

**AGENDA**  
**CITY OF VALPARAISO & VALPARAISO CABLE AUTHORITY JOINT MEETING**  
**465 Valparaiso Parkway**  
**Valparaiso, Florida**  
**850-729-5402**  
**April 11, 2016**  
**6:00 pm**

*Invocation (Comm. Strong)*  
*Pledge of Allegiance (Mayor Arnold)*

**CDBG 2<sup>nd</sup> Public Hearing**

**APPROVAL OF MINUTES**

1. March 14, 2016
2. March 22, 2016

**CITIZENS' CONCERNS (non-agenda items)**

1. Resident
2. Non-resident

**ACTION ITEMS/POTENTIAL ORDINANCES**

1. Election Results Acceptance -----Attach 1
2. Cable/Broadband
3. Dangerous Building-----Attach 2
4. Ordinance No. 671 Business Property Tax Exemption-----Attach 3
5. Proclamation Relay for Life-----Attach 4
6. Etc.

**OLD BUSINESS**

1. Ordinance No. 670 Flood Plan Amendment Final Reading -----Attach 5
2. General Employee Normal Retirement Age-----Attach 6
3. Etc.

**REPORTS / CORRESPONDENCE / ANNOUNCEMENTS**

1. TPO/DOT
2. Stormwater
3. Legal Activities Update
4. Community Liaison Report
5. Construction Activity
6. Highway 397 Culvert Blow-out
7. Okaloosa League of Cities Meeting, Thursday, April 21, @6pm
8. Disbursements
9. Etc.

CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA

COUNTY OF OKALOOSA

CITY OF VALPARAISO

We, the undersigned, Patricia Grinsted, County Judge, Carolyn Ketchel, for Chair of the Board of County Commissioners, and Paul Lux, Supervisor of Elections, constituting the Canvassing Board for the City of Valparaiso, do hereby certify that we met in the office of the Supervisor of Elections, 302 Wilson St N, Suite 102, Crestview, Florida, on the 25<sup>th</sup> day of March, A.D., 2016, and proceeded to publicly canvass the votes given for the office and persons hereby specified at the VALPARAISO MUNICIPAL ELECTION held on the 15<sup>th</sup> day of March, A.D., 2016, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For CITY COMMISSION, the whole number of votes cast was 2,210, of which number:

ANNIE S. CAMERON	received	339	votes
ROBERT EHRHARD.	received	229	votes
KAY HAMILTON	received	520	votes
JOSEPH L. MORGAN, III	received	504	votes
CHRISTINE WASDIN	received	618	votes

Regarding the referendum "A VOTE ALLOWING TEMPORARY ECONOMIC DEVELOPMENT PROPERTY TAX EXEMPTIONS TO BUSINESSES THAT CREATE NEW JOBS," the whole number of votes cast was 1,300, of which number:

YES For Authority to grant exemptions.	received	1,061	votes
NO Against authority to grant exemptions	received	239	votes

*Patricia Grinsted*  
Patricia Grinsted, Okaloosa County Judge

*Carolyn C. Ketchel*  
Carolyn Ketchel  
For Chair, Board of County Commissioners

ATTEST:

*Paul Lux*  
Paul Lux, Supervisor of Elections

Total ballots cast in the City of Valparaiso was 1,345 for a 48.0 percent turnout.



**CITY OF VALPARAISO**  
465 VALPARAISO PARKWAY • (850) 729-5402  
**VALPARAISO, FLORIDA 32580**

March 29, 2016

Donald and Stambolis Whitney  
418 Davenport Avenue  
Valparaiso, Florida 32580

Dear Whitney's:

This letter will serve as your official notification that the structure located at 418 Davenport Avenue will be placed on the April 11, 2016 City of Valparaiso Commission agenda for official action pursuant to Section 98-231 of the city Code of Ordinances.

Sincerely,

Carl L. Scott  
City Administrator

cc: Chief Joe Hart

# ORDINANCE NO. 671

**AN ORDINANCE OF THE CITY OF VALPARAISO, FLORIDA, ESTABLISHING PURSUANT TO SECTION 196.1995, FLORIDA STATUTES, FOR TEN YEARS, THE AUTHORITY TO GRANT CERTAIN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS; PROVIDING THAT APPROVAL OF THE EXEMPTION AUTHORITY OCCURRED BY REFERENDUM OF THE VOTERS OF THE CITY ON MARCH 15, 2016; PROVIDING FOR GRANTING OF CERTAIN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Valparaiso of Okaloosa County, Florida, is a municipal corporation duly created and existing pursuant to the Constitution and laws of the State of Florida; and,

**WHEREAS**, it is the intent of the City to establish and further a sound business and industrial tax base in the City of Valparaiso, of which said tax base will benefit all residents in the City by better broadening the distribution of the burden of said taxes; and,

**WHEREAS**, this intent and purpose is accomplished by attracting those businesses and industries that pay greater than the average annual Okaloosa County wage to locate in the City; and,

**WHEREAS**, the Legislature of the State of Florida enacted Section 166.021(8) of the Florida Statutes to facilitate the growth and creation of business enterprises in the municipalities of the State of Florida; and,

**WHEREAS**, the City desires to participate in and promote economic development incentive programs that will assist in accomplishing the purposes of attracting targeted industries with value-added employment opportunities.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF VALPARAISO, FLORIDA:**

## **SECTION 1. TITLE.**

This ordinance shall be known and may be cited as the “City of Valparaiso Economic Development Incentive Ordinance.”

## **SECTION 2. PURPOSES AND FINDINGS OF FACT.**

The preceding recitals are true and correct, and are incorporated herein. It is the intent and purpose of this ordinance to provide the authority and mechanisms within the parameters of federal, state and local laws, to allow the expenditure of public funds for promotions and incentives to attract industries or businesses to locate within the City and through expansion of certain existing industries or businesses, particularly when such industries and businesses pay above average annual wage to locate or expand in the City.

## **SECTION 3. DEFINITIONS.**

For the purpose of this ordinance, the following definitions shall apply.

- A. *Above average annual wage* means one hundred ten percent (110%) or greater of the average annual wage for Okaloosa County.
- B. *Average annual wage* means the average annual wage paid to workers in Okaloosa County as published by the State of Florida, Department of Economic Opportunity, Bureau of Labor Market Statistics, for the most current year published.
- C. *Applicant* means the industrial or business entity seeking to be verified by the City as an eligible industry or business pursuant to this ordinance.
- D. *Attributable tax increment* means the increased increment in the City's ad valorem and tangible property tax base attributable or apportionable to new development, redevelopment or expansion of an industry or business.
- E. *Business or industry* means any business entity authorized to do business in the state, county and the city, including all members of an affiliate group of corporations as defined in Section 220.03 (1)(b) of the Florida Statutes.
- F. *Expansion of an Existing Business* means the expansion of a business or industry resulting in the increase in jobs and wages as defined herein.
- G. *Full-time* means any full-time equivalent position(s) including, but not limited to, positions obtained through co-employment under a professional employer organization agreement.
- H. *Jobs* means full-time equivalent positions, as such terms are consistent with terms used by the Florida Department of Economic Opportunity and U.S. Department of Labor for purposes of unemployment compensation tax administration and employment estimation. Jobs shall not include temporary construction jobs involved with the construction of facilities for the project or any jobs which have been previously included in any incentive benefit provided pursuant to this ordinance.
- I. *New business* means a business or industry which does not exist within the City, first begins its operations on a site located within the City and is clearly separate from any other operation owned by the same business or industry.
- J. *New job* means the addition of a new full-time job which is wholly based in the City and which previously did not exist as part of the City's total job base.
- K. *Project* means the creation of a new business or industry or the expansion of an existing business or industry.

#### **SECTION 4. ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION.**

Subject to the provisions of this ordinance, certain new businesses or expansions of an existing business or industry due to relocation to the City or through expansion of existing facilities within the City may be granted an ad valorem property tax exemption of up to 100% of the increased value added to the tax roll for up to ten (10) years.

To comply with statutory requirements, eligible applicants must meet the job creation threshold of 10 full-time (or full-time equivalent) jobs for a business that manufactures, processes, compounds, fabricates or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; 25 full time (or full-time equivalent) jobs for other industries with a sales factor less than 0.50 for each year that the exemption is claimed; 50 full time (or full-time equivalent) jobs for an office use provided that such business or organization office first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business or organization; or any

business or organization located in an enterprise zone or brownfield area that first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business or organization.

The City Commission, in its sole discretion, shall determine and set guidelines to insure continued consistency with statutory requirements and to integrate local input within the guidelines to achieve the desired results of offering this incentive. No precedent shall be implied or inferred by the granting of an exemption to a New Business or Expansion of an Existing Business.

**SECTION 5. ADMINISTRATION AND PROCEDURES.**

A supporting Policy & Procedures Manual to implement the exemptions and incentives provided for in this ordinance shall be developed upon adoption of this ordinance.

**SECTION 6. PERFORMANCE DEMONSTRATION AND REVIEW.**

Following adoption of an ordinance granting an Economic Development Ad Valorem Tax Exemption or following execution of a grant of exemption agreement as required by this ordinance, the City may periodically conduct site visits and audits of the New Business or Expansion of an Existing Business to ensure that the business is satisfactorily performing under the ordinance or grant of exemption agreement and this ordinance. As a prerequisite of receiving an exemption or incentive from the City in year one and each year thereafter, the New Business or Expansion of an Existing Business shall demonstrate:

- A. That it has fully satisfied all terms and conditions contained in the agreement as described in this ordinance continuing through the subject funding period;
- B. That it has not been, nor is, in breach or default of the grant of exemption agreement or any other incentive agreement with the City pursuant to this ordinance; and,
- C. That it has created the number of eligible new jobs promised within the time frames set forth below:
  - 1. For any new construction or expansion of a building or facility to be used and occupied by the New Business or Expansion of an Existing Business, the New Business or Expansion of an Existing Business shall demonstrate that it has created the number of eligible new jobs promised no later than twelve (12) months from receiving the certificate of occupancy for its primary building or facility, or from the date of completing its multi-year expansion.
  - 2. For any existing building or facility, the New Business or Expansion of an Existing Business shall demonstrate that it has created the number of eligible new jobs promised no later than twelve (12) months from moving into its building or facility and commencing operations, or from the date of completing its multi-year expansion.

**SECTION 7. CESSATION OF OPERATIONS DURING EXEMPTION TERM.**

In the event the New Business or Expansion of an Existing Business ceases its operations, closes its business, moves out of the City, loses its status as a New Business or Expansion of an Existing Business at any time during the ordinance or agreement period, or is in breach or default of any ordinance or grant of exemption agreement with the City under this ordinance, then the New Business or Expansion of an Existing Business shall forfeit any and all funding/incentives which may be remaining under its agreement and any other incentive pursuant to this ordinance.

**SECTION 8. INCENTIVES NON-EXCLUSIVE.**

The incentive in this ordinance is not exclusive and eligible businesses or industries may apply for as many incentives as they qualify for under other resolutions, ordinances or provisions of the Code. Further, the incentive in this ordinance does not preclude an industry or business from applying or qualifying in other federal, state or local programs. City Commission, in its sole discretion, reserves the right to limit or restrict the number of applicants and the total number and dollar amount of all grants of exemption, deferrals and incentives under this ordinance which may be awarded in any given City fiscal year.

**SECTION 9. REFERENDUM ELECTION.**

The authority to grant economic development tax exemptions established by this ordinance was approved by a majority of the electors of the City of Valparaiso voting in the referendum election on March 15, 2015.

**SECTION 10. INCORPORATION INTO CODE OF ORDINANCES.**

This ordinance shall be incorporated into the City of Valparaiso's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 11. CONFLICTING PROVISIONS.**

Special Acts of the Florida Legislature applicable to the incorporated area of the City of Valparaiso, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 12. SEVERABILITY.**

Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

**SECTION 13. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon approval on second reading by City Commission and signature of the Mayor.

**ADOPTED IN SESSION THIS \_\_\_\_ DAY \_\_\_\_ OF 2016**

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John B. Arnold, Jr.  
Mayor

ATTEST:

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Tammy Johnson, CMC  
City Clerk

# City of Valparaiso, Florida

# Proclamation



*WHEREAS*, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

*WHEREAS*, money raised during Relay For Life of Valparaiso supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

*WHEREAS*, Relay For Life helped fund more than \$310 million in cancer research last year.

*NOW, THEREFORE*, I, Mayor Arnold, by virtue of the authority vested in me as Mayor of the City of Valparaiso, do hereby proclaim April 25 to 29, 2016 as

## "RELAY FOR LIFE DAYS"

in the City of Valparaiso and encourage citizens to help finish the fight against cancer by participating in the Relay For Life event of Valparaiso at Niceville High School on Friday, May 6, 2016 at 6 pm through Saturday, May 7, 2016 at 6 am.

In witness whereof, I have hereunto set my hand and caused this seal to be affixed.

\_\_\_\_\_  
John B. Arnold Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Della Rhodes  
Deputy City Clerk



**ORDINANCE NO. 670**

**AN ORDINANCE BY THE CITY OF VALPARAISO AMENDING THE CITY OF VALPARAISO'S CODE OF ORDINANCES CHAPTER 110 FLOODS, ARTICLE II, DIVISION 2, SECTIONS 110-58 AND 110-62 TO ADOPT REQUIRED ADDITIONAL PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and**

**WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Valparaiso and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and**

**WHEREAS, the City of Valparaiso was accepted for participation in the National Flood Insurance Program on April 1, 1977 and the City of Valparaiso City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and**

**WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and**

**WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the Florida Building Code to implement the National Flood Insurance Program; and**

**WHEREAS, the City of Valparaiso Board of Commissioners has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the Florida Building Code.**

**NOW, THEREFORE, BE IT ORDAINED by the City of Valparaiso Board of Commissioners that the following floodplain management regulations, are hereby adopted.**

**SECTION 1. FINDINGS**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

The Valparaiso Code of Ordinances Chapter 110 Floods, Article II, Division 2, Sections 110-58

and 110-62 are hereby amended as follows with underlining indicating new language and strike-through indicating deleted language:

**110-58(f) Limitations on sites in coastal high hazard areas (Zone V).** In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8(3) of this ordinance.

**110-62(e) Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).** In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

**110-62(f) Decks and patios in coastal high hazard areas (Zone V).** In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

**110-62(g) Other development in coastal high hazard areas (Zone V).** In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

**110-62(h) Nonstructural fill in coastal high hazard areas (Zone V).** In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

~~**107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.~~

## ~~**117 VARIANCES IN FLOOD HAZARD AREAS**~~

~~**117.1 Flood hazard areas.** Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.~~

**Section 2: CONFLICTING ORDINANCES**

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

**Section 3: SEVERABILITY**

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph section or clause is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

**Section 4: EFFECTIVE DATE.**

This ordinance shall become effective immediately upon passage.

**ADOPTED IN SESSION THIS 11<sup>TH</sup> DAY APRIL OF 2016**

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John B. Arnold, Jr.  
Mayor

ATTEST:

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Tammy Johnson, CMC  
City Clerk

Ordinance No. 670

## MEMORANDUM

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Date: April 8, 2016  
To: City Commission  
From: City Clerk  
Subject: General Employee Retirement



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Please see the attached 401(a) Defined Contribution Plan.

I respectfully request the Commission consider changing the “Normal Retirement Age” of the City of Valparaiso’s General Retirement.

**Currently the City of Valparaiso’s General Retirement “Normal Retirement Age” is 70½.**

### **FRS Pension Plan**

If you enrolled in the FRS prior to July 1, 2011, normal retirement is age 62 with at least 6 years of service or 30 years of service, regardless of age.

If you enrolled in the FRS on or after July 1, 2011, normal retirement is age 65 with at least 8 years of service or 33 years of service, regardless of age.

I respectfully request you consider changing the General Retirement to closer mirror the FRS Plan.

### **Possible New “Normal Retirement Age”**

**age XX with X years of consecutive service (the vesting schedule still applies) or XX years of service, regardless of age.**

# Florida Municipal Pension Trust Fund

§ 401(a) Defined Contribution Plan

## Adoption Agreement

Please tell us about the Participating Employer:

Name of Government Entity	City of Valparaiso
Address	465 Valparaiso Pkwy
Address	
City-State-Zip	Valparaiso, FL 32580
Individual to Receive Plan Notices	Della Rhodes
Title	Deputy City Clerk
Telephone	850-729-5402
Fax	850-678-4553
e-mail	<a href="mailto:deputyclerk@valp.org">deputyclerk@valp.org</a>

### Your Plan Administrator is:

Florida League of Cities, Inc.  
301 S. Bronough Street  
P.O. Box 1757  
Tallahassee, Florida 32302  
Phone: (850) 222-9684  
Fax: (850) 222-3806

Contacts: Jeremy Button, Senior Analyst, [jbutton@flcities.com](mailto:jbutton@flcities.com)

### Plan Provisions

The Participating Employer will use FMPTF's § 401(a) Defined Contribution Plan Document.

For any Plan choice that this Adoption Agreement fails to specify, the Participating Employer is deemed to have specified the first-displayed choice.

### Your Plan Year is:

October 1 – September 30

January 1 – December 31

Other \_\_\_\_\_

### Payroll Periods

The payroll period of the Participating Employer is:

weekly

bi-weekly

semi-monthly

monthly

other [specify]: \_\_\_\_\_

Florida Municipal Pension Trust Fund  
§ 401(a) Defined Contribution Plan  
Adoption Agreement

**Who's eligible?**

Generally, the following employee classes are allowed to participate in the Plan:

- General Employees
- Police Officers
- Firefighters

An Employee is eligible to share in Non-elective Contributions and Matching Contributions (to the extent provided under the Plan) if he or she meets all of the following three eligibility conditions:

**1. Age condition**

An Employee is eligible if he or she has attained:

- no age requirement
- age 16
- age 18
- age 21

**2. Service condition**

An Employee is eligible if he or she has completed:

- no service requirement
- 3 Months of Eligibility Service
- 1 Year of Eligibility Service
- Other: \_\_\_\_\_

**3. Excluded Employees**

Every Employee shares in Non-elective Contributions and Matching Contributions except an Employee who belongs to a classification specified below:

Police Officers, firefighters, part time employees, and current FRS members

**Participating Employer Contributions**

A Participating Employer may make Non-elective Contributions and/or Matching Contributions as specified below. Non elective Contributions and Matching Contributions that are tied to Payroll Periods (as defined in this Adoption Agreement) must be remitted to the Plan Administrator no later than 15 business days after the Payroll Period. Annual Contributions must be remitted to the Plan Administrator no later than 15 business days after the end of the Plan Year. A Participating Employer may establish different classes of Employees for contribution purposes in this Adoption Agreement. The Participating Employer hereby elects to make Contributions as follows (choose one or both as applicable):

Florida Municipal Pension Trust Fund  
§ 401(a) Defined Contribution Plan  
Adoption Agreement

- Non-elective Contributions** – Participating Employee Non-elective Contributions will be made on the following basis (must specify):

\_\_\_\_\_  
\_\_\_\_\_

- Non-elective Contributions** – Participating Employer Non-elective Contributions will be made on the following basis (must specify):

9% employer contribution  
\_\_\_\_\_  
\_\_\_\_\_

- Matching Contributions**

Matching Contributions are Participating Employer Contributions that may be made to match all or a portion of a Participant's contribution to an eligible 457(b) deferred compensation plan.

If the Participating Employer provides Matching Contributions, the amount of Matching Contributions made for a Participant each Plan Year will be (choose only one):

- [ ] 100% match, up to \_\_\_\_% of such Participant's Employee Basic Contributions.
- [ ] \_\_\_\_% of the Participant's Employee Basic Contributions, which cannot exceed \_\_\_\_% of the Participant's Benefit Compensation.
- [ ] other formula (requires approval from the FMPTF ) \_\_\_\_\_

**Non-elective Contributions and Matching Contributions in the year of termination**

A Participant shall receive the Employer Contribution during the year of termination regardless of time completed, subject to the vesting schedule.

**Benefit Compensation**

Benefit Compensation means the Participant's:

- Benefit Compensation as defined in Provision 3.13 in the Plan Document.

- other [specify] ( requires approval from the FMPTF)

To include overtime.  
\_\_\_\_\_  
\_\_\_\_\_

**Vesting for Participating Employer Non-elective Contributions and Matching Contributions**

Florida Municipal Pension Trust Fund  
 § 401(a) Defined Contribution Plan  
 Adoption Agreement

A Participating Employer may establish a vesting schedule for Participating Employer Non-elective Contributions and Matching Contributions. This means that if the Participant leaves the Participating Employer's employment prior to completing a specified minimum period of service (not to exceed 5 years), the Participant forfeits the Participating Employer's Non-elective Contributions and Matching Contributions. However, upon Death, Disability, or the Termination of the Plan, the Participant is 100% vested in the Participant's Participating Employer Non-elective Contributions and Matching Contributions, notwithstanding any vesting schedule. If a vesting schedule is established, it is the Participating Employer's responsibility to calculate the Participants service and report it to the Plan Administrator. The Participating Employer hereby elects the following:

A Participant becomes Vested in his or her Plan Account according to:

Immediate vesting  
 -or-

The schedule marked below

Years of Vesting Service	Vested percentage [X]
1	0%
2	0%
3	0%
4	0%
5	50%
6	60%
7	70%
8	80%
9	90%
10	100%

Unless otherwise specified above, the vesting period will begin on the Participant's first day of employment as an Eligible Employee. In addition, unless otherwise indicated above, Eligible Employees who are employed on the date the Plan is adopted by the Employer will be given credit for prior service as an Eligible Employee for purposes of satisfying the vesting schedule. Also, unless otherwise provided above, different periods of service as an Eligible Employee will be added together in determining whether the vesting period has been satisfied.

Restated Plan - If this is a Restated Plan to an existing defined contribution plan and the Vesting Schedule has been amended by this Restated Plan, enter the pre-amended vesting schedule below:

a. _____	Years of Service	Percentage	Years of Service	Percentage
	_____	_____	_____	_____
	_____	_____	_____	_____

Florida Municipal Pension Trust Fund  
§ 401(a) Defined Contribution Plan  
Adoption Agreement

\_\_\_\_\_

b. X Schedule has not been amended.

**Years of Vesting Service**

A year of vesting service shall be measured from the Participant's date of hire. The completion of twelve calendar months from the date of hire shall count as a year of vesting service. Any years of vesting service credited from prior years shall remain credited, regardless of revised provisions.

**Forfeitures**

Forfeitures shall be held in a Forfeiture Account and be used to reduce future Participating Employer Contributions.

**Normal Retirement Age**

An employee may separate service at any time, and access the vested portion of their retirement account balance. The 401(a) Plan Document declares a Normal Retirement Age, but the Plan Sponsor may declare their own Normal Retirement Age if they wish.

- The Plan utilizes the Normal Retirement Age in the Plan Document.  
 The Plan utilizes an alternative Normal Retirement age (no later than 70 ½): age XX with X years of consecutive service (the vesting schedule still applies) or XX years of service, regardless of age.

**Changing and Terminating this Adoption Agreement**

If a Participating Employer desires to amend any of its elections contained in this Adoption Agreement, the Participating Employer by official action must adopt an amendment to the Adoption Agreement or a new Adoption Agreement must be adopted and forwarded to the FMPTF for approval.

This Adoption Agreement may be terminated only in accordance with the Plan.

**Adopting the Plan**

By signing below, the Participating Employer adopts the FMPTF 401(a) Defined Contribution Plan ("Plan"). The Participating Employer acknowledges that it received a copy of the Plan. The Participating Employer shall receive copies of any Plan amendments made by the FMPTF.

Florida Municipal Pension Trust Fund  
§ 401(a) Defined Contribution Plan  
Adoption Agreement

The Participating Employer's signer represents that he or she is a proper officer of and has authority to enter into this Adoption Agreement as an obligation of the Participating Employer.

\_\_\_\_\_

BY:

Date: \_\_\_\_\_

\_\_\_\_\_  
Name:  
Title:

Accepted for the:

**Florida Municipal Pension Trust Fund**

By the Administrator:

\_\_\_\_\_  
**Florida League of Cities, Inc.**

Date: \_\_\_\_\_