

ORDINANCE NO. 2008-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS; AMENDING ARTICLE VI TO EXTEND THE TOTAL PERMITTED YEARS OF PARTICIPATION IN THE DEFERRED RETIREMENT OPTION PLAN (DROP) FROM FIVE (5) YEARS TO EIGHT (8) YEARS; 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 City of North Miami Beach has established a retirement plan for police officers and firefighters; and

WHEREAS, the City of North Miami Beach created a Deferred Retirement Option Plan (DROP) for police officers pursuant to City of North Miami Beach Ordinance No. 2002-28; and

WHEREAS, the City of North Miami Beach desires to expand the total permitted years of participation in the Police DRP Plan from five (5) years to eight (8) years; and

WHEREAS, an actuarial study of the Police Officers & Firefighters Retirement Plan has determined that cost neutrality for the DROP Plan can be achieved by expanding it to eight years; and

WHEREAS, the police participants of the Police Officers and Firefighters Retirement Plan overwhelmingly approved a plan amendment to achieve these goals in a ballot cast November 28, 2007 through December 3, 2007; and

WHEREAS, the Mayor and City Council deem it in the best interest of the residents and citizens of the City of North Miami Beach to amend the Police Officers and Firefighters Retirement Plan to better achieve cost neutrality for the DROP Plan.

NOW, THEREFORE,

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

Section 1. Article II Definitions of the City of North Miami Beach Retirement Plan for Police Officers and Firefighters is hereby amended as follows:

Article II Definition

DROP Participant means a member of the Deferred Retirement Option Program. Upon the resignation of the police officer, after entering the DROP, or upon conclusion of five years in the DROP program, a person is no longer a DROP participant. The period of five (5) years described in the prior sentence shall be replaced by a period of eight (8) years if the maximum number of years that applies to such member in section 6.01A(f) is eight (8) years.

Section 2. Section 6.01A Deferred Retirement Option Program (DROP) is hereby amended as follows:

- (f) The total years of participation in the DROP may not exceed five (5) years. Notwithstanding the prior sentence, any Employee who is employed by the City as a sworn police on or after January 1, 2008 may participate in the DROP for up to eight (8) years. The eight year limit shall apply even if the member had entered DROP prior to January 1, 2008 if they were still employed by the CITY on January 1, 2008.
- (n) The decision to DROP is irrevocable. Each police officer who enters the DROP is required to execute whatever documents the Retirement Committee promulgates, which shall include, at a minimum, an agreement that he or she will resign from the City no later than five (5) years from actual date of entering the DROP. The period of five (5) years described in the prior sentence shall be replaced by a period of eight (8) years if the maximum number of years that applies to such member in section 6.01A(f) is eight (8) years.
- (o) If for any reason, a court of competent jurisdiction determines that the irrevocable election is not enforceable, and a police officer chooses to remain in the employment of the City beyond five (5) years, the police officer's retirement benefit will be calculated as if the police officer had never entered the DROP, and the police officer will be required to make contributions to the Pension Fund in an amount sufficient to cover the employee and City contributions that would have been made had the police officer not elected to participate in the DROP, along with interest, as determined by the Retirement Committee upon the advice of the actuary. The period of five (5) years described in the prior sentence shall be replaced by a period of eight (8) years if the maximum number of years that applies to such member in section 6.01A(f) is eight (8) years.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

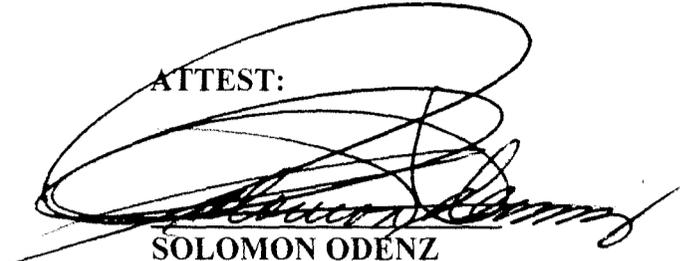
Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. 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 15th day of January, 2008.

APPROVED AND ADOPTED on second reading this 5th day of February, 2008.

ATTEST:



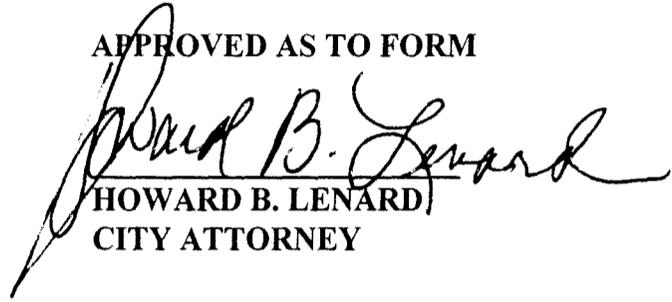
SOLOMON ODENZ
CITY CLERK

(CITY SEAL)



RAYMOND F. MARIN
MAYOR

APPROVED AS TO FORM



HOWARD B. LENARD
CITY ATTORNEY

Sponsored by: Mayor and City Council