

**ORDINANCE NO. 98-5**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CREATING SECTION 3.04(e) OF THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH CONCERNING PURCHASE OF CERTAIN TYPES OF CREDITED SERVICE; PROVISION 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 prior military and law enforcement service performed by members of the City's Police Department; and

**WHEREAS**, the Mayor and City Council desire to permit police officers to purchase credited service for such prior military and law enforcement service to be utilized in the City's Retirement Plan provided that said police officers pay the full costs thereof; and

**WHEREAS**, the Retirement Committee, at its public meeting of September 17, 1997, has reviewed and recommended for adoption the following amendment; 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 active police officer participants of the Police Officer and Firefighters Retirement Plan have approved the proposed amendment by a 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.** Section 3.04 of the Police Officers and Firefighters Pension Plan of the City of North Miami Beach is hereby amended by adding the following subsection (e):

- (e) Purchase of Credited Service for Prior Military or Law Enforcement Services - For a Participant who has completed ten years of credited service, the years or fractional parts of years that such a participant served full-time active duty in the military service of the Armed Forces of the United States, voluntarily or involuntarily, or performed law enforcement service prior to the Participant's first or initial employment with the City, shall be added to the Participant's years of credited service under the following terms and conditions:

1. The Participant contributes to the Retirement Plan the full actuarial cost of all service credits purchased hereunder. A Participant may make such contributions commencing upon successful completion of the probationary period for newly hired police officers; however, the service purchased shall not be recognized or credited by the Pension Plan until the Participant has completed ten years of credited service. If the Participant terminates employment before completing ten years of service, all contributions made by the Participant for prior military or law enforcement service shall be refunded to the Participant.

2. The purchase of credited service under this subsection by a Participant shall be paid in full no later than the December 31<sup>st</sup> prior to retirement in accordance with the terms, rules, procedures and regulations established by the Retirement Committee. If full payment is not made prior to the December 31<sup>st</sup> prior to retirement, then the Participant, upon retirement, shall not receive payment from the City for the value of the Participant's accrued unused leave equal to the balance due to the Retirement Plan from the Participant hereunder; such unused accrued leave shall be forfeited by the Participant and the value of same shall be paid over to the Retirement Plan by the City.

3. For purchase of military service, the Participant did not receive a dishonorable discharge from such service from the armed Forces.

4. The Participant did not receive credited service for the time spent in the Armed Forces or other law enforcement service from any other governmental or military retirement or pension system.

5. The maximum credit which may be purchased by a Participant for any prior military service in the Armed Forces of the United States or other law enforcement service under this section shall be four years.

6. If, upon adoption of this ordinance, a Participant or early retirement incentive retiree has not made full payment for credited service previously purchased and is due payment for accrued unused leave, then the Participant or early retirement incentive retiree shall not receive payment from the City for the value of the his or her accrued unused leave which is equal to the balance due to the Retirement Plan from the Participant or early retirement incentive retiree; such unused accrued leave shall be forfeited by the Participant or early retirement incentive retiree and the value of same shall be paid over to the Retirement Plan by the City.

**Section 3.** Any cross-references in the Retirement Plan which are affected by changes in section number designations shall be adjusted accordingly.

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

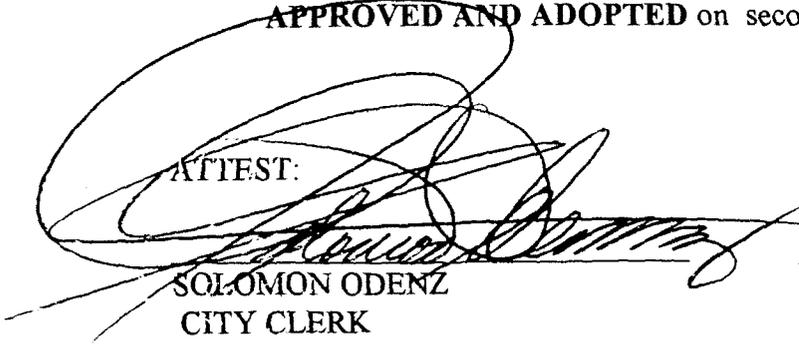
**Section 5.** If any section, subsection, clause or provision of the Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**Section 6.** 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.

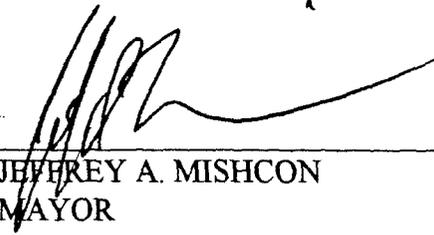
APPROVED BY TITLE ONLY on first reading this 21st day of April, 1998.

APPROVED AND ADOPTED on second reading this 7th day of July, 1998.

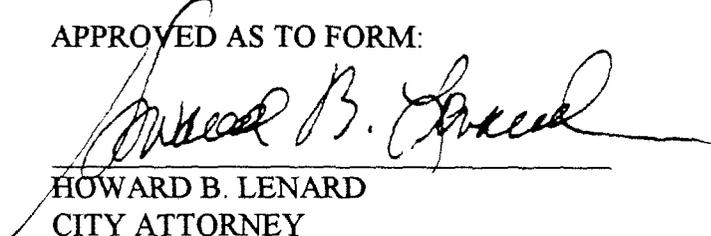
ATTEST:

  
SOLOMON ODENZ  
CITY CLERK

(CITY SEAL)

  
JEFFREY A. MISHCON  
MAYOR

APPROVED AS TO FORM:

  
HOWARD B. LENARD  
CITY ATTORNEY

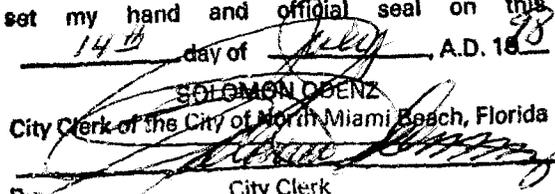
SPONSORED BY: Mayor and City Council  
Police Officers and Firefighters Retirement Committee

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor Jeffrey A. Mishcon	x			
Councilman Jay R. Chernoff	X			
Councilman Kenneth A. DeFillipo	x			
Councilman John Kurzman				x
Councilman Jule Littman	X			
Councilman Raymond F. Marin	X			
Councilwoman Jacqueline H. Smith	X			

STATE OF FLORIDA  
COUNTY OF DADE:  
CITY OF NORTH MIAMI BEACH:

I, SOLOMON ODENZ, City Clerk of the City of North Miami Beach, do hereby certify that the attached and foregoing is a true and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 14th day of July, A.D. 1998

  
SOLOMON ODENZ  
City Clerk of the City of North Miami Beach, Florida  
By: \_\_\_\_\_  
City Clerk