

City of Coral Gables City Commission Meeting
Agenda Item H-3
July 10, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item H-3 [4:10:26 p.m.]

Discussion regarding individuals who opted out of the class in Murrhee v. City of Coral Gables, Case No. 13-20731 CA (13) (Fla. 11th Cir. Ct.) (Sponsored by Commissioner Lago)

Mayor Valdes-Fauli: Discussion regarding individuals who opted out of the class in Murrhee v. City of Coral Gables, H-3.

Commissioner Lago: Thank you Mayor. I'm going to ask our City Attorney to just give us a brief synopsis of where we are. I've had the pleasure of meeting with one of the individuals who opted out and is caught kind of in limbo, so I want our City Attorney to just give a quick synopsis of where we are and what the issues are at hand.

City Attorney Ramos: So this is related to the COLA lawsuit, also known as Murrhee v. City of Coral Gables. It was a class action lawsuit, as you all know. The class was closed back when the judge issued the final order earlier this year. However it was an opt out class, meaning that notices were sent to everyone that could be a potential class member. If they did nothing they

were automatically in the class. If they filled out a paper that was in the back of that notice and sent it back then they were opting out. Of the universe of individuals in the class, four individuals opted out. One of those individuals has come to the City and explained to us that she did not understand the notice and what she was doing by opting out, and she's asked to be treated the same way as the class members were treated. We cannot procedurally include her in the class in the court case, because that case has been closed. However the City Commission may make a policy decision to include her in the class or to treat her the same way as class members were treated as we did for GAP members recently. My recommendation is if the City Commission wishes to do so that we should then extend the same thing to the other three individuals who opted out, thereby closing this issue once and for all and not having it come back by one of the other three members. I propose the way we do that is to send a letter to those other individuals and give them a period of time within which to advise the City that they wish to be included. If that were the case and all four individuals were included, it would raise the City's unfunded liability by \$79,000 according to the Pension Board's actuary.

Commissioner Lago: I just going to give a very brief comment in regards to this. I know we've had a very long day and I know everybody is ready to wrap this up. But I had the pleasure of meeting with this nice lady, who I think she told me she had worked for the City for about 24 years, correct?- and I don't want to get into her own personal matter, because that has to do with her, but she showed me the letter that was sent to her. Again, it has a confusing factor to it and anybody could have made that mistake. I bring this before you today, because I think that this is an issue of fairness. I know obviously, I think my reputation speaks for itself, the way that I've treated pensions and the way that I've treated our obligation, but I think this is a different circumstance. I think we have four individuals who made an error, they made an error, and now they are going to pay a significant price in regards to a cost of living adjustment.

Mayor Valdes-Fauli: Make a motion.

Commissioner Lago: And, I think that we need to just in this issue show a little heart.

Mayor Valdes-Fauli: Make a motion.

Commissioner Keon: Make a motion.

Commissioner Lago: I make a motion.

Commissioner Keon: I second it.

City Attorney Ramos: Are you moving to include all four members...

Commissioner Lago: Yes – even if they are not present today.

Mayor Valdes-Fauli: Will you call the roll please.

Commissioner Keon: Yes

Commissioner Lago: Yes

Commissioner Mena: Yes

Vice Mayor Quesada: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Commissioner Lago: Thank you.

[End: 4:13:42 p.m.]