



**CITY OF NORTH MIAMI BEACH**  
Council Chambers, 2<sup>nd</sup> Floor  
City Hall, 17011 NE 19<sup>th</sup> Avenue  
City of North Miami Beach, FL 33162

**SEPTEMBER 21, 2010**  
**SPECIAL MEETING MINUTES**  
*(CNMB-CC MINUTES TAPE # 451)*

**1. ROLL CALL OF THE CITY OFFICIALS**

The meeting was called to order at 7:30 p.m. Present were Mayor Myron Rosner, Vice Mayor Beth E. Spiegel, and Council Members Philippe Derosé, John Patrick Julien, Barbara Kramer, Frantz Pierre and Phyllis S. Smith. Also present were Acting City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel, and Assistant City Clerk Joanne Callahan.

**2. PLEDGE OF ALLEGIANCE**

Mayor Rosner led the Pledge of Allegiance.

Vice Mayor Spiegel questioned why that the first agenda distributed to the Council listed Item 3.1 Discussions – Charter Official Contract–City Clerk, but the second agenda distributed to the Council did not include that item. Vice Mayor Spiegel further explained that an email was sent to the Mayor and the Council noting City Clerk Owens had received five (5) affirmative votes to pull the item from the agenda. Vice Mayor Spiegel stated that she contacted City Attorney Siegel who informed her that this action was not provided for in the City’s Charter. City Attorney Siegel noted that the deferment needed to be done in public. Mayor Rosner requested that this item be discussed following Ordinance No. 2010-22. No objections were received. Councilwoman Smith said that it was her understanding that a secretary or manager could contact the Council to have an item pulled from the agenda. She then requested a clarification of the procedure. City Attorney Siegel explained that “the five (5) affirmative vote” requirement was for the calling of a special meeting and that the request to pull an item already placed on the agenda must be done at the meeting.

**3. LEGISLATION**

**Motion** made by Councilman Derosé, seconded by Vice Mayor Spiegel, to introduce Ordinance No. 2010-22 on Second and Final Reading. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

**3.1 Ordinance No. 2010-22 (Second and Final Reading)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS; CREATING A NEW SECTION 4.02(c) PROVIDING A DIFFERENT SUPPLEMENTAL CONTRIBUTION THROUGH THE 2019 PLAN YEAR, BUT REQUIRING A 70% FUNDED RATIO FOR THE OCTOBER 1, 2020 ACTUARIAL VALUATION (TO DETERMINE THE EMPLOYER CONTRIBUTION FOR THE FISCAL YEAR STARTING OCTOBER 1, 2021); PROVIDING FOR

SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

**Motion** made by Councilman Derose, seconded by Vice Mayor Spiegel, to adopt Ordinance No. 2010-22 on Second and Final Reading. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

### **Public Comment**

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL – spoke about the four (4) million dollar shortfall for the pension plan.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL - thanked Vice Mayor Spiegel for preventing the Police Chief from arresting a resident for his freedom of speech. He also spoke of the salary “giveaways” for the police department and recommended salary cuts.

Allison Robie, 2131 NE 179 Street, North Miami Beach, FL – spoke on the pension plan.

Richard Reiss, 23 NW 169 Street, North Miami Beach, FL - spoke about the four (4) million dollar shortfall for the pension plan and good intentions gone bad.

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL – spoke about the City Manager salary, the increase in salary to the Acting City Manager, and the pension plan.

Vice Mayor Spiegel recognized the public comments regarding the reduction of salary and changes to pension plans, but noted that these actions were not options at this time. She noted that she requested Acting City Manager Weisblum schedule a pension plan meeting to discuss options for the future. Vice Mayor Spiegel proposed to amend the ordinance to be a minimum of \$750,000 per year unless the City decides to make an additional supplemental contribution or the Actuary determines the pension is 70% funded.

Councilwoman Smith read an excerpt from a letter dated September 21<sup>st</sup> from Robert D. Klausner, Klausner & Kaufman, attorney specializing in pensions, explaining that the pending ordinance was purely an actuarial matter and did not involve the rights of participants to benefits, it did not affect the composition of the Board of Trustees or their powers, nor did it any way impair the constitutional rights of the participants. She noted that the police had voted on their own volition. Councilwoman Smith also spoke of the shortfall and implications on employee cuts and possible public services. Acting City Manager Weisblum noted that if there were additional revenues, the Council could decide to place it in reserves or pay additionally on this pension or other pensions. City Attorney Siegel explained that the ordinance stated a minimum of \$750,000 and that there was nothing that precluded the City from making additional payments. She added that Councilwoman Smith, through a directive by the Council, could request that the City Manager report back to the Council on additional reserves.

Councilman Derose spoke on the pension plan ordinance and balancing the budget. Councilwoman Kramer noted that the budget planning could have been started earlier. She requested that the Council receive quarterly presentations from the Finance Director and noted she was not for the ordinance. Councilman Pierre spoke about the economy and noted that he was not in favor of the ordinance.

Acting City Manager Weisblum noted that Finance had been working on the budget all year, but unfortunately some ordinances were brought forward late. She added that Finance reduced the Budget by eight (8) million dollars back to the 2005 numbers and were then asked to reduce another four (4) million dollars, which caused a huge challenge, difficulties and situations.

**Motion** made by Vice Mayor Spiegel, seconded by Councilman Derose, to adopt Ordinance No. 2010-22 on Second and Final Reading **as amended** as follows: the ordinance to be a minimum of \$750,000 per year unless the City decides to make a greater supplemental contribution or the Actuary determines the funded ratio of the plan is at 70%.

Councilwoman Smith questioned why the ordinance was necessary since it was not federal or state mandated. City Attorney Siegel noted that funds were necessary to make each plan actuarially sound. She provided the following information: General Employees was at 73% funding; Management was at 63% funding; and the Police was at 60.3% funding. City Attorney Siegel explained that there was no requirement for the 70% funding and that pension lawyers had recommended that it was a good idea to have a base of 70% funding.

Mayor Rosner provided a historical overview of the pension. Councilwoman Kramer expressed concern for the future.

**Vote:** Vice Mayor Spiegel, Councilwoman Smith, Councilman Julien, Councilman Derose and Mayor Rosner all voted for the motion, while Councilwoman Kramer and Councilman Pierre voted against the motion. **(Motion carried 5-2).**

#### **4. DISCUSSIONS**

##### **4.1 City Clerk Contract**

City Attorney Siegel explained that the City Clerk had requested that her contract discussion for this evening be deferred and that the proper legal way to do that was to have a vote before the Council. She read into the record an email sent by City Clerk Owens received at 5:23 p.m. on September 20<sup>th</sup>. She added that the poll taken was not the proper procedure.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to defer consideration of the City Clerk Contract. Councilwoman Smith, Councilman Julien, Councilman Derose, Councilman Pierre and Mayor Rosner all voted for the motion, while Vice Mayor Spiegel and Councilwoman Kramer voted against the motion. **(Motion carried 5-2).**

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to set a special meeting on September 28<sup>th</sup> at 6:15 p.m. to review the City Clerk Contract. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

#### **Announcements**

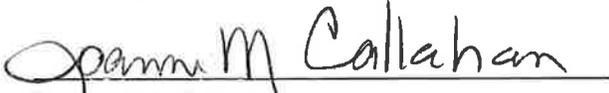
Mayor Rosner announced the following: Miami-Dade Commissioner Sally A. Heyman and Sunny Isles Beach Commissioner Roz Brezin, were hosting a Flu Clinic at the Sunny Isles Beach Government Center, on Friday, October 8<sup>th</sup> from 9 am to 1:30 pm. For more information, please call (305) 787-5999.

## 5. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:50 p.m. on a motion made by Councilwoman Smith and seconded by Councilwoman Pierre. By consensus, all voted in favor. (**Motion carried 7-0**).

ATTEST:

(SEAL)

  
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Joanne M. Callahan  
Interim City Clerk