

**CITY OF SANIBEL
ORDINANCE 25-025**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO CHAPTER 50, PERSONNEL, ARTICLE III, POLICE OFFICERS' RETIREMENT, DIVISION 2, PENSION PLAN, SUBDIVISION XV, FUNDING, SECTION 50-441, PARTICIPANT CONTRIBUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has created, established, and maintained a dedicated pension trust fund for the City's sworn police officers; and

WHEREAS, provisions and requirements for contributions into the pension fund are detailed in Sections 50-313 and 50-441 of the City's Code of Ordinances; and

WHEREAS, the sections provide for a three percent supplemental contribution by participants; and

WHEREAS, the language in the sections do not agree on the supplemental contribution as to whether it is mandatory or optional; and

WHEREAS, it has been determined that the supplemental three percent contribution was intended to be optional and discretionary at the participants' choice.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The above "Whereas" clauses are ratified, confirmed, and incorporated by reference as if set forth herein as the City Council's legislative findings.

SECTION 2. Sanibel Code of Ordinances, Chapter 50, Personnel, Article III, Police Officers' Retirement, Division 2, Pension Plan, Subdivision XV, Funding, Section 50-441 Participant Contributions, is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 50 - PERSONNEL

...

ARTICLE III. – POLICE OFFICERS' RETIREMENT

...

DIVISION 2. – PENSION PLAN

...

Subdivision XV. – Funding.

...

Sec.50-441. – Participant contributions.

- (a) All participants shall make regular contributions at the rate of five percent of earnings which shall be deposited in the fund at least each pay period until reaching normal retirement age, at which time the participant contribution shall be one percent of

earnings. Additionally, all participants shall have the option to voluntarily contribute another an additional three percent of earnings, which shall be deposited in the fund at least each pay period. Such additional contributions shall be designated to provide a supplemental benefit for participants making this contribution as described in Subdivision VI, Section 50-313(e). The decision to participate or to not participate in this supplemental contribution is irrevocable.

...

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall be effective immediately upon adoption.

Attest:

Scotty Lynn Kelly
Scotty Lynn Kelly, City Clerk

Mike Miller
Mike Miller, Mayor

Approved as to form and legality:

John D. Agnew
John D. Agnew, City Attorney

Date filed with City Clerk: 1/14/26

Vote of Council Members:

Miller	<u>Aye</u>
Smith	<u>Aye</u>
DeBruce	<u>Aye</u>
Henshaw	<u>Aye</u>
Johnson	<u>Aye</u>

First Reading: December 16, 2025
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