

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "PERSONNEL," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 78-3 THEREOF, TO AUTHORIZE QUALIFYING CITY EMPLOYEES TO MAKE DONATIONS OF ANNUAL AND SICK LEAVE FOR HUMANITARIAN DISASTER RELIEF, AS MAY BE APPROVED BY THE CITY COMMISSION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach prides itself on being a diverse, inclusive international community with respect for the rule of law and democratic institutions, with the Mayor and City Commission routinely supporting measures that promote human rights and dignity; and

WHEREAS, in 2005, the Mayor and City Commission enacted Ordinance No. 2005-3471, which allows for qualifying City employees to donate a portion of their annual or sick leave to the surviving dependent beneficiaries of a City employee who dies while in the employ of the City, to thereby convert annual and sick leave into cash for the benefit of family members of deceased employees, in the spirit of shared community and a desire to help our extended City family members in times of great need; and

WHEREAS, recently, an unprecedented number of people around the world have been affected by various disasters and catastrophes, both natural and manmade; and

WHEREAS, on April 16, 2023, the Mayor and City Commission adopted Ordinance No. 2-23-4485, creating Section 78-3 of the City Code authorizing employees having at least 260 combined hours of annual and sick leave after any donation, to donate annual and sick leave for specified humanitarian disaster relief, as may be approved by the City Commission by Resolution; and

WHEREAS, the Ordinance had the sunset date of August 1, 2023, after which it was automatically repealed; and

WHEREAS, the Mayor and City Commission desire to re-establish the provisions of Section 78-3 through August 1, 2024, to authorize City employees to donate annual and sick leave for humanitarian disaster relief for the benefit of persons displaced and/or adversely impacted by terror acts by terrorist organization Hamas, as may be subsequently approved by the City Commission by Resolution for any specific humanitarian relief effort.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Section 78-3 of the City Code shall be created as follows, and as hereinafter set forth below:

CHAPTER 78

PERSONNEL

* * *

ARTICLE I. IN GENERAL

* * *

Sec. 78-3. Donation of annual leave and sick leave for humanitarian disaster relief.

- (a) If approved by the city commission via resolution for any specific humanitarian relief effort, city employees may donate a portion of their annual leave and/or sick leave for specified humanitarian disaster relief.
- (b) The donating employee must maintain a balance of at least 260 combined hours of annual and sick leave.
- (c) The donated time will be computed at the donating employee's current rate of pay at the time of donation.
- (d) One check of all donations made shall be issued by the city to the appropriate disaster relief agency, entity or organization.
- (e) Donations may only be made during the period of time designated by the city commission on such authorizing resolution. No donations will be accepted after that date.
- (f) The amount of time donated by the donating employee will reduce that employee's final leave settlement.
- (g) The donating employee will be required to sign a form indicating the hours donated and that these hours will reduce such employee's final leave settlement. This signed form will be retained in the donating employee's personnel file.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on _____.

PASSED and **ADOPTED** this _____ day of _____, 2023.

ATTEST:

Rafael E. Granado
City Clerk

Dan Gelber
Mayor

(Sponsored by Commissioner Alex J. Fernandez)

Underline denotes additions
~~Strikethrough~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *FA* 10-10-23
Date