

RESOLUTION NO. 2023-R-231

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA,
AUTHORIZING THE CITY ATTORNEY TO TAKE ALL
LEGAL ACTION NECESSARY, INCLUDING
INITIATING ANY AND ALL LITIGATION, IN LAW OR
IN EQUITY, TO RECOVER THE LOSS OF CITY FUNDS
ATTRIBUTED TO THE THEFT OF PENSION
PROCEEDS FROM THE CITY PENSION PLAN;
PROVIDING FOR AN EFFECTIVE DATE AND ALL
OTHER PURPOSES.**

WHEREAS, pursuant to section 15-65 of the City of North Miami (“City) Code of Ordinances, there is a Board of Trustees for the City’s retirement system which operates as the independent governmental body created to manage the City of North Miami Clair T. Singerman Employees Retirement System; and

WHEREAS, acting on a tip from a financial institution, the North Miami Police Department opened a criminal investigation and on November 1, 2022, arrested the Pension Plan Administrator for the Clair T. Singerman Employees Retirement System, the pension plan for the City’s general employees; and

WHEREAS, it was discovered that for a period of at least nine (9) years and continuing until his arrest on November 1, 2022, and termination of employment on November 2, 2022, the Pension Plan Administrator created and implemented a scheme to convert payments to deceased participants which should have terminated at death to a series of bank accounts controlled by him and also artificially increased amounts payable to certain falsified accounts further enhancing his ability to illegally seize Fund assets for himself; and

WHEREAS, during this period of time it is estimated that the Pension Plan Administrator embezzled and converted more than three million and ninety thousand dollars (\$3,090,000) of Fund assets to his own use; and

WHEREAS, during the relevant period, the City was making increased contributions into the employee pension plan to offset the fraudulent payments being distributed by the pension plan; and

WHEREAS, in an effort to recover these overpayments, the City Attorney recommends that the City consider joining the existing civil lawsuit filed against the Pension Plan Administrator by the Pension Board of Trustees and/or initiate its own cause of action against the parties responsible for the loss of city funds associated with the criminal theft of pension funds; and

WHEREAS, the Mayor and City Council, after being fully advised, have determined that it is in the best interest of the City and its employees to proceed to litigation against the former Pension Plan Administrator and any other parties responsible for the loss of city funds associated with the theft of pension proceeds from the pension plan.

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

Section 1. Authorization to City Attorney. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Attorney to initiate litigation against the former Pension Plan Administrator and any other parties responsible for the loss of city funds associated with the theft of pension proceeds from the pension plan.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 12th day of December, 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 ATTORNEY

Moved by: Charles

Seconded by: Estimé-Irvin

Vote:

Mayor Alix Desulme, Ed.D.

X (Yes) _____ (No)

Vice-Mayor Mary Estimé-Irvin

X (Yes) _____ (No)

Councilman Scott Galvin

X (Yes) _____ (No)

Councilwoman Kassandra Timothe, MPA

X (Yes) _____ (No)

Councilman Pierre Frantz Charles, M.Ed.

X (Yes) _____ (No)