

CITY OF CORAL GABLES, FLORIDA
EMERGENCY ORDINANCE NO. 2016-50

AN EMERGENCY ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF THE CITY OF CORAL GABLES, ENTITLED "PENSIONS"; AMENDING SECTION 50-27, PURCHASE OF CREDITED SERVICE FOR PERIOD OF MILITARY SERVICE AND/OR EMPLOYMENT WITH OTHER PUBLIC EMPLOYERS; AND PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE (THE SOLE PURPOSE OF THIS ORDINANCE IS TO INCORPORATE THE PENSION CHANGE AGREED UPON IN THE 2014-2017 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND IAFF).

WHEREAS, the City of Coral Gables (the "City") and the International Association of Fire Fighters, Local 1210 (the "IAFF"), have negotiated a collective bargaining agreement for the period commencing October 1, 2014 and terminating September 30, 2017 (the "Agreement"); and

WHEREAS, included in the Agreement is a change to the Coral Gables Retirement System ("Retirement System") for the bargaining unit employees represented by the IAFF; and

WHEREAS, to make the change to the Retirement System official, it is necessary to incorporate it into the City's Code of Ordinances; and

WHEREAS, based on the time sensitivity of the manner, and to ensure that the participants benefitting from this amendment would be able to obtain the extension of time prior to having the initial time period expire between first and second reading, and

WHEREAS, the Commission finds that this qualifies as an emergency ordinance and waives second reading and publication through a supermajority vote pursuant to section 5 of the City Charter and section 166.041(3)(c) of the Florida Statutes, requiring the vote of four Commissioners;

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 Ordinance upon adoption hereof.

SECTION 2. Section 50-279 of the "Code of the City of Coral Gables" pertaining to "Pensions" is hereby amended to read as follows:

Sec. 50-27. - Purchase of credited service for period of military service and/or employment with other public employers.

- (a) The definitions of section 50-25 to the contrary notwithstanding, participants of the system shall have the option to receive credited service for all purposes of this system for the time while in the active United States military service prior to city employment under the following conditions. Participants who wish to receive credit for this service will be required to make a contribution for such service in an amount established by a formula and by payment methods determined by the retirement board. Notwithstanding the preceding sentence, effective September 30, 2010, participants, other than police officers or firefighters, who wish to receive credit for military service prior to city employment will be required to make a contribution for such service in an amount equal to the full actuarial cost of the service as determined by the plan actuary. Each participant shall make an irrevocable election to purchase military service credit within 180 days following the date the participant attains five years of credited service under this system. Notwithstanding the preceding sentence, firefighters hired on April 18, 2011 who wish to receive credit for military service prior to city employment shall make an irrevocable election to purchase military service credit within 180 days following the date the participant attains seven years of credited service under this system. If an election to purchase service credits is not received in this time period, no future election will be allowed. To be eligible to purchase credit for military service time, a participant must be an employee of the city at the date of the election and must have a total of five years of credited service with the city immediately prior to the date of application. If eligible to purchase credit for military service time, a participant may purchase United States military service time up to a maximum of five years, on a day-for-day basis. Under no circumstances may a participant purchase more military service credit (on a day-for-day basis) than actually spent in active United States military service. Once a time period is chosen for purchase, the period cannot be adjusted.
- (b) Purchase of credited service for periods of service with other public employers. The definitions of section 50-25 to the contrary notwithstanding, participants of the system shall have the option to receive credited service for all purposes of this system, except subsections 50-233(c) and (e) of this section, for periods of service with other public employers under the following conditions and subject to any restrictions established by applicable law:
- (1) A participant may purchase other employer service time for purposes of certain terms defined in sections 50-25, 50-230(a) and (d), 50-232(a)(2), and 50-233(a) and (b) on a day-for-day basis and up to a maximum of five years. The purchase of other public employer's service time is subject to the retirement board's receipt of proof of the employee's employment with the other public employer and participation in the other public employer's pension plan. Under no circumstances may the participant purchase more service time (on a day-for-day basis) than actually credited under the other public employer's pension plan.

- (2) To be eligible to elect to receive credit for other public employer service time, a participant must be an employee of the city at the date of the election and must have a total of five years of credited service with the city immediately prior to the date of election.
- (3) Each participant who desires to receive credits for any or all other public service time shall make an irrevocable election to do so and shall elect the amount of other public employer service time being purchased within 180 days following the attainment of five years of credited service under this system. Notwithstanding the preceding sentence, firefighters hired on April 18, 2011 who wish to receive credited service for service with other public employers prior to city employment shall make an irrevocable election to do so and shall elect the amount of other public employer service time being purchased within 180 days following the attainment of seven years of credited service under this system.
- (c) Limitation on combined purchases of credited service for periods of military service and periods of service with other public employers. Notwithstanding any other provision of subsections (a) and (b) of this section, the combined maximum number of years of credited service which a participant can purchase for periods of military service and periods of service with other public employers cannot exceed a total of five years.
- (d) There is no age limit for any participant who wishes to purchase eligible service time.

SECTION 3. 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 4. 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 5. This Ordinance shall become effective upon passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF OCTOBER, A.D., 2016.
(Moved: Keon / Seconded: Lago)
(Yeas: Lago, Quesada, Slesnick, Keon, Cason)
(Unanimous: 5-0 Vote)
First Roll Call
(Yeas: Quesada, Slesnick, Keon, Lago, Cason)
(Unanimous: 5-0 Vote)
Second Roll Call
(Agenda Item: E-1)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY