

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2020-267

A RESOLUTION OF THE CITY COMMISSION ACCEPTING THE FINANCE DIRECTOR'S RECOMMENDATION TO REJECT THE RETIREMENT BOARD'S DETERMINATION TO GRANT A COST OF LIVING INCREASE (COLA) TO THE MEMBERS OF THE CLASS IN MURRHEE V. CITY OF CORAL GABLES (TREATING GAP AND OPT-OUTS IN THE SAME FASHION) UNDER THE ALTERNATIVE DISPUTE RESOLUTION MECHANISM ESTABLISHED IN ORDINANCE NOS. 2018-11, 2018-25, AND 2018-35

WHEREAS, on February 26, 2018, the court entered a Final Judgement approving the settlement agreement in Murhee v. City of Coral Gables, Case No. 13-20731 CA (13) (Fla. 11th Cir. Ct.); and

WHEREAS, in accordance with the settlement agreement, in Ordinance No. 2018-11 (the Ordinance), Section 46-253 of the City Code was amended to include the terms of the settlement agreement which include the Alternative Dispute Resolution Mechanism (ADRM); and

WHEREAS, on July 10, 2018, the City Commission adopted Ordinance No. 2018-25 establishing that GAP employees (current and former city employees who retired, entered the DROP, or reached eligibility for normal retirement after January 1, 2013 but before the February 2015 Retirement Plan Amendment) were to be treated in the same fashion as class members; and

WHEREAS, on September 11, 2018, the City Commission adopted Ordinance No. 2018-35 establishing that opt-outs (former city employees who opted out of the class) were to be treated in the same fashion as class members; and

WHEREAS, the ADRM allows the City Commission, after a hearing, by supermajority 4/5th vote, to reject the Retirement Board's determination or reduce the amount of the proposed COLA based on a set of factors; and

WHEREAS, on November 12, 2020, the Retirement Board, in accordance with the settlement agreement and the Ordinance, voted to approve a COLA of 5.1%; and

WHEREAS, in accordance with the settlement agreement and the Ordinance and since the net Actuarial Experience is negative, the City Attorney invoked the ADRM within

the prescribed time period and requested a hearing before the City Commission within the prescribed time period; and

WHEREAS, the City's Finance Director, relying on the factors set forth in the settlement agreement and the Ordinance, presented the City Commission with a memorandum (attached hereto as Exhibit A) recommending that the COLA be rejected; and

WHEREAS, the figures relied upon by the Finance Director in coming to her conclusion, were verified by the City's actuary; and

WHEREAS, on December 8, 2020, the ADRM hearing was held and all parties wishing to speak were afforded an opportunity to do so;

NOW, THEREFORE, BE IT RESOLVED 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 Resolution upon adoption hereof.

SECTION 2. That based on the factors in the settlement agreement and the Ordinance, the Finance Director's recommendation to reject the Retirement Board's determination is accepted and the grant of a COLA to the class members, GAP employees, and opt-outs be rejected.

SECTION 3. A supermajority 4/5th vote of the City Commission was required in order to reject the COLA and the City Commission voted unanimously in favor of rejecting the COLA.

SECTION 4. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF DECEMBER, A.D., 2020.
(Moved: Lago / Seconded: Mena)
(Yeas: Lago, Mena, Fors, Jr., Keon, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: J-1)

APPROVED:

A handwritten signature in black ink, consisting of a large, stylized 'V' shape with a circular flourish at the top and a long, sweeping tail extending downwards and to the right.

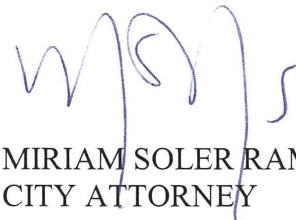
RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in blue ink, featuring a large, stylized 'B' and 'U' with a long horizontal tail extending to the right.

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, consisting of a stylized 'M' and 'S' with a long, sweeping tail extending downwards and to the right.

MIRIAM SOLER RAMOS
CITY ATTORNEY