ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, ENTITLED "PENSIONS AND RETIREMENT", BY AMENDING ARTICLE III, ENTITLED "CLAIR T. SINGERMAN EMPLOYEES RETIREMENT SYSTEM," DIVISION 1, ENTITLED "GENERALLY", AT SECTION 15-61, ENTITLED "DEFINITIONS" TO ALLOW EMPLOYEES TO PURCHASE CREDITED SERVICE IN THE PLAN BASED UPON THE EMPLOYEE'S PRIOR GOVERNMENTAL SERVICE AND UPON MEETING CERTAIN CONDITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Clair T. Singerman Employees Retirement System ("System") recommends an amendment to allow employees to purchase credited service based upon an employee's prior governmental service and upon meeting certain conditions; and

WHEREAS, the Mayor and City Council have reviewed the actuarial impact statement and finds that it is in the best interest of the City and its employees to amend the System accordingly.

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

Section 1. **Recitals.** The above recitals are true and correct and incorporated herein by this reference.

Section 2. **City Code Amended.** Chapter 15 of the Code of Ordinances entitled "Pensions and Retirements," Article III, entitled "Clair T. Singerman Employees Retirement System," Division 1, entitled "Generally," at section 15-61, entitled "Definitions", is amended to read as follows:

CHAPTER 15. PENSIONS AND RETIREMENTS

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ARTICLE III. CLAIR T. SINGERMAN EMPLOYEES RETIREMENT SYSTEM

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DIVISION 1. GENERALLY

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Section 15-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Credited service means the total number of years during which a member has served as an employee of the city, provided that credited service shall only be allowed for those years or portions of years for which required member contributions have been made, or during which the city has made contributions to the system on behalf of members in satisfaction of the members' mandatory contributions to the system; however, all service prior to May 1, 1956, shall not be allowed for service incurred during any period of time for which an employee has previously rejected participation as a member.

Members shall have the option to purchase credit for up to five (5) years of active governmental service with any governmental agency, subject to the following requirements:

(1) Members must complete ten (10) years of creditable service in the system before becoming eligible to claim such prior governmental service credit. A member must make a written election of this option within four (4) years of eligibility on a form provided by the city with such election accompanied by the documentation set forth in subsection (2) below, and an agreement that the member will pay the amount calculated pursuant to subsection (3) below at the time and in the form and manner set forth therein.

(2) To receive retirement credit for such prior governmental service, a member must submit with such written election an original or certified copy of a certificate of service from any governmental agency showing the date of entry into active service, date of discharge under honorable conditions and a statement that no retirement benefit was obtained or will be obtained as a result of such service.

(3) To receive retirement credit for active prior governmental service, a member who is an active employee of the city, must pay the cost thereof, including interest, upon advice of the plan actuary and approved by the board of trustees. The member's required employee contribution hereunder shall be picked up by the city pursuant to I.R.S. Code Section 414(h)(2). In the case of a member who ceases to be an active city employee prior to the total payment of all amounts due and owing under this subsection (3), all amounts which remain payable under this subsection (3) at the time of the member's termination of employment shall immediately become due and payable in one (1) lump sum.

(4) All prior governmental service credited under this section shall be treated, for purposes hereof, as credited city service. The benefit percentage per year of service as applicable for this governmental service is three (3) percent of final average compensation.

(5) Prior governmental service shall become effective only after full payment as provided in subsection (3) above.

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Section 3. **Conflict.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

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

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 23 day of April, 2013.

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 _____, 2013.

_____
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~~.