

1 Introduced by the Council President at the request of the Office of
2 General Counsel:



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4 2016-80.tif

5 **ORDINANCE 2016-80**

6 AN ORDINANCE APPROVING SETTLEMENT OF PENDING
7 LITIGATION BETWEEN THE CITY OF JACKSONVILLE,
8 JOHN KEANE, AND THE JACKSONVILLE POLICE AND
9 FIRE PENSION BOARD OF TRUSTEES WITH RESPECT TO
10 THE SENIOR STAFF VOLUNTARY RETIREMENT PLAN;
11 AUTHORIZING THE MAYOR AND THE CORPORATION
12 SECRETARY TO EXECUTE A SETTLEMENT AGREEMENT
13 AND AUTHORIZING THE OFFICE OF GENERAL COUNSEL
14 TO TAKE ALL FURTHER ACTIONS TO SETTLE AND
15 CONCLUDE THE LAWSUIT; PROVIDING AN EFFECTIVE
16 DATE.

17 **WHEREAS**, in 1990 the Legislature enacted Chapter 90-442, Laws
18 of Florida, creating the Jacksonville Police and Fire Pension Fund
19 Board of Trustees (the "Board of Trustees") to administer the
20 retirement plan for the City of Jacksonville ("City") law
21 enforcement officers and firefighters known as the Jacksonville
22 Police and Fire Pension Fund ("Pension Fund"); and

23 **WHEREAS**, Chapter 90-442 also amended Section 18.07 of the
24 Charter of the City of Jacksonville to include the Board of
25 Trustees as an independent agency of the City; and

26 **WHEREAS**, the Board of Trustees is granted those powers needed
27 to administer the Pension Fund, including the power to "[e]mploy
28 and fix the compensation of an administrator and any consultants,
29 attorneys, actuaries, accountants, and other employees or
30 contractors;" and

31 **WHEREAS**, in 2000 the Board of Trustees created a defined

1 benefit plan for certain Board of Trustees employees, known as the
2 Jacksonville Police and Fire Pension Fund Senior Staff Voluntary
3 Retirement Plan ("Senior Plan"); and

4 **WHEREAS**, the City's auditors discovered the Senior Plan
5 during a 2012 audit of the Pension Fund, and on August 10, 2012,
6 the General Counsel for the City issued a legal opinion that the
7 Board of Trustees did not have the authority to create the Senior
8 Plan; and

9 **WHEREAS**, an ongoing dispute has arisen between the City and
10 the Board of Trustees as to the lawfulness of the Senior Plan,
11 resulting in the City filing a lawsuit against the Board of
12 Trustees and John Keane seeking declaratory judgment; and

13 **WHEREAS**, the Council believes that it is in the City's best
14 interest to resolve the dispute without protracted and costly
15 litigation; and

16 **WHEREAS**, the City agrees to settle the dispute as provided in
17 the Settlement Agreement (attached hereto as **Exhibit 1**); now
18 therefore

19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Approval of Settlement Agreement and**
21 **Authorization to Execute and Implement.** There is hereby approved,
22 and the Mayor, or his designee, and the Corporation Secretary are
23 hereby authorized to execute and deliver, for and on behalf of the
24 City, the Settlement Agreement in the form attached as **Exhibit 1**,
25 and the Office of General Counsel is hereby authorized to take, or
26 cause to be taken, for and on behalf of the City, such further
27 action and execute all other documents to conclude the settlement
28 and pending litigation.

29 **Section 2. Effective Date.** This Ordinance shall become
30 effective upon signature by the Mayor or upon becoming effective
31 without the Mayor's signature.

1 Form Approved:

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3 /s/ Loree L. French

4 Office of General Counsel

5 Legislation Prepared By: Loree L. French

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