



**MEMORANDUM**  
**Office of the City Attorney**

Registar No. 001385

Phone: 334-5011/Fax 334-2229  
Box 46

TO: Mayor and City Commission

DATE: ~~July 9, 2001~~ JULY 23, 2001

FROM: City Attorney

~~FIRST READING~~  
SECOND READING

SUBJECT: Ordinance No. 0-01-36  
An ordinance of the City of Gainesville, Florida, amending Division 5 of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to the General Employees Pension Plan; relating to final average earnings; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

On June 11, 2001, the City Commission approved the recommendation by the City Manager, authorizing the City Attorney's Office to prepare and the Clerk of the Commission to advertise an ordinance amending the definition of final average earnings in the General Employees Pension Plan relating to certain circumstances in which a break in service has occurred.

A preliminary evaluation by the Plan's actuary anticipated no fiscal impact associated with the proposed amendments. The ATU and CWA bargaining units have been notified of this change.

Prepared by:

Charles L. Hauck  
Sr. Assistant City Attorney

Approved and  
Submitted by:

Marion J. Radson,  
City Attorney

MJR:CLH:sw

**PASSED ON FIRST READING BY A VOTE OF 4-0.**

# DRAFT

6-28-01

ORDINANCE NO. \_\_\_\_\_  
0-01-36

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4 **An ordinance of the City of Gainesville, Florida, amending Division 5**  
5 **of Chapter 2 of the Code of Ordinances of the City of Gainesville**  
6 **relating to the General Employees Pension Plan; relating to final**  
7 **average earnings; providing directions to the codifier; providing a**  
8 **severability clause; providing a repealing clause; and providing an**  
9 **immediate effective date.**  
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11 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
12 **THE CITY OF GAINESVILLE, FLORIDA:**

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14 **Section 1.** Subsections (3) and (4) of the definition for “Final average earnings” in  
15 section 2-521 of the Code of Ordinances of the City of Gainesville are created and added  
16 to read as follows:

17 Sec. 2-521. Definitions.

18 Final average earnings shall mean:

19 (3) If the employment of a member is terminated and such former member,  
20 who is not a retiree or receiving a termination benefit (or whose termination benefit was  
21 cash out under section 2-526(a)(3)), is subsequently re-employed by the city as an  
22 eligible member, such member’s final average earnings shall be calculated as follows,  
23 except as otherwise required by subsections (1) and (2) of this definition: The months of  
24 employment immediately preceding the termination shall be deemed to be consecutive  
25 with the months of employment earned after the member’s re-employment.

26 (4) If a continuously employed member ceases to earn eligible service for  
27 more than one month during the period of such employment and subsequently begins to

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1 again earn eligible service, such member's final average earnings shall be calculated as  
2 follows, except as otherwise required by subsections (1) and (2) of this definition: The  
3 months of employment during which eligible service were earned shall be deemed  
4 consecutive.

5 **Section 2.** It is the intention of the City Commission that the provisions of Section 1  
6 of this Ordinance shall become and be made a part of the Code of Ordinances of the City  
7 of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be  
8 renumbered or relettered in order to accomplish such intentions.

9 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be  
10 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
11 in no way affect the validity of the remaining portions of this ordinance.

12 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent  
13 of such conflict hereby repealed.

14 **Section 5.** This ordinance shall become effective immediately upon final adoption.

15 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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THOMAS D. BUSSING  
MAYOR

22 ATTEST:

Approved as to form and legality

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KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

28 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

29 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

