

ORDINANCE NO. 1533

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL 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 15-84 "REEMPLOYED PERSON" TO PERMIT IN-SERVICE DISTRIBUTIONS TO REHIRED MEMBERS OF THE SINGERMAN PLAN; AMENDING SECTION 15-124 TO PERMIT IN-SERVICE DISTRIBUTIONS TO REHIRED MEMBERS OF THE POLICE PENSION 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 CITY COMMISSION OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

WHEREAS, the City of North Miami ("City") 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 Internal Revenue Code permits governmental plans to pay "in-service distributions" to retirees provided that applicable Treasury Regulations are followed; and

WHEREAS, allowing retirees who have been rehired after six (6) months to continue to receive their monthly pension benefit enables the City to flexibly manage its workforce; and

WHEREAS, the decision whether or not to rehire a retiree rest exclusively with the City; and

WHEREAS, the Mayor and 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 15-84(a), “Reemployed person; change in employer” 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. 15-84. - Reemployed person; change in employer.

(a) If a general employee who was previously employed by the city is reemployed by the city on or after the date the city joins FRS, such employee shall participate in FRS and not in this system. Notwithstanding any provision to the contrary, in-service distributions are payable to members who are rehired by the City after at least six months following retirement, as permitted by the Internal Revenue Code and applicable Treasury Regulations. In such an event, the rehired member will not earn additional service credit in the Plan but will continue to be paid their normal retirement benefit pursuant to Section 15-90(1).

Section 3. City Code Amended. That Section 15-124, “Reemployed Person” of Division 4 “Eligibility and Member Contributions” of Article V, “North Miami Police Pension Plan” of the City Code of Ordinances, is hereby amended to read as follows:

Sec. 15-124. – Reemployed person.

If a former member who was previously employed by the city is reemployed by the city on or after the date the city joins FRS after having his previous employment with the city terminated with or without cause, such employee shall participate in FRS and not in this retirement system. Notwithstanding any provision to the contrary, in-service distributions are payable to members who are rehired by the City after at least six months following retirement, as permitted by the Internal Revenue Code and applicable Treasury Regulations. In such event, the rehired member will not earn additional service credit in the Plan but will continue be paid their normal retirement benefit pursuant to Section 15-129(1).

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 a 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, this 13th day of May, 2025.

PASSED AND ADOPTED by a 3 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 27th day of May, 2025.



ALIX DESULME, ED.D.
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Charles

Seconded by: Desulme

Vote:

Mayor Alix Desulme, Ed.D.

X (Yes) _____ (No)

Vice Mayor Kassandra Timothe, MPA

_____ (Yes) _____ (No) Absent

Councilwoman Mary Estimé-Irvin

X (Yes) _____ (No)

Councilman Kevin A. Burns

_____ (Yes) _____ (No) Absent

Councilman Pierre Frantz Charles, M.Ed.

X (Yes) _____ (No)

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

Words in underline type are additions.