

ORDINANCE NO. 2005-8

AN ORDINANCE AMENDING THE POLICE AND FIREFIGHTERS RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ARTICLE V, ADMINISTRATION OF PLAN, SECTION 5.01, MEMBERSHIP, TO ELIMINATE THE PREFERENCE TO RETIREES IN FILLING THE FIFTH MEMBER POSITION IN COMPLIANCE WITH FLORIDA DIVISION OF RETIREMENT MANDATE AND SECTION 175.061(1), AND 186.05(1), FLORIDA STATUTES; AMENDING ARTICLE VI, RETIREMENT BENEFITS, SECTION 6.04(b) TO PROVIDE FOR REFUND OF CONTRIBUTIONS; AMENDING SECTION 6.04(c) TO PROVIDE A COST OF LIVING BENEFIT TO BENEFICIARIES OF AN OFFICER WHO DIES ON DUTY OR IN THE LINE OF DUTY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

WHEREAS, the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach provides a preference to retirees as the fifth member of the Retirement Board, as requested by the Plan membership and enacted by the City; and

WHEREAS, the Retirement Board has been notified by the Florida Division of Retirement that Sections 175.061(1) and 185.05(1), Florida Statutes, preclude any restrictions or conditions placed upon the Board's choice of the fifth member, and that any such restriction or condition would jeopardize the Plan's compliance with state law and receipt of state funding; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach deem it to be in the best interest of the City of North Miami Beach, its citizens and residents, and all participants and retirees of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach, to amend the Plan as required to maintain the Plan's compliance with Chapters 175 and 185, Florida Statutes, and to retain the Plan's eligibility to receive Chapter 175 and Chapter 185 state funding; and

WHEREAS, recent amendments to Section 6.04(b) providing survivor benefits inadvertently omitted provision for return of contributions; and

WHEREAS, recent amendments to Section 6.04(c) providing survivor benefits inadvertently omitted provision for cost of living (COLA) adjustments; and

WHEREAS, previously submitted actuarial impact statements incorporated these benefit provisions so no additional costs will be generated by these amendments; and

WHEREAS, the Police and Firefighters Retirement Board of the City of North Miami Beach voted to approve these amendments at their meeting of April 28, 2005.

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 5.01, Administration by Retirement Committee, subsection (a) of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach shall be amended as follows:

§5.01 Administration by Retirement Committee.

(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, including participants in the DROP, and/or firefighters as defined in Article II who shall be elected by a majority of the police officers, including DROP participants, 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, ~~who shall give preference to retirees~~, and such person's name shall be submitted to the City Council. Upon receipt of the fifth person's name, the City Council shall, as a ministerial duty, appoint such person to the committee as its fifth member ~~except, before appointing a non-retiree to the committee as the fifth member, the City Council shall first inquire of the Retirement Committee as to why a retiree was not chosen as the 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 shall 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 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 3. Section 6.04(b) of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended by adding the following new subsection (4) as follows:

- (4) Refund of Contributions – in lieu of the benefit described in section 6.04(b)(1), the participant’s designated beneficiary (or beneficiaries) may elect a refund of the participant’s accumulated contributions without interest.

Section 4. Section 6.04(c) of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended by adding the following new subsection (4):

- (4) Commencing October 1, 2004 and on the first day of each October thereafter, the monthly benefit payable hereunder to each beneficiary of a participant whose death occurs while the participant is on duty or in the line of duty on or after July 1, 2004, and who has been receiving benefits for more than 3 years, shall be increased by two and one half percent (2.5%).

Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

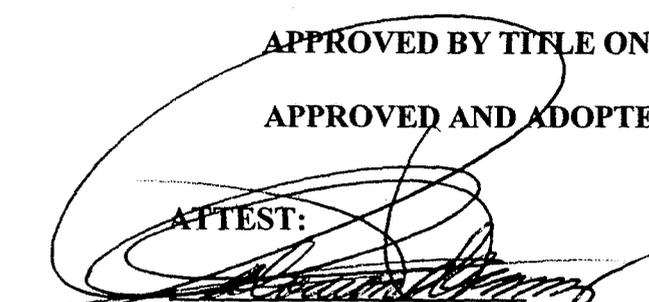
Section 6. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 7. 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 relettered 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 7th day of June, 2005.

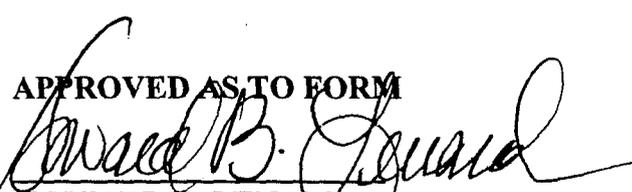
APPROVED AND ADOPTED on second reading this 21st day of June, 2005.

ATTEST:


SOLOMON ODENZ
CITY CLERK

(CITY SEAL)


RAYMOND F. MARIN
MAYOR

APPROVED AS TO FORM

HOWARD B. LENARD
CITY ATTORNEY

Sponsored by: Mayor and City Council