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**ORDINANCE NO. 170102**

**An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article XII of the Code of Ordinances of the City of Gainesville to recognize the transition of the disability benefit from the Disability Plan to the General Plan in the Retiree Health Insurance Program and Trust Fund; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, notice was given as required by law that the text of the City of Gainesville Code of Ordinances be amended; and

**WHEREAS**, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

**WHEREAS**, public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

**Section 1.** Section 2-641 of the Code of Ordinances of the City of Gainesville is amended to read as follows.

Sec. 2-641. - Definitions.

*City* shall mean the City of Gainesville, Florida.

*City group health plan* shall mean the group insurance or self insurance plan(s) maintained by the city to provide health coverage for eligible employees, retirees and dependents.

1            *Credited service* shall mean service with the city upon which the retirement benefit the  
2 retiree is receiving (or will be receiving in the case of delayed retirement) is based, or would be  
3 based in the case of an "ICMA" retiree.

4            *Current premium costs* shall mean the payment of the current months premium owed or  
5 owing to the city group health plan for such month's retiree health insurance coverage as of the  
6 effective date of the termination of the plan pursuant to section 2-652(b).

7            *DROP* means a deferred retirement option program as set forth in the city firefighters  
8 retirement plan.

9            *Participant* means a retiree or dependent as defined in the city group health plan.

10           *Premium* shall mean the monthly amount(s) the city charges for retiree health insurance  
11 coverage, including, if applicable, under a Medicare supplement plan, as established by the city  
12 manager.

13           *Retiree* shall mean:

14           (1)    A former employee, who is a member of the city employees pension plan or a  
15           member of the consolidated police officers and firefighters retirement plan and  
16           received, immediately after separation from employment, a monthly annuity  
17           pursuant to an application for normal or early retirement, in accordance with the  
18           provisions of these pension plans; or

19           (2)    A former employee upon whose behalf employer contributions were made to the  
20           ICMA deferred compensation program and/or 401(a) plan and who, at the time of  
21           their separation from the city, would have met the age and/or service requirements  
22           for normal or early retirement under the city employee pension plan or the  
23           consolidated police officers and firefighters retirement plan as applicable to the

1 classification they held at the time of their separation, and would have been  
2 entitled to the immediate receipt of a monthly annuity; or

3 (3) A former employee, who is a member of the consolidated police officers and  
4 firefighters retirement plan and is receiving a monthly annuity pursuant to an  
5 approved application for disability retirement in accordance with the provisions of  
6 that pension plan; or

7 (4) A former employee of the city receiving a monthly benefit pursuant to an  
8 approved application for disability retirement under the city employee's disability  
9 plan or disability benefit under the city employees pension plan.

10 *Retiree health insurance program* shall mean the retiree health insurance program  
11 established pursuant to this article as further described herein to pay a portion of the premium  
12 costs of the city group health plan for eligible retirees of the city and then eligible dependents,  
13 and as may be amended.

14 **Section 2.** Section 2-643(3) of the Code of Ordinances of the City of Gainesville is  
15 amended to read as follows.

16 Sec. 2-643. - City contributions for future retirees.

17 (3) *Disability retirees.* The amount that the city will contribute towards the required  
18 premium, for persons who became retirees based upon an application for  
19 disability retirement submitted after August 31, 2008, will be:

20 a. For approved "in-line-of-duty" disabilities under the consolidated police  
21 officers and firefighters retirement plan, ~~or the city employees disability~~  
22 plan, or the city employees pension plan, the city will contribute towards  
23 an individual premium an amount equal to 80 percent of the individual

1 premium of the least costly (lowest premium) city group health insurance  
2 plan option being offered at the time the disability retirement is approved.

3 b. For approved "in-line-of-duty" disabilities under the consolidated police  
4 officers and firefighters retirement plan, ~~or the city employees disability~~  
5 plan, or the city employees pension plan, the city will contribute towards  
6 any other (than described in subsection a. above) tier of coverage an  
7 amount equal to 150 percent of the individual premium of the least costly  
8 (lowest premium) city group health insurance plan option being offered at  
9 the time the disability retirement is approved.

10 c. For approved disabilities other than "in-line-of-duty", the city will  
11 contribute 50 percent of the amount described in subsections a. and b.  
12 above.

13 **Section 3.** It is the intent of the City Commission that the provisions of Sections 1 and 2  
14 of this ordinance shall become and be made a part of the Code of Ordinances of the City of  
15 Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may be  
16 renumbered or relettered in order to accomplish such intent.


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

22 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
23 such conflict hereby repealed.

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

**PASSED AND ADOPTED** this 6th day of July, 2017.

  
\_\_\_\_\_  
LAUREN POE  
MAYOR

Attest:

Approved as to form and legality:

  
\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

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

This ordinance passed on first reading this 15 day of June, 2017.

This ordinance passed on second reading this 6 day of July, 2017.