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**ORDINANCE NO. 150193**

**An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 6 (Disability Plan) of the Code of Ordinances of the City of Gainesville to terminate the Disability Plan due to the transfer of disability benefit obligations and assets to the Employees Pension Plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

12       **WHEREAS**, future disability claims by City employees under the Disability Plan were  
13 transitioned to the Employees Pension Plan on February 19, 2015 through the City  
14 Commission's adoption of Ordinance Number 140657; and

15       **WHEREAS**, remaining obligations for disability benefits currently being paid to  
16 disabled retirees and the requisite level of assets to satisfy these obligations were transferred from  
17 the Disability Plan to Employees Pension Plan on May 7, 2015 through the City Commission's  
18 adoption of Ordinance Number 148060;

19       **WHEREAS**, the Disability Plan is due to be terminated because it has no remaining  
20 members, no possibility of future members, and no current or future obligations to provide  
21 benefits; and

22       **WHEREAS**, at least 10 days notice has been given once by publication in a newspaper  
23 of general circulation notifying the public of this proposed ordinance and of a Public Hearing in  
24 the Auditorium of City Hall in the City of Gainesville; and

25       **WHEREAS**, the Public Hearings were held pursuant to the published notice described at  
26 which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
27 heard.

28       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
29 **CITY OF GAINESVILLE, FLORIDA:**

1           **Section 1.** Section 2-546 of the Code of Ordinances of the City of Gainesville, is  
2 amended as follows.

3           **Sec. 2-546. - ~~Creation; purpose~~ Termination of the Disability Plan.**

4           ~~(a) There is hereby created a disability pension plan to be known as the "City of~~  
5           ~~Gainesville Employees' Disability Plan," and sometimes referred to in this division as~~  
6           ~~"disability plan."~~

7           ~~(b) The purpose of the disability plan will be to provide benefit payments to employees~~  
8           ~~who are or who may become disabled and qualify.~~

9           ~~(c) This disability plan shall be closed at 12:00 midnight on February 19, 2015, and no~~  
10           ~~applications for benefits shall be accepted under this plan after that date. Effective at~~  
11           ~~12:01 a.m. on February 20, 2015, the benefits provided through this disability plan~~  
12           ~~shall be provided through the City of Gainesville Employees Pension Plan~~  
13           ~~("Employees Pension Plan"), as to any application for disability pension benefits~~  
14           ~~submitted on or after that date. This disability plan shall continue to be administered~~  
15           ~~for eligible employees who submitted claims for disability pension benefits before~~  
16           ~~February 20, 2015, and provide benefit payments to such employees determined to be~~  
17           ~~disabled under the provisions of this plan, until this plan is terminated.~~

18           ~~(d) The disability pension plan known as the "City of Gainesville Employees' Disability~~  
19           ~~Plan" (or "disability plan") was closed at 12:00 midnight on February 19, 2015, and,~~  
20           ~~effective at 12:01 a.m. on February 20, 2015, the benefits provided through the~~  
21           ~~disability plan were added to the City of Gainesville Employees Pension Plan.~~  
22           ~~Moreover, any existing obligations for disability benefits under the disability plan as~~  
23           ~~of 12:00 midnight on February 19, 2015, as well as the requisite level of assets to~~  
24           ~~satisfy these obligations, as determined by the disability plan actuary, were~~

1           transferred to the City of Gainesville Employees Pension Plan. As such, the disability  
2           plan has no remaining members, no possibility of future members, and no current or  
3           future obligations to provide benefits. All benefit obligations of the disability plan  
4           have been satisfied. Therefore, the disability plan is terminated.

- 5           (a) There are no further assets to be allocated to satisfy remaining disability benefit  
6           obligations. Thus, any remaining assets in the disability plan trust will be returned to  
7           the City and the trust will be terminated.

8           **Section 2.** Sections 2-547 through 2-560 of the Code of Ordinances of the City of  
9           Gainesville are hereby deleted.

10          **Section 3.** It is the intention of the City Commission that the provisions of Sections 1  
11          through 2 of this ordinance shall become and be made a part of the Code of Ordinances of the  
12          City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be  
13          renumbered or relettered in order to accomplish such intentions.

14          **Section 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance  
15          or the application hereof to any person or circumstance is held to be invalid or unconstitutional,  
16          such finding shall not affect the other provisions or applications of the ordinance which can be  
17          given effect without the invalid or unconstitutional provisions or application, and to this end the  
18          provisions of this ordinance are declared severable.


19          **Section 5.** All ordinances, parts of ordinances, or policies in conflict herewith are to the  
20          extent of such conflict hereby repealed.

1 **Section 6.** This ordinance shall become effective immediately upon final adoption.

2 **PASSED AND ADOPTED** this 3<sup>rd</sup> day of September, 2015.

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6 ED BRADDY  
7 MAYOR

8 ATTEST: Approved as to form and legality

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12 KURT M. LANNON  
13 CLERK OF THE COMMISSION

  
\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

14 This Ordinance passed on first reading this 20<sup>th</sup> day of August, 2015.

15 This Ordinance passed on second reading this 3<sup>rd</sup> day of September, 2015.