

ORDINANCE NO. 2018-140

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 70, "RETIREMENT AND PENSIONS", ARTICLE IV ENTITLED "EMPLOYEES GENERAL RETIREMENT SYSTEM" AND MORE SPECIFICALLY §70-135 IN DIVISION 2 ENTITLED "BOARD OF TRUSTEES", TO REPLACE THE CITY TREASURER WITH THE DIRECTOR OF RETIREMENT; 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, the code is being updated to reflect the current practices in the administration and operation of the city's several retirement plans.

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

Section 1.: Chapter 70, entitled "Retirement and Pensions" is hereby amended as follows:

CHAPTER 70

RETIREMENT AND PENSIONS

* * *

ARTICLE IV. – EMPLOYEES GENERAL RETIREMENT SYSTEM

* * *

DIVISION 2. – BOARD OF TRUSTEES

* * *

Sec. 70-135. - Officers; payments; actuary.

- (a) The board of trustees shall elect from its members a chairman and vice-chairman and shall designate a person to act as secretary of the retirement system.
- (b) The retirement director ~~city treasurer~~ shall be treasurer of the retirement system and the custodian of its funds. All payments from the funds of the retirement system shall be made

only upon evidence of a motion adopted by the board authorizing such payments. All vouchers and checks shall be signed by ~~the treasurer and a trustee~~ two members of the board as designated by the board.

* * *

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: 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 4: 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 5: 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 6: 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
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

Approved on this 3 day of January, 2018. 

Attest:


Marbelys Fajó, 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."