

ORDINANCE NO. 2018-139

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA RESCINDING RESOLUTION NO. 2013-16 (MARCH 12, 2013) AND AMENDING CHAPTER 70, "RETIREMENT AND PENSIONS", ARTICLE VII ENTITLED "ELECTED OFFICIALS" AND MORE SPECIFICALLY §70-529 "OVERSIGHT COMMITTEE" IN DIVISION 1 ENTITLED "GENERALLY", TO REPLACE THE FINANCE DIRECTOR WITH THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the discretion of the mayor, the finance director acts as the city treasurer;

WHEREAS, the finance director is also the member the oversight committee for the Elected Official's retirement system; and

WHEREAS, the city treasurer acts as the trustee of the Elected Official's retirement system pursuant to §70-529; and

WHEREAS, the mayor and city council appointed Ines Beecher, director of the office of management and budget, as city treasurer pursuant to Resolution No. 2013-16 (March 12, 2013); and

WHEREAS, code is being updated to reflect the current practices in the administration and operation of the city's several retirement plans by naming the director of retirement as the administrative head of the city's several retirement plans; and

WHEREAS, the finance director shall act as the city treasurer, as required by code, and cannot therefore also act as a member of the Elected Official's retirement system.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Resolution No. 2013-16 (March 12, 2013) is hereby repealed and rescinded in its entirety.

Section 2: Chapter 70, entitled "Retirement and Pensions" is hereby amended as follows:

CHAPTER 70

RETIREMENT AND PENSIONS

* * *

ARTICLE VII. – ELECTED OFFICIALS

* * *

DIVISION 1. – GENERALLY

* * *

Sec. 70-529. – Oversight committee.

(a) *Membership.* For the purposes of this article, the oversight committee shall consist of three members: the city clerk, the ~~finance director~~ director of the office of management and budget and one councilmember.

* * *

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Inclusion in Code. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11 day of December, 2018.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
FOR TO FINAL READING.



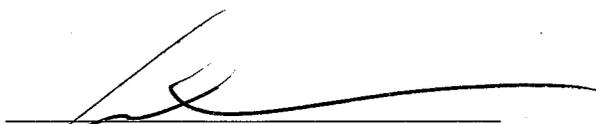
Vivian Casals-Muñoz
Council President

Approved on this 3 day of January, 2018. 

Attest:

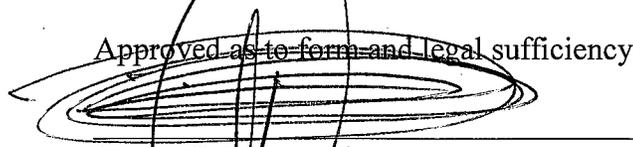


Marbelys Fatjo, City Clerk



Carlos Hernandez, Mayor

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney
~~Strikethrough indicates deletion.~~
Underline indicates addition.

Ordinance was adopted by a 7-0 vote with Councilmembers,
Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Caragol, Cue-
Fuente, Hernandez, voting "Yes."