



CITY OF NORTH MIAMI BEACH
Council Conference
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, July 5, 2011
5:30 PM

Mayor George Vallejo
Vice Mayor Philippe Derosé
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Phyllis S. Smith
Councilwoman Beth E. Spiegel

City Manager Lyndon L. Bonner
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

AGENDA

- 1. ROLL CALL OF CITY OFFICIALS**
- 2. DISCUSSIONS**
 - 2.1 Pension Workshop (Cont'd)**
 - 2.2 Repeal of Ordinance No. 2010-22 - Councilman Pierre**
 - 2.3 North Miami Beach/North Miami Gateway Signage**
 - 2.4 Mayor's Liaison Board Appointments**
- 3. ADJOURNMENT**



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Lyndon L. Bonner, City Manager
DATE: Tuesday, July 5, 2011

RE: Repeal of Ordinance No. 2010-22 - Councilman Pierre

BACKGROUND: At the June 21, 2011 Regular City Council Meeting, Councilman Pierre requested information on the repeal process for Ordinance 2010-22 and also requested to have the item placed on the July 5, 2011 Council Conference Agenda for discussion.

Attached please find a copy of Ordinance 2010-22 and the minutes relating to the first and final readings.

RECOMMENDATION: N/A
FISCAL IMPACT: N/A
CONTACT PERSON(S): Councilman Frantz Pierre

ATTACHMENTS:

- ▢ [Ordinance 2010-22](#)
- ▢ [September 14, 2010 Meeting Minutes](#)
- ▢ [September 21, 2010 Meeting Minutes](#)

ORDINANCE NO. 2010-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS; CREATING A NEW SECTION 4.02(c) PROVIDING A DIFFERENT SUPPLEMENTAL CONTRIBUTION THROUGH THE 2019 PLAN YEAR, BUT REQUIRING A 70% FUNDED RATIO BY THE OCTOBER 1, 2020 ACTUARIAL VALUATION (TO DETERMINE THE EMPLOYER CONTRIBUTION FOR THE FISCAL YEAR STARTING OCTOBER 1, 2021); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach has established a retirement plan for police officers and firefighters; and

WHEREAS, the City is obligated to make annually required actuarial contributions by state law; and

WHEREAS, the City adopted Ordinance No. 2007-3 providing for additional “supplemental contributions” by the City; and

WHEREAS, the City is not required by state law to make additional “supplemental contributions”; and

WHEREAS, the Mayor and City Council find that the passage of this Ordinance is in the best interest of the residents and citizens of the City of North Miami Beach.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. A new subsection (c) of Section 4.02 of the City of North Miami Beach Retirement Plan for Police Officers and Firefighters is hereby created as follows:

Section 4.02 CONTRIBUTIONS

(c) Notwithstanding the provisions of Section 4.02(a), the supplemental contribution, including restricted reserve account contributions, through the 2019 plan year shall be a minimum of \$750,000.00 per year, unless the City decides to make a greater supplemental contribution or the actuary determines that the funding ratio of the Plan is at 70%. The funded ratio of the Plan shall be seventy percent (70%) as of the October 1, 2020 actuarial valuation (to determine the employer contribution for the fiscal year starting October 1, 2021). The provisions of Section 4.02(a)(2)d(i),(ii) and (iii), and (e) above shall continue to apply, except that October 1, 2014 shall be replaced with October 1, 2020. The plan actuary shall prepare a report each year reflecting the funding progress toward the 70% funded ratio. The City shall be required to make all regular contributions required by state statute, including Chapters 175 and 185.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


Section 3. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 4. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.


APPROVED BY TITLE ONLY on first reading this 14th day of September, 2010.

APPROVED AND ADOPTED on second reading this 21st day of September, 2010.

ATTEST:


SUSAN A. OWENS
CITY CLERK
(CITY SEAL)


MYRON ROSNER
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and City Council



CITY OF NORTH MIAMI BEACH
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
City of North Miami Beach, FL 33162

SEPTEMBER 14, 2010
SPECIAL MEETING MINUTES
(CNMB-CC MINUTES TAPE #449)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 5:35 p.m. Present were Mayor Myron Rosner, Vice Mayor Beth E. Spiegel and Council Members Philippe Derose, Barbara Kramer, Frantz Pierre, and Phyllis S. Smith. Also present were Acting City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel, and City Clerk Susan A. Owens. Absent was Councilman John Patrick Julien.

2. PLEDGE OF ALLEGIANCE

Mayor Rosner led the Pledge of Allegiance.

3. LEGISLATION

Mayor Rosner requested Item 3.2 (Ordinance No. 2010-22) be taken out of order. No objections were received.

Motion made by Councilman Derose, seconded by Vice Mayor Spiegel, to introduce Ordinance No. 2010-22 First Reading, By Title Only. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

3.2 Ordinance No. 2010-22 (First Reading, By Title Only)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS; CREATING A NEW SECTION 4.02(c) PROVIDING A DIFFERENT SUPPLEMENTAL CONTRIBUTION THROUGH THE 2019 PLAN YEAR, BUT REQUIRING A 70% FUNDED RATIO FOR THE OCTOBER 1, 2020 ACTUARIAL VALUATION (TO DETERMINE THE EMPLOYER CONTRIBUTION FOR THE FISCAL YEAR STARTING OCTOBER 1, 2021); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Motion made by Councilman Derose, seconded by Vice Mayor Spiegel, to adopt Ordinance No. 2010-22 on First Reading, By Title Only. City Attorney Siegel explained that Ordinance No. 2010-19 was adopted on First Reading in July, but failed to pass on a 3-3 vote in August. She explained that she was requested to bring back a revised ordinance for consideration. City Attorney Siegel then provided a brief overview of the changes. Mayor Rosner passed the gavel to Vice Mayor Spiegel.

Motion made by Mayor Rosner, seconded by Councilman Derose, to amend the amount to \$201,000 and \$549,000 for reserves. Vice Mayor Spiegel noted that she would rather adopt the ordinance as proposed with \$750,000 going into the pension and see a reduction in the pension debt. She added that lowering the amount would only increase the obligation further down the road. Following further discussion which included several proposed ideas, talk about the budget and feedback from the Council, Mayor Rosner **withdrew** his motion and Councilman Derose **withdrew** his second on the motion.

Original Motion Vote: Vice Mayor Spiegel, Councilwoman Smith, Councilman Derose, Councilman Pierre and Mayor Rosner all voted in favor of the motion, while Councilwoman Kramer voted against the motion. (**Motion carried 5-1**).

Motion made by Councilman Derose, seconded by Vice Mayor Spiegel, to introduce Resolution No. R2010-60. By consensus, all voted in favor of the motion. (**Motion carried 6-0**).

3.1 Resolution No. R2010-60

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH COVENTRY HEALTHCARE OF FLORIDA, FOR SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, AND PPO.

Motion made by Councilman Derose, seconded by Councilwoman Smith, to adopt Resolution No. R2010-60. Ellen Snow, risk manager, provided an overview of the bidding process, the selection of Coventry Healthcare and the negotiations. She answered various questions posed by council members. Peter Joseph, regional vice president of Coventry, answered various questions posed by council members.

Vote: All voted in favor of the motion. (**Motion carried 6-0**).

Point of Privilege – Acting City Manager Salary

Councilwoman Smith introduced the subject of the Acting City Manager's compensation and proposed a salary of \$160,000 until a permanent city manager was hired. She noted Acting City Manager Weisblum was currently making a salary of \$120,000. Councilman Pierre suggested offering Ms. Weisblum a city manager's package. Councilman Derose proposed a salary of \$150,000. Mayor Rosner suggested that discussion on the City Manager search be scheduled for the Council Conference on October 5th. City Attorney Siegel confirmed that the item was already scheduled.

Motion made by Councilman Derose, seconded by Vice Mayor Spiegel, to increase Ms. Weisblum's salary to \$150,000 effective immediately and that she will continue to receive her current benefits. By consensus, all voted in favor of the motion. (**Motion carried 6-0**).

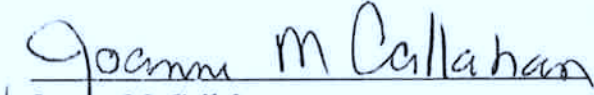
Mayor Rosner noted that he would not be in attendance for the next meeting, since he would be attending a family obligation.

4. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 6:34 p.m. on a motion made by Councilman Derose and seconded by Councilman Pierre. By consensus, all voted in favor. (Motion carried 6-0).

ATTEST:

(SEAL)


Joanne M. Callahan
Interim City Clerk



CITY OF NORTH MIAMI BEACH
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
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SEPTEMBER 21, 2010
SPECIAL MEETING MINUTES
(CNMB-CC MINUTES TAPE # 451)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:30 p.m. Present were Mayor Myron Rosner, Vice Mayor Beth E. Spiegel, and Council Members Philippe Derosé, John Patrick Julien, Barbara Kramer, Frantz Pierre and Phyllis S. Smith. Also present were Acting City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel, and Assistant City Clerk Joanne Callahan.

2. PLEDGE OF ALLEGIANCE

Mayor Rosner led the Pledge of Allegiance.

Vice Mayor Spiegel questioned why that the first agenda distributed to the Council listed Item 3.1 Discussions – Charter Official Contract–City Clerk, but the second agenda distributed to the Council did not include that item. Vice Mayor Spiegel further explained that an email was sent to the Mayor and the Council noting City Clerk Owens had received five (5) affirmative votes to pull the item from the agenda. Vice Mayor Spiegel stated that she contacted City Attorney Siegel who informed her that this action was not provided for in the City’s Charter. City Attorney Siegel noted that the deferment needed to be done in public. Mayor Rosner requested that this item be discussed following Ordinance No. 2010-22. No objections were received. Councilwoman Smith said that it was her understanding that a secretary or manager could contact the Council to have an item pulled from the agenda. She then requested a clarification of the procedure. City Attorney Siegel explained that “the five (5) affirmative vote” requirement was for the calling of a special meeting and that the request to pull an item already placed on the agenda must be done at the meeting.

3. LEGISLATION

Motion made by Councilman Derosé, seconded by Vice Mayor Spiegel, to introduce Ordinance No. 2010-22 on Second and Final Reading. By consensus, all voted in favor of the motion. (Motion carried 7-0).

3.1 Ordinance No. 2010-22 (Second and Final Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS; CREATING A NEW SECTION 4.02(c) PROVIDING A DIFFERENT SUPPLEMENTAL CONTRIBUTION THROUGH THE 2019 PLAN YEAR, BUT REQUIRING A 70% FUNDED RATIO FOR THE OCTOBER 1, 2020 ACTUARIAL VALUATION (TO DETERMINE THE EMPLOYER CONTRIBUTION FOR THE FISCAL YEAR STARTING OCTOBER 1, 2021); PROVIDING FOR

SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Motion made by Councilman Derose, seconded by Vice Mayor Spiegel, to adopt Ordinance No. 2010-22 on Second and Final Reading. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

Public Comment

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL – spoke about the four (4) million dollar shortfall for the pension plan.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL - thanked Vice Mayor Spiegel for preventing the Police Chief from arresting a resident for his freedom of speech. He also spoke of the salary “giveaways” for the police department and recommended salary cuts.

Allison Robie, 2131 NE 179 Street, North Miami Beach, FL – spoke on the pension plan.

Richard Reiss, 23 NW 169 Street, North Miami Beach, FL - spoke about the four (4) million dollar shortfall for the pension plan and good intentions gone bad.

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL – spoke about the City Manager salary, the increase in salary to the Acting City Manager, and the pension plan.

Vice Mayor Spiegel recognized the public comments regarding the reduction of salary and changes to pension plans, but noted that these actions were not options at this time. She noted that she requested Acting City Manager Weisblum schedule a pension plan meeting to discuss options for the future. Vice Mayor Spiegel proposed to amend the ordinance to be a minimum of \$750,000 per year unless the City decides to make an additional supplemental contribution or the Actuary determines the pension is 70% funded.

Councilwoman Smith read an excerpt from a letter dated September 21st from Robert D. Klausner, Klausner & Kaufman, attorney specializing in pensions, explaining that the pending ordinance was purely an actuarial matter and did not involve the rights of participants to benefits, it did not affect the composition of the Board of Trustees or their powers, nor did it any way impair the constitutional rights of the participants. She noted that the police had voted on their own volition. Councilwoman Smith also spoke of the shortfall and implications on employee cuts and possible public services. Acting City Manager Weisblum noted that if there were additional revenues, the Council could decide to place it in reserves or pay additionally on this pension or other pensions. City Attorney Siegel explained that the ordinance stated a minimum of \$750,000 and that there was nothing that precluded the City from making additional payments. She added that Councilwoman Smith, through a directive by the Council, could request that the City Manager report back to the Council on additional reserves.

Councilman Derose spoke on the pension plan ordinance and balancing the budget. Councilwoman Kramer noted that the budget planning could have been started earlier. She requested that the Council receive quarterly presentations from the Finance Director and noted she was not for the ordinance. Councilman Pierre spoke about the economy and noted that he was not in favor of the ordinance.

Acting City Manager Weisblum noted that Finance had been working on the budget all year, but unfortunately some ordinances were brought forward late. She added that Finance reduced the Budget by eight (8) million dollars back to the 2005 numbers and were then asked to reduce another four (4) million dollars, which caused a huge challenge, difficulties and situations.

Motion made by Vice Mayor Spiegel, seconded by Councilman Derose, to adopt Ordinance No. 2010-22 on Second and Final Reading **as amended** as follows: the ordinance to be a minimum of \$750,000 per year unless the City decides to make a greater supplemental contribution or the Actuary determines the funded ratio of the plan is at 70%.

Councilwoman Smith questioned why the ordinance was necessary since it was not federal or state mandated. City Attorney Siegel noted that funds were necessary to make each plan actuarially sound. She provided the following information: General Employees was at 73% funding; Management was at 63% funding; and the Police was at 60.3% funding. City Attorney Siegel explained that there was no requirement for the 70% funding and that pension lawyers had recommended that it was a good idea to have a base of 70% funding.

Mayor Rosner provided a historical overview of the pension. Councilwoman Kramer expressed concern for the future.

Vote: Vice Mayor Spiegel, Councilwoman Smith, Councilman Julien, Councilman Derose and Mayor Rosner all voted for the motion, while Councilwoman Kramer and Councilman Pierre voted against the motion. **(Motion carried 5-2).**

4. DISCUSSIONS

4.1 City Clerk Contract

City Attorney Siegel explained that the City Clerk had requested that her contract discussion for this evening be deferred and that the proper legal way to do that was to have a vote before the Council. She read into the record an email sent by City Clerk Owens received at 5:23 p.m. on September 20th. She added that the poll taken was not the proper procedure.

Motion made by Councilman Derose, seconded by Councilwoman Smith, to defer consideration of the City Clerk Contract. Councilwoman Smith, Councilman Julien, Councilman Derose, Councilman Pierre and Mayor Rosner all voted for the motion, while Vice Mayor Spiegel and Councilwoman Kramer voted against the motion. **(Motion carried 5-2).**

Motion made by Councilman Derose, seconded by Councilwoman Smith, to set a special meeting on September 28th at 6:15 p.m. to review the City Clerk Contract. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

Announcements

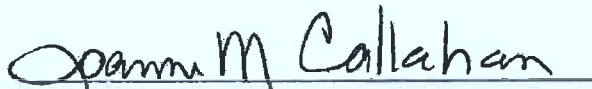
Mayor Rosner announced the following: Miami-Dade Commissioner Sally A. Heyman and Sunny Isles Beach Commissioner Roz Brezin, were hosting a Flu Clinic at the Sunny Isles Beach Government Center, on Friday, October 8th from 9 am to 1:30 pm. For more information, please call (305) 787-5999.

5. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:50 p.m. on a motion made by Councilwoman Smith and seconded by Councilwoman Pierre. By consensus, all voted in favor. (Motion carried 7-0).

ATTEST:

(SEAL)


Joanne M. Callahan
Interim City Clerk