ORDINANCE NO. 13-23

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 70 ENTITLED "RETIREMENT AND PENSIONS", ARTICLE IV. EMPLOYEES GENERAL RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES, AND IN PARTICULAR, REVISING HIALEAH CODE § 70-237 ENTITLED "COMPULSORY RETIREMENT AGE; EXTENSIONS" TO PROVIDE FOR REEMPLOYMENT OF RETIREES, WITHOUT AFFECTING RETIREMENT BENEFITS, AS CONTRACT EMPLOYEES UNDER LIMITED CIRCUMSTANCES WHERE THERE EXISTS AN OPERATIONAL NECESSITY INVOLVING LIFE SAFETY CONCERNS TO PERFORM DUTIES OF A PUBLIC SAFETY COMMUNICATIONS OFFICER; PROVIDE LIMITATIONS OF SUCH REEMPLOYMENT AND RENAME SECTION TITLE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to amend the provisions of the Retirement Code is to provide a method to reemploy retirees for up to 30 hours a week as a contract employee based on operational necessity and life safety concerns to perform duties of a public safety communications officer; and

WHEREAS, the City of Hialeah finds that it is in the best interest of the health, safety, welfare of the community and proper administration of government to provide this amendment based on life safety and operational necessity considerations; and

WHEREAS, on February 26, 2013, this Ordinance was reported to the Board of Trustees of the Retirement System; and

WHEREAS, this amendment has no actuarial impact to the Hialeah Retirement System.

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", Article IV. Employees General Retirement System, of the Code of Ordinances of the City of Hialeah, Florida, by revising Hialeah Code § 98-270 entitled "Compulsory Retirement Age; Extensions", is hereby amended to read as follows:

Chapter 70

RETIREMENT AND PENSIONS

* * *

ARTICLE IV. EMPLOYEES GENERAL RETIREMENT SYSTEM

* * *

Sec. 70-237. Compulsory retirement age; extensions; reemployment.

(a) At the age of 70, all members of the retirement system shall be separated from city service, except any such member may remain in city service with the majority approval of the board of trustees subject to the following conditions:

(1) The employee requests to be continued in service by filing ~~his~~ the employee's written application with the board.

(2) Continued service is approved by the administrative head of the city and the personnel director or civil service board, as the case may be, provided that:

a. No such continuation in service shall be for any one period longer than one year. At the expiration of any such period, the member may be continued in service for renewed periods upon completing the application described in subsection (1) of this section~~; and~~.

(b) No person who shall have been retired from the city service under this retirement plan shall be eligible for reemployment by the city while receiving benefits from the retirement system, except that this shall not prohibit such person from holding public office and receiving the salary therefrom and except under the following

limited circumstances: Where there is a documented operational necessity involving life safety concerns, the city may reemploy a retiree to perform the duties of a public safety communications officer, without affecting the employee's retirement benefits, as a contract employee, after one year of separation from service with the city, for up to 30 hours a week.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict with this ordinance 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 prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: 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, as appropriate, to conform to the uniform numbering system of the Code.

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: 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 26 day of March, 2013.

Isis Garcia-Martinez
Council President

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

Attest:

Approved on this 1 day of April, 2013.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 5-0 vote with Council Members, Garcia-Martinez, Casals-Munoz, Cue-Fuente, Hernandez and Lozano voting "Yes", Council Members Caragol and Gonzalez absent.