

ORDINANCE NO. 1532

AN ORDINANCE OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING ARTICLE IV, EMPLOYEES' RETIREMENT SYSTEM (ORD. NO. 691) AND ARTICLE V, NORTH MIAMI POLICE PENSION PLAN (ORD. NO. 748); AMENDING SECTION 15-95(4) TO PERMIT LUMP-SUM DISTRIBUTIONS FOR ALL MEMBERS OF THE SINGERMAN PLAN; AMENDING SECTION 15-134(5) TO PERMIT LUMP-SUM DISTRIBUTIONS FOR ALL MEMBERS OF THE POLICE PLAN; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of North Miami established the Clair T. Singerman Employees Retirement System ("Plan 691") for plan members, as defined in Section 15-61 of the City's Code of Ordinances; and

WHEREAS, the City established the North Miami Police Pension Plan ("Plan 748") for police members, as defined by Section 15-101 of the City Code; and

WHEREAS, Both Plan 691 and 748 were closed to new members when the City joined the Florida Retirement System; 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 above-stated recitals are true and correct and are incorporated herein by reference.

Section 2. **City Code Amended.** That Section 15-95, "Optional methods of retirement payments." of Division 4 "Eligibility and Member Contributions" of Article IV, "Clair T. Singerman Employees Retirement System" of the City Code of Ordinances, is hereby amended to read as follows:

Sec. 15-95. – Optional methods of retirement payments.

Each member shall have the right at any time up to one (1) month prior to the actual retirement date to elect to have the retirement benefit payable under any of the options set forth in this section in lieu of the benefits otherwise provided, and to revoke any such elections and make a new

election at any time one (1) month prior to the actual retirement date. The value of optional retirement benefits shall be actuarially equivalent to the value of benefits otherwise payable. The member shall make such an election by written request to the board.

- (4) *Lump-sum option.* A member may elect to receive a single lump sum payment of the entire retirement benefit payable hereunder. If this option is chosen, the member shall be entitled to receive a refund of prior contributions (to the extent that such prior contributions do not exceed the member's accumulated leave benefit) in addition to his retirement benefit hereunder. The board shall require each electing member to (i) release and discharge any and all claims the member may have against the system, the board, and the city as a condition to receiving the lump sum benefit provided hereunder, and (ii) consent to and acknowledge the benefits to which the member is entitled hereunder as well as the member's other benefits provided by the city upon retirement (which shall include, but shall not be limited to, the member's accumulated leave benefit). The calculation of the lump sum value of the member's retirement benefit shall be determined on an actuarially equivalent basis and shall be the actuarial equivalent of the member's retirement benefit (without reduction for the refund of the member's prior contribution as set forth above). This option shall be calculated without reference to any cost-of-living adjustment. ~~This option shall not be available to an employee who first becomes a member on or after October 1, 2004.~~

Section 3. City Code Amended. That Section 15-134, "Optional methods of retirement payments" of Division 5 "Benefits" of Article V, "North Miami Police Pension Plan" of the City Code of Ordinances, is hereby amended to read as follows:

Sec. 15-134. – Optional methods of retirement payments.

Each member shall have the right at any time within six (6) months prior to his retirement date to irrevocably elect in lieu of benefits otherwise provided in this division and with the trustees' consent, one (1) of the retirement options set forth in this section. The value of optional retirement benefits shall be actuarially equivalent to the value of benefits otherwise payable. The election by such member shall be by written request to the board of trustees.

- (2) *Lump sum option.* A member may elect to receive in a lump sum at retirement an amount which is the actuarial equivalent to him under this plan. This option shall be calculated without reference to any cost of living allowance. ~~However, employees who first become members on or after October 1, 2004 shall not be eligible for this lump sum option.~~

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 4 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 12th day of March, 2025.

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 25th day of March, 2025.



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: Charles

Seconded by: Estime-Irvin

Vote:

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

Coding: Words in ~~strikeout~~ type are deletions from existing text.
Words in underline type are additions.