

ORDINANCE NO. 1079 -2015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MIAMI SPRINGS AMENDING CODE OF ORDINANCE
SECTION 35-14, MEMBERSHIP IN RETIREMENT SYSTEM;
TO PROVIDE ANY NEWLY APPOINTED DEPARTMENT
DIRECTORS THE OPTION OF JOINING THE CITY
EMPLOYEES RETIREMENT SYSTEM; DETERMINATION
OF RETROACTIVITY; REPEALING ALL ORDINANCES
OR PARTS OF ORDINANCES IN CONFLICT;
EFFECTIVE DATE**

WHEREAS, the City administration anticipates that there may be a need to hire new department directors in the upcoming years; and,

WHEREAS, the advertisement of recruitment for new department directors should be as attractive as possible; and,

WHEREAS, the current City Manager, Assistant City Manager, and Chief of Police have been provided with the option to participate in the appropriate City retirement system; and,

WHEREAS, it is believed that by offering participation in the ICMA Pension Plan or some other City approved retirement plan the City will attract more qualified candidates for open director positions; and,

WHEREAS, due to the nature and stature of City department director positions, it is appropriate to offer enrollment in alternative retirement plans to such candidates; and,

WHEREAS, the City Council has determined that the amendment of the City Employees Retirement System Ordinance in order to allow the new department directors the option to participate in the ICMA Pension Plan, or some other City approved plan, is both proper and appropriate and in the best interests of the City and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:

Section 1: That Code of Ordinance Section, 35-14, Membership in Retirement System, is hereby amended as follows:

Sec. 35-14. Membership in retirement system.

(A) *Eligibility.* All persons who are employees of the City on the day preceding the effective date of the retirement system, and all persons who become full time permanent employees of the City on or after the effective date of the system shall become members of the system. ~~However, the membership of the system shall not include any employee who is employed in a position that normally requires less than 1,000 hours of work per annum, nor shall it include any employee whose services are compensated wholly on a fee basis.~~ Notwithstanding the foregoing, newly appointed City employees to the positions of City Manager, Assistant City Manager, or Department Director, following the enactment of this ordinance, shall have the option of membership in the City Employees Retirement System or any other City approved retirement plan, so long as a plan election is made within thirty (30) days of being hired by the City and it is understood and agreed by the employee that the plan election is irrevocable.

(B) *Determination of eligibility.* In any case of doubt as to the membership status of any employee, the Board of Trustees shall decide the question, and the decision of the board shall be final.

(C) *Retroactivity.* Nothing contained herein shall in any manner modify or impact the retirement membership or status of any person employed by the City prior to effective date of the foregoing provisions.

Section 2: Repeal of Conflicting Provisions. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: Effective Date. That this Ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING this 27th day of April, 2015, on a motion made by Councilwoman Buckner and seconded by Councilman Bain.

PASSED AND ADOPTED ON SECOND READING this 11th day of May 2015, on a motion made by Councilman Bain and seconded by Councilman Petralanda.

Vice Mayor Best	<u>YES</u>
Councilman Bain	<u>YES</u>
Councilwoman Buckner	<u>YES</u>
Councilman Petralanda	<u>YES</u>
Mayor Garcia	<u>YES</u>

Zavier M. Garcia, Mayor

ATTEST:

Erika Gonzalez-Santamaria, MMC, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Jan K. Seiden, City Attorney

Words ~~-stricken through-~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.