

CITY OF CORAL GABLES, FLORIDA

EMERGENCY ORDINANCE NO. 2020 - [REDACTED] (AS AMENDED)

AN EMERGENCY ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 46 - "PENSIONS" OF THE CITY OF CORAL GABLES CODE, TEMPORARILY WAIVING THE 30-DAY BREAK IN SERVICE REQUIREMENT FOR RETIRED EMPLOYEES WHO ARE REHIRED AS PART-TIME POLICE OFFICERS OR COMMUNICATION OFFICERS DURING THE COVID-19 EMERGENCY; AMENDING SECTION 46-262, ENTITLED "LIMITATION ON PAYMENT OF RETIREMENT INCOME"; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, COMPLIANCE AND AN EFFECTIVE DATE. (FOR RATIFICATION)

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, during this state of emergency it is vital that the City maintain a sufficient level of trained essential personnel to meet the increased demands of the City's residents for the duration of the COVID-19 state of emergency; and

WHEREAS, City employees may be temporarily unable to report to work due to possible COVID-19 exposure or quarantines related to COVID-19, which might impact essential governmental functions; and

WHEREAS, training new employees to serve in the positions of police officer and communications officer requires significant time and resources, which may be better utilized in support of the City's response to COVID-19; and

WHEREAS, retired City police officers and communications officers possess the necessary skills and training to immediately assist with the City's COVID-19 response; and

WHEREAS, the City's essential governmental functions should not be hindered by the reluctance of a retiree, who left employment in reliance on his or her anticipated retirement income, to return to service if requested, due to the potential reduction in retirement income resulting from application of the termination and reemployment limitations in Pension Ordinance 46-262; and

WHEREAS, at the April 21st, 2020 City Commission meeting, the City Commission found that it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors of the City remain safe and secure; and

WHEREAS, due to the Coronavirus/COVID-19 Pandemic, and in accordance with

Resolution No. 2020-74, the April 21st City Commission meeting was held virtually and it came to the City's attention that the platform did not allow certain members of the public to access the meeting; and

WHEREAS, in an abundance of caution, the ordinance is being placed on the May 12th City Commission meeting agenda so as to allow for any member of the public who was unable to speak during the April 21st City Commission meeting to do so and for the Commission's ratification of its adoption of the ordinance.

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. That section 46-262 "Limitation on payment of retirement income" of Chapter 46 "Pensions" the Code of the City of Coral Gables, Florida is hereby amended to read as follows¹:

CHAPTER 46 –Pensions

Sec. 46-262. - 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 re-employment 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 re-employment. A city employee may retire from full-time employment with the city, and following a break in service of at least 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 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

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

period of re-employment, 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 the ordinance from which this division is derived, 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 months, be re-employed 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 re-employment, 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 the ordinance from which this division is derived, 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.

(3) The provisions above for cessation of a rehired retiree's retirement income and restrictions on rehire of retirees shall not apply to a police officer or communications officer who retires from full-time employment with the city after March 21, 2020 under the normal retirement provisions of the system who is rehired as a part-time police officer or part-time communications officer, subject to the limitations herein. Retired employees rehired under this paragraph (a)(3) shall not accrue additional retirement benefits during the period of part-time re-employment. This paragraph shall apply with respect to re-employment only until thirty (30) days after the expiration of State of Florida Executive Order 20-52, including any extension thereof, but in no event will it apply to such re-employment beyond August 1, 2022.

(b) The provisions of this section will not operate to prohibit payments into a DROP participant's DROP account while the participant remains employed with the city for the DROP period.

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

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. CODIFICATION.

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. COMPLIANCE

That for the purpose of protecting the health and safety of the citizens of the City of Coral Gables, Florida, in order to ensure essential governmental functions are not be hindered by termination and re-employment limitations pertaining to recently retired essential personnel during the COVID-19 state of emergency, this ordinance is hereby declared an emergency measure, waiving a second reading and pre-publication and requiring a 4/5th vote of the City Commission.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective upon its passage and adoption herein.

PASSED AND ADOPTED THIS 12th DAY OF MAY, A.D., 2020.

Adopted April 21, 2020

[Moved: Lago

Seconded: Keon

Fors, Keon, Lago, Mena, Valdes-Fauli]

Ratified May 12, 2020

[Moved:

Seconded:

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APPROVED:

RAUL VALDES-FAULI
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ATTEST:

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY