

ORDINANCE NO. 2014-2

AN ORDINANCE ENACTING AMENDMENTS TO THE RETIREMENT PLAN AND TRUST FOR GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; PROVIDING AN OPTION FOR CHARTER OFFICERS TO ELECT NOT TO PARTICIPATE IN SAID PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach (General Management Retirement Plan) was created by Ordinance 2002-30, with attached Adoption Agreement, adopted by the City Council of the City of North Miami Beach on January 7, 2003, which Ordinance and Adoption Agreement have been subsequently amended, most recently by Ordinance No. 2012-37; and

WHEREAS, the General Management Retirement Plan was established for the general management employees of the City, including Charter Officers; and

WHEREAS, the City Council has determined that Charter Officers should be provided the option to be excluded from the General Management Retirement Plan and participate in a defined contribution retirement plan provided by the City.

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 C, "Eligibility" of the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach Adoption Agreement shall be amended as follows:

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C. ELIGIBILITY:

Employees shall become participants in the plan effective:

C1) General Management Employees shall become participants in the plan effective immediately when hired. To preserve continuity of pension benefits, General Management Employees that are already in another City sponsored defined benefit pension plan shall remain in that plan and not transfer to this plan.

C2) No medical examination will be required for participation in this Pension Plan.

C3) Notwithstanding section C1 above:

(a) An individual who is serving as a Charter Officer (e.g. City Clerk, City Attorney, or City Manager) on the effective date of this Ordinance shall have a one-time option to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach by filing a written election with the Plan Administrator within 30 days following the effective date of the Charter Officer's next employment contract following the effective date of this Ordinance. A Charter Officer with less than six months of credited service who elects to discontinue participation in the Plan pursuant to this paragraph shall receive a full refund of employee contributions made to the Plan. A Charter Officer with six or more months of credited service who elects to discontinue participation in said Plan pursuant to this paragraph shall be entitled to receive his or her accrued benefit through the date of discontinuance of participation in the Plan. The accrued benefit will be calculated based on credited service and final monthly compensation on the date of discontinuance, payable upon attaining the normal or early retirement date and separation from City employment. Any individual who is serving as a Charter Officer on the effective date of this ordinance and does not timely file an election to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach shall continue to participate in said Plan. A Charter Officer who timely elects to discontinue participation in the Plan pursuant to this paragraph shall be eligible to participate in a defined contribution plan provided by the City. The amount of the City's contribution to the defined contribution plan shall be as set forth in the Charter Officer's employment contract.

(b) An individual who is initially appointed as a Charter Officer on or after the effective date of this Ordinance and who, prior to such appointment was employed by the City, may elect to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach, by filing a written election with the Plan Administrator within 30 days following the effective date of appointment as Charter Officer. If the Charter Officer has less than six months of credited service in the Plan and elects to discontinue participation in the Plan pursuant to this paragraph, he or she shall receive a full refund of employee contributions made to the Plan. A Charter Officer with six or more months of credited service who elects to discontinue participation in said Plan pursuant to this paragraph shall be entitled to

receive his or her accrued benefit through the date of discontinuance of participation in the Plan. The accrued benefit will be calculated based on credited service and final monthly compensation on the date of discontinuance, payable upon attaining the normal or early retirement date and separation from City employment. Any such individual who does not timely file an election to discontinue their participation in the Retirement Plan and Trust for General Management Employees of the City of North Miami Beach shall continue to participate in said Plan. A Charter Officer who timely elects to discontinue participation in the Plan pursuant to this paragraph shall be eligible to participate in a defined contribution plan provided by the City. The amount of the City's contribution to the defined contribution plan shall be as set forth in the Charter Officer's employment contract.

(c) An individual who is initially appointed as a Charter Officer on or after April 22, 2014 who is hired from outside the City shall not be eligible to participate in this Plan, and shall be eligible to participate in a defined contribution plan provided by the City or to waive such benefits entirely. The amount of the City's contribution to the defined contribution plan, if any, shall be as set forth in the Charter Officer's employment contract.

Section 3. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 4. It is the intention of the City Council of the City of North Miami Beach 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 in order to accomplish such intentions.

Section 5. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall take effect immediately upon its passage and adoption.

APPROVED BY TITLE ONLY on first reading this 22nd day of April, 2014.

APPROVED AND ADOPTED on second reading this **6th day of May, 2014.**

ATTEST:



PAMELA LATIMORE
CITY CLERK



GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:



DOTIE JOSEPH
INTERIM CITY ATTORNEY

Sponsored by: Mayor and City Council

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