

ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 104.05 (DEFERRED COMPENSATION) OF CHAPTER 104 (HUMAN RESOURCES) OF THE CODE OF INDIAN RIVER COUNTY, FLORIDA IN ORDER TO ELIMINATE REFERENCES TO SPECIFIC COMPANIES AND SET FORTH THE RESPONSIBILITIES FOR THE ADMINISTRATION OF THE PLAN; AND PROVIDING FOR CODIFICATION, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

**Section 1. Enactment Authority.**

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Board specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

**Section 2. Amendment of Section 104.05 (Deferred Compensation) of Chapter 104 (Human Resources).**

New language indicated by underline, and deleted language indicated by ~~strikethrough~~.

Section 104.05 (Deferred Compensation) of Chapter 104 (Human Resources) of the Code of Indian River County, Florida is hereby amended to read as follows:

**CHAPTER 104. HUMAN RESOURCES**

\* \* \*

**Section 104.05. Deferred Compensation.**

~~Deferred compensation plans are available through ICMA Retirement Corporation, Nationwide Retirement Solutions, Inc., Mass Mutual, Hartford Life Insurance Companies, and John Hancock Financial Services on an optional basis to employees. This program is supplemental to a retirement income and it provides for a tax deferral on income contributed to the plan. A deferred compensation plan is offered on an optional basis to employees. The primary purpose of the deferred compensation plan is to provide employees the opportunity to defer and invest a portion of their compensation to the plan, helping to supplement retirement income. It also provides for a tax deferral on income contributed to the plan. For~~

those employees working under the direction of the Board of County Commissioners, the Director or Manager of Human Resources shall approve and administer these plans and make determinations required by Section 112.215(6)(b), Florida Statutes. For those employees working under the direction of a constitutional officer, each constitutional officer shall designate an individual responsible for making determinations as required by the aforesaid statute. Each constitutional officer may elect to participate in the deferred compensation plan established by the Board of County Commissioners, participate in a separate plan, or elect not to offer a plan to their employees. The designated representatives from the Board of County Commissioners and the constitutional officers electing to participate in a common plan will comprise a committee and will meet as necessary to approve and administer the plan and make determinations required by Section 112.215(6)(b), Florida Statutes.

\* \* \*

**Section 3. Codification.** It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

**Section 4. Severability.** If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

**Section 5. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the \_\_\_\_ day of \_\_\_\_\_, 2017, for a public hearing to be held on the 12<sup>th</sup> day of September, 2017, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Joseph E. Flescher	_____
Vice-Chairman Peter D. O'Bryan	_____
Commissioner Susan Adams	_____
Commissioner Bob Solari	_____
Commissioner Tim Zorc	_____

The Chairman thereupon declared the ordinance duly passed and adopted this 12<sup>th</sup> day of September, 2017.

**BOARD OF COUNTY COMMISSIONERS OF  
INDIAN RIVER COUNTY, FLORIDA**

By: \_\_\_\_\_  
Joseph E. Flescher, Chairman

**ATTEST: Jeffrey R. Smith, Clerk  
and Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the \_\_\_\_ day of June, 2017.