

RESOLUTION NO. 2016-R-28

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR PARTICIPATION IN THE FLORIDA RETIREMENT SYSTEM (FRS) FOR DESIGNATED CITY OF NORTH MIAMI EMPLOYEES; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, the City of North Miami (“City”) has entered into collective bargaining agreements (“CBAs”) with the International Union of Police Associations, AFL-CIO (the “Union”) covering certain non-managerial white and blue collar employees of the City covering the term October 1, 2015 through September 30, 2018; and

**WHEREAS**, the CBAs contain certain changes to the Clair T. Singerman Employees Retirement System (the “Retirement System” or the “Plan”) for members of the Plan as defined in Section 15-61 of the City’s Code of Ordinances (“Members”); and

**WHEREAS**, the CBAs also provide for the City to enroll in the Florida Retirement System (“FRS”), for all City general employees employed by the City as of the date of enrollment in FRS who opt to join FRS, and for all City general employees hired by the City after the date of enrollment in FRS; and

**WHEREAS**, the City finds it to be in the best interest of the City and its employees to extend to the City’s general employees, not excluded by law, the benefits of FRS on the basis of applicable state law; to authorize and direct the City Manager to execute agreements with the Florida Department of Management Services, for coverage of the City’s general employees in the Florida Retirement System; to provide for withholding from salaries and wages of the City’s general employees so covered to be made and paid over as provided by applicable state law or regulations; to appropriate and pay over employer’s contributions and assessments as provided by applicable state laws or regulations; and to keep records and make reports as required by applicable state laws or regulations.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Declaration.** It is hereby declared that all City general employees hired by the City after the date the City enrolls in FRS, except those excluded by law, shall participate in

the Florida Retirement System as authorized by Chapter 121, Florida Statutes. All general employees employed by the City prior to the date the City joins FRS shall have the option of remaining in the City's Plan or joining FRS as of the effective date of participation in the Florida Retirement System so stated herein.

**Section 2. Authority of City Manager.** The City Manager is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Administrator of the Florida Retirement System for the purpose of extending the benefits provided by the Florida Retirement System to the City's general employees, except those excluded by law, as provided by Sections 1 and 2 hereof, which agreement shall provide for such methods of administration of the plan by the City as are found by the Administrator of the Florida Retirement System to be necessary and proper, and shall be effective with respect to any employment covered by such agreement for services performed by general employees hired by the City on and after the City enrolls in FRS and for services performed by any general employees employed by the City prior to the date that the City enrolls in FRS that elect to join FRS.

**Section 3. Authorization.** Withholding from salaries, wages or other compensation of participating general employees for the purpose provided in Section 1 hereof are hereby authorized to be made and shall be made, in the amounts and at such times as may be required by applicable State laws or regulations, and shall be paid over to the Administrator designated by said laws or regulations to receive such amounts.

**Section 4. Appropriation.** There shall be appropriated from available funds, derived from the City's general fund such amounts and at such times as may be required to pay promptly the contributions and assessments required for the City, as employer, by applicable State laws or regulations, which shall be paid over to the lawfully designated Administrator of the Florida Retirement System at the times and in the manner provided by law and regulations.

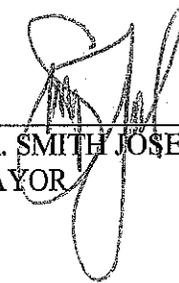
**Section 5. Record-keeping.** The City shall keep such records and make such reports as may be required by applicable State laws or regulations, and shall adhere to all laws and regulations relating to the Florida Retirement System.

**Section 6. Adoption.** The City hereby adopts the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining, of the Florida Retirement System, for and on behalf of all participating general employees.

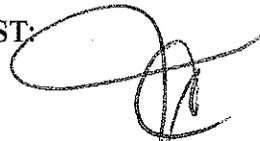
**Section 7. Designation.** The City's Finance Director is hereby designated the custodian of all sums withheld from the compensation of participating general employees as authorized herein and of the appropriated funds for the employer's contributions as provided in Section 4 hereof. Also, the Finance Director is hereby designated the withholding and reporting agent and charged with the duty of maintaining records for the purpose of this resolution.

**Section 8. Effective Date.** This Resolution shall take effect upon its approval and publication as required by law.

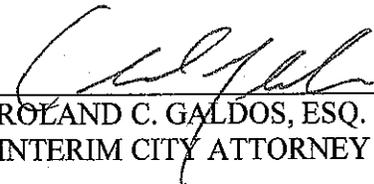
**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 8th day of March, 2016.

  
\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
ROLAND C. GALDOS, ESQ.  
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Desulme

Seconded by: Joseph

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Alix Desulme  
Councilman Scott Galvin  
Councilwoman Carol Keys, Esq.  
Councilman Philippe Bien-Aime

|          |       |       |      |
|----------|-------|-------|------|
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |