ORDINANCE NO. 1361

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 15 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES BY CREATING ARTICLE I ENTITLED "DEPARTMENT OF PERSONNEL" IN ACCORDANCE WITH AND FOLLOWING AMENDMENTS TO THE CITY CHARTER, AND CREATING SECTION 15-100 "RETIREMENT INCENTIVE PROGRAM" IN ARTICLE III ENTITLED "CLAIR T. SINGERMAN EMPLOYEES RETIREMENT SYSTEM; ORD NO. 691", TO ESTABLISH A RETIREMENT INCENTIVE PROGRAM FOR CERTAIN ELIGIBLE MEMBERS OF THE RETIREMENT SYSTEM; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of North Miami ("City") has a Clair T. Singerman Employees Retirement System for its general employees ("Retirement System"); and

WHEREAS, the City desires to amend the Retirement System to offer and implement a voluntary retirement incentive to employees who meet certain eligibility requirements ("Retirement Incentive Program"); and

WHEREAS, the Retirement System includes City employees who are in bargaining units represented by the International Union of Police Associations, Local 6008 and 6009 ("IUPA"); and

WHEREAS, the City has conferred with IUPA concerning the Retirement Incentive Program and IUPA has indicated that it has no objection to the creation and implementation of the Retirement Incentive Program; and

WHEREAS, the City Council has received and reviewed an actuarial impact statement related to implementing the Retirement Incentive Program; and

WHEREAS, on February 26, 2013, the Mayor and City Council passed and adopted Resolution No. R-2013-14, submitting to the electors for referendum, proposed amendments to the City Charter, in order to: 1) delete outdated and unnecessary provisions, 2) reorganize similar provisions and consolidate redundant language, and 3) remove certain provisions from the Charter to be placed in the appropriate section of the City Code; and

WHEREAS, amendments to the City Code are necessary to implement the Retirement Incentive Program as well as to effectuate the changes to Chapter 15 of the City Code that were approved by referendum of the majority of the electorate; and

WHEREAS, the Mayor and the City Council find that it is in the best interest of the City and its employees to amend the City Code and 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 Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Amendments to Chapter 15.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 15 of the City of North Miami Code of Ordinances to establish a Retirement Incentive Program for certain eligible members of the Retirement System as well as to include changes in accordance with and following amendments to the City Charter, as follows:

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CHAPTER 15. PERSONNEL, PENSIONS AND RETIREMENT

ARTICLE I. - DEPARTMENT OF PERSONNEL

Sec. 15-1. Merit basis of appointment.

Appointments and promotions in the city's classified service shall be made according to merit and fitness to be ascertained, so far as practicable, by competitive examination.

Sec. 15-2. Personnel manager; qualifications.

The personnel manager shall have had training and experience in personnel administration.

Sec. 15-3. Personnel manager; powers and duties.

The personnel manager shall have power and shall be required to:

(a) Hold all competitive examinations required under this chapter, given for appointments in the classified service;

(b) Give wide publicity through appropriate channels for all position vacancies;

(c) Prepare and recommend to the personnel board such rules as he or she may consider necessary, appropriate or desirable to carry out the provisions of this article as provided in section 15-7 of this chapter;

(d) Maintain a classification and pay plan based on the duties, authority and responsibility of positions in the city service;

(e) Prepare and maintain a pay plan in the city service;

(f) Establish and maintain a roster of all persons in the municipal service in which there shall be set forth, as to each employee, (i) the class title of the position held, (ii) salary or pay, (iii) any changes in class title, pay or status, (iv) such other data as may be deemed desirable or useful to produce significant facts pertaining to personnel administration;

(g) Monitor all payrolls for persons in the city service. No payment for personnel service to any person in the service of the city shall be made unless the payroll includes the approval of the department head or his authorized alternate that the persons mentioned therein have worked the hours paid or for approved paid leave;

(h) Certify that all persons in the municipal service have been appointed and employed in accordance with the provisions of this article;

(i) Develop and establish training and educational programs for persons in the municipal service;

(j) Investigate periodically the operation and effect of the personnel provisions of this chapter and the rules promulgated hereunder, and report his findings and recommendations to the city manager; and

(k) Perform such other and different lawful acts and functions as he or she may deem necessary or desirable to enforce the purposes and provisions of this article.

Sec. 15-4. Personnel board; appointment.

(a) There shall be a personnel board consisting of six (6) members who shall be appointed as follows: One (1) member by the mayor (without approval of the city council) designated as Group A; one (1) member by the city council (excluding the mayor) designated as Group B; one (1) member by the city council (excluding the mayor) designated as Group C; one (1) member elected by the employees designated as Group D; one (1) member elected by the employees designated as Group E; and one (1) member by the mayor with the approval of the city council who shall be designated the "alternate". No member of the personnel board shall be an employee of the City of North Miami. "Employee" shall mean the employees paid by the City of North Miami. The terms of office of the personnel board members shall run from the second Tuesday in June commencing in 1971 and the initial term for Group A shall be one (1) year; Group B, two (2) years; Group C, three (3) years; Group D, two (2) years; Group E, three (3) years, with all successive appointments for three (3) years. The alternate shall be appointed for a term of three (3) years which shall commence on the second Tuesday of June 2009.

(b) The personnel manager shall prescribe rules, regulations and procedures in connection with election of the two (2) members to the board by the City of North Miami employees.

(c) Vacancies shall be filled in the same manner as original appointments were made and shall be for the unexpired term of the member whose position is vacated.

Sec. 15-5. Personnel board; qualifications.

Each member shall be a qualified voter of the city and shall be known to be in sympathy with the merit principle as applied to the civil service. Proof of residency is required.

Sec. 15-6. Personnel board; compensation.

Members of the board may be allowed compensation as shall be determined by ordinance for each meeting devoted to the work of the board.

Sec. 15-7. Personnel board; powers and duties.

The board shall have power and shall be required to:

(a) Advise the personnel manager on problems concerning personnel administration;

(b) Advise personnel manager in fostering the interest of institutions of learning, civic, professional and employee organizations in the improvement of personnel standards in the municipal service;

(c) Make any inquiry which it may consider desirable concerning the administration of personnel in the municipal service, and report to the city manager, its findings, conclusions and recommendations;

(d) Hear appeals of employees in the classified service who are suspended, reduced or removed and report in writing to the city manager its findings and recommendations; and

(e) Review the activities of the personnel department and recommend changes to city manager in accordance with their findings.

Sec. 15-8. Rules.

(a) The personnel manager shall prepare and recommend to the board such rules as he or she may consider necessary, appropriate or desirable to carry out the provisions of this article. After a public hearing thereon, the board shall approve or reject the rules wholly or in part, or may modify them, and approve them as so modified. Rules and amendments thereto which are approved by the board or on which the board takes no action within sixty (60) days after they are recommended by the personnel manager, shall be transmitted to the city manager for filing with the council. Rules and amendments thereto shall become effective when approved by the council or on the tenth day after submission if prior thereto the council shall not have rejected them by resolution. Thereafter the board shall have power to amend, repeal or add to the rules on the recommendation of the personnel manager or on its own initiative, subject to the requirement of a public hearing and all the other subsequent steps of procedure required herein for adoption of the original set of rules.

(b) Rules adopted hereunder shall have the force and effect of law. They shall provide for the method of holding competitive examinations, the establishment, maintenance, consolidation and

cancellation of eligible lists, administration of classification plan and the pay plan, the application of service ratings, the hours of work, attendance regulation and leaves of absence for employees in the classified service, the order and manner in which layoffs shall be effected, and similar matters of personnel administration.

(c) The powers herein conferred upon the personnel manager shall be subject only to the provisions of this chapter and of the rules adopted hereunder, and may be exercised by regulation or by order as the personnel manager sees fit.

Sec. 15-9. Unclassified and classified service.

The civil service of the city shall be divided into the unclassified and the classified service.

(a) The unclassified service shall comprise the following offices and positions:

(1) Members of the city council and other elected officers, and persons appointed to fill vacancies in elected offices;

(2) The city clerk;

(3) The city manager, deputy city manager and the assistant manager, if any;

(4) The city attorney, deputy city attorney, assistant city attorney, paralegal, and legal secretary, if any;

(5) The directors or managers of each city department or division (or such other individual employed as the head of his/her respective department or division) and their respective confidential secretaries;

(6) One (1) executive assistant or deputy and one (1) executive secretary to the city manager;

(7) The police chief, assistant police chief(s), police commander(s), police major(s) and police lieutenant(s);

(8) Members of boards and commissions in the city's service;

(9) Those positions which are either of a temporary nature or which require peculiar and exceptional qualifications of a specific, managerial, professional or educational character which positions do not fall within any existing classification and the duties of which do not fall within the scope of the specifications set up for any existing classification, and which do not warrant the establishment of a new classification or the expansion of the specifications in an existing classification because of the temporary nature of the employment.

(b) The classified service shall comprise all positions not specifically included by this section in the unclassified service.

Sec. 15-10. Classification.

(a) The personnel manager shall prepare and maintain an up to date record of the authority, duties and responsibilities of each position in the classified service. The personnel manager shall prepare and submit to the personnel board a plan of classification and grading of all such positions according to similarity of authority, duties and responsibilities. The city manager shall submit the classification plan to the council with such changes as he or she deems desirable and such plan shall take effect when adopted by the council.

(b) Changes in the classification plan which the personnel manager deems desirable may be recommended and adopted from time to time in the same manner as herein provided for the original adoption of the plan.

(c) As promptly as practicable after the adoption of the classification plan, and after any amendment thereof, the personnel manager shall, with the approval of the city manager, allocate each position in the classified service to the appropriate class therein on the basis of its authority, duties and responsibilities. Thereafter, as new positions are created or additional classes are established, or existing classes are divided, combined, altered or abolished, the personnel manager shall make such allocations or reallocations of positions to new or existing classes as are necessitated thereby.

(d) Following the adoption of the classification plan and the allocation to classes therein of positions in the classified service, the class titles set forth therein shall be used to designate such positions in all official records, documents, vouchers and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been approved by the personnel manager as appropriate to the duties to be performed.

(e) Employees affected by the allocation or reallocation of a position to a class, or by changes in the classification plan, shall be afforded a reasonable opportunity to be heard thereon after filing with the personnel manager a written request for a hearing.

Sec. 15-11. Promotions.

Vacancies in higher positions in the classified service of the city shall, as far as practicable, be filled by promotion from lower classes following competitive tests. A change from a position in any class to a position in another class for which a higher maximum rate of pay is prescribed shall be considered a promotion. The personnel manager shall, to the extent he or she considers such action desirable, indicate the lines of promotion from and to each class in the class specifications or in regulation.

Sec. 15-12. Pay plan.

The personnel manager shall prepare for the city manager a standard schedule of pay for each position in the city service: The city manager shall submit the pay plan to the council with such changes as he or she deems desirable and such plan shall take effect when adopted by the council by resolution. The pay plan adopted by the council shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position. Amendments to the pay schedule may be adopted by the council, from time to time, upon recommendation of the city manager. In increasing or decreasing items in the city budget, the council shall not increase

or decrease any individual salary items but shall act solely with respect to classes of positions as established in the classification and pay plans. In no event shall the council reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the pay plan.

Sec. 15-13. Pension and retirement system.

The council shall have authority to establish a pension and retirement system for any or all groups of officers and employees in service of the city. Any such pension and retirement system shall be established on a jointly contributory basis. The cost of the system shall be determined actuarially on the basis of such mortality and service tables as the council shall approve and shall be calculated and contributed as a uniform or decreasing percentage of the payroll of members. No system requiring an increasing percentage of the payroll to be paid as the contribution of either the members or the city shall be established. The provisions of the ordinance establishing such a pension and retirement system shall require periodic actuarial evaluations which shall serve as the basis of any changes in the rates of contributions and shall also provide for the maintenance at all times of adequate reserves. Any officer or employee of the city at the time of the establishment of such system shall have for a reasonable time thereafter the privilege of becoming a member of the system so established and to share its benefits. Officers and employees thereafter appointed in the classified service shall be required to join the system as a condition of employment. Existing local pension and relief funds under the provisions of the state law shall continue as long as such laws are in effect or until the beneficiaries thereof have elected to become members of the system set up in conformity with the provisions of this section; but the beneficiaries of any system under state law may be limited by the provisions of the pension and retirement system created under this section to those officers and employees who were the beneficiaries of such funds at the time of the adoption of a pension and retirement system as herein authorized. No officer or employee of the city may be a beneficiary of a local pension or relief fund established under state law and at the same time a member of a pension and retirement system established hereunder, except Federal Social Security if such is in existence at the time the pension plan is set up. Any pension and retirement system established or administered under the provisions of this section shall be administered by a board of trustees, subject to the approval of the city council.

Sec. 15-14. Oaths; prohibitions.

(a) For the purpose of the administration of the personnel provisions of this chapter, any member of the personnel board and personnel manager shall have the power to administer oaths.

(b) No person in the classified service of the city or seeking admission thereto shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of his race religion, creed, color, national origin, age, gender, disability, marital status or his political or religious opinions or affiliations. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made under the personnel provisions of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder. No officer or employee in the service of the city shall continue in such position after becoming a candidate for nomination or election to any public office. No person seeking appointment to or promotion in the service of the city shall either directly or

indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion or proposed promotion. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever on city property from any person holding a position in the service of the city. No person holding a position in the service of the city shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party, further than in the exercise of his rights as a citizen to express his opinion and to cast his vote.

(c) Any person who by himself or with others willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or by imprisonment for a term not exceeding two (2) months, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five (5) years be ineligible for appointment to or employment in a position in the city service, and shall, if he be an officer or employee of the city, immediately forfeit the office or position he or she holds.

~~Secs. 15-2—15-15. Reserved.~~

ARTICLE II. RETIREMENT IN GENERAL

Sec. 15-15. Limited extension to mandatory retirement age for police officers.

The fifty-fifth year of age mandatory retirement date for the City of North Miami police officers, as provided in this chapter, may be extended to the age of fifty-six (56), upon request of the employee subject to such mandatory retirement, subject to the condition that the chief of police find and certify as essential the continued service of such officer for an additional period of one (1) year, not to exceed age fifty-six (56) years, and subject to the approval of such certification by the city manager, and authorization of such certification action by the city council. Upon receipt of such certification of the police chief and approval of the city manager, the city council may by ordinance, authorize such one-year extension.

ARTICLE III. EMPLOYEES' RETIREMENT SYSTEM; ORD. NO. 582

Sec. 15-16. Definitions.

As used in this article, unless a different meaning is plainly required by the context, the following words and phrases shall have the following respective meanings:

Accumulated contributions means the sum of all amounts deducted from the compensation of a member and credited to his individual account, together with interest credited on such amounts at the rate of three and one-half (3½) percent per annum, accrued from the January first coinciding with or next following the date of each such deduction and accrued to the January first coinciding with or immediately preceding the date on which such accumulated contributions shall be determined.

Actuarial equivalent means the benefit of equal value when computed upon the basis of such

actuarial tables as are from time to time adopted.

Beneficiary means any person so designated by a member as provided in section 15-45 who may become entitled to receive benefits under this article.

Compensation means total compensation payable to an employee working the full normal working period for his position.

Contributions means the amounts deducted from the compensation of a member as provided in sections 15-33 through 15-38.

Disability retirement means retirement upon the disability retirement date as provided in section 15-40(b).

Effective date means May 1, 1956.

Employee means every person regularly employed on a full-time basis by the City of North Miami.

Employer means the City of North Miami, Florida.

Fund means the North Miami Employees' Retirement Fund created by this article.

Member means any employee who is included in the membership of the system.

Membership service means service rendered while a member of the system following the effective date of the retirement system.

Membership service allowance means the retirement allowance to which a member is entitled as provided herein because of the membership service reserve accumulated to his account during his membership service.

Membership service reserve means the sum of all amounts deducted from the compensation of a member, plus the sum of all matching contributions made by the city on behalf of the member, less the sum of any amount paid out of the fund as benefits under the system to the member, together with appropriate adjustment for interest accumulation according to the interest rate and basis adopted from time to time.

Prior service means service rendered as an employee of the city prior to the effective date of the retirement system.

Prior service allowance means the retirement allowance to which a member is entitled as provided herein because of his prior service.

Retirement allowance means all retirement payments to which a member is entitled as herein provided.

Service retirement means retirement upon the normal service retirement date, early service retirement date, or delayed service retirement date, as provided in sections 15-39 and 15-40.

System means the North Miami Employees' Retirement System created by this article.

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ARTICLE ~~III.~~IV. CLAIR T. SINGERMAN EMPLOYEES RETIREMENT SYSTEM; ORD. NO. 691

DIVISION 1. - GENERALLY

Sec. 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:

Accumulated contributions means the sum of all amounts deducted from the compensation of a member and credited to his individual account subsequent to the effective date of this article, plus all amounts contributed by the city on behalf of members in satisfaction of the members' mandatory contributions to the system, together with allowable interest credited annually on such sum.

Actuarial equivalent means the benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted. For the purposes of determining the actuarial equivalence of optional forms of benefits hereunder, the actuarial assumptions shall be the 1983 group annuity mortality table at interest rate of seven (7) percent for lump sum benefit calculations; eight (8) percent for all annuity benefit calculations.

Annual benefit means a member's retirement allowance exclusive of any benefit not required to be considered for the purposes of applying the limitations of section 415 of the code.

Average final compensation means the annual average of the highest two (2) of the last ten (10) years of credited service.

Beneficiary means any person so designated by a member who may become entitled to benefits pursuant to this article.

Board means the board of trustees, which shall serve as trustee of the fund established in this article and which shall have administrative authority and supervision of the retirement system as set forth in this article.

City pickup date is November 1, 1987, the date upon which the city manager first authorized the employer to make contributions on behalf of each member in satisfaction of the members' requirement to make mandatory contribution to the system.

Code means the Internal Revenue Code of 1986, as may be amended from time to time.

Compensation means total compensation payable to an employee working the full normal working period for his position and shall include contributions made by the city on behalf of a member in satisfaction of the members' mandatory contributions to the system. Effective January 1, 1989, in accordance with section 401(a)(17) of the Code, the compensation of an employee for purposes of this ordinance shall not exceed two hundred thousand dollars ($200,000.00) per year

adjusted for cost of living increases in accordance with section 415(d) of the Code.

Contribution means the amount deducted from the compensation of a member as provided in this article or contributed by the city on behalf of members in satisfaction of the members' mandatory contributions to the system.

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.

Department head means those ~~officers~~ employees of the city as who are responsible for overseeing city departments.~~provided for in sections 27 and 28 of the city Charter~~.

Disability retirement means retirement upon the disability retirement date.

Effective date means January 1, 1968.

Employee means any general employee, police bargaining unit member or police administrator employed by the city as a regular full-time employee in the normal employer-employee relationship, or firefighter who is a member of this pension plan.

Employer means the city and for firefighters, employer means Miami-Dade County.

Firefighter means any duly appointed and enrolled firefighter of the city who has transferred to Miami-Dade County and elected to remain in the city's pension system.

Fiscal agent means the person or entity designated to serve as the investment agent, adviser and custodian of the fund of the employees retirement system.

Fund means the fund established as part of the employees retirement system, which is intended to be a plan qualified under section 401(a) of the Code by meeting the requirements of section 414(d) of the Code. All funds, assets and contributions for the system shall be retained and accumulated in the fund.

General employee means any full-time employee of the city, including any classified or unclassified employee, as defined in section ~~146 of the City Charter~~15-9 of the City Code, other than sworn police personnel, who is employed by the city as a regular, full-time employee in the normal employee-employer relationship.

~~*General employee* means any person other than a police officer or fireman who is employed by the city as a regular, full-time employee in the normal employer-employee relationship.~~

Mayor means that councilmember identified in the city Charter, ~~in~~ article III~~, section 8~~.

Member means any person employed as a general employee, sworn police personnel or firefighter by the city and who is included in the retirement system as provided in this article.

Police administrator means an employee classified as a police lieutenant, police captain, police major, deputy police chief or police chief, in accordance with the classification plan of the city.

Police bargaining unit member means a police officer or a police sergeant of the city who is a member of this plan.

Police officer means an employee classified as a police officer in accordance with the classification plan of the city.

Police sergeant means any employee classified as a police sergeant in accordance with the classification plan of the city.

Prior accumulated contributions means the sum of all amounts deducted from the compensation of a member and all credited contributions made by, for, or on behalf of an individual, and credited to his individual account prior to the city pickup date of this article, together with allowable interest credited annually on such amounts.

Prior contributions means the sum of all amounts deducted from the compensation of a member and credited to his individual account prior to the city pick-up date of this ordinance.

Prior vested benefit means the total dollar amount of a member's vested interest in his membership service reserve, as determined under the provisions of the city retirement system as such system existed immediately prior to the effective date of this article.

Regular interest means such rate of interest as shall be determined and allowed from time to time by the board.

Retiree means any former member who has retired under the provisions of this article and is receiving or ~~have~~ has received benefits from the fund.

Retirement allowance means all retirement payments to which a member is entitled as provided in this article or contributed by the city on behalf of members in satisfaction of the members' mandatory contributions to the system.

Section 415 compensation means all compensation paid by the city that is taken into account under section 415 of the code, but shall not include contributions made by the city in satisfaction of the members' mandatory contributions to the system.

Service retirement means retirement upon the normal, early or delayed service retirement date.

Sworn police personnel means all police employees duly certified by the State of Florida as law enforcement officer and employed by the city in such capacity.

System means the city employees retirement system.

Vested benefit means the total nonforfeitable percentage of the benefits accruing to an individual under this pension plan. This percentage is based on years of credited service and is set forth below:

(1) Members not in the police bargaining unit:

Years of Credited Service	*Vesting Percentage*
Less than 5	0
More than 5 but less than 6..... ...	25
More than 6 but less than 7..... ...	40
More than 7 but less than 8..... ...	55
More than 8 but less than 9.....	70
More than 9 but less than 10.....	85
More than 10 years of services.....	100

(2) Members in the police bargaining unit:

Years of Credited Service	*Vesting Percentage*
14 or more years of service.....	100

Notwithstanding the foregoing, a member's right to his normal retirement benefit shall be fully vested upon his normal retirement date.

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DIVISION 2. - BOARD OF TRUSTEES

Sec. 15-65. Creation.

There is hereby created a board of trustees of the retirement system for the city which shall serve as the trustee of the fund. In addition, the general administration, management and responsibility for the proper operation of the retirement system shall be vested in the board of trustees.

Sec. 15-66. Composition.

The board shall consist of seven (7) member trustees and two (2) non-voting ex-officio members as follows:

(1) The designee of the city manager;

(2) One (1) sworn police personnel member shall be elected as trustee, and one (1) sworn police personnel member shall be elected as an alternate by the sworn police personnel members;

(3) One (1) firefighter shall be elected as trustee, and one (1) firefighter shall be elected as an alternate by members of the fire department having any current vested rights;

(4) Four (4) general employees, other than department heads, shall be elected as trustees by the general employees of the city who are members of the plan to fill the following seats:

a. *Public works general employee seat.* One (1) public works general employee shall be elected as trustee, and one (1) public works general employee shall be elected as an alternate;

b. *Non-public works general employee seat.* One (1) non-public works general employee shall be elected as trustee, and one (1) non-public works general employee shall be elected as an alternate;

c. *At-large general employee seats.* Two (2) general employees shall be elected as trustees and an alternate for each shall be elected.

(5) The personnel ~~director~~ manager or a designated alternate will serve as an ex-officio member;

(6) The finance director or a designated alternate will serve as an ex-officio member.

Sec. 15-67. Alternate representatives.

An alternate representative shall act as trustee with full voting rights in the absence of a trustee who is unable to attend pension board meetings.

Sec. 15-68. Terms; oath of office; filling of vacancies.

Beginning with the regular election for terms to commence January 1, 2001, the term of office for each of the member trustees shall be changed to staggered terms. The sworn police personnel member trustee shall be elected for a two-year term, the firefighter shall be elected for a two-year term, the public works general member shall be elected for a three-year term, the non-public works general member shall be elected for a two-year term, and the at-large general member shall be elected for a one-year term. Thereafter all the general employee trustees and their respective alternates will be elected for three-year terms.

At the regular election for terms to commence January 1, 2006, trustees for the non-public works general employee seat, the sworn police personnel seat, and the firefighter seat shall be elected. At the regular election for terms to commence January 1, 2007, the trustee for the public works general employee seat shall be elected. At the regular election for terms to commence January 1, 2008, two (2) trustees shall be elected for the at-large general employee seats.

The candidate receiving the highest votes for sworn police personnel seat, the firefighter seat, the non-public works general employee seat and the public works general employee seat will fill each respective trustee seats. The candidate receiving the next highest number of votes will serve as the respective alternates for each of the seats.

The two (2) candidates receiving the highest number of votes for the at-large general employee seats shall fill those seats. The two (2) candidates receiving the third and fourth highest number of votes shall serve as alternates with the candidate receiving the third highest number of votes filling the first vacancy to occur in either of the at-large general employee seats. The candidate receiving the fourth highest number of votes shall fill the second vacancy to occur in either of the at-large general employee seats.

The personnel ~~director~~ manager and finance director or their respective alternates shall serve

continuously as ex-officio members. The designee of the city manager shall serve at the pleasure of the city manager.

Each trustee shall take an oath of office to be administered by the city clerk or a notary public.

Should a vacancy occur in the office of trustee, the respective alternate shall serve out the remaining term of office held by the vacating trustee. If an alternate fills a vacancy as trustee, and then subsequently vacates the office, an election will held to elect a trustee, and a respective alternate for the vacant trustee seat and shall both serve out the remaining term for that seat.

Provided there are enough trustees to establish a quorum, if no one is elected to a particular seat, the seat will remain vacant, until a trustee is elected in a subsequent election.

Sec. 15-69. Removal of members.

Any member of the board other than the designee of the city manager, personnel ~~director~~manager and finance director or their respective alternates may be removed upon the affirmative votes of six (6) members for cause shown to the board and including absence from three (3) consecutive board meetings or absence from four (4) meetings in any twelve-month period, without appropriate reason therefor shown to the board.

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DIVISION 4. - ELIGIBILITY AND MEMBER CONTRIBUTIONS

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Secs. 15-87. ---15-88. Reserved.

~~**Sec. 15-88. - Reserved.**~~

DIVISION 5. - BENEFITS

~~**Sec. 15-100. - Reserved.**~~

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Sec. 15-100. Retirement Incentive Program.

(1) *Creation.* There is hereby created a Retirement Incentive Program to provide an inducement for certain eligible members of the System to terminate their employment with the City and begin retirement within a proscribed window, in accordance with the terms and conditions hereinafter set forth.

(2) *Eligibility requirements.* In order to qualify for the Retirement Incentive Program, a member must meet each of the following eligibility requirements on or before January 1, 2014:

a. Rule of 60. The member's age and years of credited service with the City must total at least sixty (60).

b. The member must meet the eligibility requirements for normal or early retirement set forth in Section 15-89 "Retirement Dates" of the City Code.

c. The member must have at least ten (10) years of credited service with the City. For purposes of determining a member's eligibility under this Section 15-100(2)c only, credited service shall include: (i) the number of years a member has been actively employed by the City and (ii) any military service credit pursuant to Section 15-85.1 of the City Code resulting from the member's voluntary or involuntary service in the uniformed services occurring subsequent to and during the member's employment with the City. All other service, which would otherwise be considered credited service under the System, shall not be utilized to determine whether a member meets the eligibility requirements to participate in the Retirement Incentive Program.

d. By no later than November 15, 2013, the member must submit to the City, on a form(s) promulgated by the City: (i) a notice of election to participate in the Retirement Incentive Program; (ii) an irrevocable resignation of employment setting forth the member's voluntarily elected last day of employment on or before January 1, 2014; and (iii) a waiver and release of all claims against the City that arose prior to the member's retirement date. The member shall continue to accrue service credit through the member's last day of employment.

If a member does not meet each of the above-specified eligibility requirements, the member is not eligible to participate in the Retirement Incentive Program.

(3) *Retirement Incentive Program Benefit.*

a. *Benefit amount.* Members who meet the eligibility requirements set forth in Section 15-100(2) above shall receive an immediately payable monthly retirement benefit (a member eligible for early retirement must receive an immediate monthly benefit pursuant to Section 15-90(3)(b) and not a deferred monthly benefit as set forth in Section 15-90(3)(a)) calculated as follows:

i. Four percent (4%) of the member's average final compensation for up to twenty (20) years of credited service which meets the definition of credited service set forth in Section 15-100(2)c above to determine a member's eligibility to participate in the Retirement Incentive Program.

ii. Three percent (3%) of the member's average final compensation for all other years of credited service earned under the System.

iii. If a member does not meet the eligibility requirements for normal retirement set forth in Section 15-89 "Retirement Dates" of the City Code, then the amount of the member's benefit shall be reduced by 0.33 percent for each month by which the member's early retirement date precedes the member's normal retirement date.

iv. Sworn police personnel shall be entitled to receive any benefits attributable to funds received from the state for the exclusive use of sworn police personnel under any other City retirement plan.

b. *Form of benefit.* The normal form of benefit for the Retirement Incentive Program shall be a monthly benefit payable during the lifetime of the member unless the member elects one of the following optional forms below:

i. *Joint and last survivor option.* A member may elect to receive a decreased retirement benefit during the member's lifetime and have such decreased retirement benefit or a designated fraction thereof continued after death to and during the lifetime of another person, designated a "joint pensioner." The retiree will have the power to change such designation from time to time but any change shall be deemed a new election and will be subject to approval by the pension board. The amount of retirement income payable shall be actuarially re-determined taking into account the ages and sex of the previous joint pensioner, the new joint pensioner and the employee. The previous joint pensioner must be alive at the time the retiree elects to make a change.

ii. *Five (5) or ten (10) years certain basis.* A member may elect to take a reduced benefit on a basis providing that such benefit shall be payable for a period of life and five (5) years or ten (10) years certain in any event.

iii. *Social security option.* A member may elect to receive an increased benefit until such time as social security benefits commence and a reduced benefit thereafter in order to provide, to as great extent as possible, a more level retirement allowance throughout the period of the member's retirement.

c. *Other Retirement Incentive Program Benefits*:

i. *Lump sum payment.* Members who meet the eligibility requirements set forth in Section 15-100(2) above and who elect to participate in the Retirement Incentive Program shall receive a lump sum payment from the City equal to one (1) week of his/her base salary, up to a maximum of six (6) weeks, for every full week that he or she retires prior to January 1, 2014. In other words, if a member retire on January 1, 2014, he or she is not entitled to a lump sum payment, however, if he or she retires on December 3, 2013, he or she is entitled to four (4) weeks of the lump sum payment. Such lump sum payment shall not be part of compensation for purposes of calculating a member's retirement benefit.

ii. *Health Insurance Premiums.* For members who are under the age of 65, meet the eligibility requirements set forth in Section 15-100(2) above and elect to participate in the Retirement Incentive Program, the City shall pay the full cost of the member's health insurance premium through September 30, 2014, provided the member participates in the City sponsored health insurance plan. The City also shall contribute $150.00 per month towards the cost of dependent health insurance coverage if the member elects coverage for his or her spouse/partner or his or her

child(ren) and $250.00 per month if the member elects family coverage (spouse/partner and child(ren)), provided that the member's dependents participate in the City sponsored health insurance plan. The City shall pay the aforementioned premiums ~~until~~ through September 30, 2014 or until the member reaches age 65 or until the member is covered by Medicare, whichever of the three comes first.

iii. The benefits set forth in Sections 3(c)(i) and 3(c)(ii) above shall be funded and paid for by the City, and not the Board or the Retirement System's trust fund, and the City, not the Board, will be responsible for administering these benefits.

d. *Compliance with the Internal Revenue Code.* The Retirement Incentive Program is meant to comply with all provisions of the Internal Revenue Code, and the City and the Board of Trustees will take no action that would jeopardize the tax qualification of the System including the right to accelerate payments to comply with Section 401(a)(9) of the Internal Revenue Code and the right to defer payments to comply with Section 415 of the Internal Revenue Code.

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ARTICLE ~~IV~~V. - NORTH MIAMI POLICE PENSION PLAN

DIVISION 1. - GENERALLY

Sec. 15-101. 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:

Accumulated contributions means the sum of all amounts deducted from the compensation of a member and credited to his individual account subsequent to the effective date of this article, plus all amounts contributed by the city on behalf of members in satisfaction of the members' mandatory contributions to the system, together with interest credited annually on such sum as the board of trustees shall determine in their discretion, excepting that such rates of interest to be paid on such amounts shall not be less than three (3) percent per annum.

Actuarial equivalent means the benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board of trustees with the advice of the pension system actuary. For purposes of determining the actuarial equivalence of optional forms of benefits hereunder, the actuarial assumptions shall be unisex pension (UP) 84 Mortality Table and an interest rate of seven (7) percent. For any member who has contributed six point eighty-five (6.85) percent of annual compensation (or four and eighty-five (4.85) percent as the case may be) for at least three (3) years, or the amount thereof calculated at time of retirement, the actuarial assumptions used for determining the actuarial equivalence of optional forms of benefits hereunder shall be the 1983 group annuity morality table and an interest rate of seven (7) percent.

Editor's note— The definition of "actuarial equivalent" shall be effective Oct. 15, 2000.

Annual benefit means a member's retirement allowance exclusive of any benefit not required to be considered for the purposes of applying the limitations of section 415 of the code.

Average final compensation shall mean: (i) the annual average compensation of the highest fifty-seven (57) months out of the last ten (10) years of credited service; or (ii) the annual average compensation of the highest twenty-four (24) months out of the last ten (10) years of credited service for any person who is a member of the plan on December 31, 2006, and who irrevocably elects to waive his right to receive an early retirement benefit upon the completion of twenty (20) years of credited service; or (iii) the annual average compensation of the highest twenty-four (24) months out of the last ten (10) years of credited service for any person who becomes a member of this plan on or after January 1, 2007.

Beneficiary means any person so designated by a member who may become entitled to benefits pursuant to this article.

Board means the board of trustees, which shall serve as trustee of the fund established in this article and which shall have administrative authority and supervision of the retirement system set forth in this article.

City pickup date is November 1, 1987, the date upon which the city manager first authorized the employer to make contributions on behalf of each member in satisfaction of the members' requirement to make mandatory contributions to the system.

Code means the internal Revenue Code of 1986, as may be amended from time to time.

Compensation means total compensation payable to an employee working the full normal working period for his position and shall include contributions made by the city on behalf of a member in satisfaction of the member's mandatory contributions to the system. Effective January 1, 1989, the compensation of an employee for purposes of this article shall not exceed two hundred thousand dollars ($200,000.00) per year adjusted for cost of living increases in accordance with 415(d) of the Code. Except as otherwise provided in the preceding sentence, for the plan years beginning on or after January 1, 1996, the annual compensation of each employee taken into account under the plan shall not exceed the annual compensation limit in section 401(a)(17) of the Code, as adjusted by the commissioner for increases in the cost-of-living in accordance with section 401(a)(17)(B) of the Code.

Contributions means the amounts deducted from the compensation of a member as provided in this article, or contributed by the city on behalf of members in satisfaction of the members' mandatory contributions to the system.

Credited service means each year or portion thereof as computed on a calendar year basis during which a member has served as an employee of the city and has made required contributions to the system or during which the city has made contributions to the system on behalf of members in satisfaction of the members' mandatory contribution to the system.

Department <u>*or Division*</u> *head* means those ~~officers~~ employees of the city <u>who are responsible for overseeing city departments or divisions</u>. ~~as provided for in Sections 27 and 28 of the City~~

~~Charter.~~

Disability retirement means retirement upon the disability retirement date.

Effective date means January 1, 1977.

Employee means any sworn police personnel employed by the city as a regular full-time employee in the normal employer-employee relationship.

Employer means the city.

Fiscal agent means the person or entity designated to serve as the investment agent, advisor and custodian of the fund of the North Miami Police Pension Plan.

Fund means the fund established as part of the North Miami Police Pension Plan. All funds, assets and contributions for the system shall be retained and accumulated in the fund.

Member means any sworn police personnel employed by the city as a regular full-time employee in the normal employer-employee relationship who is included in the North Miami Police Pension Plan.

Police administrator means an employee classified as a police lieutenant, police captain, police major, deputy police chief or police chief, in accordance with the classification plan of the city.

Police bargaining unit member means a police officer or a police sergeant of the city, who has been a member of the plan on or after January 1, 1977, and who has since been a continuous member of this plan.

Police officer means an employee classified as a police officer in accordance with the classification plan of the city.

Police officer trainee means any general employee classified as a police officer trainee in accordance with the classification plan of the city.

Police sergeant means an employee classified as a police sergeant in accordance with the classification plan of the city.

Prior accumulated contributions means the sum of all amounts deducted from the compensation of a member and all credited contributions made by, for, or on behalf of an individual, and credited to his individual account prior to the city pickup date of this article, together with allowable interest credited annually on such amounts.

Regular interest means such rate of interest as shall be determined and allowed from time to time by the board.

Retiree means any former member who has retired under the provisions of this article and is receiving benefits from the fund.

Retirement allowance means all retirement payments to which a member is entitled as provided in this article or contributed by the city on behalf of members in satisfaction of the members' mandatory contributions to the system.

Section 415 compensation means all compensation paid by the city that is taken into account under section 415 of the code, but shall not include contributions made by the city in satisfaction of the members' mandatory contributions to the system.

Service retirement means retirement upon the normal, early or delayed service retirement date.

Sworn police personnel shall mean any person duly certified by the State of Florida as a law enforcement officer, and employed by the city in such capacity.

System means the North Miami Police Pension Plan.

Vested benefit means the total nonforfeitable percentage of the benefits accruing to an individual under this pension plan. This percentage is based on years of credited service and is set forth below:

Years of Credited Service		*Vesting Percentage*
Less than 5 years.....	...	0
More than 5 years but less than 6.....	...	25
More than 6 years but less than 7.....	...	40
More than 7 years but less than 8.....	...	55
More than 8 years but less than 9.....	...	70
More than 9 years but less than 10.....	...	85
More than 10 years of services.....		100

Notwithstanding the foregoing, a member's right to his normal retirement benefit shall be fully vested upon his normal retirement date.

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DIVISION 2. - BOARD OF TRUSTEES

Sec. 15-105. Creation.

There is hereby created a board of trustees of the retirement system for the city which shall serve as the trustee of the fund. In addition, the general administration, management and responsibility for the proper operation of the retirement system shall be vested in the board of trustees.

Sec. 15-106. Composition.

The board shall consist of seven (7) member trustees as follows:

(1) The designee or alternate designee of the city manager;

(2) The city personnel ~~director~~manager or his designated alternate;

(3) The finance director or his designated alternate;

(4) Four (4) sworn police members, other than department heads, shall be elected as trustees and four (4) sworn police members, other than department heads, shall be elected as alternates by the sworn police personnel. An alternate shall act as a trustee with full voting rights in the absence of an elected trustee.

Sec. 15-107. Terms; oath of office; filling of vacancies.

Beginning with the regular election for terms to commence January 1, 2000, the term of the sworn police member trustees of the board shall be changed to staggered terms. Two (2) sworn police member trustees shall be elected for three-year terms, one (1) sworn police member trustee shall be elected for a two-year term, and one (1) sworn police member trustee shall be elected for a one-year term. The two (2) members receiving the highest votes shall fill the three-year terms, the member receiving the next highest votes shall fill the two-year term, and the member receiving the next highest votes shall fill the one-year term. Thereafter the sworn police member trustees shall be elected for three-year terms. The terms of the alternates shall also be determined in the same manner. Should a vacancy occur, the alternate with the same term of office of the member vacating the office shall serve out the remaining term. Each trustee and alternate shall take an oath of office to be administered by the city clerk or a notary public.

Sec. 15-108. Removal of members.

Any member of the board other than the designee of the city manager, personnel ~~director~~manager and finance director or their respective alternates may be removed upon the affirmative vote of four (4) members for cause shown to the board and including absence from three (3) consecutive board meetings or absence from four (4) meetings in any twelve-month period without appropriate reason therefor shown to the board.

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DIVISION 5. – BENEFITS

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Sec. 15-129.~~2~~1. Cost-of-living adjustment of benefits.

(1) The purpose of this section is to provide compounding cost-of-living adjustments, hereinafter referred to as COLA, to the monthly benefits payable to retired members of the plan who retire on or after October 1, 2004, and their beneficiaries. COLA benefits shall only be available in cases where the retired member has selected any form of benefit other than the lump sum benefit option as provided in section 15-134(2). COLA benefits shall not be available to any member receiving a service-connected disability or non service-connected disability.

(2) As used herein, *"benefit"* means the monthly benefit payable to a retiree or beneficiary at the time of an adjustment date, as hereinafter set forth.

(3) Effective on or after October 1, 2004, a member who, prior to retirement, selects any form

of benefit other than the lump sum option as provided in section 15-134(2), shall be entitled to make an election, which shall be irrevocable, as follows:

(a) The annuity portion of the benefit of each member shall be adjusted each April 1st, and shall be subject to pro-ration based on the number of months that the member has been retired during the twelve (12) months preceding each April 1st, as follows:

(1) The amount of the monthly benefit payable for the twelve (12) month period commencing on the date coincident with the date on which the retired member has been retired for one (1) year and on each April 1st thereafter, shall be the amount of the member's benefit the preceding month, plus an amount equal to a 1.92 percent of the member's benefit; or

(2) The amount of the monthly benefit payable for the twelve (12) month period commencing on the date coincident with the date on which the retired member has been retired for three (3) years and on each April 1st thereafter, shall be the amount of the member's benefit the preceding month, plus an amount equal to a two and five-tenths (2.5) percent of the member's benefit; or

(3) The amount of the monthly benefit payable for the twelve (12) month period commencing on the date coincident with the date on which the retired member has been retired for five (5) years and on each April 1st thereafter, shall be the amount of the member's benefit the preceding month, plus an amount equal to a three (3) percent of the member's benefit.

(b) In case of a beneficiary becoming entitled to COLA benefits hereunder, the date of the retired member's retirement shall govern.

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ARTICLE VI. - POLICE OFFICERS' RETIREMENT FUND; ORD. NO. 592.1

Sec. 15-141. 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:

Credited service means the sum of police prior service and police membership service.

Police membership service means years of service rendered by police officers subsequent to May 1, 1956, regardless of whether or not the membership requirements of article I of this chapter have been satisfied.

Police membership service allowance means that portion of police retirement allowance to which a police officer is entitled because of police membership service.

Police officer means any duly appointed and enrolled police officer of the city, who has satisfied the membership requirements of article I of this chapter.

Police officers' fund means the special police fund created by this article.

Police prior service means years of service rendered prior to May 1, 1956 by police officers employed on that date.

Police prior service allowance means that portion of police retirement allowance to which a police officer is entitled because of police prior service.

Police retirement allowance means the total monthly retirement allowance, consisting of police prior service allowance plus police membership service allowance.

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ARTICLE VII. - POLICE OFFICERS' RETIREMENT FUND AMENDMENT; ORD. NO. 592.1.1

Sec. 15-171. 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:

Active duty shall mean actual services as a police officer with regular status in the police department of the City of North Miami, Florida, except for approved leaves of absence as set forth below.

Committee shall be understood to mean special police officers' fund committee of the special police officer's fund as provided in section 15-174 to administer the affairs of this fund.

Fund shall mean the special police officers' fund as provided for herein.

Participant shall mean every police officer of the city as defined herein, who is eligible to have monies credited to his individual account and to receive benefits therefrom under this article who shall automatically become a participant.

Police officer shall mean the police chief and all police officers of the city with regular status in the police department of the city as the committee shall determine to be engaged directly in enforcement of the ordinances of the City of North Miami, County of Dade, and statutes of the State of Florida.

Regular status shall have the meaning ascribed to it from time to time by the rules and regulations of the civil service board of the city.

Service shall mean all time served as a police officer regularly appointed under the rules and regulations of the civil service board of the city for which regular compensation is paid by the city and all time not to exceed a period of five (5) years during which a participant is absent on a military leave of absence. It shall include all leaves of absence without pay for sickness, for such period of time as may be determined by the board in excess of accumulated sick time for which compensation is received.

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ARTICLE VIII. - DISABILITY COMPENSATION

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ARTICLE ~~VIII~~IX. - SOCIAL SECURITY

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Section 3. **Conflicts.** 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 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 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 22nd day of October, 2013.

PASSED AND ADOPTED by a 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 12th day of November, 2013.

Lucie Tondreau

LUCIE M. TONDREAU
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: Steril

Seconded by: Tondreau

Vote:

Mayor Lucie M. Tondreau	x (Yes)	(No)
Vice Mayor Scott Galvin	(Yes)	x (No)
Councilperson Carol Keys, Esq.	(Yes)	x (No)
Councilperson Philippe Bien-Aime	x (Yes)	(No)
Councilperson Marie Erlande Steril	x (Yes)	(No)

Additions shown by underlining. Deletions shown by overstriking.