

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1994-1

No. 3 **AN ORDINANCE** ORDERING TERMINATION OF CERTAIN COST-OF-LIVING ADJUSTMENTS (COLA) AND OTHER BENEFITS FOR RETIREES, AS AMENDED

Approved January 10, 1994

~~Be it ordained by the City of Providence:~~

WHEREAS, the Employee Retirement Board (Retirement Board) of the City of Providence at a meeting of December 6, 1989, voted (5 to 4) to the effect that:

a) The city would be liable for any deficiency in any member's individual retirement allowance resulting from the city's failure to deduct eight percent (8%) of the member's compensation;

b) all Class A employees and all beneficiaries of Class A employees who retired or died prior to January 1, 1990 would on February 1, 1990, receive a cost of living retirement adjustment in the amount equal to three percent (3%) of the retirement allowance, and would receive an additional three percent (3%) in each succeeding year;

c) all Class A employees and all beneficiaries of Class A employees who retire or die on or after January 1, 1990 would on the first day of January next following the first anniversary date of such retirement, receive a cost of living retirement adjustment in the amount equal to three percent (3%) of the retirement allowance, and would receive an additional three percent (3%) in each succeeding year thereafter;

d) the minimum age for service retirement for Class A employees would be age 55 or the age at which 20 years is complete;

e) all retired Class B employees and all beneficiaries of Class B employees who have retired or have died, would on the first day of January of the year following the date of retirement or decease, receive a cost of living retirement adjustment in the amount equal to six percent (6%) of the retirement

No.

CHAPTER

AN ORDINANCE

IN CITY COUNCIL

DEC 2 1993

FIRST READING

REFERRED TO COMMITTEE ON

FINANCE

Michael R. Christ CLERK

THE COMMITTEE ON
FINANCE

Recommends

Be Continued
Claira E. Brooke-Stewart
Dec. 22, 1993 CLERK

THE COMMITTEE ON
FINANCE

Approves Passage of

The Within Ordinance, as amended

Claira E. Brooke-Stewart
Dec. 27, 1993 CHAIRMAN

Council President Petrosinelli, Councilmen Carbin, Mallon, Councilwoman Yargnoli,
Councilmen Hewin, Iguzzi, Lombardi, Mancini, Councilwomen Nolan, Young & Williams

allowance and would receive an additional six percent (6%) in each succeeding year thereafter;

f) all retired Class B employees and all beneficiaries of Class B employees who have retired or have died, would have a minimum pension of \$1,000.00 per month; and

WHEREAS, subsequent to said vote of the Retirement Board (December 6, 1989), an action entitled City of Providence, et al v. The Employee Retirement Board of Providence, et al, C.A. 90-2119, was commenced in the Superior Court, Providence County. As a result of said litigation (C.A. 90-2119), a certain consent decree was entered by the Court on December 18, 1991, purporting to incorporate the provisions voted by the Retirement board on December 6, 1989 by amending Sections 9(1)(c), 9(15)(a)(b) and Section 17 of Chapter 489 of Rhode Island Public Laws of 1923; and

WHEREAS, the validity and legality of the aforesaid consent decree has been challenged by litigation pending in the Superior Court entitled Charles R. Mansolillo, in his capacity as City Solicitor, et al v. The Employee Retirement Board of the City of Providence, C.A. 93-5277. Said litigation was commenced by the City Solicitor at the request of the City Council; and

WHEREAS, said pending litigation (C.A. 93-5277) may be protracted and as a consequence of such delay in final adjudication of said action irreparable harm will result in the absence of some intervening legislative action by the City Council; and

WHEREAS, this City Council declares that the purported amendments to Section 9(1)(c), 9(15)(a)(b) and Section 17 to the Providence Retirement Act (Chapter 489 P.L. 1923) by the Consent Decree in C.A. 90-2119 are and have been an infringement upon the legislative function prerogative and jurisdiction belonging to the City Council and not to the Retirement Board or the judicial branch of government; and

WHEREAS, the City Council deems it to be in the best interest of the City of Providence, its taxpayers and citizens to take immediate legislative action;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PROVIDENCE:

SECTION 1. That the actions of the Retirement Board at its meeting on December 6, 1989, as hereinabove delineated as "a" through "f," and the

purported amendments to Sections 9(1)(c), 9(15)(a)(b) and Section 17 of Chapter 489 P.L. 1923 contained in the Consent Decree entered by the Superior Court on December 18, 1991 in City of Providence, et al v. The Employee Retirement Board, et al, C.A. 90-2119, which have not been ordained by the City Council, are of no force and effect; and that all payments of COLA and other benefits as provided in said Consent Decree are hereby ordered terminated.

SECTION 2. This Ordinance shall become effective upon passage.

IN CITY COUNCIL
JAN 3, 1994
FIRST READING
READ AND PASSED
Michael R. Clement CLERK

IN CITY
COUNCIL
FINAL READING
READ AND PASSED
James H. Martinelli PRESIDENT
Michael R. Clement CLERK

APPROVED
1010
Robert A. Brown
MAYOR

NO.

AN ORDINANCE ORDERING TERMINATION
OF CERTAIN COST-OF-LIVING ADJUSTMENTS
(COLA) AND OTHER BENEFITS FOR
RETIREES, AS AMENDED.

CONFIRMED
IN CITY

LEAD COPY
CONFIRMED

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