

ORDINANCE NO. 2020-017

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 70 ENTITLED "RETIREMENT AND PENSION", ARTICLE IV. EMPLOYEES GENERAL RETIREMENT SYSTEM, DIVISION I ENTITLED "GENERALLY"; IMPLEMENTING A CHANGE TO THE DEFINITION OF COMPENSATION FOR POLICE OFFICERS; REVISING § 70-96, ENTITLED "DEFINITIONS"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PENALTIES HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN INTERPRETATION AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hialeah (City) and the International Association of Fire Fighters, Local 1102 (IAFF) recently ratified a collective bargaining agreement effective October 1, 2019 through September 30, 2022; and

WHEREAS, the IAFF collective bargaining agreement includes certain changes to the City of Hialeah Retirement System concerning firefighters, including the inclusion of specialty pay in compensation for pension purposes; and

WHEREAS, the 2018-2021 collective bargaining agreement between the City of Hialeah and the Fraternal Order of Police Lodge No. 12 (FOP) requires that any additional benefits provided to members of the IAFF bargaining unit also be provided to members of the FOP bargaining unit; and

WHEREAS, specialty pay is currently not included in the Retirement System definition of compensation for police officers; and

WHEREAS, to include specialty pay in the Retirement System definition of compensation for police officers it is necessary to adopt an ordinance to amend said Retirement System; and

WHEREAS, the plan's actuary has prepared a statement of the actuarial impact of the proposed benefit changes dated May 21, 2020 and certified compliance with Part VII, of Chapter 112, Florida Statutes; and

WHEREAS, the City has presented this ordinance to the Board of Trustees of the Retirement System for its review at a duly noticed virtual meeting of the Board on April 23,

2020 pursuant to the procedures and guidelines adopted by emergency order of the Mayor as a result of COVID-19.

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 is hereby amended as follows:

Chapter 70

RETIREMENT AND PENSIONS

* * *

**ARTICLE IV. EMPLOYEES GENERAL
RETIREMENT SYSTEM**

DIVISION 1. GENERALLY

Sec. 70-96. Definitions.

* * *

Compensation means base salary plus any longevity and/or special assignment pay prescribed in the personnel board's annual basic salary schedule as revised from time to time, and/or any pay received in connection with the state's law enforcement special incentive program or firefighters' supplemental compensation program, F.S. § 633.382. Effective [effective date of this ordinance], compensation for police officer members shall include specialty pay received by the member up to 5% of base salary.

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Section 2: Repeal of Ordinances in Conflict. All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

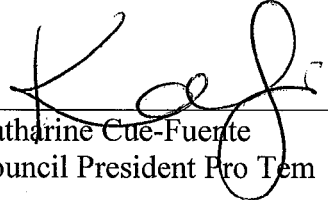
Section 3: Penalties. Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation 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.

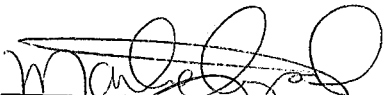
Section 6: Effective Date. This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED AND ADOPTED this 28 day of May, 2020.


Katharine Cue-Fuente
Council President Pro Tem

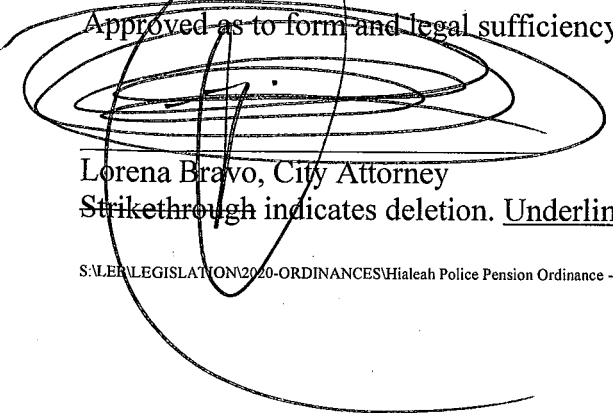
Attest:

Approved on this 4 day of June, 2020.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Perez, Tundidor and Zogby, voting "Yes" and with Council President Hernandez and Council Vice President De la Rosa absent.

Strikethrough indicates deletion. Underline indicates addition.