

## **ORDINANCE NO. 2022-XX**

**AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, BY AMENDING SECTION 6.01, NORMAL RETIREMENT; AMENDING SECTION 6.13, COST OF LIVING ADJUSTMENTS; AMENDING SECTION 6.14, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Miami Beach has established and maintains a Retirement Plan for General Employees of the City of North Miami Beach ("Retirement Plan"); and

**WHEREAS**, the City has determined that certain reductions to general employees' benefits that were made in 2013 (Ordinances No. 2013-15 and No. 2013-19) should be restored only to current city workers who were vested at that time; and

**WHEREAS**, the Mayor and the City Commission have received and reviewed an actuarial impact statement concerning the changes.

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

**Section 1.** Article VI, Section 6.01, "Normal Retirement", of the Retirement Plan for General Employees of the City of North Miami Beach, subsection (b), "Normal Retirement Date", is hereby amended as follows (underlined language is added; deleted language is ~~stricken through~~):

### **Section 6.01 - NORMAL RETIREMENT**

...

#### **(b) Normal Retirement Date**

- (1) The normal retirement date of each participant will be the first day

of the month coincident with or next following the date he attains age 62, or, effective July 1, 1998, completes 20 years of service after having reached the age of 55. Notwithstanding the preceding sentence:

- a. The normal retirement date for participants in the AFSCME bargaining unit and participants who are not included in any bargaining unit who are employed and not participating in the DROP on September 30, 2013, and who on that date have not attained age 62 or age 55 with 20 or more years of credited service, shall be age 62 with 10 or more years of credited service, or age 60 with 25 or more years of credited service. Participants in the AFSCME bargaining unit and participants who are not included in any bargaining unit who are employed and not participating in the DROP on September 30, 2013, and who on that date have not attained age 62 or age 55 with 20 or more years of credited service, may retire upon reaching age 62 or age 55 with 20 or more years of credited service and terminating City employment or entering the DROP, and upon such retirement shall be eligible to receive the benefit based on their credited service prior to October 1, 2013; and such participants shall be eligible to receive the benefit based on their credited service on and after October 1, 2013 upon attaining age 62 with 10 or more years of credited service, or age 60 with 25 or more years of credited service, and terminating City employment or entering the DROP. The normal retirement date for participants in the AFSCME bargaining unit and participants who are not included in any bargaining unit hired on or after October 1, 2013 shall be age 62 with 10 or more years of credited service, or age 60 with 25 or more years of credited service. This subsection does not apply to participants in AFSCME bargaining unit and participants not included in any bargaining unit who were vested on or before September 30, 2013 and are employed on [insert adoption date of this ORD].
- b. The normal retirement date for participants in the IUPA bargaining unit who are employed and not participating in the DROP on December 31, 2013, and who on that date have not attained age 62 or age 55 with 20 or more years of credited service, shall be age 66 with 6 or more years of credited service, or age 59 with 30 or more years of credited service; provided, such participants may retire upon reaching age 62 or age 55 with 20 or more years of credited service and terminating City employment, and upon such retirement shall be eligible to receive the benefit based on their credited

service prior to January 1, 2014; and such participants shall be eligible to receive the benefit based on their credited service on and after December 31, 2013 upon attaining age 66 with 6 or more years of credited service, or age 59 with 30 or more years of credited service, and terminating City employment. The normal retirement date for participants in the IUPA bargaining unit hired on or after January 1, 2014 shall be age 66 with 6 or more years of credited service, or age 59 with 30 or more years of credited service. This subsection does not apply to participants in the IUPA bargaining unit who were vested on or before December 31, 2013 and are employed on [insert adoption date of this ORD].

- c. Notwithstanding subparagraph b. above, the normal retirement date for participants in the IUPA bargaining unit who are employed on (effective date of this ordinance) shall be 62 with 10 or more years of credited service, or age 60 with 25 or more years of credited service.

...

**Section 2.** Article VI, Section 6.13 of the Retirement Plan for General Employees of the City of North Miami Beach, entitled "Cost of Living Adjustments is hereby amended as follows (underlined language is added; deleted language is ~~stricken through~~):

### **Section 6.13 - COST OF LIVING ADJUSTMENTS**

Commencing October 1, 1999, and on the first day of each October thereafter, the monthly income payable hereunder to each participant or beneficiary who has been receiving benefits under any provision of this plan for one or more years, or to any such participant's or beneficiary's surviving beneficiary, shall be increased by two and one-quarter percent (2.25%). Notwithstanding the preceding sentence:

- (a) The cost of living adjustment applied to the benefits earned by participants in the AFSCME bargaining unit and participants who are not included in any bargaining unit for credited service on and after October 1, 2013 shall be three-quarters percent (0.75%) annually with the first adjustment applied on October 1 after three years following termination of employment; provided, any participant who is employed and not participating in the DROP on September 30, 2013 and who on that date has attained age 62 or age 55 with 20 or more years of credited service, shall upon retirement under section 6.01 hereof be eligible for an annual cost of living adjustment of 2.25% commencing on October 1 after one year following retirement.

This subsection does not apply to participants in AFSCME bargaining unit and participants not included in any bargaining unit who were vested on or before September 30, 2013 and are employed on [insert adoption date of this ORD].

- (b) There shall be no cost of living adjustment applied to benefits earned by participants in the IUPA bargaining unit for credited service on and after January 1, 2014. The City Commission may from time to time grant an ad hoc cost of living adjustment to be applied to the benefits earned by communication officers, other than those who are eligible for an automatic cost of living adjustment, for credited service after the effective date of this Ordinance, whenever the cumulative net actuarial gain is sufficient to fund the adjustment and the funded ratio of the Plan (actuarial value of assets divided by actuarial accrued liability) is 100% or more. This subsection does not apply to participants in the IUPA bargaining unit who were vested on or before December 31, 2013 and are employed on [insert adoption date of this ORD].
- (c) Notwithstanding subsection (b) above, the cost of living adjustment applied to the benefits earned by participants in the IUPA bargaining unit who are employed on (effective date of this ordinance) for credited service earned on and after January 1, 2014 shall be three-quarters percent (0.75%) annually with the first adjustment applied on October 1 after three years following termination of employment; provided, any participant who is employed and not participating in the DROP on December 31, 2013 and who on that date had attained age 62 or age 55 with 25 or more years of credited service, shall upon retirement under section 6.01 hereof be eligible for an annual cost of leaving adjustment of 2.25% commencing on October 1 after one year following retirement.

**Section 3.** Article VI, Section 6.14, “Deferred Retirement Option Plan (DROP)”, of the Retirement Plan for General Employees of the City of North Miami Beach, subsection (6), is hereby amended as follows (underlined language is added; deleted language is ~~stricken through~~):

**Section 6.14 – DEFERRED RETIREMENT OPTION PROGRAM (DROP)**

...

- (6)
  - (a) The total years of participation in the DROP may not exceed five (5) years.
  - (b) Notwithstanding the preceding sentence, for employees in the AFSCME bargaining unit and employees who are not included in any bargaining unit who are employed on September 30, 2013 and

have not attained age 62 or age 55 with 20 or more years of credited service on that date, and employees in the AFSCME bargaining unit and employees who are not included in any bargaining unit who are hired on or after October 1, 2013, the total years of participation in the DROP may not exceed three (3) years. This subsection does not apply to participants in the IUPA bargaining unit who were vested on or before December 31, 2013 and are employed on [insert adoption date of this ORD]. This subsection does not apply to participants in AFSCME bargaining unit and participants not included in any bargaining unit who were vested on or before September 30, 2013 and are employed on [insert adoption date of this ORD].

...

**Section 4.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 5.** All proposed changes apply retroactively for all post-2013 benefit accruals for employees who were vested when the Plan was amended in 2013 and employed on [insert adoption date of this ORD].

**Section 6.** If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**Section 7.** It is the intention of the City Council 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 8.** This Ordinance shall become effective ten (10) days after adoption on second reading.

**APPROVED** on this first reading this **the 21<sup>st</sup> day of June, 2022.**

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
ANDRISE BERNARD, MMC  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
ANTHONY F. DEFILLIPO  
MAYOR

APPROVED AS TO FORM, LANGUAGE AND  
FOR EXECUTION

\_\_\_\_\_  
HANS OTTINOT  
CITY ATTORNEY

Sponsored By: Mayor and City Commission