

RESOLUTION NO. 14-101

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A PAYMENT TO THE FLORIDA RETIREMENT SYSTEM AS REPAYMENT OF DISTRIBUTIONS TO OFFICER SCOTT DEMBY; APPROVING A PAYMENT PLAN WITH OFFICER SCOTT DEMBY FOR REPAYMENT TO THE CITY OF DORAL OF FUNDS PAID; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Officer Scott Demby was a Miami-Dade County police officer who patrolled the City of Doral (the "City") prior to the establishment of the City's Police Department; and

WHEREAS, Officer Demby was hired by the City of Doral (the "City") in 2008 as a full-time Police Officer, a position he held until 2011 when he returned to Miami-Dade County; and

WHEREAS, Officer Demby was rehired by the City in January of 2013 as a part-time Reserve Officer and was subsequently promoted to a full-time Police Officer in March of 2014; and

WHEREAS, on July 11, 2014, the City, via the Human Resources Department, received correspondence from the Florida Retirement System ("FRS") that it was investigating Officer Demby's employment with the City in light of a "retirement event" that occurred when Officer Demby terminated his employment with Miami-Dade County; and

WHEREAS, the retirement event referenced by FRS was a pay-out of funds contributed by Officer Demby into his FRS account that occurred upon his resignation from Miami-Dade County in October of 2012; and

WHEREAS, though such a retirement event required a period of time outside of employment from an FRS participating employer, Officer Demby joined the City prior to the

completion of that waiting period due to an understanding based on representations that occurred at the time of his rehiring, which led to a violation of FRS policies; and

WHEREAS, the City and Officer Demby are jointly and severally liable for the funds paid, unless other harsh remedial actions are taken, which are not in the City and/or Officer Demby's interests; and

WHEREAS, after careful investigation and consideration, it has been determined that it is in the best interest of all parties involved for the City to refund the distribution to FRS and enter into a repayment agreement with Officer Demby, thereby curing the FRS violation and resolving all outstanding issues

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Approval of Florida Retirement System Payment & Officer Scott Demby Repayment Plan. The refund payment to the Florida Retirement System for Officer Scott Demby's distribution in the amount of \$58,404.34 is hereby approved, on conditions of repayment of the disbursed funds on terms provided for herein and provided by a separate debt agreement and promissory note. The repayment plan between the City and Officer Demby requiring monthly payments in the amount of \$500.00, payable as monthly or bimonthly reductions from Officer Demby's pay, and such other terms and conditions as expressed in a separate debt agreement and promissory note, is hereby approved.

Section 3. Implementation. The City Manager and the City Attorney are hereby authorized to take such actions as may be necessary to implement the

provisions of this Resolution, including, but not limited to, disburse funds and prepare agreements and other instruments to accomplish the payment, repayment, and resolution of the situation.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Councilmember Rodriguez who moved its adoption. The motion was seconded by Councilmember Rodriguez Aguilera and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED this 13 day of AUGUST, 2014.




LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE SOLE USE OF THE CITY OF DORAL.



WEISS, SEROTA, HELFMAN, PASTORIZA
COLE AND BONISKE
CITY ATTORNEY