

ORDINANCE NO. 1123 – 2022

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 35, “RETIREMENT SYSTEMS,” ARTICLE II, “POLICE AND FIREMAN PENSION PLAN” OF THE CITY’S CODE OF ORDINANCES BY AMENDING SECTION 35-51, “DEFINITIONS” PERTAINING TO “AVERAGE MONTHLY EARNINGS”; AMENDING SECTION 35-53 “BENEFIT AMOUNTS AND ELIGIBILITY” TO EXCLUDE MEMBERS IN THE RANK OF LIEUTENANT AND BELOW RETIRING OR ENTERING THE DROP AFTER DECEMBER 14, 2021 FROM THE PROVISIONS RELATING TO FROZEN ACCRUED 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 Chapter 35, “Retirement Systems,” Article II, “Police and Fireman Pension Plan” 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 Lieutenant’s Collective Bargaining Agreement (“Agreement”) for fiscal years 2021-22 through and including 2023-24; and

WHEREAS, the Agreement contains certain changes to the Police and Firefighters’ Retirement System, which require an amendment to Sections 35-51, “Definitions” and 35-53, “Benefit amounts and eligibility” of the City’s Code as set forth herein in order to be implemented; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. **Amending Section 35-51 of the City Code.** That the Code of Ordinances of Miami Springs, Florida, is hereby amended by revising Section 35-51, “Definitions,” as follows:

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.

Section 35-51. Definitions.

For purposes of §§ 35-50—35-59, the following words and phrases shall have the following meanings ascribed to them respectively.

* * *

- (D) *Average monthly earnings.* For members who are subject to the pension freeze as of October 12, 2014, as described in Section 35-53(A), for the purpose of calculating a member's benefit based on continuous service prior to October 12, 2014, average monthly earnings means the average of earnings for the three-consecutive-year period of continuous service which produces the highest average—, and ~~For~~ for the purpose of calculating a member's benefit based on continuous service on and after October 12, 2014, average monthly earnings means the average of earnings for the five best years of the last ten years of continuous service prior to retirement, termination or death. For all other members, average monthly earnings means the greater of (1) the average of earnings for the three-consecutive-year period of continuous service prior to October 12, 2014 which produces the highest average, or (2) the average of earnings for the five best years of the last ten years of continuous service prior to retirement, termination or death. Notwithstanding the preceding sentence, for a member who is was employed and within three years of the normal retirement date on October 12, 2014, average monthly earnings means the average of earnings for the three-consecutive-year period of continuous service which produces the highest average.

* * *

Section 3. **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," as follows:

Section 35-53. Benefit amounts and eligibility.

(A) *Frozen accrued benefit.* Notwithstanding any other provision of the System, the accrued benefits of all members of this System who are employed and not participating in the DROP on October 12, 2014 shall be frozen on that date. All such members shall be fully vested in their frozen accrued benefit. The value of each member's frozen accrued benefit shall be calculated in accordance with the provisions of the System in effect on October 11, 2014, based on the member's continuous service and average monthly earnings on that date. The frozen accrued benefit shall be payable to the member (or placed in the member's DROP account, if applicable) upon attaining the normal retirement date set forth in subsection (B) below; or a reduced benefit shall be payable to the member upon attaining the early retirement date set forth in subsection (C) below. Upon retirement or entry into the DROP, a member whose accrued benefit is frozen on October 12, 2014 shall be eligible for a retirement benefit in two parts: the frozen accrued benefit based on the member's continuous service and average monthly earnings on October 12, 2014; and the benefit based on the member's continuous service on and after October 12, 2014. The provisions of this subsection (A) shall not apply to a member who is

employed and within three years of the normal retirement date on October 12, 2014 or to any member, in the rank of ~~Sergeant~~Lieutenant and below, who retires or enters the DROP after December 14, 2021.

* * *

Section 4. **Conflicts.** 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 5. **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 6. **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 7. **Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING on the 14th day of February, 2022, on a motion made by Councilman Vazquez and seconded by Councilman Best.

PASSED AND ADOPTED ON SECOND READING this 28th day of February, 2022, on a motion made by Councilman Vazquez and seconded by Councilman Fajet.
Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Jacky Bravo	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilman Walter Fajet	<u>YES</u>
Councilman 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