

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH GENERAL EMPLOYEES RETIREMENT PLAN; AMENDING SECTION 6.04 ENTITLED “BENEFITS OTHER THAN ON RETIREMENT” TO PERMIT THE REHIRING OF RETIRED EMPLOYEES OF NMB WATER; PROVIDING FOR THE REPEALER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach has determined it to be in the best interest of the City to resume operation of the City’s Water Utility; and

WHEREAS, to operate the Water Utility in an efficient, safe and cost-effective manner, it would be beneficial for the City to reemploy certain retired City employees who were previously employed at the Water Utility; and

WHEREAS, the City of North Miami Beach Retirement Plan for General Employees (“Retirement Plan” or “Plan”) generally limits the reemployment of retired City employees to part-time or temporary positions without loss of City retirement benefits; and

WHEREAS, by Ordinance No. 2020-09, adopted on October 20, 2020, the City Commission amended the Retirement Plan to allow previously retired employees who were employed in the City Water Utility, Wastewater Utility or Customer Service Division to return to work for the City within one (1) year following the date of adoption of Ordinance No. 2020-09 without loss of their City retirement benefits; and

WHEREAS, in order to allow retired Water Utility, Wastewater Utility and Customer Service Division employees who were not reemployed by the City within one year following the adoption of Ordinance No. 2020-09 to be reemployed by the City in full-time positions and continue to receive City retirement benefits, it is necessary to amend the Retirement Plan to extend the one-year window for such reemployment to two years.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida, that:

Section 1. Recitals. The foregoing recital are confirmed, adopted, and incorporated herein and made a part hereof by the reference.

Section 2. Amendment. Article VI, Section 6.04(a)(11) of the City of North Miami Beach Retirement Plan for General Employees, entitled “Benefits Other than on Retirement”, is proposed to be amended as follows:

(a) **Benefit on Termination of Service.**

* * *

(11) **Employment of Retirants.** Effective March 1, 2014, a participant who retires after attaining the normal retirement date on or before March 31, 2016 may return to City employment without loss of retirement income as long as the employment is for less than twenty (20) hours per week or not more than five (5) months in any calendar year. A participant who retires after attaining the normal retirement date on or after April 1, 2016, and who has been in receipt of retirement income for a period of at least thirty (30) days may return to City employment without loss of retirement income as long as the employment is for less than twenty (20) hours per week or not more than five (5) months in any calendar year. Notwithstanding the provisions of this paragraph, a participant who was previously employed in the City Water Utility, Wastewater Utility or Customer Service Division, and retired after attaining the normal retirement date may return to City employment in a full-time position in the Water Utility, Wastewater Utility or Customer Service Division without loss of retirement income, provided that the participant becomes re-employed with the City on or before October 20, 2022 ~~within one (1) year following the date of the adoption of this Ordinance~~. A retired participant who is re-employed pursuant to the preceding sentence shall not contribute to or earn additional credited service or benefits under this Plan during such re-employment, and shall not be eligible for disability benefits under the Plan.

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Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word as the codifier may deem fit.

Section 6. This Ordinance shall take effect immediately upon adoption.

APPROVED on first reading this ___ day of _____, 2022.

APPROVED AND ADOPTED on second reading this ___ day of _____, 2022.

ATTEST:

ANDRISE BERNARD CMC, MCM
CITY CLERK

ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE AND FOR EXECUTION

HANS OTTINOT
INTERIM CITY ATTORNEY