



***CITY OF MIAMI SPRINGS, FLORIDA***

**Mayor Xavier M. Garcia**

**Vice Mayor Jennifer Ator  
Councilwoman Grace Bain**

**Councilman Bob Best  
Councilman George V. Lob**

**Decorum:** "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium".

**AGENDA  
SPECIAL MEETING  
Wednesday, December 26, 2012 – 12:00 noon.  
Council Chambers – City Hall  
201 Westward Drive – Miami Springs**

1. Call to Order/Roll Call
2. Invocation: Vice Mayor Ator  
  
Salute to the Flag: Audience Participation
3. Ordinance No. 1048-2012 – Second Reading – 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 or Ordinances in Conflict; Providing an Effective Date (First Reading: 12-10-2012 – Advertised: 12-12-2012)
4. Ordinance No. 1049-2012 – Second Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 35-55, Contributions; by Providing a Two Year Plan for the City to Reduce Required Police Retirement Plan Contributions; Repealing all Ordinances or Parts or Ordinances in Conflict; Providing an Effective Date (First Reading: 12-10-2012 – Advertised: 12-12-2012)

5. Adjourn

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If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. 286.0105), all of which the City does not provide.

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In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than (7) days prior to the proceeding.

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Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk.

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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

¶ (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 26<sup>th</sup> day of December, 2012.

The motion to adopt the foregoing ordinance was offered on second reading by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

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Zavier M. Garcia  
Mayor

ATTEST:

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Magalí 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.

ORDINANCE NO. 1049-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 35-55, CONTRIBUTIONS; BY PROVIDING A TWO YEAR PLAN FOR THE CITY TO REDUCE REQUIRED POLICE RETIREMENT PLAN CONTRIBUTIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, the annual contributions required to be made to the Police Retirement System over the past few years by the City and the Police have increased dramatically; and,

WHEREAS, the amount of the annual contributions required by the City and Police to the Retirement System has become an issue for collective bargaining with the City; and,

WHEREAS, although no negotiated relief has been achieved by the parties, the City has continued to explore any and all alternatives to provide "contribution relief" to the Police and the City; and,

WHEREAS, as part of collective bargaining, the City has proposed 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 Dade County Police Benevolent Association ("PBA") to agree to certain amendments to the City's Deferred Retirement Option Plan ("DROP"); 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 Police Union of the City, the City Council considered the instant ordinance and an accompanying ordinance amending the City's DROP Plan and determined that the City's proposal to the PBA, the ordinance amending the City's DROP Plan, 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 35-55, Contributions, is hereby amended as follows:

**Section 35-55. Contributions.**

(A) *Member contributions.....*

(B) *State contributions.....*

(C) *City contributions.....*

(1) .....

(2) .....

(3) Notwithstanding paragraphs (1) and (2) above, for the plan year beginning October 1, 2012, the employee contribution calculated in accordance with paragraphs (1) and (2) above shall be reduced to 16 percent, using accumulated excess Chapter 185 premium tax monies to fund the reduction; and for the plan year beginning October 1, 2013, the employee contribution calculated in accordance with paragraphs (1) and (2) shall be reduced to 16 percent, using accumulated excess Chapter 185 premium tax monies to fund the reduction. If the total amount of accumulated excess premium tax monies available on October 1, 2013 is not sufficient to fund the reduction in the employee contribution to 16%, then the employee contribution shall be reduced to the lowest level that the total amount of accumulated excess premium tax monies available on October 1, 2013 are sufficient to fund.

(D) *Other.....*

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 26<sup>th</sup> day of December, 2012.

The motion to adopt the foregoing ordinance was offered on second reading by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Vice Mayor Ator	“ _____ ”
Councilman Best	“ _____ ”
Councilwoman Bain	“ _____ ”
Councilman Lob	“ _____ ”
Mayor Garcia	“ _____ ”

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Zavier M. Garcia  
Mayor

ATTEST:

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Magalí 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.