

ORDINANCE NO. 2002-31

AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING IN ARTICLE II, THAT RETIRED FIREFIGHTERS ARE INCLUDED IN THE DEFINITION OF FIREFIGHTER; PROVIDING IN SECTION 5.01 THAT IF NO FIREFIGHTERS ARE CAPABLE OF SERVING THE OTHER FOUR RETIREMENT COMMITTEE MEMBERS MAY RECOMMEND FOR APPOINTMENT ANY PERSON; PROVIDING IN SECTION 6.01 A COST OF LIVING ADJUSTMENT, A ONE TIME BENEFIT INCREASE AND DELETING PROVISIONS FOR A THIRTEENTH CHECK FOR FIREFIGHTER PARTICIPANTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

WHEREAS, the Mayor and the City Council of the City of North Miami Beach have determined that the City benefits from the reestablishment of State of Florida premium tax contribution on behalf of firefighters in the City of North Miami Beach; and

WHEREAS, the Mayor and City Council desire to comply with the provisions of Chapter 175 of the Florida Statutes to allow retired firefighters to vote and hold a position on the Retirement Committee; and

WHEREAS, the Mayor and City Council desire to provide cost of living adjustment for retired firefighters similar to those provide to police officers; and

WHEREAS, the Retirement Committee, at its public meeting of November 21, 2002 has reviewed and recommended for adoption the following amendment; and

WHEREAS, the Mayor and City Council have determined that it would be in the best interest of the firefighters to provide a cost of living adjustments; and

WHEREAS, the Mayor and City Council have received and reviewed an actuarial impact statement prepared by the Retirement Plan's actuary prior to the final adoption of this Ordinance; and

WHEREAS, the firefighter participants of the Police Officer and Firefighters Retirement Plan have approved the proposed amendment by the required positive vote.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida

Section 1. The foregoing recitals are true and correct.

Section 2. The definition of Firefighter provided in Article II of the Police Officers and Firefighters Pension Plan of the City of North Miami Beach is hereby amended by adding the following language:

Firefighter means any firefighter who is ~~a current member of~~ retired from the plan who was formerly employed by the City of North Miami Beach and ~~is now employed by~~ Metropolitan Dade County.

Section 3. Section 5.01(a) of the Police Officers and Firefighters Pension Plan of the City of North Miami Beach is hereby amended by deleting the stricken through language and adding the under lined language as follows:

- (a) **Membership** – There is hereby created a Retirement Committee for the Plan which shall be solely responsible for administering the Plan. Effective January 1, 1990 and thereafter, the Committee shall consist of five members: (a) two of whom, unless otherwise prohibited by law, shall be legal residents of the City who shall be elected officials or original appointment designees. The designees shall have no direct or indirect vested interest in the Plan; (b) two of whom shall be police officers and/or firefighters as defined in Article II who shall be elected by a majority of the police officers and firefighters who are members of the Plan. Provided that there are no firefighters available or capable of serving as a member, the remaining board members may elect an individual to serve in the firefighter member position. Upon receipt of such persons' names, the City Council shall, as a ministerial duty, appoint such persons to the committee; and (c) the fifth member shall be chosen by a majority of the previous four members, and such person's name, the City Council shall, as a ministerial duty, appoint such person to the committee as its fifth member. The fifth member shall have the same rights as each of the other four members appointed or elected as herein provided and may succeed himself in office. The priority of the four members shall be to choose the fifth member to the Committee. Thereafter, the chosen fifth member will serve concurrent terms with the other four members. Each resident member shall serve as trustee for a period of two (2) years, unless sooner replaced by the City Council at whose pleasure he shall serve, and may succeed himself as a committee member. Each police officer and/or firefighter member shall serve as committee member for a period of two (2) years, unless he sooner leaves the employment of the City as a police officer and/or firefighter, whereupon the City Council shall choose his successor in the same manner as an original appointment. Each police officer and/or firefighter may succeed himself in office. The committee shall meet at least quarterly each year. The committee shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description.

Section 4. Section 6.01(c) of the Police Officers and Firefighters Pension Plan of the City of North Miami Beach is hereby amended by adding the following language:

- (c) **Cost of Living Adjustments**

Commencing October 1, 1998 and on the first day of each October thereafter, the monthly income payable hereunder to each police participant who retired under Section 6.01 hereof on or after December 30, 1988, and who as of that October 1st

has been retired for three or more years, or who retired under the Early Retirement Incentive set forth in Section 6.01(f), or to any such participant's surviving beneficiary, shall be increased by two and one-quarter percent increasing to 2.5% commencing October 1, 2002.

Commencing March 1, 1997, and on the first day of each March thereafter, the monthly income payable to each firefighter participant who retired on or after December 30, 1988, including those firefighter participants who participate in the Benefit alternate computation Deferred Retirement Option Plan, shall be increased by 2%, provided that the City of North Miami Beach continues to receive a rebate of fire insurance premium tax monies pursuant to Chapter 175, Florida Statutes. Should the payment to the City of North Miami Beach of the premium tax rebate monies by the State of Florida be discontinued or be reduced in any year so as to require an additional City contribution in order to fund this cost of living adjustment, then the amount of the cost of living adjustment in that year shall be reduced so that additional City contributions shall not be required. Commencing March 1, 2002 and on the first day of each October thereafter, investment returns in excess of the actuarially assumed rate of return and all state premium tax funds shall be applied towards insuring the actuarial soundness of the Retirement Plan. If the portion of the Retirement Plan's actuarial liability attributable to former firefighters is fully funded, any funds remaining thereafter shall be utilized to provide an increase of up to two and one-half percent (2.5%) to the monthly income payable hereunder for each firefighter participant who retired, or any such participant's surviving beneficiary, pursuant to actuarial analysis.

Section 5. Section 6.01(d) of the Police Officers and Firefighters Pension Plan of the

City of North Miami Beach is hereby amended by adding the following language:

(d) **Amount of Retirement Income**

Firefighters - To a firefighter who retires on or after normal retirement date:

Effective October 1, 1997, the monthly amount of retirement income payable to each participating firefighter who retires on or after his normal retirement date shall be an amount equal to 3.3% (.0330) of his final monthly compensation multiplied by his years of credited service.

Retroactively effective June 1, 1989, all former firefighters or beneficiaries of former firefighters of the Retirement Plan of the City of North Miami Beach shall receive a one-time increase in benefit equal to one percent (1%) for each full year since their retirement.

Effective October 1, 1994, all former firefighters or beneficiaries of former firefighters of the Retirement Plan of the City of North Miami Beach shall receive a one-time increase in benefit equal to one percent (1%) for each full year since their retirement.

Effective October 1, 2001 all former firefighters or beneficiaries of former firefighters of the Retirement Plan of the City of North Miami Beach, shall receive a one time nine and one-half percent (9.5%) increase in benefit.

This increase will be paid on a monthly basis as long as the portion of the Retirement Plan's accrued liability attributable to former firefighters is fully funded. Payment of this increase will cease at any time that the Retirement Plan assets attributable to former firefighters are insufficient to provide for all Accrued Benefits expected to be paid to former firefighters and their beneficiaries. For the purpose of this paragraph Accrued Benefits shall mean the level of benefit being paid at that time without any future expected payments under Section 6.01 (c).

Section 6. Section 6.01(i) of the Police Officers and Firefighters Pension Plan of the City of North Miami Beach is hereby amended by deleting the following language and subsection:

(1) **Additional Benefits for Firefighters.**

~~Commencing July 1, 1997, and on the first day of each July thereafter, an additional ad hoc benefit shall be paid to each firefighter participant, including those who participate in the Benefit alternate computation Deferred Retirement Option Program, and to their surviving beneficiaries, pursuant to procedures, methods, and actuarial assumptions established by the Board of Trustees, based upon the actuarial gain realized for the prior fiscal year ending as of September 30th so as to proportionately distribute a portion of the gain among said participants and beneficiaries in proportion to the amount of monthly benefits they regularly receive. If there was no actuarial gain for the prior fiscal year, then there should be no additional benefit paid the following July 1. If there was an actuarial loss for a fiscal year, it must be recouped in a future year before any additional benefit is paid hereunder.~~

Section 7. Any cross-reference in the Retirement Plan which is affected by changes in section number designations shall be adjusted accordingly.

Section 8. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 9. A copy of this Ordinance and the actuarial statement in support thereof shall be furnished to the State of Florida Division of Retirement prior to second public hearing hereon pursuant to state law. Any changes required by the Division to bring the plan/plan amendment into compliance with state requirements shall be incorporated into this Ordinance, which shall then be approved and adopted at a final special third reading, if required.

Section 10. Section, subsection, clause or provision of the Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 11. 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 lettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article", or other appropriate word as the Codifier may deem fit.

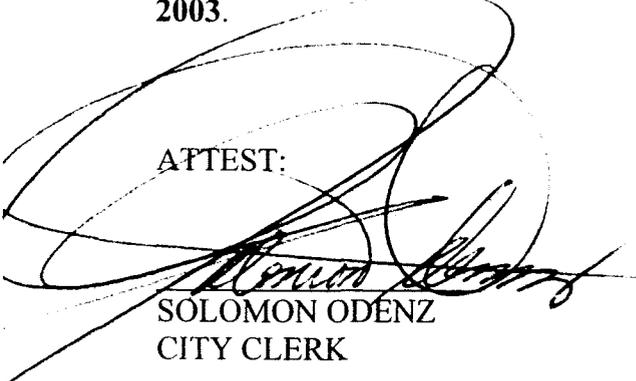
Section 12. This ordinance shall take effect on adoption.

APPROVED BY TITLE ONLY on first reading this 17th day of December, 2002.

APPROVED AND ADOPTED on second reading this 7th day of January,

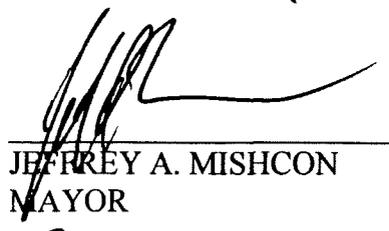
2003.

ATTEST:



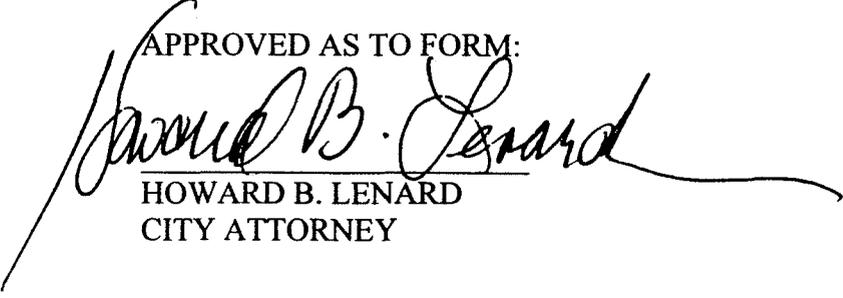
SOLOMON ODENZ
CITY CLERK

(CITY SEAL)



JEFFREY A. MISHCON
MAYOR

APPROVED AS TO FORM:



HOWARD B. LENARD
CITY ATTORNEY

SPONSORED BY: Mayor and City Council
Police Officers and Firefighters Retirement Committee