ORDINANCE NO. 2013-81

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE III. BOARDS, COMMISSIONS AND COMMITTEES, AND IN PARTICULAR, BY ADDING A NEW DIVISION, DIVISION 8. PENSION REFORM COMMITTEE, TO ESTABLISH A PENSION REFORM COMMITTEE AND PROVIDE DUTIES AND POWERS OF THE COMMITTEE, COMPOSITION OF MEMBERSHIP AND TERM OF SERVICE AND BOARD MEETINGS TO CONDUCT BUSINESS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN CODE; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the specific purpose of this ordinance is to establish a standing and ongoing pension reform committee to study, report and make recommendations to the mayor, city council and the board of trustees of the retirement system on the present and future viability, sustainability and financial condition of the city pension plan.

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

Section 1: Chapter 2 entitled "Administration", Article III. Boards, Commissions and Committees, of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended, by adding a new division, Division 8. Pension reform committee, to read as follows:

Chapter 2

ADMINISTRATION

* * *

ARTICLE III. BOARDS, COMMISSIONS AND COMMITTEES

* * *

DIVISION 8. PENSION REFORM COMMITTEE*

Sec. 2-755. Established.

The city establishes a pension reform committee.

Sec. 2-756. Composition, compensation and term of service.

The pension reform committee shall consist of nine members as follows:

(1) One member shall be a trustee of the Hialeah Retirement System appointed by the board of trustees.

(2) One member shall be a councilmember appointed by the council president.

(3) One member shall be appointed by the city council selected from the general public who resides in the city and who has financial, business or professional training and experience.

(4) One member shall be appointed by union representatives for AFSCME to represent its bargaining unit membership.

(5) One member shall be appointed by union representatives for PBA to represent its bargaining unit membership.

(6) One member shall be appointed by union representatives for IAFF, Local 1102, to represent its bargaining unit membership.

(7) The Mayor shall appoint three members, of which two members selected from the general public and a city resident elector who has financial, business or professional training and experience. One member shall be selected from the general public with financial, business or professional training and experience, without necessarily residing in the city. One member shall be a management employee from the city.

Members shall serve without compensation.

Sec. 2-757. Meetings.

The pension reform committee shall establish the date, time and place of its meetings, but in no event shall the committee meet less than two times during the calendar year.

Sec. 2-758. Duties and powers.

The enumerated powers and duties of the pension reform committee are to:

(1) Study and evaluate the present and future viability, sustainability and financial condition of the pension plan.

(2) Report and recommend to the mayor, city council and the board of trustees of the retirement system on significant and pertinent matters relating to or affecting the present and future viability, sustainability and financial condition of the pension plan.

(3) Report and recommend to the mayor, city council and the board of trustees of the retirement system pension reforms, changes or modifications that would enhance the sustainability and viability of the pension plan.

(4) Report and recommend to the mayor, city council and the board of trustees of the retirement system on matters involving the substance, manner and effectiveness of information and communication disseminated to current employees and retirees relating to the present and future viability, sustainability and financial condition of the pension plan.

(5) Select and retain an independent actuary with expertise in evaluating and advising pension plans to assist the committee in performing its duties and responsibilities, subject to city council approval of any expenditure.

* * *

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 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 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 November, 2013.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 2 day of Dec, 2013

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

*Since an entirely new section is being adopted, the City will not indicate the new provisions of this section by underlining.

s:\wmg\legislat\ord\ordinance 2013\ch2administrationpensionreformcommittee.docx

Ordinance was adopted by a 6-0-1 vote with Council Members, Garcia-Martinez, Casals-Munoz, Caragol, Gonzalez, Hernandez and Lozano voting "Yes", Council Member Cue-Fuente was absent.