

ORDINANCE NO. 1508

**AN ORDINANCE OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING ARTICLE V, POLICE PENSION PLAN (ORD. NO. 748) SECTION 15-121 "MEMBER CONTRIBUTIONS"; AMENDING ARTICLE VII, POLICE OFFICERS' RETIREMENT FUND (ORD. NO. 592) SECTION 15-182 "INDIVIDUAL ACCOUNTS"; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Miami ("City") is the Plan Sponsor of the Police Pension Plan (the "Plan") and the Special Police Officers' Retirement Fund (the "Share Plan."); and

**WHEREAS**, the City and the South Florida Police Benevolent Association recently negotiated a new collective bargaining agreement (CBA); and

**WHEREAS**, Article 26 of the CBA revises the member contribution to the Plan; and

**WHEREAS**, Article 26 of the CBA revises the Share Plan allocation formula providing that unallocated premium taxes shall be held in the Share Plan; and

**WHEREAS**, the City Council finds that it is in the best interest of the City and its employees to amend the City Code to implement the aforementioned changes.

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

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

**Section 2. City Code Amended.** That Section 15-121 "Member Contributions" of Article V, "Police Pension Plan" of Chapter 15 "Personnel, Pensions and Retirement" of the City Code of Ordinances, is hereby amended to read as follows:

**Sec. 15-121 – Member contributions.**

(a) Mandatory contribution rate.

(1) Each member shall contribute to the fund at the rate of eleven and fifty-one hundredths percent (11.51%) of the member's annual compensation for the period October 1, 2018 through September 30, 2024 ~~one (1) percent of the member's annual compensation through September 30, 1982; three (3) percent of the member's annual compensation from October 1, 1982, through October 14, 2000; six and eighty-five one hundredths (6.85) percent of the member's annual compensation from October 15, 2000, through July 31,~~

~~2008; eleven and fifty-one one-hundredths (11.51) percent of the member's annual compensation from August 1, 2008 through September 30, 2018; and nine and fifty-one one-hundredths (9.51) percent of the member's annual compensation from October 1, 2018 through September 30, 2021. If the city and the Police Benevolent Association are unable to reach a new agreement regarding employee pension contributions by September 30, 2021, employee contributions will revert to eleven and fifty-one one-hundredths (11.51) percent of the member's annual compensation thereafter subject to reduction pursuant to subsection 15-121(b) below. Notwithstanding a member's retirement from the plan prior to August 1, 2011, the member shall contribute to the fund as follows:~~

~~a. — For a member (or beneficiary) receiving a retirement benefit in either a full or partial lump sum, a deduction shall be made from the lump sum benefit equal to four and sixty-six one-hundredths (4.66) percent of the member's annual compensation in effect at the time of the member's retirement multiplied by the number of years (to the nearest month) remaining between the member's actual retirement date and July 31, 2011. If the amount of the partial lump sum benefit is less than the required contribution, then the balance of the contribution due to the fund shall be deducted in equal amounts from each monthly benefit payment through July 31, 2011.~~

~~b. — For a member (or beneficiary) receiving retirement a benefit in the form of annuity payments (five (5) years certain basis; ten (10) years certain basis; partial lump sum; joint and last survivor option; or social security option), a deduction shall be made from each monthly benefit payment through July 31, 2011, equal to four and sixty-six one-hundredths (4.66) percent of the member's annual compensation in effect at the time of the member's retirement multiplied by a fraction the numerator of which is the number of years (to the nearest month) remaining between the member's actual retirement date and July 31, 2011 and the denominator of which is the number of months remaining between the member's actual retirement date and July 31, 2011.~~

(2) Effective August 1, 2011, when a member's accrued normal retirement benefit equals one hundred (100) percent of the member's average final compensation, the member's contribution rate shall be reduced to one-half (0.5) of one (1) percent of the member's annual compensation or the then-required state required minimum.

(b) Out performance of investment assumption. Should the fund outperform the investment assumption, as determined by the board of trustees, on advice of the actuary for the fund, in any one (1) year by more than thirty (30) percent, the member contribution will be reduced for the following year by two (2) percent (from eleven and fifty-one one-hundredths (11.51) percent to nine and fifty-one one-hundredths (9.51) percent). In the event that during any subsequent year the thirty (30) percent performance figure is not met, the member contribution will be restored for the following year(s) by two (2) percent (to eleven and fifty-one one-hundredths (11.51) percent). The provisions of this subsection shall not apply to post-retirement contributions by members pursuant



to subsection 15-121(a) ~~or for the period October 1, 2018 through September 30, 2021.~~

**Section 3. City Code Amended.** That Section 15-182 “Individual accounts to be established; credits to individual accounts” of Article VII, “Police Officers; Retirement Fund” of Chapter 15 “Personnel, Pensions, and Retirement” of the City Code of Ordinances, is hereby amended to read as follows:

**Sec. 15-182** – Individual accounts to be established; credits to individual accounts.

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(f) Distribution of Insurance Premium Taxes: Notwithstanding anything to the contrary, insurance premium taxes shall be allocated into individual member accounts in accordance with the mutual consent provisions of Section 185.35(1), Fla.Stat., and as may be amended from time to time by the collective bargaining process.

**Section 4. Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

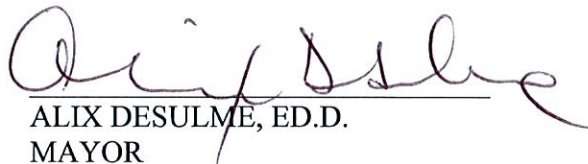
**Section 5. Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, 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 6. 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 7. 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 22nd day of August, 2023.

**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 12th day of September, 2023.

  
ALIX DESULME, ED.D.  
MAYOR

ATTEST :

  
\_\_\_\_\_  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Estimé-Irvin

**Vote:**

Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Vice-Mayor Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Kassandra Timothe, MPA	<u>X</u>	(Yes)	_____	(No)
Councilman Pierre Frantz Charles, M.Ed.	<u>X</u>	(Yes)	_____	(No)