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ORDINANCE NO. 82-7

AN ORDINANCE ESTABLISHING A DEFERRED COMPENSATION PROGRAM FOR THE OFFICERS AN EMPLOYEES OF HOLMES COUNTY, FLORIDA; APPROVING AN ADOPTING THE NATIONAL ASSOCIATION OF COUNTIES DEFERRED COMPENSATION PROGRAM. AUTHORIZING THE COUNTY COMMISSION CHAIRMAN OR HIS DESIGNEE TO ENTER INTO PARTICIPATION AGREEMENTS WITH COUNTY OFFICERS AN EMPLOYEES; CREATING A DEFERRED COMPENSATION COMMITTEE TO REVIEW PLAN PERFORMANCE AND CONSIDER CLAIMS FOR HARDSHIP DISTRIBUTION; DESIGNATING SUCH COMMITTEE TO MAKE DETERMINATIONS PURSUANT TO FLORIDA STATUTES, SECTION 112.215 REGARDING INCOME TAX AND RETIREMENT PROVISIONS OF SUCH PLANS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Holmes County has considered the establishment of a Deferred Compensation Plan to be made available to all eligible County employees an elected officials, pursuant to Section 457 of the Internal Revenue Code permitting such Plans; and

WHEREAS, Section 112.215, Florida Statutes authorizes counties to enter into deferred compensation programs for its officials an employees; and

WHEREAS, certain tax benefits could accrue to employees and elected officials participating in said Deferred Compensation Plans; and

WHEREAS, such benefits will act as incentives to County officers an employees to voluntarily set aside and invest portions of their current income to meet their future financial requirements and supplement their retirement and Social Security (if Applicable); and

WHEREAS, the National Association of Counties (NACo) has established a deferred compensation program; and

WHEREAS, by adoption of the NACo program, all regulatory, operational, administrative and fiduciary responsibilities are hereby assumed by NACo, on behalf of Holmes County; and

WHEREAS, NACo, agrees to hold harmless and indemnify the County, its appointed an elected officers and participating employees from any loss resulting from their or their agent's failure to perform their duties and service pursuant to the NACo program.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, that:

Section 1. The Board of County Commissioners of Holmes County, Florida, for its employees and for all county constitutional Officers and their employees,

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hereby adopts the National Association of Counties (NACo) Deferred Compensation Program, and hereby establishes for itself the Holmes County, Florida, Deferred Compensation Plans for the voluntary participation of all eligible County officials and employees. The Plan is entered into with the understanding that, other than the incidental expenses of collecting and disbursing of the employees' deferrals and other minor administrative matters, there will be no cost or contribution by the County to the Plan.

Section 2. The Chairman of the Holmes County Commissioners or his designee is hereby authorized to execute, on behalf of Holmes County, individual participation agreements with each employee requesting to participate in the Plan, and to execute such agreements and contracts as are necessary to implement the Plan.

Section 3. Deferred Compensation Committee

3.1 Establishment and Composition. The Board of County Commissioners of Holmes County, Florida, hereby creates the Deferred Compensation Committee. Such committee shall be composed of the following persons or designees of these persons:

1. One County Commissioner
2. the County Finance Director
3. the County Attorney
4. such other person or persons as the Board of County Commissioners may from time to time appoint.

The County Commissioner shall serve as Chairman of the committee.

3.2 Powers and Duties. The Deferred Compensation Committee shall have the following powers and duties:

1. Review the performance of the Plan and the Plan administrator and make appropriate recommendations to the Board.
2. Review petitions by employees for advance distribution of deferred compensation in cases of unforeseen emergencies and make recommendation to the County Administrator.
3. Make recommendations to the Board of County Commissioners on other matters related to deferred compensation.

3.3 Meetings. Meetings shall be held at such time and place as determined by the Chairman, except that a meeting shall be held to consider a petition for hardship distribution within thirty (30) days of such petition being filed.

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Section 4. The Plan shall not become effective until the Deferred Compensation Committee is satisfied that the compensation deferred under the Plan and the investment products purchased pursuant to the Plan will not be included in an employee's taxable income under federal and state law until it is actually received by the employee under the Plan, and that such compensation will none-the-less be deemed compensation at the time of deferral for purposes of Social Security coverage, the Florida Retirement System, and any other retirement, pension or benefit program established by law. The Deferred Compensation Committee is hereby designated to make such determinations.


Section 5. Severability. If any section, subsection, clause or phrase of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this ordinance.

Section 6. This ordinance shall take effect pursuant to law.

Section 7. Adopted by the Board of County Commissioners of Holmes County, Florida, duly assembled in regular session this 21st day of June, 1982.

BOARD OF COUNTY COMMISSIONERS
HOLMES COUNTY, FLORIDA

BY:


Gene Sims, Chairman

ATTEST:


Cody Taylor, Clerk

Proposed 126

ORDINANCE NO. 82-8

AN ORDINANCE AMENDING ORDINANCE NO. 80-7; EXTENDING THE LEGAL HOURS OF SALE, SERVING, AND CONSUMPTION OF ALCOHOLIC OR INTOXICATING BEVERAGES UNTIL 2:00 O'CLOCK A.M. ON MONDAY THROUGH SATURDAY NIGHTS; SAID ORDINANCE TO APPLY TO ALL AREAS OF HOLMES COUNTY, FLORIDA, OUTSIDE OF ANY MUNICIPALITY; ESTABLISHING AN EFFECTIVE DATE.

Section 1, Authority: This Ordinance is enacted pursuant to the authority granted County Governments by Florida Statutes 125.66(2).

Section 2, Purpose: Sections 2 and 2-A of County Ordinance No. 80-7 is hereby amended so as to extend the legal hours of sale, serving and consumption of alcoholic or intoxicating beverages upon any permise holding a license under the State Beverage Department from 12:00 O'Clock Midnight until 2:00 A.M. on Monday through Saturday night.

Section 3, Prior Ordinance: All other provisions of prior County Ordinance No. 80-7 shall remain in full force and effect.

Section 4, Effective Date: This Ordinance shall become effective immediately upon its enactment and being properly filed in the Office of the Secretary of State, and shall repeal all existing Ordinances or sections of existing ordinances in conflict herewith.

ENACTED by the Board of County Commissioners of Holmes County, Florida, this ____ day of _____, 1982.

HOLMES COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Chairman

ATTEST:

Clerk