

CITY OF CORAL GABLES, FLORIDA

EMERGENCY ORDINANCE NO. 2015-35

AN EMERGENCY ORDINANCE OF THE CITY OF CORAL GABLES AMENDING CHAPTER 50 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS," AMENDING SECTION 50-26, COMPULSORY PARTICIPATION AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City intends to hire a new employee by the end of 2015; and

WHEREAS, the City Attorney opines under Section 2-201(e)(1) and (8) of the City Code, following consultation with outside counsel, that an amendment to the pension code is required to allow the employee to participate in a defined contribution plan, instead of the defined benefit plan; and

WHEREAS, the employee is slated to begin employment with the City by the end of 2015 and, due to the holiday season, the Commission will only meet once in the month of December making this the final meeting for the calendar year; and

WHEREAS, pursuant to Section 13 of the City Charter, along with Section 166.041(3)(b) of the Florida Statutes, and because of the time sensitivity of these emergent matters, the City Commission has determined it is in the best interests of the City to enact these provisions as part of an emergency ordinance, which requires the affirmative vote of four Commissioners;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Section 50-26 of the "Code of the City of Coral Gables" pertaining to "Pensions" is hereby amended to read as follows (additions are symbolized by underline/deletions are symbolized by strikethrough):

Sec. 50-26. Compulsory Participation.

- (a) Each employee in the service of the city shall, as a condition of employment, become a participant in the retirement system as of the employee's date of employment and will be subject to all provisions of the system beginning on such date.
- (b) Provided, however, it shall not be mandatory for any appointed official of the city or any assistant city manager or deputy city attorney to participate in the system, but such official shall have the option of participation in the system. In the event that any of the appointed officials or assistant city manager or deputy city attorney elect to participate in any retirement plan other than the system, the city may contribute a sum not to exceed the maximum limit provided by law to that plan.
- (c) Further provided, however, that it shall not be mandatory for any elected official of the city to participate in the system, but such elected official shall have the option of participation in the system. A member of the city commission may exercise his option to decline participation in the system at any time. In the event that any of the elected officials choose to participate in a retirement plan other than the system, the city will contribute a sum not to exceed 6½ percent of the elected official's compensation to that plan. The effective date of the option to participate shall be the date the elected official takes office. Notwithstanding the foregoing, elected officials who take office on or after October 1, 2008, shall become members of the Florida Retirement System in accordance with applicable law, and shall not participate in the city retirement system.
- (d) Further provided, however, it shall not be mandatory for any department director, hired on or after September 8, 2015, to participate in the system, but such department director shall have the option of participation in the system or in another retirement plan, and must exercise that option within thirty days following their date of hire. In the event that the department director elects to participate in any retirement plan other than the system, the city may contribute a sum not to exceed the maximum limit provided by law to that plan.
- (e) Further provided, however, it shall not be mandatory for any employee other than a police officer or firefighter, hired on or after December 8, 2015, to participate in the system, but such employee shall have the option of participation in the system or in another retirement plan, and must exercise that option within thirty days following their date of hire. In the event that the employee elects to participate in any retirement plan other than the system, the city may contribute a sum not to exceed the maximum limit provided by law to that plan. The preceding two sentences shall apply to excluded employees immediately upon the effective date of this Ordinance, and shall apply to participants in the bargaining unit represented by Teamsters Local 769 upon agreement of the bargaining representative.

SECTION 4. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 6. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective upon passage and adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF DECEMBER, A.D., 2015.

(Moved: Quesada/ Seconded: Slesnick)

(Yeas: Slesnick, Keon, Lago, Quesada, Cason)

(Unanimous: 5-0 Vote)

2nd roll Call

(Moved: Quesada / Seconded: Slesnick)

(Yeas: Keon, Lago, Quesada, Slesnick, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: E-6)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY