

ORDINANCE NO. 1006-2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS REPEALING CODE OF ORDINANCE SECTION 34-21, RETIREMENT, AND RESERVING THE SECTION FOR FUTURE RETIREMENT RELATED LEGISLATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.

WHEREAS, the City Human Resources Director has conducted a review of the Code of Ordinances related to civil service and retirement; and,

WHEREAS, the Director has advised that Code of Ordinance Section 34-21, which provides mandatory retirement ages for City Employees and Police Officers, has been superseded by Federal Law; and,

WHEREAS, the provisions contained in Code Section 34-21, that were enacted in 1977, are no longer enforceable by the city, its employees or police officers; and,

WHEREAS, the City Council has determined that it is both proper and appropriate to follow the advice and counsel of the City Human Resources Director and repeal Code of Ordinance Section 34-21:

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

Section 1: That Code of Ordinance Section 34-21, Retirement, is hereby repealed in its entirety as follows:

~~Sec. 34-21. Retirement.~~

- ~~(A) General Employees. The retirement age for general employees shall be age 65.~~
- ~~(B) Police Officers. The retirement age for police officers shall be age 55.~~
- ~~(C) Service after retirement age, limit. Any member may be continued in City employment beyond his attainment of age 65 or 55 years, as the case may be, subject to the following conditions:~~
- ~~(1) He requests to be continued in service by filing written application with the City Manager.~~
 - ~~(2) He submits medical evidence satisfactory to the City Manager as to his physical fitness to continue in service, the cost of the medical examination to be borne by the applicant.~~
 - ~~(3) His continued service is approved by his department head and the City Manager, provided that no continuation in service shall be for a period longer than one year.~~
 - ~~(4) At the expiration of any continuation period, the member may be continued in service for renewed periods, upon completing the procedure above described. No continuance of employment shall extend beyond the member's attainment of age 70 years.~~

Section 2: That Code of Ordinance Section 34-21 shall act as a code section placeholder and be identified as 34-21. Reserved for Future Retirement Related Ordinances.

Section 3: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 4: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this 13th day of December, 2010.

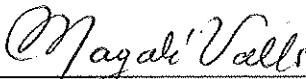
The motion to adopt the foregoing ordinance was offered on second reading by Councilman Lob, seconded by Vice Mayor Ator, and on roll call the following vote ensued:

Vice Mayor Ator	"aye"
Councilman Best	"aye"
Councilman Espino	"aye"
Councilman Lob	"aye"
Mayor Bain	"aye"



Billy Bain
Mayor



ATTEST:


Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Jan K. Seiden, Esquire
City Attorney

First reading: 11/22/2010
Second reading: 12/13/2010

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