

ORDINANCE NO. 2018-120

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE II, ENTITLED "DEPARTMENTS, OFFICES AND DIVISIONS", TO ELEVATE THE DIVISIONS OF RETIREMENT AND LIBRARY TO DEPARTMENTS, BY AMENDING DIVISION 8. "FINANCE DEPARTMENT", SECTION 2-237 "FINANCE DIRECTOR" TO REMOVE RETIREMENT FROM THE ADMINISTRATIVE RESPONSIBILITIES OF THE DIRECTOR OF FINANCE; DELETING SECTION 2-238 "RETIREMENT DIVISION" AND CREATING A NEW DIVISION 19. ENTITLED "DEPARTMENT OF RETIREMENT", ADDING SECTION 2-538 "CREATED" AND SECTION 2-539 "RETIREMENT DIRECTOR"; AMENDING DIVISION 13. "EDUCATION AND COMMUNITY SERVICES DEPARTMENT", AMENDING SECTION 2-417 "DIRECTOR OF EDUCATION AND COMMUNITY SERVICES" TO REMOVE OPERATION OF THE LIBRARY SYSTEM FROM THE ADMINISTRATIVE RESPONSIBILITIES OF THE DIRECTOR OF EDUCATION AND COMMUNITY SERVICES, DELETING SECTION 2-418 "DIVISIONS", AND CREATING A NEW DIVISION 20. ENTITLED "DEPARTMENT OF PUBLIC LIBRARIES" ADDING SECTION 2-540 "CREATED", SECTION 2-541 "DIRECTOR OF PUBLIC LIBRARIES"; 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 City of Hialeah code of ordinances provides for a Retirement as a division of the Finance Department and Library as a division of the Education and Community Services Division;

WHEREAS, these two divisions are administered by management personnel who report directly to the Mayor and therefore this ordinance amends the internal administrative organization of the City to reflect current management; and

WHEREAS, in addition, Florida Statute §257.17 requires that, in order to be eligible to receive annual operating grants from the state, the library established or maintained by a municipality be a single administrative unit operated under a single administrative head;

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 II, entitled “Departments, Offices and Divisions,” is hereby amended as follows:

CHAPTER 2

ADMINISTRATION

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ARTICLE II. – DEPARTMENTS, OFFICES AND DIVISIONS

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DIVISION 8. – FINANCE DEPARTMENT

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Sec. 2-237. - Finance director.

The finance director shall be the principal officer of the city and the administrative head of the finance department. Subject to the supervision of the mayor, the finance director shall administer the affairs of the department, ~~and supervise the retirement division.~~ In addition to the general responsibilities, the director shall have the following enumerated powers and duties:

- (1) Supervise the disbursement and expenditures of all funds to ensure that budget appropriations are not exceeded.
- (2) Maintain a general accounting system for city government and each of its offices, departments, divisions and agencies.

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Sec. 2-238. – ~~[Reserved.]Retirement division.~~

~~(a) — Retirement division created. There is created and established a retirement division in the finance department.~~

~~(b) — Administrator of retirement division. The administrator of the retirement division shall be the administrative head of the division. The administrator shall administer the financial affairs of the city employees' retirement system. The administrator shall act as a recording secretary to the board of trustees.~~

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DIVISION 13. – EDUCATION AND COMMUNITY SERVICES
DEPARTMENT

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Sec. 2-417. - Director of education and community services.

The director of education and community services shall be the administrative head of the education and community services department, which includes immediate direction and control of personnel within the department. Subject to the supervision of the mayor, the director is charged with the responsibility of developing and implementing education and community services programs, including, but not limited to, literacy, after care, and adult center and special population programs ~~and operating the library system.~~

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~~Sec. 2-418. – Divisions.~~

~~A division in the education and community services department shall be as follows:~~

~~(1) – Library.~~

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DIVISION 19. – DEPARTMENT OF RETIREMENT.

Sec. 2-538. – Created.

There is created and established a department of retirement.

Sec. 2-539. – Retirement Director.

Subject to the supervision of the mayor, the retirement director shall be the administrative head of the department of retirement. The retirement director shall be charged with the responsibility to administer the pension and retirement plans offered by the City. In addition to the general responsibilities, the retirement director shall have the following enumerated functions and duties:

(1) Administer the office of the retirement department.

- (2) Coordinate and administer the accounting, bookkeeping and clerical services required for the administration of the retirement department and pension and retirement plans offered by the city.
- (3) Act as the custodian of all documents and other records of the board of trustees for the general employee's retirement system, the city's deferred compensation and defined contribution committee, and the elected official's retirement system.
- (4) Attend all meetings and act as the recording secretary of the board of trustees for the general employee's retirement system, the city's deferred compensation and defined contribution committee, and the elected official's retirement system.
- (5) Coordinate and oversee the meetings of the board of trustees for the general employee's retirement system, the city's deferred compensation and defined contribution committee, and the elected official's retirement system.
- (6) Implement all administrative decisions of the board of trustees for the general employee's retirement system, the city's deferred compensation and defined contribution committee, and the elected official's retirement system.
- (7) Properly, adequately and effectively respond to inquiries by the board of trustees for the general employee's retirement system, and the oversight committees for the deferred compensation and defined contribution plans of the city and the elected official's retirement system.
- (8) Assist in the design and development of communication booklets, brochures and forms, webpage content and arrange for the distribution of required materials to participants and beneficiaries of the city's several retirement plans.
- (9) At the request of plan auditors, accountants, investment managers, or actuaries, assist in the preparation of all reports and other documents to be prepared, filed or disseminated by or on behalf of the board of trustees for the general employees retirement system, the city's deferred compensation and defined contribution committee, and the elected official's retirement system.
- (10) Establish and control the city's pension and retirement systems' claims operation to ensure prompt and accurate review and determination of participant and beneficiary claims for benefits under each plan, to include, responding to all inquiries from participants and

beneficiaries with respect to all applicable benefit provisions of the respective plan, drafting and revising all required claim forms, and Providing the necessary claim forms to participants and beneficiaries upon request.

(11)Perform such other related duties and functions as requested by the mayor.

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DIVISION 20. – DEPARTMENT OF PUBLIC LIBRARIES.

Sec. 2-540. – Created.

There is created and established a department of public libraries to administer free library services to city residents, including free access to information and technology, and programing and activities that foster lifelong learning, personal growth, and cultural enrichment.

Sec. 2-541. – Director of Public Libraries.

Subject to the supervision of the mayor, the director of public libraries shall be the administrative head of the department of public libraries, including the immediate direction and control of personnel within the department. The library director shall be charged with the responsibility to administer the library programs, including planning, maintenance and operations of the library system, its collections, services and programs.

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DIVISION 13. – EDUCATION AND COMMUNITY SERVICES
DEPARTMENT

Sec. 2-417. - Director of education and community services.

The director of education and community services shall be the administrative head of the education and community services department, which includes immediate direction and control of personnel within the department. Subject to the supervision of the mayor, the director is charged with the responsibility of developing and implementing education and community services programs, including, but not limited to, literacy, after care, and adult center and special population programs and operating the library system.

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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.

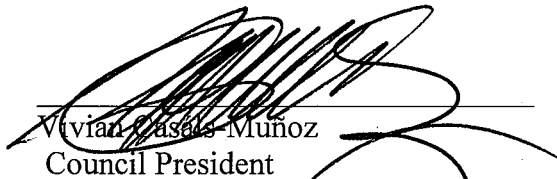
Section 5: Inclusion in Code. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

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.

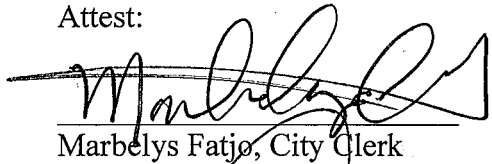
PASSED and ADOPTED this 13 day of November, 2018.

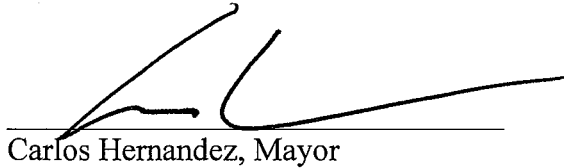
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Munoz
Council President

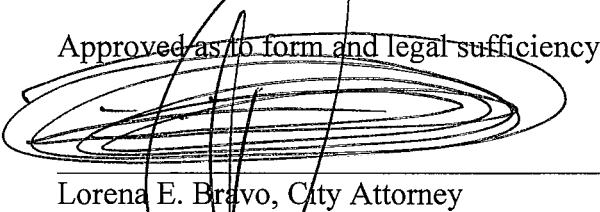
Approved on this 20 day of November, 2018.

Attest:


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez, Garcia Martinez and Cue-Fuente voting "Yes" and with Councilmember Caragol absent.

Strikethrough indicates deletion.
Underline indicates addition.