

**ORDINANCE NO. 94-31**

**AN ORDINANCE AMENDING THE POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; PROVIDING AN INCREASED LEVEL OF BENEFITS TO BOTH CURRENT AND FUTURE FIREFIGHTER RETIREES; CHANGING THE DEFINITION OF FINAL MONTHLY COMPENSATION FOR FIREFIGHTERS; PROVIDING A ONE TIME 1% PER YEAR OF RETIREMENT INCREASE FOR CURRENT RETIREES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.**

**WHEREAS**, the firefighters' portion of the City of North Miami Beach Police and Firefighters Pension Fund currently has adequate funding to provide additional benefits to participants of the plan at no additional cost to the City; and

**WHEREAS**, an actuarial study was performed by Wyatt & Company and presented to the Police and Firefighters Retirement Committee with regard to a choice of plan improvements that could be purchased from available funds in the firefighters' portion of the retirement account; and

**WHEREAS**, the Police and Firefighters Retirement Committee, at its public meeting of May 19, 1994, voted to approve and recommend for adoption to the plan participants and to the City Council, plan amendments that would provide a one time permanent increase of 1% per year retired for firefighter plan participants who retired or will retire prior to October 1, 1994; and

**WHEREAS**, the Police and Firefighters Retirement Committee, at a public meeting on May 19, 1994 voted to approve and recommend to the plan participants and to the City Council, plan amendments that would provide an increased benefit level by decreasing the average period for benefit formula from 60 months to 30 months for firefighter plan participants who retire on or after October 1, 1994; and

**WHEREAS**, the Mayor and City Council, in Resolution No. 94-24, adopted on June 7, 1994, resolved to adopt appropriate plan amendments subject to the required 60% vote of approval by the active firefighter participants of the plan; and

**WHEREAS**, 80% of the active firefighter participants approved the proposed amendments at an election held on August 8, 1994; and

**WHEREAS**, the Mayor and City Council believe that providing the increased benefits to firefighter participants of the plan is in the best interests of the City, and both active and retired firefighters in the retirement plan.

**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 Final Monthly Compensation set forth in Article II, Definitions, of the Police Officers and Firefighters Retirement Plan is hereby amended as follows:

***Final Monthly Compensation*** means the participant's average monthly rate of compensation from the City or County for the sixty (60) successive months out of the 120 months next preceding his termination date for police officers, and for the thirty (30) successive months out of the 120 months next preceding his termination date for firefighters, which give the highest average monthly rate of compensation for the participant.

The participant's average monthly rate of compensation will be determined by dividing the total basic compensation received by him during such sixty (60) month period for police officers and such thirty (30) month period for firefighters by the number of months for which he received compensation from the City or County in such sixty (60) month period or thirty month period, respectively.

In computing "final monthly compensation" for a participant who has returned to the active service of the City or County following a leave of absence granted by the City or County during which he did not receive regular compensation from the City or County following a period of disability retirement or termination of service with a vested benefit, as described in sections 6.03(i) and 6.04(a)(5) hereof respectively, the period during which he was on leave of absence, or during which he was on disability retirement, or during which his service was terminated, shall be ignored or excluded, in determining the 120 successive months preceding a subsequent date of termination of service or his date of early or normal retirement.

**Section 3.** Section 6.01(c) of Article VI, Retirement Benefits, of the Police Officers and Firefighters Retirement Plan is hereby amended by the addition of the following:

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.

**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 this 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 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 8th day of September 1994.

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 1994.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
JEFFREY A. MISHCON  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
HOWARD B. LENARD  
CITY ATTORNEY

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

NOTE: Underlining denotes additions and cross-outs denote deletions.