**ORDINANCE NO._____**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 15 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "PENSIONS AND RETIREMENTS" BY AMENDING ARTICLE IV, ENTITLED "NORTH MIAMI POLICE PENSION", DIVISION 5, ENTITLED "BENEFITS" , SPECIFICALLY AT SECTION 15-129 ENTITLED "RETIREMENT BENEFITS", TO IMPLEMENT THE PROVISIONS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE POLICE BENEVOLENT ASSOCIATION (PBA), AND TO ALLOW MEMBERS TO REVOKE A PRIOR EARLY RETIREMENT ELECTION; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Council desire to implement the provisions of the collective bargaining agreement between the City and the Police Benevolent Association (PBA); and

**WHEREAS**, the Mayor and the City Council desire to implement other changes to the North Miami Police Pension Plan found to be in the best interests of the City and its employees.

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

**Section 1.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 15 of the City of North Miami Code of Ordinances, entitled "Pensions and Retirements" by amending Article IV, entitled "North Miami Police Pension", specifically at Section 15-129 entitled "Retirement Benefits", as follows:

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**CHAPTER 15. PENSIONS AND RETIREMENTS**

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**ARTICLE IV. NORTH MIAMI POLICE PENSION**

* * * * *

DIVISION 5. BENEFITS

**Sec. 15-129. -** Retirement benefits.

The retirement benefits for members shall be:

* * * * *

(3) *Early retirement benefit.* Upon early retirement a member may select either a deferred or immediate retirement benefit, as follows:

a. A deferred monthly retirement benefit which shall be the normal retirement benefit, payment of which shall be deferred until normal retirement age, with credited service and average final compensation determined as to the early retirement date; or

b. An immediate monthly retirement benefit which shall commence on the early retirement date and shall be continued on the first day of each month thereafter during the lifetime of the member determined as follows:

1. For any person who is a member of the plan on December 31, 2006, and who has irrevocably elected to waive his right to receive an early retirement benefit upon the completion of twenty (20) years of credited service, the amount of such immediate monthly retirement benefit shall be reduced by zero point twenty-five (0.25) percent per month for each month by which the early retirement date precedes the normal retirement date. <u>Notwithstanding the foregoing, any member who has or will complete twenty (20) years of credited service on or before January 1, 2013, and who irrevocably elected to waive his right to receive an early retirement benefit pursuant to this paragraph shall have through December 31, 2012 to revoke the member's prior election. The member shall submit written notice of such revocation to the Board; shall retire from City service on or before January 1, 2013; and shall have his benefit calculated using an annual average compensation of the highest fifty-seven (57) months out of the last ten (10) years of credited service and an early retirement penalty of one (1) percent for each year by which the member's early retirement date precedes the member's normal retirement date.</u>

2. For any person who is a member of the plan on December 31, 2006, and who has not irrevocably elected to waive his right to receive any early retirement benefit upon the completion of twenty (20) years of credited service, the amount of such immediate monthly retirement benefit shall be reduced by zero point zero eight thirty-three (0.0833) percent per month for each month by which the early retirement date precedes the normal retirement date.

3. For any person who becomes a member of the plan on or after January 1, 2007, the amount of such immediate monthly retirement benefit shall be reduced by zero point twenty-five (0.25) percent per month for each month by which the early retirement date precedes the normal retirement date.

c. Any member who is entitled to receive either a deferred or immediate retirement benefit under subsection 3(a) or 3(b) of this section shall be considered a retired City employee and shall receive any other benefits provided by the City to other retired members including, but not limited to, a retiree identification card, health care stipend, and the retention of the member's service weapon.

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**Section 2.** **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are repealed.

**Section 3.** **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

**Section 4.** **Severability.** If any word, clause, phrase, sentence, paragraph or section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this Ordinance.

**Section 5.** **Codification.** The provisions of this Ordinance may become and be made a part of the code of ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**Section 6.** **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2012.

**PASSED AND ADOPTED** by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2012.

_____
ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

_____
MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

_____
REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

**Vote:**

| | | |
|---|---|---|
| Mayor Andre D. Pierre, Esq. | _____ (Yes) | _____ (No) |
| Vice Mayor Marie Erlande Steril | _____ (Yes) | _____ (No) |
| Councilperson Michael R. Blynn, Esq. | _____ (Yes) | _____ (No) |
| Councilperson Scott Galvin | _____ (Yes) | _____ (No) |
| Councilperson Jean R. Marcellus | _____ (Yes) | _____ (No) |

Additions shown by underlining. Deletions shown by ~~overstriking~~.