

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 RETROACTIVE COST OF LIVING ADJUSTMENT AND ALTERNATIVE DISPUTE RESOLUTION MECHANISM TO FORMER CITY EMPLOYEES WHO OPTED OUT OF THE CLASS IN THE MURRHEE V. CITY OF CORAL GABLES CASE, AS IS PROVIDED TO MEMBERS OF THE CERTIFIED CLASS AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the Settlement Agreement provides for payment of a permanent retirement cost of living adjustment (COLA) to eligible class members retroactive to January 1, 2013 and January 1, 2014; 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, four former City employees who were members of the class elected to opt-out of the class, and as a result did not receive the retroactive or permanent COLA that was provided to class members and are not covered by the alternative dispute resolution mechanism to resolve disputes about future cost of living increases; and

WHEREAS, the four former City employees who opted-out of the class have advised the City in writing that they now wish to be treated in the same manner as class members; and

WHEREAS, the City has determined that it is in the interest of the City to allow the four former City employees who opted-out of the class to be treated in the same manner as class members; and

WHEREAS, to provide the same retroactive and permanent COLA and alternative dispute resolution mechanism to the four former City employees who opted-out of the class as was provided to class members, 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 Murree v. City of Coral Gables, Case No. 13-20731 CA (13) (Fla. 11th Cir. Ct.), and for those members who opted out of the class in Murree v. City of Coral Gables but advised the city in writing on or before August 30, 2018 that they wish to be treated in the same manner as class members, or the designated beneficiaries of such members, paragraph 8.1 of the Class Action Settlement Agreement dated September 18, 2017 will govern cost of living increases as of January 1, 2013 and January 1, 2014.

(7) For the class members in Murree v. City of Coral Gables, Case No. 13-20731 CA (13) (Fla. 11th Cir. Ct.), for those members who opted out of the class in Murree v. City of Coral Gables but advised the city in writing on or before August 30, 2018 that they wish to be treated in the same manner as class members, 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; but it 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:

RAUL VALDES-FAULI
MAYOR

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

WALTER J. FOEMAN
CITY CLERK

MIRIAM S. RAMOS
CITY ATTORNEY