

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; RESTORING PENSION BENEFITS FOR A CERTAIN GENERAL MANAGEMENT EMPLOYEE WHO WAS A MEMBER OF THE PLAN ON JANUARY 31, 2013 AND HAS REMAINED CONTINUOUSLY EMPLOYED AS A MANAGEMENT EMPLOYEE; RESTORING THE 3% MULTIPLIER; RESTORING THE AUTOMATIC COST OF LIVING ADJUSTMENT; RESTORING THE NORMAL RETIREMENT DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, *Florida Statutes* and Section 1.4 of the Charter of the City of North Miami Beach ("City"), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, the City of North Miami Beach has established and maintains Retirement Plans for all eligible employees of the City; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach wish to amend the Retirement Plan and Trust for a certain General Management Employee of the City of North Miami Beach who has remained continuously employed to restore certain benefits that were changed with the enactment of Ordinance No. 2012-33.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of North Miami Beach, Florida:¹

Section 1. The foregoing whereas clauses are true and correct and adopted as the

¹ Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strike through~~.

legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. That Section G - “Benefit Amounts and Eligibility” of the Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach Adoption Agreement is amended to read as follows:

G. BENEFIT AMOUNTS AND ELIGIBILITY:

G1) Normal Retirement Date:

(f) Notwithstanding anything in the Plan to the contrary, the normal retirement date for the General Management Employee who was a member of the Plan on January 31, 2013, and is continuously actively employed as a General Management Employee on the effective date hereof, shall be the first day of the month coincident with, or next following attainment of a combined age and service totaling seventy-five (75), but not earlier than age fifty-five (55), or the attainment of age sixty-two (62) with six (6) years of service, but in no instance prior to July 1, 2003.

G2) Normal Retirement Benefit: (Section 6.02)

For credited service earned on or before January 31, 2012, the monthly retirement benefit shall be equal to the number of years and fractional parts of years of credited service multiplied by 3% and multiplied by final monthly compensation.

For credited service earned on or after February 1, 2013, the monthly retirement benefit shall be equal to the number of years and fractional parts of years of credited service multiplied by 2% and multiplied by final monthly compensation.

Notwithstanding anything in the Plan to the contrary, the monthly retirement benefit for the General Management Employee who was a member of the Plan on January 31, 2013, and is continuously actively

employed as a General Management Employee on the effective date hereof, shall be equal to the number of years and fractional parts of years of credited service earned multiplied by 3% and multiplied by final monthly compensation.

Section 3. That Section L - “Cost of Living Adjustment” of the Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach Adoption Agreement is amended to read as follows:

L. COST OF LIVING ADJUSTMENT:

Commencing October 1, 2003, and the first day of each October thereafter, the monthly income payable hereunder to each participant or beneficiary who has been receiving benefits under any portion of this plan for one or more years, or to any such participant’s or beneficiary’s surviving beneficiary, for all years of credited service earned on or before December 31, 2012, shall be increased by two and one-quarter percent (2.25%).

For all years of credited service earned on or after February 1, 2013, effective October 1, 2013, and the first day of each October thereafter, any increase in the monthly income payable hereunder to each participant or beneficiary who begins receiving benefits under any portion of this plan for one or more years, or to any such participant’s or beneficiary’s surviving beneficiary, shall be decided on an *ad hoc* basis by the City Council, which is vested with the authority to decide if a Cost of Living Adjustment will be awarded for that particular fiscal year or not and each year thereafter.

Notwithstanding anything in the Plan to the contrary, for the General Management Employee who was a member of the Plan on January 31, 2013 and is continuously actively employed as a General Management Employee on the effective date hereof, commencing October 1, 2003, and the first day of each October thereafter, the monthly income payable

hereunder to the General Management Employee or his surviving beneficiary who has been receiving benefits under any portion of this plan for one or more years, for all years of credited service earned, shall be increased by two and one-quarter percent (2.25%).

Section 4. All Ordinances or parts of Ordinances, and Resolutions or parts of Resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Any scrivener or typographical errors that do not affect intent may be corrected with notice to, and the authorization of the City Attorney and City Manager without further process.

Section 6. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Adoption Agreement, Administered by the Florida League of Cities and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase to accomplish such intentions.

Section 7. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED ON THIS FIRST READING on this **16th day of May, 2023.**

APPROVED AND ADOPTED on second reading this ____ **day of June, 2023.**

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

(CITY SEAL)

ANTHONY F. DEFILLIPO
MAYOR

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

JOHN R. HERIN, JR.
INTERIM CITY ATTORNEY

Sponsored By: Mayor & Commission