

ORDINANCE NO. 1048-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 35.53, BENEFIT AMOUNTS AND ELIGIBILITY; BY PROVIDING ADDITIONAL PROVISIONS TO SUBSECTION (K), DEFERRED RETIREMENT OPTION PLAN ("DROP"), TO EXPAND AND FURTHER CLARIFY AND EXPLAIN PLAN ELIGIBILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, recent proposals made by the City during collective bargaining with the Dade County Police Benevolent Association ("PBA") for increased eligibility to the City's Deferred Retirement Option Plan ("DROP") have been rejected and unadopted; and,

WHEREAS, during the same negotiations, the PBA has proposed that the annual retirement plan contributions of plan participants be reduced; and,

WHEREAS, the aforesaid proposals by the PBA were likewise rejected and unadopted by the City; and,

WHEREAS, although a final and complete solution to the retirement plan annual contribution escalations remains currently unattainable, the City, as part of collective bargaining, has proposed to the PBA that the accumulated excess Chapter 185 Premium Tax Monies now available to it be used over the next two (2) City fiscal years (2012-2013 and 2013-2014) to provide "contribution relief", on an interim basis, to the members of the police retirement system; and,

WHEREAS, the City's proposal to reduce police contributions over the next two (2) City fiscal years (2012-2013 and 2013-2014) was specifically conditioned upon the agreement of the PBA to certain amendments to the City's DROP Plan; and,

WHEREAS, on December 5, 2012, the PBA voted to ratify the City's proposal to provide police "contribution relief", on an interim basis, for the next two (2) City fiscal years (2012-2013 and 2013-2014) in exchange for the agreement of the Police Union to certain proposed amendments to the City's DROP Plan; and,

WHEREAS, upon notification of the ratification vote of the aforesaid City proposal by the PBA, the City Council considered the instant ordinance and an accompanying ordinance amending police participants annual contributions to their retirement plan for the next two (2) City fiscal years (2012-2013 and 2013-2014) and determined that the City's proposal to the PBA, the ordinance amending the annual contributions of police retirement plan participants, on an interim basis, and the instant ordinance were both proper and appropriate and in the best interests of the City and its citizens:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:

Section 1: That Code of Ordinance Section 35.53, Benefit Amounts and Eligibility, and specifically Subsection (K), Deferred Retirement Option Plan, is hereby amended as follows:

Sec. 35-53 . Benefit amounts and eligibility.

- (A)
- (B)
- (C)
- (D)
- (E)
- (F)
- (G)
- (H)
- (I)
- (J)
- (K) *Deferred retirement option plan ("DROP")*

- (1) Eligibility to participate in the DROP.
 - (a) Any member who is eligible to receive a normal retirement benefit and who has either attained age 55 with ten years of continuous service, or completed 20 years of continuous service, may participate in the DROP. Members shall elect to participate by applying to the board on a form provided for that purpose.
 - ~~(b) Eligibility to participate shall be forfeited if not exercised prior to the completion of 30 years of continuous service.~~
 - ~~(c) A member shall not participate in the DR OP beyond the completion of 30 years of continuous service and the total years of participation in the DROP shall not exceed five years. For example:

 - 1. ~~Members entering the DROP on or after 20 years of continuous service, and prior to or upon the completion of 25 years of continuous service at time of entry in the DROP, may participate in the DROP for no more than five years.~~
 - 2. ~~Members entering the DROP on or after the completion of 25 years of continuous service at time of entry into the DROP may participate in the DROP until the member completes 30 years of continuous service.~~~~
 - (b) Plan members with at least twenty (20) but less than twenty-seven (27) years of service may participate in the DROP for up to five (5) years.
 - (c) Plan members with twenty-seven (27) or more years of service, but less than thirty-five (35) years of service may enter the DROP and participate for up to three (3) years.

- (d) Plan members with thirty-five (35) or more years of service may enter the DROP at any time and participate for up to two (2) years.
- (e) The following examples are provided for further explanation of the foregoing provisions.

- 20 years of service – 5 years of DROP participation
- 23 years of service – 5 years of DROP participation
- 25 years of service – 5 years of DROP participation
- 26 years of service – 5 years of DROP participation
- 27 years of service – 3 years of DROP participation
- 30 years of service – 3 years of DROP participation
- 35 years of service – 2 years of DROP participation

d (f) Upon a member's election to participate in the DROP, he or she shall cease to be a member and shall be precluded from accruing any additional benefits under the pension plan. For all pension plan purposes, the DROP participant shall be considered to be retired. The amount of continuous service and average monthly earnings freeze as of the date of entry into the DROP.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

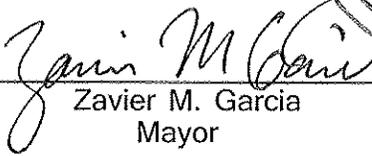
Section 3: That this Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 26th day of December, 2012.

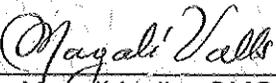
The motion to adopt the foregoing ordinance was offered on second reading by Vice Mayor Ator, seconded by Councilman Best, and on roll call the following vote ensued:

Vice Mayor Ator	"aye"
Councilman Best	"aye"
Councilwoman Bain	"absent"
Councilman Lob	"aye"
Mayor Garcia	"aye"




Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 12-10-2012
Second reading: 12-26-2012

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.