

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2009-44**

AN EMERGENCY ORDINANCE AMENDING CHAPTER 50 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS," IMPLEMENTING PROVISIONS OF THE 2008-2009 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND FRATERNAL ORDER OF POLICE, CORAL GABLES, LODGE NUMBER 7; REVISING THE DEFINITION OF "TOTAL EARNINGS"; REVISING THE EMPLOYEE CONTRIBUTIONS FOR POLICE OFFICERS; REPEALING ALL ORDINANCES INCONSISTENT HEREWITH; FURTHER DISPENSING WITH THE REQUIREMENT OF READING TITLE TO SAID ORDINANCE ON TWO SEPARATE DAYS BY A 4/5THS VOTE OF THE CITY COMMISSION PURSUANT TO ARTICLE II, SECTION 13 OF THE CHARTER; PROVIDING FOR A REPEALER PROVISION; A SAVINGS CLAUSE; A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission recently ratified the 2008-2009 collective bargaining agreement between the City of Coral Gables and Fraternal Order of Police, Coral Gables, Lodge Number 7; and

**WHEREAS**, the collective bargaining agreement contains certain changes to the Coral Gables Retirement System affecting members of the FOP bargaining unit; and

**WHEREAS**, to implement the changes to the Retirement System contained in the collective bargaining agreement, it is necessary to amend the Retirement System ordinance;

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

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Emergency Ordinance upon adoption herein.

**SECTION 2.** That Section 50-34 of the "Code of the City of Coral Gables" pertaining to "Pensions" is hereby amended to read as follows:

Sec. 50-34. Employee contributions.

All participants except police officers shall contribute five percent of their total earnings to the system. The five percent of total earnings contribution for firefighter participants shall commence effective October 1, 2005. Commencing September 30, 2009, police officers shall contribute five percent of their total earnings to the system.

**SECTION 3.** That Section 50-34 of the "Code of the City of Coral Gables" pertaining to "Pensions" is hereby amended to read as follows:

Sec. 50-246. Deferred retirement option plan (DROP).

(a) *Eligibility.*

(1) The effective date of the DROP is January 1, 1999.

(2) Any active participant under the system may retire and participate in the DROP upon becoming eligible for normal retirement either as defined in section 50-25, if the employee has 25 years of service, or the employee is age 65, if earlier. A participant must make a written election to participate in the DROP within 180 days of attaining eligibility to participate in the DROP, or if eligible as of January 1, 1999, no later than 180 days from January 1, 1999. If an election is not made within the time frame provided herein, the participant will not be eligible to participate in the DROP in the future. Provided, however, that for firefighter participants and effective September 30, 2009 for police officer participants, participation in the DROP may be elected no earlier than the earlier of the date the employee satisfies the "Rule of 70" (i.e., the provisions of subsection (2) of the definition of normal retirement date in section 50-25), or attains 25 years of service, or reaches age 65. Further provided, however, that for firefighter and police officer participants, the election to enter the DROP must be made no later than six months after the later of the date the employee satisfies the "Rule of 70," or the date the employee attains 25 years of credited service. Also further provided, however, that for firefighter and police officer participants, if such participant becomes eligible to enter the DROP by virtue of attaining age 65, the participant must elect to enter the DROP within six months of attaining age 65.

\* \* \*

**SECTION 4.** That Section 50-25 of the "Code of the City of Coral Gables" pertaining to "Pensions" is hereby amended to read as follows:

Sec. 50-25. Definitions.

For purposes of this article, the following words and phrases shall have the meanings stated below unless a different meaning is plainly required by the context:

\* \* \*

*Total earnings* means all remuneration paid by the city to the employee, including compensation, overtime, educational payments, shift differentials, special assignments, and the like, but exclusive of lump-sum payments for unused annual and sick leave upon employee termination, or of the value of any automobile furnished to the employee by the city, and uniform, equipment and like allowances. Provided, however, that "total earnings" shall not include amounts paid for overtime hours worked in excess of 300 overtime hours in any year, as "year" is defined for purposes of "highest three-year average." Further provided, however, that for participants other than firefighter participants, "total earnings" shall not include amounts paid for overtime hours worked in excess of 600 overtime hours in any year, as "year" is defined for purposes of "highest three-year average" (this sentence shall be effective as of June 8, 2004, and this 600-hour cap shall not affect averages prior to June 8, 2004. (Definition as amended September 23, 1998, is retroactive to November 21, 1989, at which time by reenactment of the retirement ordinance, the city continued the established policy of excluding lump-sum payments of unused annual and sick leave in calculating total earnings upon termination.) Notwithstanding any provision of this paragraph, effective September 30, 2009 "total earnings"

for police officers shall not include: amounts paid for overtime hours worked in excess of 300 overtime hours in any year, as "year" is defined for purposes of "highest three-year average" (provided, the 300 hour cap on overtime payments shall not affect averages prior to September 30, 2009); or lump sum payments for accumulated compensatory time.

**SECTION 5.** That all sections or parts of sections of the City Code of the City of Coral Gables, all ordinances or parts of ordinances, and all laws of the City of Coral Gables in conflict herewith, shall be and they are hereby repealed insofar as there is a conflict or inconsistency.

**SECTION 6.** That this Ordinance is hereby declared to be an emergency measure and providing that it shall become effective September 30, 2009.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF SEPTEMBER, A.D., 2009.

(Moved: Withers / Seconded: Anderson)

(Yea: Anderson, Cabrera, Kerdyk, Withers, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: E-6)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY