

ORDINANCE NO. 1119 – 2021

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS,
FLORIDA, AMENDING SECTION 35-53,
“CONTRIBUTIONS” OF THE POLICE AND FIREMAN
PENSION PLAN OF THE CITY’S CODE OF ORDINANCES
PERTAINING TO MONTHLY RETIREMENT BENEFITS;
PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Miami Springs (the “City”) has an established pension plan for the City’s Police and Firefighters, which is codified in Article II, Chapter 35 of the City’s Code of Ordinances (“Code”); and

WHEREAS, the City and the Florida State Lodge Fraternal Order of Police, Inc. recently entered into a Collective Bargaining Agreement (“Agreement”) for fiscal years 2020-2021 through and including 2022-2023; and

WHEREAS, the Agreement contains certain changes to the Police and Firefighters’ Retirement System, which require an amendment to Section 35-53 of the City’s Code in order to be implemented; and

WHEREAS, the City Council hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT:¹

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Amending Section 35-53 of the City Code. That the Code of Ordinances of Miami Springs, Florida, is hereby amended by revising Section 35-53 “Benefit amounts and eligibility,” which section shall read as follows:

Section 35-53. Benefit amounts and eligibility

(A) *Frozen accrued benefits.*

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

(B) *Normal retirement.* For members hired before October 12, 2014, a member's normal retirement date shall be the first day of the month coincident with or next following the earlier of the attainment of his/her 55th birthday, and the completion of ten years of continuous service or completion of 20 years of continuous service regardless of age. For members hired on or after October 12, 2014, a member's normal retirement date shall be the first day of the month coincident with or next following the earlier of the attainment of his/her 55th birthday, and the completion of ten years of continuous service, or the first day of the month coincident with or next following the attainment of his/her 52nd birthday, and the completion of twenty-five years of continuous service. Except as provided herein, a member may retire on his/her normal retirement date or on the first day of any month thereafter. Each member shall become 100 percent vested in his/her accrued benefit on his/her normal retirement date. A member's normal retirement benefit shall be as follows:

(1) *Duration.* A member retiring hereunder on or after his/her normal retirement date shall receive a monthly benefit which shall commence on his/her retirement date, and be continued thereafter during his/her lifetime, ceasing upon death, but subject in any event to the provision of division (G). Other optional forms of payment providing death benefits shall also be available as specified herein.

(2) *Amount.* For members hired before October 12, 2014, the monthly retirement benefit for continuous service prior to October 12, 2014 shall be equal to 3.5 percent of average monthly earnings multiplied by the number of years and completed months of continuous service; and for continuous service on and after October 12, 2014 the monthly retirement benefit shall be equal to 3.5 percent of average monthly earnings multiplied by the number of years and completed months of continuous service up to twenty years, and 3.0 percent of average monthly earnings multiplied by the number of years and completed months of continuous service after twenty years. Notwithstanding the preceding sentence, the monthly retirement benefit for members hired before October 12, 2014 shall not exceed 85% of average monthly earnings; provided, any member who has accrued a benefit in excess of 85% of average monthly earnings on October 12, 2014 shall retain the benefit percentage accrued on that date, but shall not accrue any additional benefit percentage thereafter (but in no event shall the benefit be less than 2.0 percent for each year of continuous service). Commencing October 1, 2021, ~~the~~ the monthly retirement benefit for members hired on or after October 12, 2014 shall be equal to ~~2.5~~ 3.0 percent of average monthly earnings multiplied by the number of years and completed months of continuous service, up to a maximum of ~~70%~~ 75% of average monthly earnings (but in no event less than 2.0 percent for each year of continuous service). Notwithstanding the provisions of this paragraph (2), the monthly retirement benefit for a member who is employed and within three years of the normal retirement date on October 12, 2014 shall be equal to 3.5

percent of average monthly earnings multiplied by the number of years and completed months of continuous service

Section 3. **Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING this 26th of April, 2021, on a motion made by Vice Mayor Best and seconded by Councilwoman Bravo.

PASSED AND ADOPTED ON SECOND READING this 10th day of May, 2021, on a motion made by Vice Mayor Best and seconded by Councilman Fajet.

Vice Mayor Bob Best	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Dr. Walter Fajet	<u>YES</u>
Councilman Dr. Victor Vazquez	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>


MARIA PUENTE MITCHELL
MAYOR

ATTEST:


ERIKA GONZALEZ, MMC
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY