

CITY OF CORAL GABLES, FLORIDA
EMERGENCY ORDINANCE NO. 2017-38

AN ORDINANCE AMENDING CHAPTER 50 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS," AMENDING SECTION 50-26, "COMPULSORY PARTICIPATION" **TO ALLOW NON-BARGAINING UNIT POLICE OFFICERS AND FIREFIGHTERS HIRED FROM OUTSIDE THE CITY THE OPTION TO ELECT TO PARTICIPATE IN A DEFINED CONTRIBUTION RETIREMENT PLAN, INSTEAD OF THE CORAL GABLES RETIREMENT SYSTEM;** AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City intends to hire one or more non-bargaining unit police officers and firefighters from outside the City in the near future; and

WHEREAS, it is in the best interest of the City to allow non-bargaining unit police officers and firefighters hired from outside the City the option to elect to participate in a defined contribution retirement plan, instead of the Coral Gables Retirement System; 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 non-bargaining unit police officers and firefighters hired from outside the City the option to elect to participate in a defined contribution retirement plan, instead of the Coral Gables Retirement System ;

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 follows¹:

Sec. 50-26. Compulsory participation.

- (a) Except as otherwise provided herein, each ~~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.

¹ Words and figures underscored are additions to existing law; words and figures ~~struck through~~ are deletions.

- (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 6¹/₄ 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 30 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 the ordinance from which this section derives, and shall apply to participants in the bargaining unit represented by Teamsters Local 769 upon agreement of the bargaining representative.
- (f) Further provided, however, it shall not be mandatory for a non-bargaining unit police officer or firefighter hired from outside the city on or after September 26, 2017 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 30 days following their date of hire. In the event such 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.

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 its passage and adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF OCTOBER, A.D., 2017.

(Moved: Quesada / Seconded: Keon)

(Yeas: Mena, Quesada, Keon, Lago, Valdes-Fauli)

(Unanimous: 5-0 Vote)

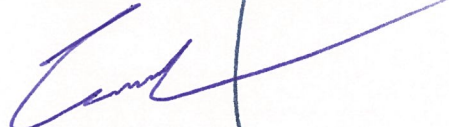
(Agenda Item: F-1)

APPROVED:



RAUL VALDES-FAULI
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

ATTEST:



WALTER J. FOEMAN
CITY CLERK