

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2015-___

AN ORDINANCE AMENDING CHAPTER 50 OF THE "CODE OF THE CITY OF CORAL GABLES," ENTITLED "PENSIONS," AMENDING SECTION 50-239(A), LIMITATION ON PAYMENT OF RETIREMENT INCOME, AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. Section 50-239(a) of the "Code of the City of Coral Gables" pertaining to "Pensions" is hereby amended to read as follows:

Sec. 50-239. Limitation on payment of retirement income.

- (a) Notwithstanding the fact that the monthly retirement income is payable for life, if any person receiving a monthly retirement income, other than a retired police officer or firefighter, should receive or become entitled to receive any compensation for personal services currently performed under substantially full-time continuous employment by the city at the regular compensation for the type services being performed, the monthly retirement income shall cease during the period for which such compensation is payable. Such monthly retirement income shall, however, be resumed again at the same rate when such compensation thereafter ceases to be payable. The monthly retirement income payable to a retired police officer or firefighter shall cease during any period of reemployment as a city police officer or firefighter and, upon subsequent retirement, the monthly retirement benefit shall be adjusted to reflect the additional credited service and compensation earned during such period of reemployment. A city employee may retire from full-time employment with the city, and following a break in service of at least thirty (30) days may be rehired in a part-time capacity with the city, and continue to receive monthly retirement income during such part-time employment. Notwithstanding any provision of this subsection:

(1) An employee other than a police officer or firefighter who retires under the normal retirement provisions of the system may, following a break in service of at least six (6) months, be reemployed in a full-time capacity with the city and continue to receive monthly retirement income during such re-employment; provided, such employee shall not be eligible to participate in or earn additional benefits under the system during the period of reemployment, but shall be eligible to participate in a 401(a) defined contribution plan or 457 plan as determined by the city manager. The preceding sentence shall apply to excluded employees immediately upon the effective date of this Ordinance.

and shall apply to participants in the bargaining unit represented by Teamsters Local 769 upon agreement of the bargaining representative.

(2) A police officer or firefighter who retires under the normal retirement provisions of the system may, following a break in service of at least six (6) months, be reemployed in a full-time capacity with the city other than as a police officer or firefighter, and continue to receive monthly retirement income during such re-employment; provided, such employee shall not be eligible to participate in or earn additional benefits under the system during the period of reemployment, but shall be eligible to participate in a 401(a) defined contribution plan or 457 plan as determined by the city manager. The preceding sentence shall apply to police officers and firefighters who are not in a bargaining unit immediately upon the effective date of this Ordinance, and shall apply to police officers in the bargaining unit represented by the Fraternal Order of Police, Coral Gables Lodge Number 7, and firefighters in the bargaining unit represented by the International Association of Firefighters, Local 1210, upon agreement of the bargaining representative for the respective unit.

* * *

SECTION 2. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 4. CODIFICATION.

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. EFFECTIVE DATE.

This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2015.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY