# **ORDINANCE NO.** 2007-3575

ORDINANCE OF THE MAYOR AND CITY AN COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IMPLEMENTING PROVISIONS OF THE 2006-2009 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE COMMUNICATIONS WORKERS OF **AMERICA LOCAL 3178: IMPLEMENTING PROVISIONS** 2006-2009 COLLECTIVE BARGAINING OF THE AGREEMENT BETWEEN THE CITY AND AFSCME; AND IMPLEMENTING A 2007 MEMO OF UNDERSTANDING BETWEEN THE CITY AND GSA: AMENDING THE MIAMI BEACH EMPLOYEES' RETIREMENT PLAN CREATED BY **ORDINANCE 2006-3504, AS SUBSEQUENTLY AMENDED;** AMENDING SECTION 5.12 CONCERNING THE EARLY RETIREMENT INCENTIVE PROGRAM AND OTHER CHANGES TO BE DETERMINED BY THE CITY PROVIDING COMMISSION: FOR SEVERABILITY: IN CONFLICT REPEALING ALL ORDINANCES THEREWITH: AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. Section 5.12 of the Miami Beach Employees' Retirement Plan created by Ordinance 2006-3504, as subsequently amended, is amended to read:

5.12 Early Retirement Incentive Program

Effective October 27, 2007, a voluntary early retirement incentive program (ERIP) shall be established in accordance with the following terms. The ERIP shall be available to all Members in classifications within the CWA, AFSCME and GSA bargaining units who are age 47 or older and have attained 25 or more years of creditable service on or before January 25, 2008. To elect the ERIP, an eligible Member must submit a completed ERIP election form to the City between October 27, 2007 and January 25, 2008. Members who elect the ERIP must terminate City employment and retire after meeting all ERIP eligibility requirements, but not later than January 25, 2008. The amount of the retirement benefit payable to Members who elect the ERIP shall be equal to the pension benefit accrued by such Member at the time of retirement, with no reduction for early retirement.

Effective upon the effective date of Ordinance 2006-3504, a voluntary early retirement incentive program is established in accordance with this section 5.12.

(a) Members of the Classified System who became members of this Plan on March 18, 2006, who are in classifications within the CWA bargaining unit, who entered the service of the City prior to February 21, 1994, and who are at least 48 years of age or who will attain age 48 within 90 ninety days following March 18, 2006, may elect to retire on or after March 18, 2006 and before the expiration of ninety (90) days following such date, by submitting an irrevocable election in writing to the City prior to March 18, 2006. The amount of the retirement benefit payable to Members so electing shall be equal to the pension benefit accrued by such Member at the time of retirement, with no reduction for early retirement.

(b) Members of the Classified System who became members of this Plan on the effective date of this Ordinance, who are in classifications within the GSA bargaining unit, who entered the service of the City prior to August 1, 1993, and who are at least 48 years of age or who will attain age 48 within 90 ninety days following the effective date of this Ordinance, may elect to retire on or after the effective date of this Ordinance and before the expiration of ninety (90) days following such effective date, by submitting an irrevocable election in writing to the City prior to such effective date. The amount of the retirement benefit payable to Members so electing shall be equal to the pension benefit accrued by such Member at the time of retirement, with no reduction for early retirement.

(c) Members of the Classified System who became members of this Plan on the effective date of this Ordinance, who are in classifications within the AFSCME bargaining unit, who entered the service of the City prior to April 30, 1993, and who are at least 48 years of age or who will attain age 48 within 90 ninety days following the effective date of this Ordinance, may elect to retire on or after the effective date of this Ordinance and before the expiration of ninety (90) days following such effective date, by submitting an irrevocable election in writing to the City prior to such effective date. The amount of the retirement benefit payable to Members so electing shall be equal to the pension benefit accrued by such Member at the time of retirement, with no reduction for early retirement.

Section 2. Conflicts and Severability.

(a) All Ordinances, and parts of ordinances, in conflict herewith shall be and the same, are hereby repealed.

(b) In the event any article, section, paragraph, sentence, clause, or phrase of this Ordinance shall be adjudicated invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, paragraphs, sentences, clauses or phrases of this Ordinance, which shall be and remain in full force and effect as fully as if the item so adjudged invalid or unconstitutional was not originally a part hereof.

Section 3. Effective Date. This Ordinance shall become effective upon adoption, except as otherwise specifically provided herein.

PASSED and ADOPTED by the City Commission of the City of Miami Beach this  $\frac{17 \text{th}}{4}$  day of  $\frac{0 \text{ctober}}{2007}$ , 2007.

Mav

David Dermer

Attest:

City Clerk Robert Parcher

(Seal)

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T:\AGENDA\2007\sep2607 budget\Regular\Employee Retirement Incentive Plan (ERIP) Ordinance Amendment - 1st reading.doc

## Condensed Title:

An ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, implementing provisions of the 2006-2009 collective bargaining agreement between the City and the Communications Workers of America (CWA) Local 3178; implementing provisions of the 2006-2009 collective bargaining agreement between the City and American Federation of State, County and Municipal Employees(AFSCME); and implementing a 2007 memo of understanding between the City and GSA; amending the Miami Beach Employees' Retirement Plan created by ordinance 2006-3504 and other changes to be determined by the City Commission, providing for severability; repealing all ordinances in conflict therewith; and providing an effective date.

## Key Intended Outcome Supported:

Attract and maintain a quality workforce.

Supporting Data (Surveys, Environmental Scan, etc.): N/A

### Issue:

These adjustments amend the ordinance to allow for the negotiated Early Retirement Incentive Program (ERIP) to comply with the GSA, AFSCME and CWA agreements.

### Item Summary/Recommendation:

Adopt the Ordinance on second and final reading.

## Advisory Board Recommendation:

N/A

### **Financial Information:**

Source of		Amount	Account	Approved
Funds:	1	\$265,176	Included in various Department salary budgets for Year I	
	2	<399,401>		
	3			
	4		· ·	
OBPI	Total	<134,225>		

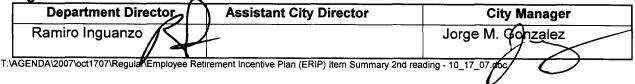
### Financial Impact Summary:

If all eligible employees elect the ERIP, it is estimated that City payroll costs would be reduced by approximately \$399,401 during the 2007-08 fiscal year. The payroll cost savings would be offset by an increase in the City's required pension contributions of approximately \$265,176 per year.

# City Clerk's Office Legislative Tracking:

Linda Gonzalez, Labor Relations Director

## Sign-Offs:









# MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

# COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

Jorge M. Gonzalez, City Manager FROM:

October 17, 2007 DATE:

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IMPLEMENTING PROVISIONS OF THE 2006-2009 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE COMMUNICATIONS WORKERS OF AMERICA LOCAL 3178; IMPLEMENTING **PROVISIONS OF THE 2006-2009 COLLECTIVE BARGAINING AGREEMENT** BETWEEN THE CITY AND AFSCME: AND IMPLEMENTING A 2007 MEMO OF UNDERSTANDING BETWEEN THE CITY AND GSA; AMENDING THE MIAMI BEACH EMPLOYEES' RETIREMENT PLAN CREATED BY ORDINANCE 2006-3504, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 5.12 CONCERNING THE EARLY RETIREMENT INCENTIVE PROGRAM AND OTHER CHANGES TO BE DETERMINED BY THE CITY COMMISSION: PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

### **ADMINISTRATION RECOMMENDATION:**

Adopt the Ordinance on second and final reading.

### **BACKGROUND:**

The Mayor and City Commission adopted the Miami Beach Employees' Retirement Plan (MBERP) ordinance (Ordinance 2006-3504) in March 2006. The MBERP ordinance merged the Classified and Unclassified Retirement Systems. As originally adopted, the MBERP contained a voluntary early retirement incentive program ("ERIP") for members of the CWA bargaining unit. Under this ERIP, members age 48 or older could retire immediately with no penalty for early retirement. The original ERIP was expanded to members of the AFSCME and GSA bargaining units in September 2006. The original ERIP expired December 29, 2006.

The Administration negotiated a voluntary ERIP as part of the 2006-2009 collective bargaining agreement with the CWA which will result in an overall cost savings to the City. Under the new ERIP, bargaining unit members age 47 or older with 25 or more years of credited service as of January 28, 2008, would be eligible for this ERIP. The amendment was adopted on first reading at the September 26, 2007, City Commission meeting. The second reading will take place on October 17, 2007, and become effective ten (10) days after that (October 27, 2007). Eligible members would have to elect the ERIP and retire between October 27, 2007 and January 28, 2008. Members who elect the ERIP would

receive their accrued benefit under the MBERP with no penalty for early retirement. The new ERIP would also be available to members of the AFSCME and GSA bargaining units. It is estimated that approximately twenty (20) employees will be eligible for the ERIP.

If all eligible employees elect the ERIP, it is estimated that City payroll costs would be reduced by approximately \$399,401 during the 2007-08 fiscal year. The payroll cost savings would be offset by an increase in the City's pension contributions of approximately \$265,176 per year.

### CONCLUSION

The CWA membership held a ratification vote on the proposed Agreement on August 31, 2007. The final vote was 234 in favor and 5 opposed. (Ninety eight percent (98%) of the voting members were in favor of the proposed Agreement.)

The Administration recommends adopting the ordinance amending the Miami Beach Employees' Retirement Plan created by Ordinance 2006-3504, by amending Section 5.12 to provide a new early retirement incentive program for eligible members of the CWA, AFSCME and GSA bargaining units, effective October 27, 2007 and any other changes to be determined by the City Commission; providing for severability; repealing all ordinances in conflict therewith; and providing an effective date.

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MIAMIBEACH

# CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY** given that a second reading and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, October 17, 2007**, to consider the following:

### , 10:30 a.m.

An Ordinance Implementing Provisions Of The 2006-2009 Collective Bargaining Agreement Between The City And The Communications Workers Of America Local 3178; Implementing Provisions Of The 2006-2009 Collective Bargaining Agreement Between The City And AFSCME; And Implementing A 2007 Memo Of Understanding Between The City And GSA; Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504, As Subsequently Amended; Amending Section 5.12 Concerning The Early Retirement Incentive Program.

Inquiries may be directed to the Office of Labor Relations at (305) 673-7009.

#### 10:55 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, "Traffic And Vehicles" Article II, "Metered Parking"By Amending Sections 106-55, "Parking Rates, Fees, And Penalties; Amending Monthly Municipal Parking Permit Rates; And Special Event Flat Rates.

Inquiries may be directed to the Parking Department at (305) 673-7275.

### 11:00 a.m.

An Ordinance Amending Chapter 110 Of The Miami Beach City Code Entitled "Utilities," By Amending Article II Entitled "Water," By Amending Division 1, Entitled "Generally," By Amending Sections 110-39 (E) And (G) Entitled "Metered Water Supply Service," By Amending Section 110-42 (B), Entitled "Turning On And Shutting Off,"And By Amending Section 110-43 (C), Entitled "Leaks And Waste," To Provide For Fee Schedules In Appendix A Entitled "Fee Schedule," And Amending Appendix A To Create Fee Schedules Therefor And New Fees For Meter Tampering; Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure," By Amending Division 2, Entitled "Rates, Fees And Charges," By Amending Section 110-166, Entitled "Schedule Of Water Rates And Tapping Charges,"By Amending Subsections (F), (G), (H), And (I) Thereof To Provide Additional Water Meter Fees And Amending Appendix A, Entitled "Fee Schedule," To Create Fees - Therefor And To Increase The Sanitary Sewer Service Charge Imposed By The City Pursuant To Sections 110-166 (A) And (B) And 110-168 (A), And Amending Section 110-192, Entitled "Delinquent Accounts; Payment Of Collection Costs And Attorney Fees; Creation Of Liens," Of Division 3, Entitled "Billing Procedures,"By Amending Subsections 110-192 (B) To Provide For A Fee Schedule In Appendix A, Entitled "Fee Schedule," And By Amending Free Schedule In Appendix A, Entitled "Fee Schedule," And By Amending Subsections 110-192 (B) To Provide For A Fee Schedule In Appendix A, Entitled "Fee Schedule," And By Amending Appendix A, Entitled "Fee Schedule Therefor.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

### 11:15 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 98, "Streets And Sidewalks," Article III "Excavations" Division 2, "Permit,"Section 98-92, "Application; Amount Of Deposit; Use Of Deposit To Replace Surface; Permit Fees"By Specifically Amending Appendix "A"Section 98-92 (C) Thereof; Said Amendment Modifying Permit Fees To An Increase Of Twenty Five (25%) Percent, Following City In-House Survey Of Fees For Similar Services In Surrounding County/ Municipalities.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

> Robert E. Parcher, City Clerk City of Miami Beach

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Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

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