

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2018 - \_\_**

AN ORDINANCE AMENDING CHAPTER 46 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS;" AMENDING SECTION 46-253, ENTITLED "NORMAL RETIREMENT INCOME;" TO PROVIDE THE SAME ALTERNATIVE DISPUTE RESOLUTION MECHANISM TO RESOLVE DISPUTES ABOUT FUTURE COST OF LIVING INCREASES TO 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, AS IS PROVIDED TO MEMBERS OF THE CERTIFIED CLASS IN THE MURRHEE V. CITY OF CORAL GABLES CASE, AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Commission recently adopted Ordinance No. 2018 amending the City of Coral Gables Retirement System to implement the Settlement Agreement in Murrhee v. City of Coral Gables, Case No. 13-20731 CA (13) (Fla. 11th Cir. Ct.); and

**WHEREAS**, the Settlement Agreement and Ordinance 2018-11 provide an alternative dispute resolution mechanism to resolve disputes about future cost of living increases that may be provided to members of the certified class in the Murrhee case, which class consists of "[a]ll persons who have been in receipt of benefits from the Coral Gables Retirement System . . . for a full year preceding January 1, 2014, or their Designated Beneficiaries . . . ;" and

**WHEREAS**, after the class was certified in the Murrhee case, the City became aware of a group of current and former City employees who retired, entered the DROP or reached eligibility for normal retirement after January 1, 2013 but before the Retirement Plan was amended by Ordinance No. 2015-03 in February 2015 to expressly incorporate the state law governing the use of actuarial gains to provide additional benefits; and

**WHEREAS**, the City has determined that the group of 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 should be subject to the same alternative dispute resolution mechanism to resolve disputes about future cost of living increases that applies to members of the certified class in the Murrhee case, and in furtherance of this determination the City is entering into individual agreements with the current and former employees; and

**WHEREAS**, to provide the same alternative dispute resolution mechanism to the group of current 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, as is provided to members of the certified class in the Murrhee case, it is necessary to amend the Retirement Plan.

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

**SECTION 1.** That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption.

**SECTION 2.** That section 46-253 of the "Code of the City of Coral Gables" pertaining to "Pensions" is hereby amended to read as follows (additions appear with a double underline):

**Sec. 46-253. Normal retirement income.**

(c) *Cost of living increase.* Effective as of each January 1, each person who has been in receipt of benefits for the full preceding year will receive a permanent increase in monthly benefit calculated as follows:

\* \* \*

(6) For the class members in *Murrhee v. City of Coral Gables*, Case No. 13-20731 CA (13) (Fla. 11th Cir. Ct.), and for those members who retired, entered the DROP or became eligible for normal retirement after January 1, 2013 and before February 10, 2015 and signed a settlement agreement with the city, or the designated beneficiaries of such members, paragraph 8.3 of the Class Action Settlement Agreement dated September 18, 2017 will govern cost of living increases for the fiscal year ending September 30, 2017 and each year thereafter and reads as follows:

\* \* \*

**SECTION 3.** That all sections or parts of sections of the 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 are hereby repealed insofar as there is a conflict or inconsistency.

**SECTION 4.** That 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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrases in order to accomplish such intentions.

**SECTION 5.** That this Ordinance shall become effective upon adoption for all employees who are not subject to a Collective Bargaining Agreement. For those employees who are subject to a Collective Bargaining Agreement, the Ordinance shall become effective on the date of execution of a Memorandum of Understanding between the applicable bargaining unit/union and the City. The Ordinance shall automatically terminate if the Alternative Dispute Resolution Mechanism is terminated by the City or with the City's approval pursuant to ¶ 7 of the Settlement Agreement.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2018.

APPROVED:

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RAUL VALDES-FAULI  
MAYOR

APPROVED AS TO FORM AND  
ATTEST:

LEGAL SUFFICIENCY:

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WALTER J. FOEMAN  
CITY CLERK

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MIRIAM SOLER RAMOS  
CITY ATTORNEY