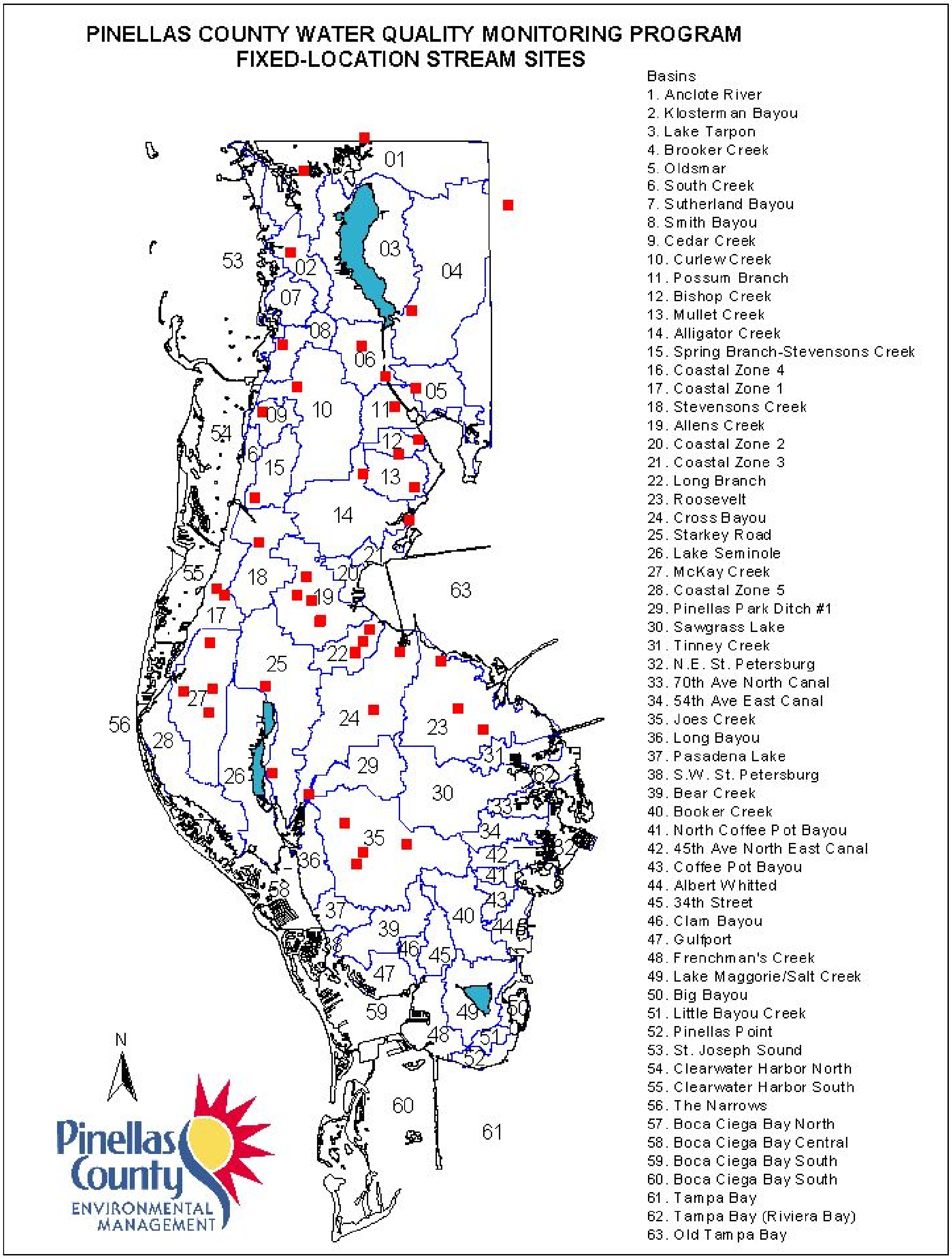


Figure 2. Pinellas County Water Quality Monitoring Program Fixed Site Locations.

B. When and how is monitoring conducted?

1. Frequency of monitoring

Monitoring is conducted at four random sites in each open water segment and at all fixed sites approximately every six weeks in the wet season and every seven weeks in the dry season or a total of eight times per year.

2. Type of sampling (water column, biology or sediment)

A total of 32 sample site locations are randomly selected for each stratum. In eastern strata (E1-E5 and RB) the sample effort is stratified by depth with 6 sample sites randomly selected from waters greater than 2 meters and 26 sites randomly selected from waters less than 2 meters. In western strata (W1-W8) and lake strata (SA, SB, and LT) random site location selection is not stratified by depth. There are 8 sample periods and for each stratum four sites are randomly assigned to a sample period.

3. Parameters monitored at each station

Please note: the parameters listed below are currently being monitored; however, the list of specific metrics analyzed may vary to some degree year-to-year as funding levels change and specific programs objectives are revised.

For all monitoring sites:

- PH
- Water Temperature
- Specific Conductance/Salinity
- Dissolved Oxygen
- Chlorophyll-a, b, c and phaeophytin
- Ammonia
- Nitrate-Nitrite
- Total Kjeldahl Nitrogen
- Total Nitrogen (TN)
- Total Phosphorous (TP)
- Orthophosphate
- Turbidity
- Total Suspended Solids (TSS)
- Color (Lake Seminole, Lake Tarpon, Alligator Lake, and Lake Chautauqua only)

For streams, creeks and lakes only:

- Fecal Coliform
- Enterococci
- Biological Oxygen Demand (BOD5)
- Aluminum (Lake Seminole and bypass canal only)

For fixed sites only:

- Flow

For open water sites only:

- Secchi disk depth
- Photosythetically Active Radiation (PAR)
- Transmissivity

Water quality parameters were selected to balance County, TBEP, Southwest Florida Water Management District (SWFWMD), and state goals and objectives for water quality monitoring. For example, Chlorophyll was selected as an indicator of phytoplankton biomass and to assess achievement of segment specific chlorophyll targets set by the TBEP for Tampa Bay. In addition, the state uses a Chlorophyll reference level in their Total Maximum Daily Load (TMDL) assessment program. TN, TP, and TSS were selected as indicators for water quality in part because TN and TP are used to determine trophic status of lakes and TSS has a direct impact on water clarity. External loadings of these constituents to Tampa Bay are periodically tracked by TBEP as part of the CCMP. Water column light attenuation or water clarity is measured using a Secchi disc, a light meter to determine PAR, and a transmissometer. The amount of surface light reaching the bay bottom is of critical importance and is directly related to the health of seagrasses and other submerged aquatic vegetation. Bacteriological monitoring serves as indicators of pathogens at freshwater sites and for water quality assessments in the TMDL program. The addition of BOD5 is necessary for meeting TMDL requirements.

EMC evaluations may include:

- Specific Conductance/Salinity
- pH
- Temperature
- Dissolved Oxygen
- Total Dissolved Solids
- Total Suspended Solids
- Biochemical Oxygen Demand
- Chemical Oxygen Demand
- Oil & Grease
- Nitrate + Nitrite (NOX)
- Ammonia
- Total Kjeldahl Nitrogen (TKN)
- Soluble TKN
- Total Phosphorous
- Orthophosphate
- Fecal Coliform
- Cadmium
- Chromium
- Copper
- Lead
- Zinc
- Hardness

BMP evaluations may include:

- Specific Conductance/Salinity
- pH
- Temperature
- Dissolved Oxygen
- Total Dissolved Solids
- Total Suspended Solids
- NOX
- Ammonia
- TKN
- Total Phosphorous
- Orthophosphate
- Cadmium
- Chromium
- Copper
- Lead
- Zinc
- Fecal coliforms

Note: For EMC and BMP evaluations, parameters selected vary according to land use assessed and specific objectives of each BMP evaluation.

C. Where are monitoring stations located?

Please refer to figures 1 and 2 for open water monitoring segments and fixed sites. As part of the probabilistic design for monitoring water quality in county open water bodies, current funding levels allow for 32 new random sampling locations to be sampled per segment each year. For stream sites, as stated in section A, baseline loading estimates will be calculated to determine which basins contribute the greatest proportion of pollutant loads to county receiving waters.

D. Quality Assurance

Pinellas County Department of Environment and Infrastructure Natural Resources Section staff conducts all sampling activities in accordance with the applicable FDEP SOPs found in F.A.C. Chapter 62-160. The FDEP Bureau of Laboratory staff audited the section's performance and the section has met all FDEP requirements for monitoring and reporting.

E. Estimates of Pollutant Loadings

In year three of the permit, as required in Part V. A., seasonal pollutant loads and EMCs will be calculated for each major drainage basin using a combination of referenced sources and data collected as specified in tier three of the County's monitoring program.

F. Reporting

- Pinellas County plans to report raw data quarterly to FDEP and annually to the copermittees.
- Co-permittees will be provided with trends in each watershed so the Co-permittees individually determine the effectiveness of their stormwater management programs and identify and prioritize portions of the MS4 requiring additional controls
- In addition, Pinellas County will generate the following:

  Annual Reporting:
  - Data summaries including mean, median, minimum, maximum, and standard error values for open water segments and stream sites in narrative, tabular, and graphical formats;
  - Cumulative Distribution Frequency (CDF) plots relating a quantitative water quality condition or value (e.g., chlorophyll-a $\leq$11ug/l) with a percentage of area within a segment (e.g., 82% of Boca Ciega Bay);
  - Estimates of the percent of impaired waters within each open water segment;
  - Comparisons of water quality in eastern segments versus western segments and lake comparisons; and
  - Creek and stream loading estimates.

  Every other year: In addition to above, wet versus dry season comparisons.

  Every Five years: In addition to above, spatial and temporal trends are assessed.

EXHIBIT B - BIOLOGICAL MONITORING

Pinellas County's biological monitoring program aims to support the impairment status of our waters. Multiple components are required to attain this goal for the lakes, creeks, and estuarine waters within our jurisdictional boundaries.

1. Estuarine Waters - Seagrass Monitoring

Background and Intent:

Pinellas County participates in a regional, multi-governmental seagrass monitoring program developed through the Tampa Bay Estuary Program (TBEP). The program is designed to characterize the general health and condition of seagrass meadows around the bay area and intracoastal waters.

Monitoring Plan:

Pinellas County monitors seagrass in Boca Ciega Bay, Clearwater Harbor, St Joseph Sound and Tampa Bay with a combination of transect monitoring and remote sensing programs. The intent of this program is to provide biological data support for Numeric Nutrient Criteria, impairment listings, and Total Maximum Daily Loads.

Station Location and Frequency of Monitoring:

Pinellas County monitors 11 fixed transect sites in Boca Ciega Bay and 2 fixed transect sites in Middle Tampa Bay in accordance with the Tampa Bay Estuary Program Interlocal Agreement.
In Clearwater Harbor and St Joseph Sound, Pinellas County uses a stratified random transect monitoring design. The stratified random design includes over 60 sites every year. All of the transects are monitored during October and November of each year after the growing season ends.
In addition to the transect monitoring program, Pinellas County participates through a cooperative agreement for aerial seagrass mapping program managed by the Southwest Florida Water Management District (SWFWMD). The aerial photointerpretation mapping provides acreage estimates for the seagrass resources around Pinellas County bi-annually.

Quality Assurance

Seagrass Transect Data are entered and checked for accuracy by Pinellas County staff. Analysis and resulting maps are reviewed for completeness before inclusion into the seagrass report.
Aerial photographs are analyzed and checked for accuracy by SWFWMD and their consultant. The resultant acreages are reviewed by all stakeholders before the deliverable is finalized.

Reporting

Pinellas County produces a report every 5 years on the status and trends of seagrass coverage and health. Pinellas County also partners with SWFWMD to produce seagrass acreage on a biennial basis, using a combination of aerial photography, advanced image analysis and groundtruthing. These reports can be viewed on the Pinellas County website
http://www.pinellascounty.org/environment/watershed/monitoring.htm

Pinellas County Seagrass Sampling Sites

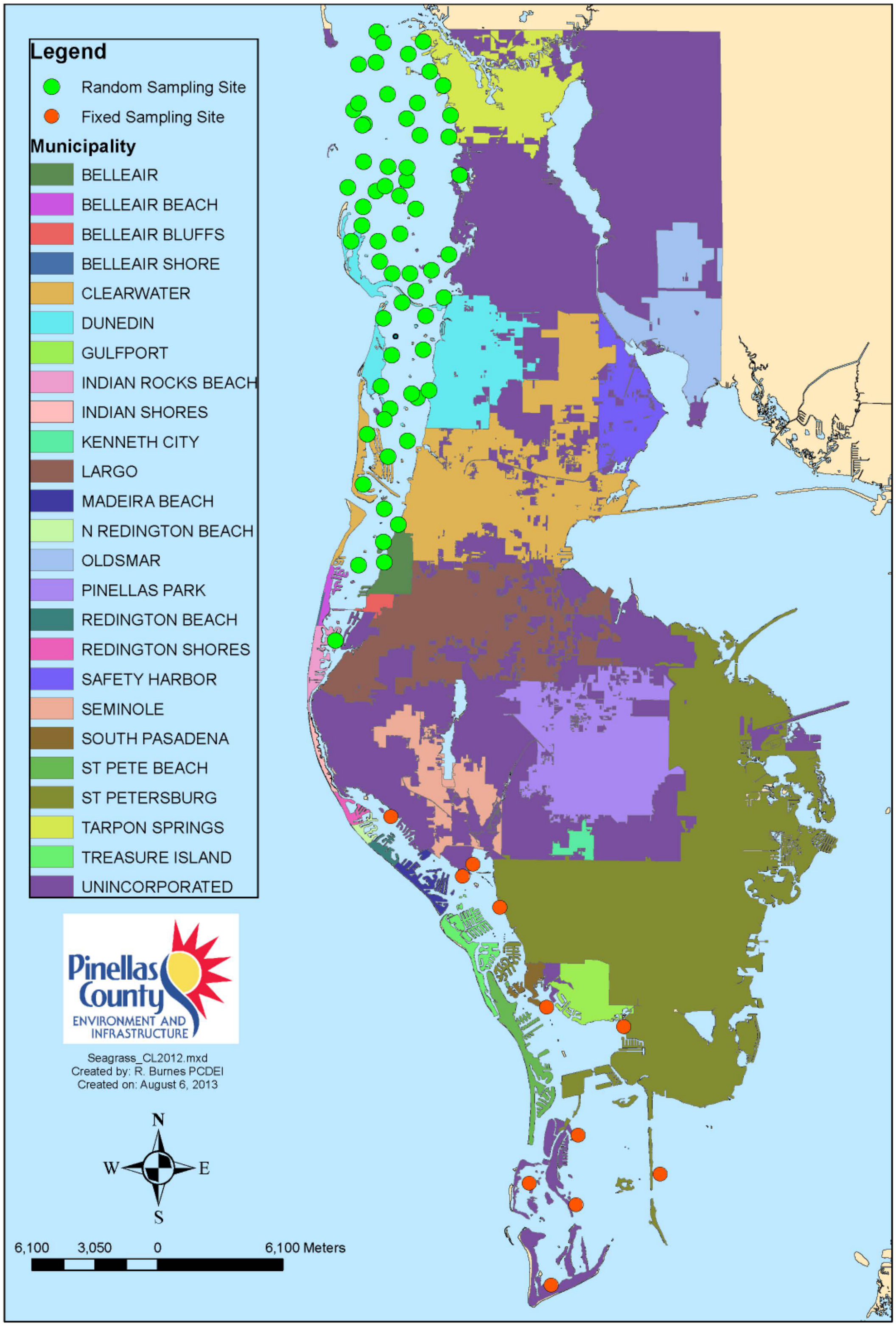


Figure 3 – Pinellas County Fixed and Random monitoring sites

2. Streams and Lakes – Biological Monitoring

Background:

In 2012, The Florida Department of Environmental Protection (FDEP) promulgated numeric nutrient water quality standards in Chapters 62-302 (Water Quality Standards) and 62-303 (Identification of Impaired Surface Waters) of the Florida Administrative Code (F.A.C.). Pursuant to these new regulations, an evaluation of water chemistry, biological data (flora and fauna), and physical information is used to determine if a water body's nutrient concentrations are protective of balanced flora and fauna.

Intent of the program:

Pinellas County plans to conduct biological monitoring of waterbodies to support the assessments conducted by FDEP in the determination of impairment. These data will also be combined with other available data for prioritization and planning of water quality studies aiming to determine and eliminate pollutant sources in impaired and TMDL-established waters. Collection of the biological health data will augment the County's ability to understand the overall health of its systems by providing an integrated measure of their environmental condition.

Proposed biological monitoring plan:

- Pinellas County will retain either staff or a consultant to perform the biological monitoring according to FDEP standard operating procedures.
- Biological monitoring will be conducted following FDEP Standard Operating Procedures at each site using the appropriate method, i.e. Lake Vegetation Index, Stream Condition Index, Habitat Assessment, Rapid Periphyton Survey, Linear Vegetation Survey, or others as applicable.

Proposed Station locations and Frequency of monitoring:

- Monitoring stations will be chosen at representative locations for each waterbody based on FDEP method requirements.
- Each station will be monitored at a minimum twice in a five year permit cycle
- Half of the stations will be monitored each year
- The fifth year will be used to go back to sites where additional data collection and analysis may be required

Quality Assurance:

- All field activities associated with biological sampling and assessments are done in accordance to the applicable FDEP SOPs found in F.A.C. Chapter 62-160.
- Field staff will be evaluated annually to ensure compliance with prescribed methods. Certification requirements for biological assessments will be maintained and updated as needed.

Reporting:

Pinellas County plans to report raw data results to FDEP and the co-permittees annually.

Program Costs:

The total cost for the biological monitoring program will be added to the current water quality monitoring fee and billed jointly. Currently, Pinellas County estimates the costs of the Biological Monitoring Program at about $200,000 per year. This number includes adding 2 Full Time Employees, and the equipment needed to perform the work. These costs may vary based on program changes, e.g, needing to hire consultants. Pinellas County will make every effort to utilize the most cost effective and reliable mechanism for completing program requirements and will provide the municipalities with timely estimates for budgeting purposes.

EXHIBIT C

Acreage by Municipality				
Date 1_25_2013. Source: Pinellas County Strategic Planning Department.				
MUNI_NAME	**ACREAGE**	**%**	**Estimated Projected FY13 & FY14 costs**	**Estimated Projected FY15 costs with Bio Monitoring**
BELLEAIR	1,132.1237	0.81%	$3,188.80	$4,803.39
BELLEAIR BEACH	309.7714	0.22%	$872.52	$1,314.30
BELLEAIR BLUFFS	293.7182	0.21%	$827.30	$1,246.19
CLEARWATER	16,695.1394	11.90%	$47,024.49	$70,834.36
DUNEDIN	6,813.9375	4.86%	$19,192.53	$28,910.27
GULFPORT	1,772.6050	1.26%	$4,992.82	$7,520.83
INDIAN ROCKS BEACH	530.5143	0.38%	$1,494.28	$2,250.87
KENNETH CITY	494.8105	0.35%	$1,393.71	$2,099.39
LARGO	11,982.1911	8.54%	$33,749.73	$50,838.20
MADEIRA BEACH	572.3864	0.41%	$1,612.22	$2,428.53
N REDINGTON BEACH	156.3617	0.11%	$440.42	$663.41
OLDSMAR	5,898.3278	4.21%	$16,613.57	$25,025.51
PINELLAS PARK	10,406.9667	7.42%	$29,312.86	$44,154.82
REDINGTON BEACH	204.9017	0.15%	$577.14	$869.36
REDINGTON SHORES	205.1719	0.15%	$577.90	$870.51
SAFETY HARBOR	3,169.0903	2.26%	$8,926.24	$13,445.86
ST PETE BEACH	1,321.3031	0.94%	$3,721.66	$5,606.04
SEMINOLE	3,556.5166	2.54%	$10,017.49	$15,089.64
SOUTH PASADENA	383.6362	0.27%	$1,080.57	$1,627.70
TARPON SPRINGS	5,949.6667	4.24%	$16,758.17	$25,243.33
TREASURE ISLAND	939.2118	0.67%	$2,645.44	$3,984.90
UNINCORPORATED	67,448.7797	48.10%	$189,980.13	$286,172.60
TOTAL	**140,237.1317**	**100.00%**	**$405,000.00**	**$605,000.00**

EXHIBIT D - DESCRIPTION OF COSTS

1. OPERATING SUPPLIES

Operating expenses will include individual items and services exclusively related to the monitoring programs. This includes, but is not limited to, sample bottles, sample preservatives, acids for cleaning bottles and glassware, chemical standards and filtration supplies. With each invoice a detailed list of all items purchased for the monitoring programs will be provided along with labor and laboratory analysis costs.

2. ANNUAL PRICE INCREASES

Based on program costs over previous years, the COUNTY anticipates that annual program cost may increase an average of 5% from year to year due to cost increases in salaries, supply costs, and laboratory charges. In any given year, due to circumstances beyond the COUNTY's control, some cost increases may exceed 5% (e.g. laboratory costs), and thus the overall program cost increase may exceed 5%. The CO-PERMITTEES and COUNTY shall each pay for the total annual cost of the program for each year of this Agreement on a pro-rata basis in accordance with those estimate figures set forth in Exhibit C.

EXHIBIT E – REFERENCES

F.A.C. Chapter 62-302 (Water Quality Standards)
https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-302

F.A.C. Chapter 62-303 (Identification of Impaired Surface Waters)
https://www.flrules.org/gateway/chapterhome.asp?chapter=62-303

F.A.C. Chapter 62-160 (Quality Assurance)
https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-160

Pinellas County watershed planning initiatives
http://www.pinellascounty.org/environment/watershed/watershed-planning.htm

Pinellas County Comprehensive Plan
http://www.pinellascounty.org/plan/comprehensive_plan.htm

Pinellas County Monitoring Programs
http://www.pinellascounty.org/environment/watershed/monitoring.htm

Tampa Bay Estuary Program (TBEP) Comprehensive and Conservation Management Plan (CCMP)
http://www.tbep.org/tbep/download_charting_the_course.html

St. Pete Beach City Commission
Agenda Report

Issue Considered: Authorization to approve street closures for the St Pete Beach Hometown Christmas Parade scheduled for Saturday, December 14, 2013. Closures would be Gulf Winds Dr from 64th to 7oth, 7oth Ave between Gulf Winds and Gulf Blvd, and Corey Ave from Gulf Blvd. to Mangrove Ave.

Date: September 18, 2013

Prepared By: Jennifer McMahon, Recreation Director

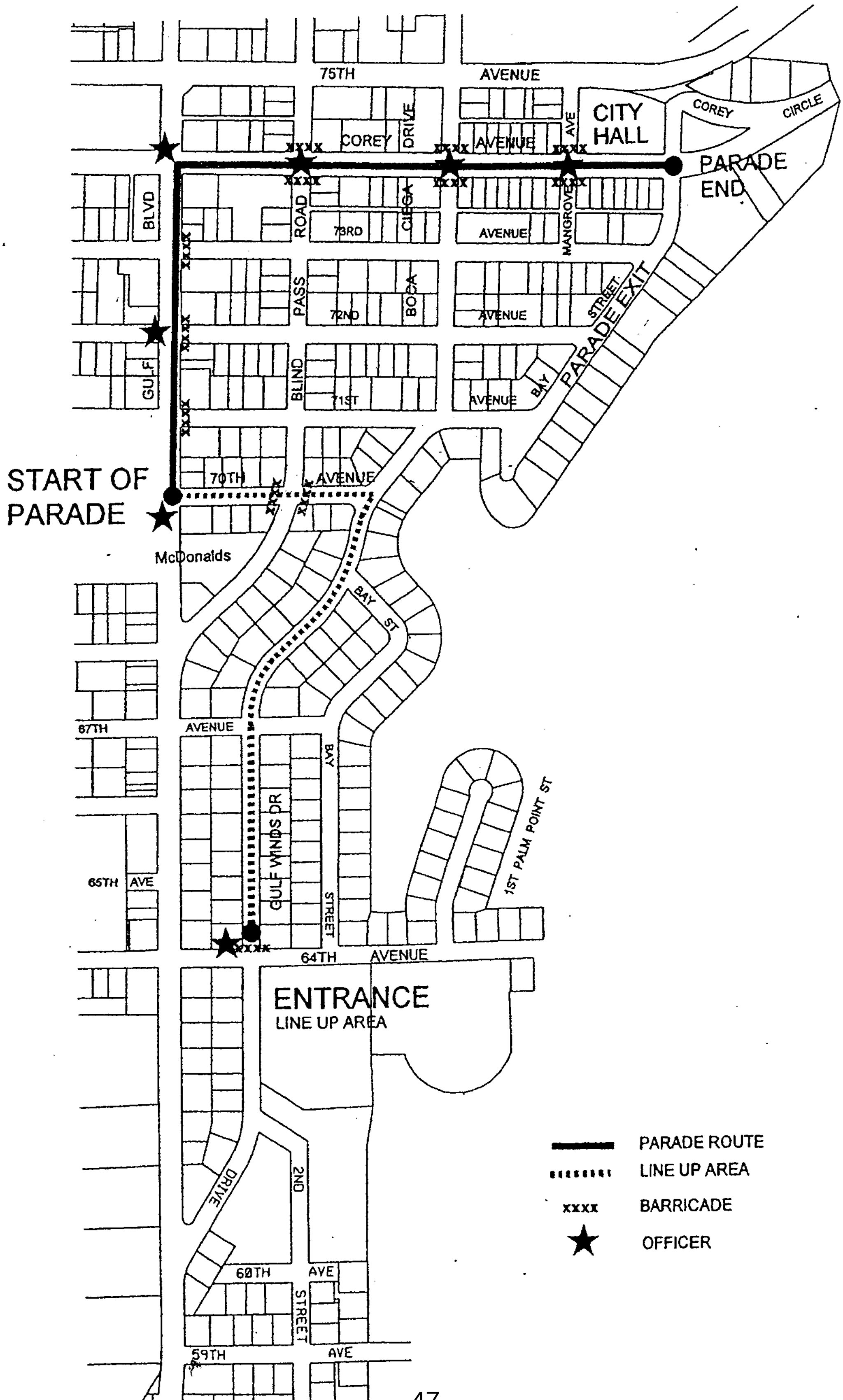
Summary of Issue: The St. Pete Beach Hometown Christmas Parade will take place starting at 4pm on Saturday, December 14, 2013. The staging of the parade participants will be on Gulf Winds Dr from 64th to 70th and 70th & between Gulf Winds Dr and Gulf Blvd. Those streets will be closed from 3pm – 4:15pm. The parade will start at 70th on Gulf Blvd, heading north to Corey Ave, then down Corey Ave to Mangrove Ave. Parade Route will be closed from 3:45 – 4:45pm for the parade to move through. At the conclusion of the parade there will be a Hometown Christmas event on Corey Ave. Corey Ave will be closed from 3:30pm – 8:30pm.

Requested Motion: "I move to authorize the approval of street closures for the St Pete Beach Hometown Christmas and Event on Saturday, December 14 , 2013."

Attachments: Map of the parade route

Reviewed by City Manager MB

St. Pete Beach
Holiday Parade Route



St. Pete Beach City Commission
Agenda Report

Issue Considered:	Request to enter into a contract agreement with Michael Baker Jr. Inc. for planning services.
Date:	September 18, 2013
Prepared By:	George Kinney, AICP, Community Development
Summary of Issue:	Michael Baker Jr. Inc. has provided a scope of work that will include an array of planning services for the Corey Avenue District. The scope includes preliminary engineering estimates. Staff has worked with Baker to assure the tasks are relevant and necessary to the planning process. A presentation will be made by the consultant.
Requested Motion:	**"**I move to authorize the City Manager to enter into a contract agreement with Michael Baker Jr. Inc. for planning services in the amount of $219,820 and pursuant to the approved Scope of Work"
Attachments:	Scope of Work.
Reviewed by City Manager:	MB

Baker

PROJECT COST BREAKDOWN
CITY OF ST. PETE BEACH, FLORIDA
DOWNTOWN/COREY AVENUE ENHANCEMENT PLAN
MONDAY, SEPTEMBER 9, 2013

TASK	TOTAL LABOR + EXPENSES
PHASE 1: PROJECT INITIATION	***$66,000***
TASK 1: PROJECT START-UP & ASSESSMENT	**$52,800**
1.1 REVIEW OF EXISTING INFORMATION	*$6,000*
1.2 EXISTING CONDITIONS	
1.2.1 SITE RECONNAISSANCE	*$30,000*
1.2.2 CODE & POLICY DIAGNOSTIC	*$14,600*
1.3 STAFF MEETING & TOUR	*$2,200*
TASK 2: COMMUNITY INVOLVEMENT	**$13,200**
2.1 URBAN DESIGN WORKSHOP	*$11,500*
2.2 PLANNING BOARD/COMMISSION MEETINGS	*$1,700*
PHASE 2: CONCEPTUAL DESIGN	***$76,050***
TASK 3: DRAFT MOBILITY CONCEPT	**$9,900**
3.1 REFINE & ADOPT COUPLET PLAN	*$3,700*
3.2 DOWNTOWN MOBILITY PLAN	*$6,200*
TASK 4: DRAFT URBAN DESIGN CONCEPT	**$40,150**
4.1 GATEWAYS	*$11,550*
4.2 STREETSCAPE MASTER PLAN	*$22,800*
4.3 PRELIMINARY COST ESTIMATES	*$5,800*
TASK 5: DRAFT LAND USE & DEVELOPMENT CODES	**$26,000**
5.1 LAND USE & DEVELOPMENT CONCEPT	*$10,200*
5.2 POLICY-CODE RECOMMENDATIONS	*$15,800*
5.3 OPTIONAL: DOWNTOWN DESIGN GUIDELINES	
5.4 OPTIONAL: DOWNTOWN FORM BASED CODES	
PHASE 3: COMMUNITY REVIEW	***$19,000***
TASK 6: COMMUNITY REVIEW OF CONCEPTS	**$19,000**
6.1 COMMUNITY WORKSHOP	*$10,000*
6.2 PROPERTY OWNER/BUSINESS OWNER MEETING	*$4,500*
6.3 PLANNING BOARD/COMMISSION MEETING	*$4,500*
PHASE 4: ILLUSTRATIVE PLAN	***$31,270***
TASK 7: REFINE CONCEPTS	**$19,470**
7.1 REFINE MOBILITY CONCEPTS	*$2,500*
7.2 REFINE URBAN DESIGN CONCEPTS	*$12,470*
7.3 REFINE LAND USE & DEVELOPMENT CONCEPTS	*$4,500*
TASK 8: DEVELOP VISION POSTER/PLAN	**$11,800**
8.1 DRAFT VISION POSTER	*$8,700*
8.2 FINAL VISION POSTER	*$3,100*
PHASE 5: FINAL CONCEPTS	***$13,000***
TASK 9: COMMUNITY REVIEW OF FINAL CONCEPTS	**$13,000**
9.1 COMMUNITY OPEN HOUSE	*$10,000*
9.2 PLANNING BOARD/COUNCIL APPROVAL	*$3,000*
ENGINEERING & MOBILE LiDAR	***$59,810***
TASK 10: GEOMETRY/AUTOTURN	*$8,500*
TASK 11: MOBILE LiDAR	*$51,310*
PROJECT DURATION	***$14,500***
TASK 12: STAFF MEETINGS/COORDINATION	*$14,500*
TOTALS	**$279,630**
COST WITHOUT TASKS 10 & 11	$219,820

St. Pete Beach City Commission
Agenda Report

Issue Considered: Final Reading Ordinance 2013-20 setting the millage Rate for Fiscal Year 2014

Date: September 18, 2013

Prepared By: Elaine Edmunds, Administrative Services Director

Summary of Issue: The proposed 2.8569 operating millage ($2.8569 per $1,000 of taxable valuation) is .425 mills lower than the current year millage rate and .3019 lower than the rolled-back rate. The proposed millage rate will generate approximately $5,694,628 in ad valorem taxes which $595,826 lower than the previous year's tax revenue. The previous year's debt service millage of .0878 is no longer being levied since the police station building has been paid off.

The above millage rate will fund the proposed expenditures for fiscal year 2014 with no additional monies going toward reserves. This millage is 9.56% lower than the rolled-back of 3.1588 and will result in an overall decrease of tax revenue to the City.

Requested Motion: "I move that Ordinance No. 2013-20 an ordinance of the City of St. Pete Beach, Florida; establishing the ad valorem tax levy of 2.8569 mills for the general fund for the fiscal year beginning October 1, 2013 and ending September 30, 2014; providing for an effective date be approved on final reading."

Attachment: Ordinance 2013-20

Reviewed by City Manager: MB

ORDINANCE NO. 2013-20

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA; ADOPTING A FINAL MILLAGE RATE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014: PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETE BEACH, FLORIDA, DOES ORDAIN:

Section 1. That a millage levy of 2.8569 general and operative levy is hereby fixed and adopted for the fiscal year of the City ending on September 30, 2014 and shall be placed upon the total taxable assessed valuation of property of any kind liable for and subject to taxation by the City of St. Pete Beach, Florida, including real and personal property, lying within the City of St. Pete Beach, Florida.

Section 2. Said monies as raised by the levy of 2.8569 mills, estimated at $5,694,628 shall be used for the general operation of the City of St. Pete Beach including, but not limited to, salaries, insurance and energy costs and transfers for capital projects for the afore-mentioned fiscal period.

Section 3. The fiscal year 2014 operating millage rate of 2.8569 mills is less than the rolled-back rate of 3.1588 mills by 9.56%.

Section 4. That a certified copy of this ordinance shall be forwarded to the Property Appraiser of Pinellas County, Florida, together with a request that the aforementioned levies be made by her office on behalf of the City of St. Pete Beach for the Fiscal Year 2013-2014.

Section 5. This ordinance shall become effective immediately upon its final passage.

____
Steve McFarlin, Mayor

FIRST READING: _______________
PUBLISHED _______________
FINAL READING: _______________
PUBLIC HEARING: _______________

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _________ day of ______________________, 2013.

____
Rebecca Haynes, City Clerk

St. Pete Beach City Commission
Agenda Report

Issue Considered: Final Reading – Ordinance 2013-21 Budget Ordinance for FY 2014

Date: September 18, 2013

Prepared By: Elaine Edmunds, Administrative Services Director

Summary of Issue: The FY 2013/14 Budget total for all funds is $25,568,200. The following is a brief summary by fund.

General Fund Overall General Fund expenditures are expected to decrease from $15,719,188 to $14,787,814 or approximately 5.9%. This figure includes a transfer to the Capital Projects Fund of $1,825,000. The operating millage rate of 2.8569 mills is .425 mills lower than the current year's millage rate and .3019 lower than the rolled-back rate. Therefore there is a decrease in property tax revenue of approximately $595,826.

Wastewater Fund The budget reflects a 4% increase in wastewater fees in FY 2014.

Reclaimed Water The budget reflects an 8% increase in reclaimed water fees in FY 2014.

Stormwater Fund A Stormwater Fund was been established for FY 2011 with a second tier instituted in FY 2012. The revenue for this fund will come from two separate non-ad valorem assessments on all properties in the City. The budget reflects no increase in the amount of the assessment.

Capital Improvement Program (CIP) - The CIP includes a variety of improvement projects throughout the City plus the loan payment on the community center. The total amount budgeted for FY 2014 is $3,119,875.

Requested Motion: "I move that Ordinance No. 2013-21, an ordinance of the City of St. Pete Beach, Pinellas County, Florida; adopting a budget for the fiscal year beginning October 1, 2013 and ending September 30, 2014; providing appropriations; and providing an effective date be approved on final reading."

Attachment: Ordinance No 2013-21

Reviewed by City Manager: MB

ORDINANCE NO. 2013-21

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA; ADOPTING A BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014; PROVIDING APPROPRIATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.241 Florida Statute requires each municipality to adopt a budget and make appropriations for each fiscal year; and

WHEREAS, Code Section 2.218(b) provides that the appropriation ordinance shall state in clear and precise terms that the budget is adopted by reference and is made a part of the ordinance and that the amounts therein are appropriated for the purposes and for the accounts indicated; and

WHEREAS, the City Manager has submitted a proposed annual budget to the City Commission as required by Section 4.04(e) of the City Charter; and

WHEREAS, the City Commission deems the proposed expenditures necessary and proper for the operation of the City Government and to provide for the health, safety, and welfare of its citizens.

THE CITY OF ST. PETE BEACH, FLORIDA, DOES ORDAIN:

Section 1. The annual budget for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014, as attached hereto as Exhibit "A" ("the Budget") is adopted by reference and is made a part of this ordinance and the amounts thereon are appropriated for the purposes and for the accounts thereon indicated. The Budget adopts and appropriates the sums of money appropriated for expenditures within each fund as indicated below and as further described in as Exhibit A for the Fiscal Year ending on September 30, 2014:

General Fund	$14,787,814
Wastewater Fund	$ 5,477,592
Reclaimed Water	$ 1,219,335
Stormwater Fund	$ 963,584
Capital Improvement	$ 3,119,875

Section 2. That for the period of October 1, 2013 through September 30, 2014 all monies of the City shall be expended as appropriated herein and in accordance with the City Charter and ordinances of the City.

Section 3. This ordinance shall become effective immediately upon its final passage.

____

Steve McFarlin, Mayor

FIRST READING: _______________
PUBLISHED _______________
FINAL READING: _______________
PUBLIC HEARING: _______________

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _________ day of ______________________, 2013.

____

Rebecca Haynes, City Clerk

St. Pete Beach City Commission
Agenda Report

ISSUE CONSIDERED:	Final reading of Ordinance 2013-17 amending Part II of Chapter 82 of the Code of Ordinances of the City of St. Pete Beach by the adoption of Article VI consisting of sections 82-283 to 82-294 inclusive; providing for the operation of golf carts upon designated streets; providing for restrictions relating to operation of golf carts upon designated streets; providing for restrictions related to the operation of golf carts; providing that the operation of golf carts on said city streets shall constitute a license between the city and the golf cart owner or operator; providing that in the event such license is rescinded by subsequent ordinance over the portions of the city on which golf carts may be operated is contracted or otherwise changed that the golf cart owner by acceptance of a license has waived any claim against the city for any funds or action spent or undertaken in reliance on this ordinance; requiring consistency with state statute ; providing for the issuance of a decal; providing that golf carts may only be operated by individuals with a valid driver's license; providing for signage on city roads; providing for the issuance of annual licenses and the payment of fees therefore; providing for the responsibilities of the owner/operator of the golf cart; providing for specific equipment on the golf cart; providing that golf carts may be operated only by licensed drivers; providing for the repeal of all ordinances or resolutions previously adopted by the city regarding the operation of golf carts on city streets, rights of way, sidewalks, or other portions of the city; designating roads for operation of golf carts; and providing for an effective date.
DATE:	September 18th, 2013
PREPARED BY:	Dan O'Connor, Administrative Services Supervisor
THROUGH:	Elaine Edmunds, Administrative Services Director
SUMMARY OF ISSUE:	Final reading of Ordinance 2013-17 amending Part II of Chapter 82 of the Code of Ordinances of the City of St. Pete Beach by the adoption of Article VI consisting of sections 82-283 to 82-294 inclusive. Passage of Ordinance 2013-17 overview: Golf carts may be lawfully operated on all designated streets having a posted limit of 25 MPH or less.

Owner/Operators of golf carts upon designated city streets must register with the City all golf carts to be operated on designated streets provide proof of liability insurance and pay an annual $10.00 fee.

Golf Carts operated on designated streets must be equipped with efficient brakes, reliable steering, a horn, safe tires, a rearview mirror and red reflective warning devices in both the front and rear.

Golf carts may only be operated upon designated streets between sunrise and sunset unless additional equipment and safety devices including headlights, brake lights, turn signals and a windshield have been installed.

Owner/Operators must be in possession of a valid driver's license, comply with all applicable laws and ordinances pertaining to golf cart operation, vehicle operation and parking restrictions within the City.

The City Commission retains the unlimited legal authority to revoke, amend or to otherwise legislate as to the operation of golf carts on City streets without liability of any kind arising from its legislative decisions.

Person(s) operating a golf cart and all person(s) who are passengers in such golf cart shall be deemed to have waived any claim against the City for its legislative decision to allow the operation of such golf carts on designated City streets.

The City Attorney has reviewed Ordinance 2013-17 and has approved same as to form.

REQUESTED MOTION: "I move to approve Ordinance 2013-17, (read title)…

ATTACHMENTS: Ordinance 2013-17
Exhibit A – Map of designated streets

REVIEWED BY
THE CITY MANAGER: MB

ORDINANCE 2013-17

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING PART II OF CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF ST. PETE BEACH BY THE ADOPTION OF ARTICLE VI CONSISTING OF SECTIONS 82-283 TO 82-294, INCLUSIVE; PROVIDING FOR THE OPERATION OF GOLF CARTS UPON DESIGNATED STREETS; PROVIDING FOR RESTRICTIONS RELATING TO OPERATION OF GOLF CARTS; PROVIDING THAT THE OPERATION OF GOLF CARTS ON SAID STREETS SHALL CONSTITUTE A LICENSE BETWEEN THE CITY AND THE GOLF CART OWNER OR OPERATOR; PROVIDING THAT IN THE EVENT SUCH LICENSE IS RESCINDED BY SUBSEQUENT ORDINANCE OVER THE PORTIONS OF THE CITY ON WHICH GOLF CARTS MAY BE OPERATED IS CONTRACTED OR OTHERWISE CHANGED THAT THE GOLF CART OWNER BY ACCEPTANCE OF A LICENSE HAS WAIVED ANY CLAIM AGAINST THE CITY FOR ANY FUNDS OR ACTION SPENT OR UNDERTAKEN IN RELIANCE ON THIS ORDINANCE; REQUIRING CONSISTENCY WITH STATE STATUTE; PROVIDING FOR THE ISSUANCE OF A DECAL; PROVIDING THAT GOLF CARTS MAY ONLY BE OPERATED BY INDIVIDUALS WITH A VALID DRIVER'S LICENSE; PROVIDING FOR SIGNAGE ON CITY ROADS; PROVIDING FOR THE ISSUANCE OF ANNUAL LICENSES AND THE PAYMENT OF FEES THEREFORE; PROVIDING FOR THE RESPONSIBILITIES OF THE OWNER/OPERATOR OF THE GOLF CART; PROVIDING FOR SPECIFIC EQUIPMENT ON THE GOLF CART; PROVIDING THAT GOLF CARTS MAY BE OPERATED ONLY BY LICENSED DRIVERS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR RESOLUTIONS PREVIOUSLY ADOPTED BY THE CITY REGARDING THE OPERATION OF GOLF CARTS ON CITY STREETS, RIGHTS -OF -WAY, SIDEWALKS OR OTHER PORTIONS OF THE CITY; DESIGNATING ROADS FOR OPERATION OF GOLF CARTS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, Section 316.212(1), Florida Statutes, permits municipalities to allow golf carts to be operated on municipal roads by ordinance provided that the municipality first determines that such operation would be safe; and

WHEREAS, Section 316.212(8), Florida Statutes, allows municipalities to enact regulations that are more restrictive than those contained in Section 316.212, Florida Statutes as long as appropriate signage is posted or residents are otherwise informed that the operation of golf carts is subject to a more strict standards than those provided in Section 316.212, Florida Statutes.

WHEREAS, the City Commission hereby legislatively determines pursuant to Chapter 316.212 F.S. that golf carts may safely be operated on certain designated streets within the City, and specifically finds that golf carts may safely travel on or across the public roads or streets as designated in this ordinance. The City Commission further finds that it has considered the factors regarding the public safety of such golf cart operation including the speed, volume and character of the motor vehicle traffic using the designated road or street and has, therefore, determined that golf carts may be safely operated on said designated roads or streets, and that appropriate signage shall be placed within the City to indicate that such operation is allowed; and

WHEREAS, the City Commission has legislatively determined that the operation of golf carts on certain City streets is safe and should be allowed; and

WHEREAS, the crossing of or operation of golf carts on state roads or county roads shall be as determined by the appropriate state or county agency or authority having jurisdiction, and no crossing of or operation on state or county roads shall be allowed without the permission of the appropriate governmental authorities; and

WHEREAS, golf carts may be operated on City streets only during the hours between sunrise and sunset unless the equipment and safety devices prescribed by Florida statute have been installed; and

WHEREAS, the City finds that it is safe and in the public interest for golf carts to be operated during the hours between the hours sunset and sunrise, if such golf carts are equipped with headlights, brake lights, turn signals, a windshield and other features as required by this ordinance;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA HEREBY ORDAINS:

SECTION 1. That Chapter 82 the Code of Ordinances of the City of ST. PETE BEACH is amended by the creation of Article VI of Chapter 82 consisting of Sections 82 -283 to 82 -294, inclusive, to read as follows:

Section 82-283 Use of Golf Carts Upon Designated City Streets.

It shall be lawful for a person holding and in possession of a valid driver license to operate a golf cart, as defined by Section 320.01 (22) Florida Statute, upon certain designated streets within the boundaries of the City of ST. PETE BEACH. No such golf cart shall be operated on any other portion of the right -of -way of city, county or state roads except the paved portion of the right -of -way of said street, and there shall be no operation of golf carts on sidewalks, parks or other portions of City lands, and spurs or extensions thereof, right - of -ways or City streets except as specifically designated herein and private lands allowing such use. All use of golf carts on designated City streets shall be in strict accordance with Florida Statute 316.212 or any amendments thereto or any other provisions of Florida Statutes regulating the use of golf carts on public streets. All persons operating a golf cart on City streets must comply with all other applicable traffic laws regarding the operation of such a vehicle. Nothing herein shall relieve the operator of a golf cart from compliance with all laws and ordinances otherwise pertaining to the operation of a vehicle.

Section 82-284 Hours of Operation

Golf carts shall only be operated on the City streets designated in this Article during the hours between sunrise and sunset unless the equipment and safety devices prescribed in Section 23.21 and Section 316.212(5), Florida Statutes, have been installed.

Section 82-285 Crossing State and County Roads.

Nothing herein shall be deemed to authorize the operation of a golf cart on a state or county road or right -of -way or to allow the crossing of a state or county road other than at such crossings and in such locations as shall be permitted and specified by the State of Florida, or an administrative agency thereof, or by Pinellas County.

Section 82 -286 Licensed Use; Revocable.

The operation of a golf cart on designated City streets shall be deemed to be a licensed use of those streets and to be revocable upon the will of the City Commission in its legislative capacity based on its consideration of the health, safety and welfare of the public arising from such use. The issuance of a license or other permission for the operation of golf carts on City streets shall not limit or otherwise preclude the City Commission from the amendment of this Article, revocation of this Article, contracting or expanding the streets or roads on which golf cars can be operated, or the designation of crossing points for state and county roads. All persons operating golf carts on City streets under this license from the City of ST. PETE BEACH shall do so on the condition that there shall be no claim for any monetary loss or other claim for the loss of allowed golf cart operation on such streets or any monetary claim therefore based on a claim for action in reliance on the provisions of this Article. The City Commission retains the unlimited legal authority to revoke, amend or to otherwise legislate as to the operation of golf carts on City streets without liability of any kind arising from its legislative decisions.

Section 82-287 Waiver of Claim.

Any person operating a golf cart enjoying a license for such purpose and all persons who are passengers in such golf cart shall be deemed to have waived any claim against the City for its legislative decision to allow the operation of such golf carts on designated City streets in compliance with this Article, and this Article is declared by the City Commission to be a legislative act of the City pursuant to the authority granted by state statute.

Section 82-288 Parking.

This section shall be applicable to such areas as are specifically designated for vehicle parking use either on city streets or off the right-of-way of city streets. Golf carts operated on designated city streets, when parked in public parking spaces, in parking lots owned and controlled by the city, or in such other areas as are designated by signage or ground marking for such usage, and on public lands specifically allowing such use such golf carts shall be parked in a manner as required by law for use of these spaces by vehicles.. Identified handicapped parking spaces may be used by golf carts complying with the law for use of these spaces by vehicles.

Section 82-289 Driver License.

All persons operating a golf cart on designated City streets shall, upon request of a law enforcement officer, be in possession of a valid driver license; it shall be unlawful for a golf cart to be operated on designated City streets by any person who is not the owner of and in possession of a valid driver license.

Section 82-290 Registration of Golf Carts.

All golf carts operating on City streets, prior to such operation, shall be registered with the City of ST. PETE BEACH on an annual basis by such persons and in such a manner as is administratively determined by the City Manager. The registration process shall include the payment of an annual registration fee in the amount of Ten Dollars ($10.00). An inspection to verify road worthiness, and the presence of required equipment may be instituted by the City as a condition of registration and operation of a golf cart on City designated streets. Decals reflecting a valid registration must be visibly affixed to each registered golf cart on the back driver's side of said golf cart in a location that is easily visible to law enforcement personnel. Such registration and decal must be current at all times the golf cart is operated on City streets. No registration is required for golf carts which are not operated on City streets.

Section 82-291 Required Equipment.

All golf carts operated on designated city streets must be equipped with efficient brakes, reliable steering, a horn meeting the standards of F.S. § 316.271, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear of such golf cart, at all times while the golf cart is operated on designated city streets. All golf carts operated between sunset and sunrise on designated city streets shall also be properly equipped with headlights, brake lights, turn signals and a windshield.

Section 82-292 Designated Streets.

The city streets within the borders delineated on the exhibit “A” attached hereto are the designated city streets on which golf carts may be operated, and only in those designated areas.

Section 82-293 Areas of Legal Operation.

The portions of the city in which golf carts may be lawfully operated consist of all streets having a posted speed limit of 25 MPH or less.

Section 82-294 Number of Occupants, Speed and Required Insurance.

(a)

The number of occupants in any golf cart being operated on the designated streets of the city shall be restricted to the number of seats on the golf cart, not exceeding the number of persons for which the golf cart was designed and which is consistent with the number of seats provided by the golf cart manufacturer.

(b)

It shall be unlawful for any occupant of a golf cart to stand at any time while the golf cart is in motion.

(c)

All golf carts permitted to travel on designated city streets within the city shall have a maximum attainable speed of 20 miles per hour.

(d)

It is unlawful for a person to drive a golf cart at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. It is the duty of the operator of a golf cart to leave the paved surface of a designated street to allow other motor vehicles to proceed at the lawful speed on such street as an exception to section 82-283 and subparagraph (e) below.

(e)

It is unlawful for a golf cart to be operated on city sidewalks, rights-of-way and other locations on which a motor vehicle cannot be operated, and as proscribed by state statute or city ordinance, except for compliance with subparagraph (d) above.

(f)

It shall be unlawful for any golf cart to be operated on the designated streets of the city unless and until the owner(s) thereof has purchased liability insurance insuring against personal injury and damage to property relative to the operation of golf carts on said designated city streets. The said insurance must be in full force and effect at all times the golf cart is operated on designated city streets. Proof of insurance must be presented to the city upon registration and licensing of the golf cart to operate on designated city streets, and to a law enforcement officer or code enforcement officer upon request.

Section 82-295 Enforcement.

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

Violations of this Article shall constitute a non-criminal infraction to be enforceable pursuant to the provisions of Section 316.212(8), Florida Statutes, and City ordinances by a law enforcement officer or City Code Enforcement Officer as such officer's legal authority and jurisdiction allows. Code Enforcement Officers shall have the right to enforce all matters having to do with golf cart required equipment, the streets upon which golf carts may be operated, the lawful parking of golf carts and all other matters not exclusively within the jurisdiction of and lawful authority of law enforcement officers.

In addition, other avenues for the enforcement of violations of this Article may be enforced by St. Pete Beach Enforcement Officers and the City of St. Pete Beach Special Magistrate, as their jurisdiction and legal authority allows.

SECTION 2. If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 4. This Ordinance shall become effective immediately upon final passage as provided by law.

____
Steve McFarlin, MAYOR

FIRST READING : ________________
PUBLISHED : ________________
SECOND READING : ________________
PUBLIC HEARING : ________________

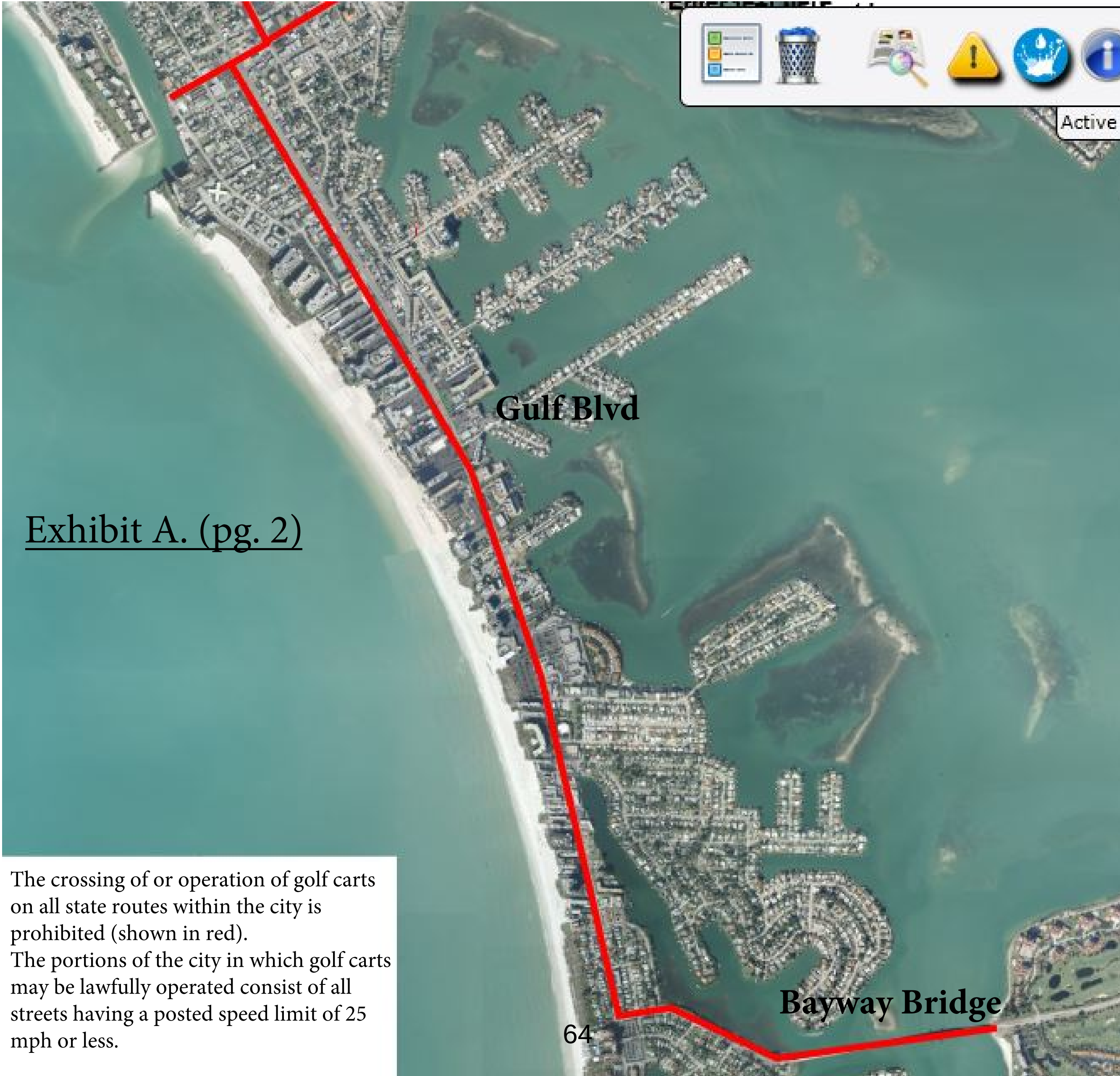
I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _______ day of ________________, 2013.

____
Rebecca Haynes, City Clerk

Exhibit A.

The crossing of or operation of golf carts on all state routes within the city is prohibited (shown in red).
The portions of the city in which golf carts may be lawfully operated consist of all streets having a posted speed limit of 25 mph or less.

Exhibit A. (pg. 2)



The crossing of or operation of golf carts on all state routes within the city is prohibited (shown in red).
The portions of the city in which golf carts may be lawfully operated consist of all streets having a posted speed limit of 25 mph or less.

Exhibit A. (pg. 3)

The crossing of or operation of golf carts on all state routes within the city is prohibited (shown in red).
The portions of the city in which golf carts may be lawfully operated consist of all streets having a posted speed limit of 25 mph or less.

St. Pete Beach City Commission
Agenda Report

Issue Considered: Ordinance 2013-19, Final Reading and Public Hearing, providing for wastewater and reclaimed water fee adjustments in FY 2014.

Date: 9/18/13

Prepared By: Steven J. Hallock, Public Services Director

Summary of Issue: Staff is proposing a 4.0% increase in the wastewater fees and an 8.0% increase in the reclaimed water fees in FY 2014.

Over 50% of the Wastewater Fund expenditures are to the City of St Petersburg for wastewater treatment. In FY 2013 the City of St Petersburg Operation and Maintenance (O&M) rate increased to $1,981 per million gallons (from a rate of $1,908 per million gallons) and the capital charges increased to $52,765 per month (from a charge of $43,707 per month), for a net increase, based on wastewater flows, of 7.8%. The City of St Pete Beach's policy is to adjust fees to pass-through the cost of wastewater treatment to ensure adequate revenue to offset needed expenditures.

Due to the age and condition of the reclaimed water distribution system we experienced a significant spike in repair costs in FY 2012. This resulted in us not being able to make the $71,176 General Fund loan payment so the Reclaimed Water Fund still owes the General Fund $415,496. In addition, the Reclaimed Water Fund was in the red $189,743 in the FY 2012 audit. While this would appear to indicate a 20-25% rate increase is needed, staff is only recommending an 8.0% rate increase in FY 2014. This is based on the fact the debt service payment relating to the U.S. Treasure Strips is paid off in December 2014, which will free up an additional $97,101 each year. Coupled with City staff taking over more of the needed reclaimed water repair tasks, e.g. street patches, and the fee increase this should allow the Reclaimed Water Fund to slowly recover and meet its obligations.

Requested Motion: "I move to approve Ordinance 2013-19… (read title.)"

Attachments: Ordinance 2013-19

Reviewed by City Manager: MB

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE 2013-19

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF APPENDIX A – FEE SCHEDULE OF THE CODE OF ORDINANCE IMPLEMENTING A 4.0% INCREASE IN WASTEWATER FEES; PROVIDING FOR AMMENDMENT OF CHAPTER 86 UTILITIES ARTICLE IV OF THE CODE OF ORDINANCES IMPLEMENTING A 8.0% INCREASE IN RECLAIMED WATER FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this Ordinance has been provided in accordance with applicable law; and

WHEREAS, wastewater and reclaimed water fees are reviewed annually by staff during fiscal year budget preparation and adjustments are recommended to City Commission; and

WHEREAS, over 50% of the Wastewater Fund expenditures are to the City of St Petersburg for wastewater treatment; and

WHEREAS, in FY 2013 the City of St Petersburg increased the rate charged to the City of St Pete Beach for wastewater treatment by 7.8%; and

WHEREAS, The City of St Pete Beach's policy is to adjust wastewater fees to pass-through wastewater treatment cost increases to ensure adequate revenue to offset needed expenditures; and

WHEREAS, because of the age and condition of the reclaimed water distribution system the City of St Pete Beach is currently incurring significantly higher annual repair costs due to breakages; and

WHEREAS, the Reclaimed Water Fund was in the red $189,743 in the FY 2012 audit which resulted in the Reclaimed Water Fund not being able to make its annual loan repayment to the General Fund; and

WHEREAS, the Reclaimed Water Fund still owes the General Fund $415,496 for loans taken in prior years to cover needed expenditures; and

WHEREAS, the City Commission has found this Ordinance to be in the best interest of the health, safety and welfare of the citizens of the City;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, DOES HEREBY ORDAIN:

<u>Section 1.</u> Part II – Code of Ordinances, Appendix A Fee Schedule, Wastewater User Fees shall be increased by 4.0% as follows:

WASTEWATER USER FEES

Monthly wastewater (sewer) rates shall be charged to all customers using the wastewater (sewer) utility system of the city. The rate is based on a base component, flow component (3,000 gallons), rate for usage (1,000 gallons) over flow component, purchased wastewater (sewer) treatment pass-through, and annual index adjustment. Each wastewater (sewer) customer shall be billed as follows:

Residential base rate: ~~$25.36~~ $26.37 for the first 3,000 gallons, or fraction thereof, of potable water used per residential unit.

Residential excess rate: ~~$8.37~~ $8.70 for each 1,000 gallons, or fraction thereof, of potable water used by the customer in excess of the residential base rate.

Commercial base rate: ~~$25.36~~ $26.37 for the first 3,000 gallons, or fraction thereof, of potable water used by the customer.

Commercial excess rate: ~~$8.37~~ $8.70 for each 1,000 gallons, or fraction thereof, of potable water used by the customer in excess of the commercial base rate.

Section 2. Part II – Code of Ordinances, Chapter 86 – Utilities, Article IV – Reclaimed Water System, Division 2 – Reclaimed Water Use, Sec. 86-144 Rates and charges, (3) Monthly user fee shall be increased 8.0% as follows:

Monthly Reclaimed Water User Fees

1.	Basic service	~~$14.38 effective October 1, 2010~~ ~~$16.39 effective October 1, 2011~~ $17.70 effective October 1, 2013
2.	Multi-family, commercial, and public use property	~~Effective October 1, 2010 $14.38 for the first ERU and $12.50 for each additional ERU.~~ ~~Effective October 1, 2011 $16.39 for the first ERU and $14.25 for each additional ERU.~~ Effective October 1, 2013 $17.70 for the first ERU and $15.39 for each additional ERU.

Section 3. If any portion, part or section of the Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 4. All Ordinances or parts of Ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 5. This Ordinance shall become effective upon October 1, 2013.

____
Steve McFarlin, MAYOR

FIRST READING : ____________________

PUBLISHED : ____________________

SECOND READING : ____________________

PUBLIC HEARING : ____________________

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Ordinance 2013-22, amendment to the Firefighters' Retirement System
Date:	September 18, 2013
Prepared By:	Michael P. Bonfield, City Manager MB
Summary of Issue:	This ordinance amends Section 66- 251, Definitions, *Credited Service* and Section 66-331, Maximum Pension to comply with recent changes to the Internal Revenue Code relating to tax qualified pension plans. Section 66-251 Definitions, *Actuarial Equivalent* is also amended to reflect the mortality table and interest rate currently being used by the plan's actuary.
Requested Motion:	"I move to approve Ordinance 2013-22. . . read title."
Attachments:	Ordinance 2013-22 Foster & Foster Letter of no impact Lewis Longman & Walker Memorandum

CITY OF ST. PETE BEACH, FLORIDA
Ordinance No. 2013-22

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING CHAPTER 66, PENSIONS AND RETIREMENT, ARTICLE IV FIREFIGHTERS' RETIREMENT SYSTEM, DIVISION 1, GENERALLY AND DIVISION 3, BENEFITS, OF THE CODE OF ORDINANCES OF THE CITY OF ST. PETE BEACH; AMENDING SECTION 66-251 DEFINITIONS, BY AMENDING THE DEFINITIONS OF "ACTUARIAL EQUIVALENT" AND "CREDITED SERVICE"; DIVISION 3, BENEFITS, SECTION 66-331 MAXIMUM PENSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA:

SECTION 1. That Chapter 66, Article IV Firefighters' Retirement System, Division 1 Generally, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended by amending Section 66-251 Definitions, by amending the definitions of *Actuarial Equivalent* and *Credited Service*, to read as follows:

* * *

Actuarial equivalent means a benefit or amount of equal value, based upon the ~~1983 Group Annuity~~ RP 2000 Combined Healthy Mortality Table and an interest rate of ~~eight and one-half~~ seven and three quarters percent per annum. This definition may only be amended by the city pursuant to the recommendation of the board using the assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to city discretion.

* * *

Credited service means the total number of years and fractional parts of years of service as a firefighter with member contributions, when required, omitting intervening years or fractional parts of years when such member was not employed by the city as a firefighter. A member may voluntarily leave his accumulated contributions in the fund for a period of five years after leaving the employ of the fire department pending the possibility of being reemployed as a firefighter, and without losing credit for the time that he was a member of the system. If a vested member leaves the employ of the fire department his accumulated contributions will be returned only upon his written request. If a member who is not vested is not reemployed as a firefighter with the fire department within five years, his accumulated contributions, if $1,000.00 or less, shall be returned. If a member who is not vested is not reemployed within five years, his accumulated contributions, if more than $1,000.00, will be returned only upon the written request of the member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated. Upon any reemployment, a firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the firefighter repays into the fund the contributions he has withdrawn, with interest, as determined by the board, within 90 days after his reemployment.

The years or fractional parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353) after separation from employment as a firefighter with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

(1) The member is entitled to reemployment under the provisions of USERRA.

(2) The member returns to his employment as a firefighter within one year from the earlier of the date of his military discharge or his release from active service unless otherwise required by USERRA.

(3) The maximum credit for military service pursuant to this paragraph shall be five years.

(4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

* * *

SECTION 2. That Chapter 66, Article IV Firefighters' Retirement System, Division 3 Benefits, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended by amending Section 66-331 Maximum Pension, to read as follows:

Sec. 66-331. Maximum pension.

(a) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) ($160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

(b) *Adjustments to Basic Limitation for Form of Benefit***.** ~~If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the death benefits under the form of benefit.~~ If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

(1) For a benefit paid in a form to which section 417(e)(3) of the code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or

b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

(2) For a benefit paid in a form to which section 417(e)(3) of the code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;

b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under

Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code), divided by 1.05.

(3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (1) and (2) above.

(c) *Benefits Not Taken into Account*. For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

(1) Any ancillary benefit which is not directly related to retirement income benefits;

(2) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and

(3) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

(d) *COLA Effect*. Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

(1) A member's applicable limit will be applied to the member's annual benefit in the member's first ~~calendar~~ limitation year of benefit payments without regard to any automatic cost of living adjustments;

(2) thereafter, in any subsequent ~~calendar~~ limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but

(3) in no event shall a member's benefit payable under the system in any ~~calendar~~ limitation year be greater than the limit applicable at the annuity starting date, as

increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

(e) *Other Adjustments in Limitations*.

(1) In the event the member's retirement benefits become payable before age 62, the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a $160,000 annual benefit beginning at age 62.

(2) In the event the member's benefit is based on at least 15 years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (e)(1) above shall not apply.

(3) The reductions provided for in (e)(1) above shall not be applicable to disability benefits pursuant to Sec. 66-328, or pre-retirement death benefits paid pursuant to Sec. 66-327.

(4) In the event the member's retirement benefit becomes payable after age 65, for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age 65. This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(f) *Less than Ten (10) Years of Participation or Service*. The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the City shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Sec. 66-328 or pre-retirement death benefits paid pursuant to Sec. 66-327.

(g) *Participation in Other Defined Benefit Plans*. The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(h) *Ten Thousand Dollar ($10,000) Limit; Less Than Ten Years of Service*. Notwithstanding ~~the foregoing~~ anything in this section 66-331, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of section 66-331 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars ($10,000) for the applicable ~~plan~~ limitation year and for any prior ~~plan~~ limitation year and the City has not any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of section 66-331 shall be a reduced limit equal to ten thousand dollars ($10,000) multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10).

(i) *Reduction of Benefits*. Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(j) *Service Credit Purchase Limits*.

(1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in Sections 66-336 and 66-337, then the requirements of this section will be treated as met only if:

a. the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or

b. the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

~~c.~~ For purposes of applying subparagraph (j)(1)a., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph ~~c.~~, and for purposes of applying subparagraph (j)(1)b. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph ~~c~~.

(2) For purposes of this subsection the term "permissive service credit" means service credit—

a. recognized by the system for purposes of calculating a member's benefit under the plan,

b. which such member has not received under the plan, and

c. which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (j)(2)b., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(k) *Contribution Limits.*

(~~3~~ 1) For purposes of applying the Code Section 415(c) limits ~~in this subsection (j).~~ which are incorporated by reference and for purposes of this subsection (k), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a ~~calendar~~ limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2).

a. However, for ~~calendar~~ limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For ~~calendar~~ limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

b. For limitation years beginning on and after January 1, 2007, compensation for the ~~calendar~~ limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the ~~calendar~~ limitation year that includes the date of the employee's severance from employment if:

1. the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or

2. the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

c. Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(~~4~~ 2) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

a. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).

b. If payment pursuant to subparagraph ~~(j)(4)a.~~ (k)(2)a. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution.

(3) If the annual additions for any member for a limitation year exceed the limitation under section 415(c) of the code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

(4) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this subsection (k) shall not exceed the annual limit under section 401(a)(17) of the code.

(~~k~~ l) *Additional Limitation on Pension Benefits*. Notwithstanding anything herein to the contrary:

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

SECTION 3: Codification.

This Ordinance shall be codified in the Code of Ordinances of the City of St. Pete Beach.

SECTION 4: Severability.

If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: Effective Date.

This ordinance shall become effective immediately upon final passage as provided by law.

____
Steve McFarlin, Mayor

FIRST READING : ___________________

PUBLISHED : ___________________

SECOND READING : ___________________

PUBLIC HEARING : ___________________

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ________ day of ______________________, 2013.

____
Rebecca Haynes, City Clerk

ksh\spb\fire\07-11-13.ord

FOSTER & FOSTER
ACTUARIES AND CONSULTANTS

August 13, 2013

VIA EMAIL AND MAIL

Mr. Carl Carnes, Human Resources Administrator
City of St. Pete Beach
155 Corey Ave.
St. Pete Beach, FL 33706

Re: City of St. Pete Beach
Firefighters' Retirement System

Dear Carl:

In response to Lee Dehner's letter dated July 26, 2013, we have reviewed the proposed ordinance (identified on page 9 as ksh\spb\fire\07-11-13.ord) modifying the language to comply with changes in the Internal Revenue Code, and also providing for a change in the assumptions utilized for the definition of Actuarial Equivalence to match the current valuation assumptions for mortality and interest. While adoption of these assumptions may result in a de minimis impact (either positive or negative) over the life of the Plan, it is not currently measureable and therefore does not result in an immediate change to the Plan's funding requirements.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to each of the following offices:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

Ms. Sarah Carr
Municipal Police and Fire
Pension Trust Funds
Division of Retirement
P.O. Box 3010
Tallahassee, FL 32315-3010

If you have any questions, please let me know.

Sincerely,

Patrick T. Donlan, EA, ASA, MAAA
PTD/lke

cc: Lee Dehner, Board Attorney
cc: Phil Milner, Board Chair

13420 Parker Commons Blvd., Suite 104 Fort Myers, FL 33912 · (239) 433-5500 · Fax (239) 481-0634 · www.foster-foster.com

LEWIS LONGMAN & WALKER | P.A.
ATTORNEYS AT LAW

REPLY TO: TALLAHASSEE

MEMORANDUM

TO: Michael Bonfield, City Manager
City of St. Pete Beach

FROM: Glenn E. Thomas

DATE: August 29, 2013

RE: Retirement System Compliance Ordinances

We have reviewed the proposed ordinances included with your August 1, 2013 correspondence. The ordinances would make changes to the City's General Employees' Retirement System, Firefighters' Retirement System and Police Officers' Retirement System, intended to comply with federal law. The proposed amendments contain several changes to the plans, which are addressed by ordinance section below.

Section 1 Definitions

A change is proposed to the definition of "Actuarial Equivalent" in each plan. The mortality table under the plans would be updated from the current 1983 Group Annuity to the RP 2000. The pension board has the authority, with the advice of the plan actuary, to set reasonable assumptions. The RP 2000 is a more accurate mortality table and this change is typical of many pension plans in Florida.

The ordinance would also revise the interest rate under the definition of actuarial equivalent from the current 8% to 7.75%. This revision is also within the authority of the pension board and the rate adjustment is fairly typical of many governmental plans in Florida today.

The definition of "Credited Service" has also been amended in each plan to include technical language required under Section 105 of the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART Act"). This language is required by federal law.

Section 2 Maximum Pension

A change is proposed to the "Maximum Pension" section in each plan. These sections have been significantly rewritten to comply with recent regulations under Section 415 of the Internal Revenue Code. The changes are technical in nature and reflect the manner in which the plan is required to be administered.

Please let us know if you have any additional questions or concerns.

See Things Differently®

BRADENTON
101 Riverfront Blvd.
Suite 620
Bradenton, FL 34205
(941) 708-4040
Fax: (941) 708-4024

JACKSONVILLE
245 Riverside Avenue
Suite 150
Jacksonville, FL 32202
(904) 353-6410
Fax: (904) 353-7619

TALLAHASSEE
315 South Calhoun Street
Suite 830
Tallahassee, FL 32301
(850) 222-5702
Fax: (850) 224-9242

WEST PALM BEACH
515 North Flagler Drive
Suite 1500
West Palm Beach, FL 33401
(561) 640-0820
Fax: (561) 640-8202

www.llw-law.com

St. Pete Beach City Commission
Agenda Report

Issue Considered:	Ordinance 2013-23, amendment to the General Employees' Retirement System
Date:	September 18, 2013
Prepared By:	Michael P. Bonfield, City Manager MB
Summary of Issue:	This ordinance amends Section 66- 26, Definitions, *Credited Service* and Section 66-108, Maximum Pension to comply with recent changes to the Internal Revenue Code relating to tax qualified pension plans. Section 66-26 Definitions, *Actuarial Equivalent* is also amended to reflect the mortality table and interest rate currently being used by the plan's actuary.
Requested Motion:	"I move to approve Ordinance 2013-23. . . read title."
Attachments:	Ordinance 2013-23 Foster & Foster Letter of no impact Lewis Longman & Walker Memorandum

CITY OF ST. PETE BEACH, FLORIDA
Ordinance No. 2013-23

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING CHAPTER 66, PENSIONS AND RETIREMENT, ARTICLE II GENERAL EMPLOYEES' RETIREMENT SYSTEM, DIVISION 1, GENERALLY AND DIVISION 3, BENEFITS, OF THE CODE OF ORDINANCES OF THE CITY OF ST. PETE BEACH; AMENDING SECTION 66-26 DEFINITIONS, BY AMENDING THE DEFINITIONS OF "ACTUARIAL EQUIVALENT" AND "CREDITED SERVICE"; DIVISION 3, BENEFITS, SECTION 66-108 MAXIMUM PENSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA:

SECTION 1. That Chapter 66, Article II General Employees' Retirement System, Division 1 Generally, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended by amending Section 66-26 Definitions, by amending the definitions of *Actuarial Equivalent* and *Credited Service*, to read as follows:

* * *

Actuarial equivalent means a benefit or amount of equal value, based upon the RP 2000 Combined Healthy ~~(no projection)~~ <u>Mortality Table</u> and an interest rate of ~~eight~~ <u>seven and three quarters</u> percent per annum. This definition may only be amended by the city pursuant to the recommendation of the board using the assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to city discretion.

* * *

Credited service means the total number of years and fractional parts of years of service as a general employee and member contributions to the plan from the date when contributions were first required, omitting intervening years or completed months when such member was not employed by the city as a general employee. A member may voluntarily leave his accumulated contributions in the fund for a period of five years after leaving the employ of the city pending the possibility of being reemployed as a general employee, without losing credit for the time that he was a member of the system. If a non-vested member is not reemployed as a general employee with the City of St. Pete Beach within five years, his accumulated contributions, if $1,000.00 or less, will be returned. If a member who is not vested is not reemployed within five years, his accumulated contributions, if more than $1,000.00, will be returned only upon the written request of the member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. If a vested member does not remain employed for a period of three years after reemployment within five years, his accumulated contributions will be returned only upon his written request. However, the credited service shall not be deemed to be interrupted by and a member shall receive credited service for periods during which the member is on an authorized leave of absence for a period not to exceed one year, but only if the member deposits into the fund, within 90 days after his return, the same sum that he would have contributed if he had been a general employee during his absence, plus an amount of interest equal to the actuarial valuation interest rate assumption in effect on the date of redeposit, plus payment of costs for all professional services rendered to the board in connection with the purchase of the periods of credited service for authorized leave time.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

* * *

SECTION 2. . That Chapter 66, Article II General Employees' Retirement System, Division 3 Benefits, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended by amending Section 66-108 Maximum Pension, to read as follows:

Sec. 66-108. Maximum pension.

(a) *Basic limitation*. Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) ($160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

(b) *Adjustments to Basic Limitation for Form of Benefit*. ~~If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the death benefits under the form of benefit.~~ If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

(1) For a benefit paid in a form to which section 417(e)(3) of the code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or

b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

(2) For a benefit paid in a form to which section 417(e)(3) of the code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;

b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code), divided by 1.05.

(3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (1) and (2) above.

(c) *Benefits Not Taken into Account*. For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

(1) Any ancillary benefit which is not directly related to retirement income benefits;

(2) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and

(3) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

(d) *COLA Effect*. Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

(1) A member's applicable limit will be applied to the member's annual benefit in the member's first ~~calendar~~ limitation year of benefit payments without regard to any automatic cost of living adjustments;

(2) thereafter, in any subsequent ~~calendar~~ limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but

(3) in no event shall a member's benefit payable under the system in any ~~calendar~~ limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

(e) *Other Adjustments in Limitations*.

(1) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar ($160,000) annual benefit beginning at age sixty-two (62).

(2) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (e)(1) above shall not apply.

(3) The reductions provided for in (e)(1) above shall not be applicable to disability benefits pursuant to Sec. 66-103, or pre-retirement death benefits paid pursuant to Sec. 66-102.

(4) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(f) *Less than Ten (10) Years of Participation or Service*. The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the City shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Sec. 66-103 or pre-retirement death benefits paid pursuant to Sec. 66-102.

(g) *Participation in Other Defined Benefit Plans*. The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(h) *Ten Thousand Dollar ($10,000) Limit; Less Than Ten Years of Service*. Notwithstanding ~~the foregoing~~ anything in this section 66-108, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of section 66-108 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars ($10,000) for the applicable ~~plan~~ limitation year and for any prior ~~plan~~ limitation year and the City has not any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of section 66-108 shall be a reduced limit equal to ten thousand dollars ($10,000) multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10).

(i) *Reduction of Benefits*. Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(j) *Service Credit Purchase Limits*.

(1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in 66-114 and 66-115, then the requirements of this section will be treated as met only if:

a. the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or

b. the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

~~c.~~ For purposes of applying subparagraph (j)(1)a., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph ~~c.~~, and for purposes of applying subparagraph (j)(1)b. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph ~~c~~.

(2) For purposes of this subsection the term "permissive service credit" means service credit—

a. recognized by the system for purposes of calculating a member's benefit under the plan,

b. which such member has not received under the plan, and

c. which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (j)(2)b., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(k) *Contribution Limits.*

(~~3~~ 1) For purposes of applying the Code Section 415(c) limits ~~in this subsection (j).~~ which are incorporated by reference and for purposes of this subsection (k), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a ~~calendar~~ limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2).

a. However, for ~~calendar~~ limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For ~~calendar~~ limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

b. For limitation years beginning on and after January 1, 2007, compensation for the ~~calendar~~ limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the ~~calendar~~ limitation year that includes the date of the employee's severance from employment if:

1. the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or

2. the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

c. Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(~~4~~ 2) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

a. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).

b. If payment pursuant to subparagraph ~~(j)(4)a.~~ (k)(2)a. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution.

(3) If the annual additions for any member for a limitation year exceed the limitation under section 415(c) of the code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

(4) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this subsection (k) shall not exceed the annual limit under section 401(a)(17) of the code.

(~~k~~ l) *Additional Limitation on Pension Benefits*. Notwithstanding anything herein to the contrary:

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

SECTION 3: Codification.

This Ordinance shall be codified in the Code of Ordinances of the City of St. Pete Beach.

SECTION 4: Severability.

If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: Effective Date.

This ordinance shall become effective immediately upon final passage as provided by law.

Steve McFarlin, Mayor

FIRST READING :__________________

PUBLISHED :__________________

SECOND READING :__________________

PUBLIC HEARING :__________________

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ________ day of ______________________, 2013.

____
Rebecca Haynes, City Clerk

ksh\spb\gen\07-11-13.ord

FOSTER & FOSTER
ACTUARIES AND CONSULTANTS

August 13, 2013

VIA EMAIL AND MAIL

Mr. Carl Carnes, Human Resources Administrator
City of St. Pete Beach
155 Corey Ave.
St. Pete Beach, FL 33706

Re: City of St. Pete Beach
General Employees' Retirement System

Dear Carl:

In response to the letter from Lee Dehner dated July 26, 2013, we have reviewed the proposed Ordinance (identified on page 8 as ksh\spb\gen\07-11-13.ord) modifying the language to comply with changes in the Internal Revenue Code, and also providing for a change in the assumptions utilized for the definition of Actuarial Equivalence to match the current valuation assumptions for mortality and interest. While adoption of these assumptions may result in a de minimis impact (either positive or negative) over the life of the Plan, it is not currently measureable and therefore does not result in an immediate change to the Plan's funding requirements.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to the following office:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

If you have any questions, please let me know.

Sincerely,

Patrick T. Donlan, EA, ASA, MAAA
PTD/lke

cc: Lee Dehner, Plan Attorney
cc: Bill Palmer, Board Member

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REPLY TO: TALLAHASSEE

MEMORANDUM

TO: Michael Bonfield, City Manager
City of St. Pete Beach

FROM: Glenn E. Thomas

DATE: August 29, 2013

RE: Retirement System Compliance Ordinances

We have reviewed the proposed ordinances included with your August 1, 2013 correspondence. The ordinances would make changes to the City's General Employees' Retirement System, Firefighters' Retirement System and Police Officers' Retirement System, intended to comply with federal law. The proposed amendments contain several changes to the plans, which are addressed by ordinance section below.

Section 1 Definitions

A change is proposed to the definition of "Actuarial Equivalent" in each plan. The mortality table under the plans would be updated from the current 1983 Group Annuity to the RP 2000. The pension board has the authority, with the advice of the plan actuary, to set reasonable assumptions. The RP 2000 is a more accurate mortality table and this change is typical of many pension plans in Florida.

The ordinance would also revise the interest rate under the definition of actuarial equivalent from the current 8% to 7.75%. This revision is also within the authority of the pension board and the rate adjustment is fairly typical of many governmental plans in Florida today.

The definition of "Credited Service" has also been amended in each plan to include technical language required under Section 105 of the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART Act"). This language is required by federal law.

Section 2 Maximum Pension

A change is proposed to the "Maximum Pension" section in each plan. These sections have been significantly rewritten to comply with recent regulations under Section 415 of the Internal Revenue Code. The changes are technical in nature and reflect the manner in which the plan is required to be administered.

Please let us know if you have any additional questions or concerns.

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St. Pete Beach City Commission
Agenda Report

Issue Considered:	Ordinance 2013-24, amendment to the Police Officers' Employees' Retirement System
Date:	September 18, 2013
Prepared By:	Michael P. Bonfield, City Manager MB
Summary of Issue:	This ordinance amends Section 66- 141, Definitions, *Credited Service* and Section 66-221, Maximum Pension to comply with recent changes to the Internal Revenue Code relating to tax qualified pension plans. Section 66-141 Definitions, *Actuarial Equivalent* is also amended to reflect the mortality table and interest rate currently being used by the plan's actuary.
Requested Motion:	"I move to approve Ordinance 2013-24. . . read title."
Attachments:	Ordinance 2013-24 Foster & Foster Letter of no impact Lewis Longman & Walker Memorandum

CITY OF ST. PETE BEACH, FLORIDA
Ordinance No. 2013-24

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING CHAPTER 66, PENSIONS AND RETIREMENT, ARTICLE III POLICE OFFICERS' RETIREMENT SYSTEM, DIVISION 1, GENERALLY AND DIVISION 3, BENEFITS, OF THE CODE OF ORDINANCES OF THE CITY OF ST. PETE BEACH; AMENDING SECTION 66-141 DEFINITIONS, BY AMENDING THE DEFINITIONS OF "ACTUARIAL EQUIVALENT" AND "CREDITED SERVICE"; SECTION 66-221, MAXIMUM PENSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA:

SECTION 1. That Chapter 66, Article III Police Officers' Retirement System, Division 1 Generally, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended by amending Section 66-141 Definitions, by amending the definitions of *Actuarial Equivalent* and *Credited Service*, to read as follows:

* * *

Actuarial equivalent means a benefit or amount of equal value, based upon the ~~1983 Group Annuity~~ RP 2000 Combined Healthy Mortality Table and an interest rate of ~~eight and one-half~~ seven and three quarters percent per annum. This definition may only be amended by the city pursuant to the recommendation of the board using the assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to city discretion.

* * *

Credited service means the total number of years and fractional parts of years of service as a police officer with member contributions, when required, omitting intervening years or fractional parts of years when such member was not employed by the city as a police officer. A member may voluntarily leave his accumulated contributions in the fund for a period of five years after leaving the employ of the police department pending the possibility of being reemployed as a police officer, without losing credit for the time that he was a member of the system. If a vested member leaves the employ of the police department, his accumulated contributions will be returned only upon his written request. If a member who is not vested is not reemployed as a police officer with the police department within five years, his accumulated contributions, if $1,000.00 or less, shall be returned. If a member who is not vested is not reemployed within five years, his accumulated contributions, if more than $1,000.00, will be returned only upon the written request of the member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated. Upon any re-employment a police officer shall not receive credit for the years and fraction parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the police officer repays into the fund the contributions he has withdrawn, with interest, as determined by the board, within 90 days after his reemployment.

The years or fractional parts of years that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a police officer with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

(1) The Member is entitled to reemployment under the provisions of USERRA.

(2) The member returns to his employment as a police officer within one year from the earlier of the date of his military discharge or release from active service, unless otherwise required by USERRA.

(3) The maximum credit for military service pursuant to this paragraph shall be five years.

(4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

<u>Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.</u>

* * *

<u>SECTION 2</u>. That Chapter 66, Article III Police Officers' Retirement System, Division 3 Benefits, of the Code of Ordinances of the City of St. Pete Beach, is hereby amended by amending Section 66-221 Maximum Pension, to read as follows:

Sec. 66-221. Maximum pension.

(a) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) ($160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

(b) *Adjustments to Basic Limitation for Form of Benefit***.** ~~If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the death benefits under the form of benefit.~~ If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

(1) For a benefit paid in a form to which section 417(e)(3) of the code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or

b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

(2) For a benefit paid in a form to which section 417(e)(3) of the code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;

b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code), divided by 1.05.

(3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (1) and (2) above.

(c) *Benefits Not Taken into Account*. For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

(1) Any ancillary benefit which is not directly related to retirement income benefits;

(2) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and

(3) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

(d) *COLA Effect*. Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

(1) A member's applicable limit will be applied to the member's annual benefit in the member's first ~~calendar~~ limitation year of benefit payments without regard to any automatic cost of living adjustments;

(2) thereafter, in any subsequent ~~calendar~~ limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but

(3) in no event shall a member's benefit payable under the system in any ~~calendar~~ limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

(e) *Other Adjustments in Limitations*.

(1) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar ($160,000) annual benefit beginning at age sixty-two (62).

(2) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (e)(1) above shall not apply.

(3) The reductions provided for in (e)(1) above shall not be applicable to disability benefits pursuant to Sec. 66-218, or pre-retirement death benefits paid pursuant to Sec. 66-217.

(4) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(f) *Less than Ten (10) Years of Participation or Service*. The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the City shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Sec. 66-218 or pre-retirement death benefits paid pursuant to Sec. 66-217.

(g) *Participation in Other Defined Benefit Plans*. The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one plan.

(h) *Ten Thousand Dollar ($10,000) Limit; Less Than Ten Years of Service*. Notwithstanding ~~the foregoing~~ anything in this section 66-221, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of section 66-221 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars ($10,000) for the applicable ~~plan~~ limitation year and for any prior ~~plan~~ limitation year and the City has not any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of section 66-221 shall be a reduced limit equal to ten thousand dollars ($10,000) multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10).

(i) *Reduction of Benefits*. Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(j) *Service Credit Purchase Limits*.

(1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in Secs. 66-227 and 66-228, then the requirements of this section will be treated as met only if:

a. the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or

b. the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

~~c.~~ For purposes of applying subparagraph (j)(1)a., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph ~~c.~~, and for purposes of applying subparagraph (j)(1)b. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph ~~c~~.

(2) For purposes of this subsection the term "permissive service credit" means service credit—

a. recognized by the system for purposes of calculating a member's benefit under the plan,

b. which such member has not received under the plan, and

c. which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (j)(2)b., may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

(k) *Contribution Limits.*

(~~3~~ 1) For purposes of applying the Code Section 415(c) limits ~~in this subsection (j).~~ which are incorporated by reference and for purposes of this subsection (k), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a ~~calendar~~ limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2).

a. However, for ~~calendar~~ limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For ~~calendar~~ limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

b. For limitation years beginning on and after January 1, 2007, compensation for the ~~calendar~~ limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the ~~calendar~~ limitation year that includes the date of the employee's severance from employment if:

1. the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or

2. the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

c. Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(~~4~~ 2) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

a. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).

b. If payment pursuant to subparagraph ~~(j)(4)a.~~ (k)(2)a. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution.

(3) If the annual additions for any member for a limitation year exceed the limitation under section 415(c) of the code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

(4) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this subsection (k) shall not exceed the annual limit under section 401(a)(17) of the code.

(~~k~~ l) *Additional Limitation on Pension Benefits*. Notwithstanding anything herein to the contrary:

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

SECTION 3: Codification.

This Ordinance shall be codified in the Code of Ordinances of the City of St. Pete Beach.

SECTION 4: Severability.

If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: Effective Date.

This ordinance shall become effective immediately upon final passage as provided by law.

Steve McFarlin, Mayor

FIRST READING :___________________

PUBLISHED :___________________

SECOND READING :___________________

PUBLIC HEARING :___________________

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ________ day of ______________________, 2013.

____
Rebecca Haynes, City Clerk

ksh\spb\pol\07-11-13.ord

FOSTER & FOSTER
ACTUARIES AND CONSULTANTS

August 13, 2013

VIA EMAIL AND MAIL

Mr. Carl Carnes, Human Resources Administrator
City of St. Pete Beach
155 Corey Ave.
St. Pete Beach, FL 33706

Re: City of St. Pete Beach
Police Officers' Retirement System

Dear Carl:

In response to Lee Dehner's letter dated July 26, 2013, we have reviewed the proposed ordinance (identified on page 9 as ksh\spb\pol\07-11-13.ord) modifying the language to comply with changes in the Internal Revenue Code, and also providing for a change in the assumptions utilized for the definition of Actuarial Equivalence to match the current valuation assumptions for mortality and interest. While adoption of these assumptions may result in a de minimis impact (either positive or negative) over the life of the Plan, it is not currently measureable and therefore does not result in an immediate change to the Plan's funding requirements.

Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to each of the following offices:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

Ms. Sarah Carr
Municipal Police and Fire
Pension Trust Funds
Division of Retirement
P.O. Box 3010
Tallahassee, FL 32315-3010

If you have any questions, please let me know.

Sincerely,

Patrick T. Donlan, EA, ASA, MAAA
PTD/lke

cc: Lee Dehner, Board Attorney
cc: Bob Rogers, Board Chair

LEWIS LONGMAN & WALKER | P.A.
ATTORNEYS AT LAW

REPLY TO: TALLAHASSEE

MEMORANDUM

TO: Michael Bonfield, City Manager
City of St. Pete Beach

FROM: Glenn E. Thomas

DATE: August 29, 2013

RE: Retirement System Compliance Ordinances

We have reviewed the proposed ordinances included with your August 1, 2013 correspondence. The ordinances would make changes to the City's General Employees' Retirement System, Firefighters' Retirement System and Police Officers' Retirement System, intended to comply with federal law. The proposed amendments contain several changes to the plans, which are addressed by ordinance section below.

Section 1 Definitions

A change is proposed to the definition of "Actuarial Equivalent" in each plan. The mortality table under the plans would be updated from the current 1983 Group Annuity to the RP 2000. The pension board has the authority, with the advice of the plan actuary, to set reasonable assumptions. The RP 2000 is a more accurate mortality table and this change is typical of many pension plans in Florida.

The ordinance would also revise the interest rate under the definition of actuarial equivalent from the current 8% to 7.75%. This revision is also within the authority of the pension board and the rate adjustment is fairly typical of many governmental plans in Florida today.

The definition of "Credited Service" has also been amended in each plan to include technical language required under Section 105 of the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART Act"). This language is required by federal law.

Section 2 Maximum Pension

A change is proposed to the "Maximum Pension" section in each plan. These sections have been significantly rewritten to comply with recent regulations under Section 415 of the Internal Revenue Code. The changes are technical in nature and reflect the manner in which the plan is required to be administered.

Please let us know if you have any additional questions or concerns.

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