



CITY OF NORTH MIAMI BEACH
City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, July 19, 2011
7:30 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. INVOCATION** - Rabbi David Lehrfield, Young Israel of Greater Miami
- 3. PLEDGE OF ALLEGIANCE**
- 4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
- 5. PRESENTATIONS /DISCUSSIONS** - *None*
- 6. APPOINTMENTS** - *None*
- 7. CONSENT AGENDA** - *None*
- 8. CITY MANAGER'S REPORT**
 - 8.1 Comprehensive Annual Financial Report (CAFR) Auditors' Report**
- 9. CITY ATTORNEY'S REPORT**
 - 9.1 Litigation List**
 - 9.2 Settlement of Ruggiero-Raimondi Case #1:10-CV-21263-JORDAN**
 - 9.3 Review of City Attorney Contract (Cont'd)**
- 10. MAYOR'S DISCUSSION**
- 11. PUBLIC COMMENT**

To All Citizens Appearing Under Public Comment

The Council has a rule which does not allow discussion on any matter which is brought up under Public

Comment. We are, however, very happy to listen to you. The reason for this is that the Council must have Staff input and prior knowledge as to the facts and figures, so that they can intelligently discuss a matter. The Council may wish to ask questions regarding this matter, but will not be required to do so. At the next or subsequent Council meeting you may have one of the Councilpersons introduce your matter as his or her recommendation. We wish to thank you for taking the time to bring this matter to our attention. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

Speaking Before the City Council

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If you have a matter you would like to discuss which requires more than three (3) minutes, please feel free to arrange a meeting with the appropriate administrative or elected official. In the Council Chambers, citizen participants are asked to come forward to the podium, give your name and address, and the name and address of the organization you are representing, if any. If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

Pledge of Civility

A resolution was adopted by the Mayor and City Council of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution No. R2007-57, 11/06/07)

12. MISCELLANEOUS ITEMS - None

13. WAIVER OF FEE - None

14. BUSINESS TAX RECEIPTS

14.1 SMG Entertainment, Inc. DBA Queen of Diamonds Gentlemen's Club

17450 Biscayne Boulevard, North Miami Beach, FL

15. LEGISLATION

15.1 Resolution No. R2011-38A

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A CITY POLICY REGARDING THE METHOD AND POSITION OF THE COUNCIL'S SEATING ON THE DAIS.

15.2 Resolution No. R2011-38B

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A CITY POLICY REGARDING THE METHOD AND POSITION OF THE COUNCIL'S SEATING ON THE DAIS.

15.3 Resolution No. R2011-38C

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A CITY POLICY REGARDING THE METHOD AND POSITION OF THE COUNCIL'S SEATING ON THE DAIS.

15.4 Ordinance 2011-8 (Second and Final Reading)

AN ORDINANCE AMENDING THE POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING FOR COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; AMENDING ARTICLE VII, BENEFITS NOT ASSIGNABLE; AMENDING ARTICLE I, TERMINATION OF PLAN; AMENDING ARTICLE IV, ADMINISTRATION OF FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

16. CITY COUNCIL REPORTS

17. NEXT REGULAR CITY COUNCIL MEETING - Tuesday, August 2, 2011

18. 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: Darcee S. Siegel, City Attorney

DATE: Tuesday, July 19, 2011

RE: Litigation List

BACKGROUND: As of July 19, 2011.

RECOMMENDATION: N/A

FISCAL IMPACT: N/A

CONTACT PERSON(S): Darcee S. Siegel, City Attorney

ATTACHMENTS:

[Litigation List](#)

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: July 19, 2011

LITIGATION LIST

I. Civil Rights: (3)

Joseph, Johnny v. CNMB and City of Aventura
Civil Rights Violation/False Arrest

Madura, Maryla v. CNMB, Antonio Marciante and Tony Sanchez, individually
Civil Rights Violation/False Arrest **PARTIAL SUMMARY JUDGMENT/
PARTIAL DISMISSAL/JURY VERDICT/
POST TRIAL MOTIONS PENDING**

Ruggerio v. CNMB
Civil Rights Violation/False Arrest

II. Personal Injury: (7)

Garcia, Ramona v. CNMB
Personal Injury

Jones, Zettie & Earnest v. CNMB, et al
Slip & Fall/Personal Injury

King, Ernst v. CNMB
Negligence/Excessive Force

Rathjens, Margaret v. CNMB
Slip & Fall/Personal Injury

Ruiz, Adriel v. CNMB
Personal Injury

Taustein v. CNMB
Personal Injury

Thomas v. CNMB
Personal Injury

III. Other Litigation: (14)

American Pinnacle v. Susan Owens
Writ of Mandamus/Public Records

CACV of Colorado v. Lubin and CNMB
Writ of Garnishment

Citifinancial Services, Inc. v. Gordo and CNMB
Writ of Garnishment

Eastern Financial Florida Credit Union v. Flores and CNMB
Writ of Garnishment

Grouper Partners, Inc. v. Miami-Dade County and CNMB
Water/Sewer Fees

Leme v. CNMB and American Traffic Solutions, LLC
Ordinance No. 2007-13 "Dangerous Intersection Safety Act"
Class Action for Civil Damages

Richard/Green v. CNMB
Property Damage

NCO Portfolio Management, Inc. v. Rojas and CNMB
Writ of Garnishment

Seay Towing v. CNMB
State Case-Emergency Motion for Temporary Injunction

Seay Towing v CNMB
Federal Case-1983 Civil Rights Violation and Injunctive Relief

State of Florida Department of Transportation v. McDonald's Restaurants
Eminent Domain

State of Florida Department of Transportation v. Michael A. Raulf, et al.
Eminent Domain

Thomas v. CNMB
Writ of Garnishment

Weinberg, Bill v. CNMB
Water Fees

IV. Forfeitures: (13)

CNMB v. Bryant/Giraldo/Reed/Reed
Forfeiture

DEFAULT ENTERED

CNMB v. Camejo/Chao
Forfeiture

DEFAULT ENTERED

CNMB v. Castillo
Forfeiture

* CNMB v. Celestin
Forfeiture

CNMB v. Cesar/Pearson
Forfeiture

CNMB v. Desir
Forfeiture

CNMB v. Goodman
Forfeiture

CNMB v. Guerby
Forfeiture

CNMB v. Hurtado
Forfeiture

APPEAL - CITY PREVAILED

CNMB v. Prophete
Forfeiture

CNMB v. Rodriguez Norat
Forfeiture

CNMB v. Zelka/Ramaj/Ospina
Forfeiture

\$770,100.00 in US Currency
Forfeiture

V. Mortgage Foreclosures: (177)

Aegis Mortgage Corp v. CNMB (Galina Pikh, et al.)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Garcia, et al.)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (George)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Gomez, et al)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Hernandez)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Martinez, et al)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Perez, et al.)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Rodriguez, et al)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Rodriguez, M., et al.)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Alberto, et al.)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Bonet, et al.)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Berger, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Hernandez, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Jacobi et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Martinez, G. et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Morales, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Nakash, et al)
Mortgage Foreclosure

BAC Home Loans. CNMB (Piedrahita, L. et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Prado, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Sigler)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Temirao, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Torain, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Torres, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Zephir, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Alvarez, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Coffey, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Dempster, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Escalante, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Failer, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Failer, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Fortun, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Gonzalez, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Hernandez, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Miller, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Pasmanter, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Peck, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Burkhead, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Conley/Williams)
Mortgage Foreclosure

Bank of New York v. CNMB (Fiallo, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Jean, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Lauriston et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Le)
Mortgage Foreclosure

Bank of New York v. CNMB (Mellian, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Valdes et al)
Mortgage Foreclosure

Baron, Marylin S., et al v. CNMB (Campbell, et al)
Mortgage Foreclosure

Beachwalk Properties, LLC v. CNMB (Oceanic Development, et al)
Mortgage Foreclosure

Bayview Loan v. CNMB (Thomas)
Mortgage Foreclosure

Beal Bank v. CNMB (Ramos, et al.)
Mortgage Foreclosure

* Antonio Bejarano v. CNMB (Lightsey, et al.)
Mortgage Foreclosure

Biberman v. CNMB (Philadelphia Church of God
Mortgage Foreclosure

California Bank & Trust v. CNMB (Alan Loren Holdings, et al.)
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Bolufer, et al)
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Cohen, et al)
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (De La Morena, et al)
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Marc, et al)
Mortgage Foreclosure

Chase Home Finance, LLC v. CNMB (Panunzio, et al)
Mortgage Foreclosure

Chase Home Finance, LLC. V. CNMB (Rene et al)
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Santiago et al)
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Anglade, et al)
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Austin, et al)
Mortgage Foreclosure

Citimortgage v. CNMB (Guzman, et al.)
Mortgage Foreclosure

Citifinancial Equity Services, Inc. v. CNMB (Morales)
Mortgage Foreclosure

Citimortgage v. CNMB(Anchava)
Mortgage Foreclosure

Citimortgage v. CNMB (Bilgoray)
Mortgage Foreclosure

Citimortgage v. CNMB (Garcia)
Mortgage Foreclosure

Citimortgage v. CNMB (La Fond, et al.)
Mortgage Foreclosure

Citimortgage v. CNMB (Pena et al)
Mortgage Foreclosure

Citimortgage v. CNMB (Rivaroli, et al)
Mortgage Foreclosure

Cong Vo v. CNMB (Perroti, Miranda)
Action to Quiet Title

Consumers Alliance Corp. v. CNMB (Haronda Realty)
Action to Quiet Title

Countrywide Home Loans, Inc. v. CNMB (Gilles)
Mortgage Foreclosure

Countrywide Home Loans, Inc. v. CNMB (Joseph, et al.)
Mortgage Foreclosure

Countrywide Home Loans v. CNMB (Schmidt, et al)
Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas)
Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas, et al)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Castaneda)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Daniels)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Evans, et al)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Jonace, et al.)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Lindor, et al.)
Mortgage Foreclosure

Deutsche Bank Trust v. CNMB (Marks-Williams)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Martinez, et al.)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (McCullough)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Nascimento)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Perez/Llarena)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Phillips)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Rodriguez)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Sanchez)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Suhag, et al)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Voltaire, et al)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Watkins, et al)
Mortgage Foreclosure

* Doured, LLC v. CNMB (Steele, et al)
Quiet Title

DYC, LLC v. CNMB (Macala, LLC, et al)
Mortgage Foreclosure

Eastern Shores White House Association v. CNMB (Donoso)
Mortgage Foreclosure

Eastern Shores White House Association v. CNMB (Grimany)
Mortgage Foreclosure

Emmer, Bradford, Trustee v. CNMB (Weston, et al.)
Mortgage Foreclosure

Fanny Mae v. CNMB (Van Wyk, et al.)
Mortgage Foreclosure

Flagstar Bank v. CNMB (Celiny, et al.)
Mortgage Foreclosure

Flagstar Bank v. CNMB (Pena)
Mortgage Foreclosure

Fiserv ISS & Co., vs. CNMB (Estime)
Mortgage Foreclosure

Global Trust v. CNMB (Roth)
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Calix)
Mortgage Foreclosure

Golden Beach (Town of) v. CNMB (Goodman, et al)
Mortgage Foreclosure

Green Tree Servicing, LLC v. CNMB (Jesurum, et al)
Mortgage Foreclosure

HSBC Bank v. CNMB (Bull)
Mortgage Foreclosure

HSBC Bank v. CNMB (Miller, et al.)
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Mora)
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Seepersad)
Mortgage Foreclosure

HSBC Bank v. CNMB (Vidal, et al)
Mortgage Foreclosure

HSBC Bank v. CNMB (Ward, et al)
Mortgage Foreclosure

Indymac Federal Bank v. CNMB (Hamami, et al)
Mortgage Foreclosure

Indymac Federal Bank v. CNMB (Hernandez, et al)
Mortgage Foreclosure

JP Morgan v. CNMB (Caceres, et al)
Mortgage Foreclosure

JP Morgan v. CNMB (Carlos)
Mortgage Foreclosure

JP Morgan v. CNMB (Garcia, Ramon et al)
Mortgage Foreclosure

JP Morgan v. CNMB (Garcia)
Mortgage Foreclosure

JP Morgan v. CNMB (Lopez, et al)
Mortgage Foreclosure

JP Morgan v. CNMB (Monsalve, et al.)
Mortgage Foreclosure

JP Morgan v. CNMB (Perez, et al)
Mortgage Foreclosure

Juelle, Perla v. CNMB (Rodriguez, et al.)
Mortgage Foreclosure

Lago Mar Ventures v. CNMB (Oliver)
Mortgage Foreclosure

Metro Bank v. CNMB (Macala, LLC)
Mortgage Foreclosure

Miami-Dade County v. CNMB (Morrobel)
Mortgage Foreclosure

Mortgage Investment Group v. CNMB (Deliford, et al)
Mortgage Foreclosure

Nationstar Mortgage, LLC v. CNMB (Gonzalez et al)
Mortgage Foreclosure

OneWest Bank v. CNMB (Gutierrez)
Mortgage Foreclosure

OneWest Bank v. CNMB (Lopez)
Mortgage Foreclosure

OneWest Bank v. CNMB (McCullough)
Mortgage Foreclosure

OneWest Bank v. CNMB (Rodriguez, et al)
Mortgage Foreclosure

OneWest Bank v. CNMB (Rodriguez, A. et al)
Mortgage Foreclosure

OneWest Bank v. CNMB (Ward, et al.)
Mortgage Foreclosure

OneWest Bank v. CNMB (Wright, et al)
Mortgage Foreclosure

Owen Federal Bank v. CNMB (Bain)

Mortgage Foreclosure

PHH Mortgage v. CNMB (Martinez, et al)

Mortgage Foreclosure

PNC Mortgage v. CNMB (Ordonez/Child, et al.)

Mortgage Foreclosure

RMS Residential v. CNMB (Heredia)

Mortgage Foreclosure

Sun American Bank v. CNMB (Lehman Family Holdings, et al.)

Mortgage Foreclosure

SunTrust Mortgage v. CNMB (Garcia, et al.)

Mortgage Foreclosure

SunTrust Mortgage v. CNMB (Solomon, et al.)

Mortgage Foreclosure

Terrabank, N.A. v. CNMB (1985 NE 168th Street LLC, et al.)

Mortgage Foreclosure

Three Seasons Association v. CNMB (Cleary, et al.)

Mortgage Foreclosure

Transatlantic Bank v. CNMB (and/or Expressway Corp., et al.)

Mortgage Foreclosure

Transouth Mortgage Corp v. CNMB (Mozell)

Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, et al)

Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, J., et al.)

Mortgage Foreclosure

U.S. Bank NA v. CNMB (Jean-Louis)

Mortgage Foreclosure

U.S. Bank NA v. CNMB (Joseph, et al.)

Mortgage Foreclosure

U.S. Bank NA v. CNMB (Marin)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Martinez)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Mendez)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Miller, et al)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Otero)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Robinson, et al)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rodriguez, et al)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rodriguez, Maria A., et al).
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rosenberg)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Serrano, et al)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Suarez, et al.)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Torres, et al.)
Mortgage Foreclosure

Venice Isle, Inc. v. CNMB (Suhag)
Claim of Lien Foreclosure

Vericrest Financial, Inc. v. CNMB (Palmer/ Webb Estate)
Mortgage Foreclosure

Wachovia Bank v. CNMB (Martinez)
Mortgage Foreclosure

Wachovia Bank v. CNMB (Rodriguez, D)
Mortgage Foreclosure

Washington Mutual Bank, F.A. v. CNMB, Sandra T. Porter, et al
Mortgage Foreclosure

Wells Fargo Bank N.A. v. CNMB (Amador)
Mortgage Foreclosure

Wells Fargo Bank N.A. v. CNMB (Clozeille)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Campos)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Fil-Aimee)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Frye)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Garcia)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Gonzalez)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Hernandez, et al
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Lopez, et al)
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Mendez, et al)
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Parish, et al.)
Mortgage Foreclosure

Wells Fargo v. CNMB (Roberts)
Mortgage Foreclosure

Wells Fargo v. CNMB (Robinson, et al.)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (16700-01, LLC)
Mortgage Foreclosure

Woodside Apartments Assoc. v. CNMB (Mizrahi)
Mortgage Foreclosure

VI. Bankruptcies:

Adams, Evrol C.
Adeleke, Mary M.
American LaFrance LLC
American Home Mortgage Holdings
Barros, Carlos D (Fogovivo North Miami)
Blockbuster
Cadet, Jean Lesly
Carcamo, Ana Maritza
Carl's Furniture, Inc.
Cimax USA, LLC
Curbelo, Federico
Doret, Guy
Doret, Guy
Filene's Basement, Inc.
Fils-Aime, Marie
Innovida Group
Jennifer Convertibles
Kaplun, Raul E.
Kazi Foods of Florida, Inc.
Kidd, Keisha
Kim, Myung Ja
K&S Foods LLC
Lauriston, Charles
Martins, Debra
Nailite International
Nieves, Richana
Pettaway, Cristal
Phelan, Michael
(The) New Kosher World Bakery
Ravazzani, Robert
Rife, Joseph Alan
Rodriguez, Carlos
Rodriguez, Jorge A.
Russel Harold

SMG Entertainment
South Pointe Family and Children Center
Stanimirovic, Dragoljub
Tweeter Intellectual Property (Sound Advice)
Vartec Telecom, Inc.
Verestar, Inc.
Vitro America
WCI Communities, Inc.

***New Cases**



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 19, 2011

RE: SMG Entertainment, Inc. DBA Queen of Diamonds Gentlemen's Club

BACKGROUND: On August 11, 2010, SMG Entertainment, Inc. d/b/a Queen of Diamond's Gentlemen's Club applied for a Business Tax Receipt (BTR) for a 4 am to 6 am Extension of Hours for a nightclub.

RECOMMENDATION: Approval.

FISCAL IMPACT: None.

CONTACT PERSON(S): Shari Kamali, Director of Public Services
Chris Heid, City Planner

ATTACHMENTS:

- ▣ [BTR Application and Police Background Check](#)

City of North Miami Beach Police Department

Inter-Office Memorandum

To: Shari Kamali
Public Services Director

Date: 5/24/11

From: Rafael P. Hernandez Jr.
Chief of Police

Subject: SMG Entertainment Inc.
dba Queen of Diamond

Per your Memorandum dated 05/17/2011, requesting an investigation into the listed business of SMG Entertainment Inc. d/b/a Queen of Diamond's Gentlemen's Club 17450 Biscayne Blvd. The following was learned:

Using the SUNBIZ Florida Documents Program, corporate listings revealed that SMG Entertainment Inc. is listed as an "Active" Corporation (FEIN P04000033830).

A request for background history was made with Florida Department of Law Enforcement for those person's listed on the occupational license application addendum. Those persons listed have no current criminal history in the State of Florida.

As per your request, a call for service history was conducted for the time frame of 08/11/2010 through 05/24/2011; there were twenty-one (21) calls for service during that time frame. A call for service history was also broken down showing solely on the address of dispatch. There were (11) investigations, (3) assault and batteries, and (7) disturbance. Fifteen (15) of the listed calls were after 0400 hrs.

Note: The establishment has a sign which list the business name as; "Encore".

11 MAY 32 AM 8 11
CITY OF NORTH MIAMI BEACH

SMG Entertainment, Inc.

d.b.a. Queen of Diamond's Gentlemen's Club

08/11/2010 through 05/24/2011

Disturbance: (7)

- 1. 12/17/2010 @ 0603 hrs**
- 2. 01/30/2011 @ 0530 hrs**
- 3. 02/18/2011 @ 0439 hrs**
- 4. 02/18/2011 @ 0151 hrs**
- 5. 03/13/2011 @ 0549 hrs**
- 6. 04/03/2011 @ 0650 hrs**
- 7. 05/15/2011 @ 0531 hrs**

Assault & Battery (3)

- 1. 02/27/2011 @ 0427 hrs (2011-0227-05)**
- 2. 03/27/2011 @ 0407 hrs (2011-0327-03)**
- 3. 05/08/2011 @ 2347 hrs (2011-0509-01)**

Investigations (11)

- 1. 08/19/2010 @ 0239 hrs (2010-0819-07) hit/run**
- 2. 10/24/2010 @ 0506 hrs (2010-1024-06) burglary to a vehicle**
- 3. 12/12/2010 @ 0543 hrs (2010-1212-02) domestic disturbance**
- 4. 05/21/2011 @ 0418 hrs (2011-0521-03) drug arrest**
- 5. 04/17/2011 @ 0553 hrs (2011-0417-05) firearm violation arrest**
- 6. 02/25/2011 @ 0451 hrs (2011-0225-10) fraud**
- 7. 01/19/2011 @ 0637 hrs (2011-0119-03) armed robbery**
- 8. 09/17/2010 @ 0344 hrs (2010-0917-01) misdemeanor arrest**
- 9. 03/23/2011 @ 0127 hrs stand-by**
- 10. 11/11/2010 @ 0500 hrs lost/stolen cell phone**
- 11. 12/01/2010 @ 0215 hrs (2010-1201-17) burglary to a vehicle**

11 MAY 32 AM 8 11
RECEIVED
CITY OF LOS ANGELES
POLICE DEPARTMENT
COMMUNICATIONS SECTION



Business Tax Receipt Application

Form 513

Please make sure to fill out the application completely and legibly, and that you submit all required documentation to prevent any delays or denial of your application. If a question does not apply, please write N/A for that item. Payment of fees due upon application does not constitute approval. If you open your business prior to receiving your Business Tax Receipt, the City may charge additional penalty fees, place a lien on this property, or shutdown your business.

New Business

Transfer of Location From: _____

Transfer of Ownership From: _____

PENDING APPROVAL

Date Applied: 8/11/10	Date Opening: When APPROVED BY CITY	Hours & Days of Operation: 4AM - 6AM
Trade/DBA Name: QUEEN OF DIAMONDS GENTLEMEN'S CLUB	Corporate Name: SMG ENTERTAINMENT, INC	Mailing Address: SAME
Business Address: 17450 BESLAYNE BLVD NMB, FL 33160	Business Phone: 305 945-6030	Alternate Phone: 305 586-1634
Business Fax:	E-mail: BGENMAG@AOL.COM	Website:

Name, Title and Home Address of All Persons Associated With the Business: (If additional space is needed, please attach.)

1. LEONARD J. MOORE 10018 LAUREL ROAD, DAVIS FL 33328
2. PRESIDENT
3. _____
4. _____

Complete Information Below, if applicable

Fictitious Name Registration (Please submit a copy of your registration with the application.) **OR** check the appropriate box below. This certifies that the above-named business is exempt from registering for a fictitious name for the following reason: (check one)

- It is a registered legal entity with the State of Florida.
 I am licensed by the Department of Business & Professional Regulation or the Department of Health.
 It is operated under the legal name(s) of the owner(s).

*Federal Tax Id #: 200746615 OR *Social Security #: _____ [*Required by F.S. 205.0535(5)]

Incorporation Reg #: P04000033830 Driver's License #: M600-530-61-0040

State Certificate #: _____ (Please submit a copy with the application) Square Footage of Space: 51,900

1. Previous Business Use of Property: ADULT / NIGHT CLUB. Previous Business's Name: ENCORE GENTLEMEN'S CLUB
2. Is this a minority owned business? (optional) Yes No
3. Are you interested in receiving information from the City regarding economic development opportunities, programs or grants? Yes No

Property Owner/Landlord Name: (if different from business owner)	Trade/DBA Name:
Mailing Address:	Business Phone:

Nature of Business: Please provide a detailed description of what products will be sold and what services will be rendered.

EXTENSION OF HOURS FROM 4AM - 6AM

1. Are you sharing space with another business? Yes No - If YES, Business Name: _____
(Please submit a letter from this Business verifying same.)
2. Will you be serving alcohol on the premises? Yes No - If YES, do you have a 2COP 4COPSRX 4COP
3. Are you requesting an extension of hours? Yes No - If YES, select: 2:00 am - 4:00 am 4:00 am - 6:00 am
4. Is this business going to have retail or wholesale? Yes No - If YES, provide the Cost of Inventory: \$ _____
5. Is this a home-based business? Yes No - If YES, indicate your vehicle: Make: _____ Model: _____ Year: _____
6. Are you designated by the IRS as a 501(c)3? Yes No - If YES, please submit documentation of status.
7. Are you claiming any exemptions per F.S. Chapter 205? Yes No - If YES, please submit documentation of status.

I, Leonard J. Murrie as authorized agent for the above-referenced business do hereby certify that:

1. I have read, understand and will comply with all applicable ordinances of the City of North Miami Beach as it may relate directly to the nature of this business.
2. I will not open a business prior to paying for and receiving my City Business Tax Receipt and my Miami-Dade County Business Tax Receipt (if applicable).
3. I understand that any false or misleading information or failure to comply with the Code of Ordinances of the City of North Miami Beach at anytime could result in the shutdown of my business, a lien being placed on the property, revocation of my City Business Tax Receipt, and additional fines, penalties, and cost collection fees.
4. I acknowledge that my Business Tax Receipt expires on September 30th of each year and that I am responsible for annually submitting all required documents and applicable fees prior to that date or I will be responsible for ALL additional fines, penalties, and cost collection fees provided for by the Code of the City of North Miami Beach and ALL applicable Florida Statutes.
5. I will immediately notify the City, in writing, if this business has any change(s) of ownership, location, contact information, nature of business and/or when this business ceases operations.

X Leonard J. Murrie Signature of Authorized Agent Date: 8/11/10
LEONARD J. MURRIE Print Name Title: PRES

Fees & Payment Information (For City Clerk's Office Use Only)					
Class Code: <u>4102</u>	<u>\$3,000⁰⁰</u>	Application Fee	<u>25⁰⁰</u>	Total Due	<u>3,025.00</u>
Class Code:	<u>6 months</u>	Certificate of Zoning Use Fee		Payment Type:	<u>PAID</u>
Class Code:		Building Inspection Fee		<u>check 1016</u>	Account #: <u>792624</u>
Class Code:		Penalties/Late Fees			CZU: _____
Class Code:		Transfer Fee		Received By: <u>jm</u>	CRA: _____ Zone: _____
					Date Routed: <u>8/11/10</u>

Administrative Approvals (For Review Departments Use Only)			
Department	Approved/Denied	Date	Conditions



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: Darcee S. Siegel, City Attorney
DATE: Tuesday, July 19, 2011

RE: Resolution No. R2011-38A

BACKGROUND: Three (3) proposed resolutions creating a written policy of the Mayor and City Council designating the manner and method of seat assignments on the dais:

Option A: Designates location of Councilmembers' seating on the dais by Campaign Seat Number with Seat 2 sitting at the Mayor's far right and Seat 7 sitting at the Mayor's far left.

Option B: Designates location of Councilmembers' seating by seniority.

Option C: Designates location of Councilmembers' seating at Mayor's sole discretion.

RECOMMENDATION: N/A
FISCAL IMPACT: N/A
CONTACT PERSON(S): Phyllis S. Smith, Councilwoman
Darcee S. Siegel, City Attorney

ATTACHMENTS:

▣ [Resolution No. R2011-38A](#)

RESOLUTION NO. R2011-38A

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
ESTABLISHING A CITY POLICY REGARDING THE
METHOD AND POSITION OF THE COUNCIL'S SEATING
ON THE DAIS.**

WHEREAS, currently, no written City policy exists on the seating of the Council on the dais nor is this addressed in our City Charter; and

WHEREAS, questions and concerns have been raised and voiced regarding the manner of selecting seating assignments on the dais; and

WHEREAS, a written policy on this issue is needed to guide current and future Mayors and Councilmembers; and

WHEREAS, the City Charter of the City of North Miami Beach specifies many duties of the Mayor: presiding over meetings of the Council, being the titular head of the City government, and representing the City in any function requiring that the City be represented; however, there is no direction regarding council seating; and

WHEREAS, the dais is for conducting City business and the seating arrangements ought to be a designation of the City reflective of the seat number of each Councilmember running for that seat number without prejudice; and

WHEREAS, the Mayor and City Council believe that in order to have continuity and clear direction, further clarification and a written policy are needed to delineate the manner and seating location of each Councilmember on the dais.

RESOLUTION R2011-38A

NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby establish a written policy that seating assignments on the dais shall correspond to a Councilmember's seat number as designated in his or her campaign. The Mayor, who is Seat number one (1), shall sit in the middle of the dais while presiding over all meetings. The Councilmember representing Seat number two (2) shall sit to the far right of the Mayor. Seat number three (3) shall sit next to Seat number two (2) and Seat number four (4) shall sit next to Seat number three (3) and to the immediate right of (next to) the Mayor. Seat number five (5) shall sit next to the Mayor on his or her immediate left. Seat number six (6) shall sit to the immediate left of (next to) Seat number five (5). Seat number seven (7) shall sit to the immediate left of Seat number six (6) and to the far left of the Mayor.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ day of _____, 2011.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Councilwoman Phyllis S. Smith
Mayor and Council

RESOLUTION R2011-38A



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: Darcee S. Siegel, City Attorney
DATE: Tuesday, July 19, 2011

RE: Resolution No. R2011-38B

BACKGROUND: Three (3) proposed resolutions creating a written policy of the Mayor and City Council designating the manner and method of seat assignments on the dais:

Option A: Designates location of Councilmembers' seating on the dais by Campaign Seat Number with Seat 2 sitting at the Mayor's far right and Seat 7 sitting at the Mayor's far left.

Option B: Designates location of Councilmembers' seating by seniority.

Option C: Designates location of Councilmembers' seating at Mayor's sole discretion.

RECOMMENDATION: N/A

FISCAL IMPACT: N/A

CONTACT PERSON(S): Frantz Pierre, Councilman
Darcee S. Siegel, City Attorney

ATTACHMENTS:

□ [Resolution No. R2011-38B](#)

RESOLUTION NO. R2011-38B

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
ESTABLISHING A CITY POLICY REGARDING THE
METHOD AND POSITION OF THE COUNCIL'S SEATING
ON THE DAIS.**

WHEREAS, the City Charter of the City of North Miami Beach enumerates many duties of the Mayor including presiding over meetings of the Council, being the titular head of the City government, and representing the City in any function requiring that the City be represented; and

WHEREAS, questions and concerns have been raised and voiced regarding the manner of selecting seating assignments on the dais; and

WHEREAS, currently, no written City policy exists on this issue; and

WHEREAS, a written policy on this issue is needed to guide current and future Mayors and Councilpersons; and

WHEREAS, the Mayor and City Council believe that in order to have continuity and clear direction, further clarification and a written policy are needed to delineate the manner and seating location of each Councilmember on the dais.

NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby establish a written policy that seating assignments on the dais shall correspond to the seniority of each Councilmember. The Mayor shall sit in the middle of the dais while presiding over all

RESOLUTION R2011-38B

meetings. The seating arrangement on the dais shall be by seniority. The Councilmembers with the most seniority shall sit on either side of the Mayor. If more than two (2) Councilmembers have served the same amount of time, then the two Councilmembers who have received the most votes at the last election shall be deemed to be senior and shall be seated on each side of the Mayor. The Councilmembers with the least seniority shall be seated at the ends of the dais.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ day of _____, 2011.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Councilman Frantz Pierre
Mayor and Council



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: Darcee S. Siegel, City Attorney
DATE: Tuesday, July 19, 2011

RE: Resolution No. R2011-38C

BACKGROUND: Three (3) proposed resolutions creating a written policy of the Mayor and City Council designating the manner and method of seat assignments on the dais:

Option A: Designates location of Councilmembers' seating on the dais by Campaign Seat Number with Seat 2 sitting at the Mayor's far right and Seat 7 sitting at the Mayor's far left.

Option B: Designates location of Councilmembers' seating by seniority.

Option C: Designates location of Councilmembers' seating at Mayor's sole discretion.

RECOMMENDATION: N/A

FISCAL IMPACT: N/A

CONTACT PERSON(S): Marlen Martell, Councilwoman
Darcee S. Siegel, City Attorney

ATTACHMENTS:

▣ [Resolution No. R2011-38C](#)

RESOLUTION NO. R2011-38C

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
ESTABLISHING A CITY POLICY REGARDING THE
METHOD AND POSITION OF THE COUNCIL'S SEATING
ON THE DAIS.**

WHEREAS, the City Charter of the City of North Miami Beach enumerates many duties of the Mayor including presiding over meetings of the Council, being the titular head of the City government, and representing the City in any function requiring that the City be represented; and

WHEREAS, questions and concerns have been raised and voiced regarding the manner of selecting seating assignments on the dais; and

WHEREAS, currently, no written City policy exists on this issue; and

WHEREAS, a written policy on this issue is needed to guide current and future Mayors and Councilmembers; and

WHEREAS, the Mayor and City Council believe that in order to have continuity and clear direction, further clarification and a written policy are needed to delineate the manner and seating location of each Councilmember on the dais.

NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby establish a written policy that the Mayor chooses, at his or her sole discretion, the location of each Councilmember's seat assignment. The Councilmember shall remain in that location on the dais until the Mayor determines otherwise.

RESOLUTION R2011-38C

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ day of _____, 2011.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Councilwoman Marlen Martell
Mayor and Council



City of North Miami Beach
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North Miami Beach, FL 33162
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MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Lyndon L. Bonner, City Manager

DATE: Tuesday, July 19, 2011

RE: Ordinance 2011-8 (Second and Final Reading)

BACKGROUND: This ordinance proposes three (3) amendments to the Police Officers and Firefighters Retirement Plan. Two (2) of the amendments were mandated by the 2009 Florida Legislature with the enactment of Chapter 2009-97, Florida Statutes, in order to maintain eligibility for receipt of state premium tax revenue. There were two (2) other amendments which were optional. Even though they both were approved by the Plan's Board of Trustees and in a ballot by the members, however, the City Council at the July 5, 2011 meeting voted unanimously not to change one (1) of the proposed amendments involving the term of a pension board trustee from a two-year term to a four-year term. The Trustees have requested the amendments as being in the best interests of the participants and beneficiaries as well as improving the administration of the plan.

RECOMMENDATION: That the Mayor and City Council approve the two (2) statutorily mandated amendments in order to maintain eligibility for the receipt of state premium tax revenue. That the Mayor and City Council make a determination on the adoption of the two (2) optional amendments, which similarly to the other amendments have no fiscal impact.

FISCAL IMPACT: None.

CONTACT PERSON(S): Lyndon L. Bonner, City Manager
Darcee S. Siegel, City Attorney

ATTACHMENTS:

- ▣ [Police & Fire Retirement Plan Actuarial Impact Statement](#)
- ▣ [Ordinance 2011-8](#)

**BOLTON
PARTNERS, INC.**

June 23, 2011

Mr. Martin Lebowitz
City of North Miami Beach
17011 NE 19th Ave.
Room #428
North Miami Beach, Florida 33162

*RE: City of North Miami Beach Police and Fire
Retirement Plan*

Dear Marty:

We have reviewed the attached draft Ordinance which was prepared to comply with changes to Chapter 2009-97 of the Law of Florida. The Ordinance does not directly impact any benefits. The Ordinance would have no actuarial impact.

Please let me know if you have any questions.

Sincerely,

BOLTON PARTNERS, INC.



Thomas B. Lowman, FSA

Enc.

ORDINANCE NO. 200__

AN ORDINANCE AMENDING THE POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING FOR COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; AMENDING ARTICLE V, MEMBERSHIP; AMENDING ARTICLE VII, BENEFITS NOT ASSIGNABLE; AMENDING ARTICLE I, TERMINATION OF PLAN; AMENDING ARTICLE IV, ADMINISTRATION OF FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2009 Florida Legislature enacted Chapter 2009-97, Law of Florida, which mandates certain amendments to the City Police Officers and Firefighters' Retirement Plan; and

WHEREAS, recent changes to State statutes require several amendments to the Plan in order to maintain eligibility for receipt of state premium tax revenues; and

WHEREAS, an amendment to the City code is necessary to permit such new obligations and conditions; and

WHEREAS, the police officer participants, in a ballot conducted pursuant to plan provisions, have voted overwhelmingly in favor of the optional provisions incorporated in the proposed plan amendments; and

WHEREAS, the trustees of the City of North Miami Beach Retirement Plan for Police and Firefighters' have requested and approved such an amendment as being in the best interests of the participants and beneficiaries as well as improving the administration of the plan, and

WHEREAS, the City Council has received and reviewed an actuarial impact statement related to this change and attached as such; and

WHEREAS, these amendments have been approved by a majority of the Plan's active participants voting in a referendum,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida:

Section 1. The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article V, Section 5.01, Membership, of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the stricken language:

Membership - There is hereby created a Retirement Committee for the Plan which shall be solely responsible for administering the Plan. Effective January 1, 1990 and thereafter, the Committee shall consist of five members: (a) two of whom, unless otherwise prohibited by law, shall be legal residents of the City who shall be elected officials or original appointment designees. The designees shall have no direct or indirect vested interest in the Plan; (b) two of whom shall be police officers, including participants in the DROP, and/or firefighters as defined in Article II who shall be elected by a majority of the police officers, including DROP participants and firefighters who are members of the Plan. Provided that there are no firefighters available or capable of serving as a member, the remaining board members may elect an individual to serve in the firefighter member position. Upon receipt of such persons' names, the City Council shall, as a ministerial duty, appoint such persons to the committee; and (c) the fifth member shall be chosen by a majority of the previous four members, and such person's name shall be submitted to the City Council. Upon receipt of the fifth person's name, the City Council shall, as a ministerial duty, appoint such person to the committee as its fifth member. The fifth member shall have the same rights as each of the other four members appointed or elected as herein provided and may succeed himself in office. The priority of the four members shall be to choose the fifth member to the Committee. Thereafter, the chosen fifth member will serve concurrent terms with the other four members. Each resident member shall serve as trustee for a period of four (4) ~~two (2)~~ years, unless sooner replaced by the City Council at whose pleasure he or she shall serve, and may succeed himself or herself as a committee member. Each police officer and/or firefighter member shall serve as committee member for a period of four (4) ~~two (2)~~ years, unless he or she sooner leaves the employment of the City as a police officer and/or firefighter, whereupon the City Council shall

choose his or her successor in the same manner as an original appointment. Each police officer and/or firefighter may succeed himself or herself in office. The committee shall meet at least quarterly each year. The committee shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description.

Section 3. Article VII, Section 7.05, Benefits Not Assignable, of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the stricken language.

In General - No benefits, rights or accounts shall exist under the plan which are subject in any manner to voluntary or involuntary anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge; and any attempt to so anticipate, alienate, transfer, assign, pledge, encumber or charge the same shall be void, except a retiree receiving any monthly benefit may authorize the board of trustees to withhold from the monthly benefit those funds necessary to pay for the benefits being received through the City, to pay the certified bargaining agent of the City, and to make any payments for child support or alimony. The Board of Trustees may, upon the written request of the retiree of the pension plan, authorize the plan administrator to withhold from that retiree's benefit payment those funds that the retiree directs to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents. The pension plan, and its Board of Trustees, shall not incur any liability for participation in this permissive program for actions taken in good faith. The actual cost of this program may be deducted from the retiree's benefit payment.

Section 4. Article I, Section 1.06, Termination of Plan, of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the stricken language.

(c) In the event of termination or partial termination of the plan, each participant's accrued pension benefit shall become nonforfeitable (100 percent vested). The board shall determine the date of distribution and the asset value required to fund all nonforfeitable benefits after taking into account the expenses of such distribution. The board shall inform the then current Plan sponsor if additional assets are required in which event the then current Plan sponsor shall continue to financially support the pension plan until all nonforfeitable benefits have been funded. At such time, the funds shall be appropriated and distributed in accordance with the provisions of Section 175 and 185, Florida Statutes.

Section 5. Article IV, Section 4.04, Administration of Funds, of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the stricken language.

(d) The Retirement Committee shall establish a written investment policy, with the advice and counsel of such advisors as the Retirement Committee deems necessary, and said investment policy shall set forth the types of securities and other types of investments into which shall be placed the assets of the fund. The policy shall further set forth appropriate limitations on those investments, including, but not limited to, anticipated rate of return, quality of investment, class of investment and acceptable risk. The Retirement Committee shall identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in Florida Statutes, Section 215.473, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in such company beginning January 1, 2010 and shall thereafter be prohibited from purchasing or holding such securities. The divestiture of any such security must be completed by September 30, 2010. In accordance with Ch. 2009-97, Laws of Florida, no person may bring any civil, criminal, or administrative action against the board or any employee, officer, director, or advisor of such board based upon the divestiture of any security pursuant to this paragraph. The board shall have the authority to invest and reinvest the assets of the plan in such securities or property, real or personal, as the board deems appropriate.

Section 6. If any section, subsection, clause or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. 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.

Section 8. This Ordinance shall take effect upon adoption.

PASSED, FIRST READING, this _____ day of _____, 2011.

PASSED, SECOND READING, this _____ day of _____, 2011.

MAYOR

ATTEST:

City Clerk

I HEREBY CERTIFY that I have approved this
ORDINANCE as to form.

City Attorney

ORDINANCE NO. 2011-8

AN ORDINANCE AMENDING THE POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING FOR COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; AMENDING ARTICLE VII, BENEFITS NOT ASSIGNABLE; AMENDING ARTICLE I, TERMINATION OF PLAN; AMENDING ARTICLE IV, ADMINISTRATION OF FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2009 Florida Legislature enacted Chapter 2009-97, Law of Florida, which mandates certain amendments to the City Police Officers and Firefighters' Retirement Plan; and

WHEREAS, recent changes to State statutes require several amendments to the Plan in order to maintain eligibility for receipt of state premium tax revenues; and

WHEREAS, an amendment to the City code is necessary to permit such new obligations and conditions; and

WHEREAS, the police officer participants, in a ballot conducted pursuant to plan provisions, have voted overwhelmingly in favor of the optional provisions incorporated in the proposed plan amendments; and

WHEREAS, the trustees of the City of North Miami Beach Retirement Plan for Police and Firefighters' have requested and approved such an amendment as being in the best interests of the participants and beneficiaries as well as improving the administration of the plan, and

WHEREAS, the City Council has received and reviewed an actuarial impact statement related to this change and attached as such; and

ORDINANCE NO. 2011-8

WHEREAS, these amendments have been approved by a majority of the Plan's active participants voting in a referendum.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida:

Section 1. The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article VII, Section 7.05, Benefits Not Assignable, of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the stricken language.

In General - No benefits, rights or accounts shall exist under the plan which are subject in any manner to voluntary or involuntary anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge; and any attempt to so anticipate, alienate, transfer, assign, pledge, encumber or charge the same shall be void, except a retiree receiving any monthly benefit may authorize the board of trustees to withhold from the monthly benefit those funds necessary to pay for the benefits being received through the City, to pay the certified bargaining agent of the City, and to make any payments for child support or alimony. The Board of Trustees may, upon the written request of the retiree of the pension plan, authorize the plan administrator to withhold from that retiree's benefit payment those funds that the retiree directs to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents. The pension plan, and its Board of Trustees, shall not incur any liability for participation in this permissive program for actions taken in good faith. The actual cost of this program may be deducted from the retiree's benefit payment.

Section 3. Article I, Section 1.06, Termination of Plan, of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the stricken language.

(c) In the event of termination or partial termination of the plan, each participant's accrued pension benefit shall become nonforfeitable (100 percent vested). The board shall determine the date of distribution and the asset value required to fund all nonforfeitable benefits after taking into account the expenses of such distribution. The board shall inform the then current Plan sponsor if additional assets are required in which event the then current Plan sponsor shall continue to financially support the pension plan until all nonforfeitable benefits have been funded. At such time, the funds shall be appropriated and distributed in accordance with the provisions of Section 175 and 185, Florida Statutes.

Section 4. Article IV, Section 4.04, Administration of Funds, of the Retirement Plan for Police Officers and Firefighters of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the stricken language.

(d) The Retirement Committee shall establish a written investment policy, with the advice and counsel of such advisors as the Retirement Committee deems necessary, and said investment policy shall set forth the types of securities and other types of investments into which shall be placed the assets of the fund. The policy shall further set forth appropriate limitations on those investments, including, but not limited to, anticipated rate of return, quality of investment, class of investment and acceptable risk. The Retirement Committee shall identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in Florida Statutes, Section 215.473, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in such company beginning January 1, 2010 and shall thereafter be prohibited from purchasing or holding such securities. The divestiture of any such security must be completed by September 30, 2010. In accordance with Ch. 2009-97, Laws of Florida, no person may bring any civil, criminal, or administrative action against the board or any employee, officer, director, or advisor of such board based upon the divestiture of any security pursuant to this paragraph. The board shall have the authority to invest and reinvest the assets of the plan in such securities or property, real or personal, as the board deems appropriate.

Section 5. If any section, subsection, clause or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid

provision or application, and to this end the provisions of this Ordinance are declared to be severable. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. 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.

Section 7. This Ordinance shall take effect upon adoption.

APPROVED BY TITLE ONLY on first reading this **5th day of July, 2011.**

APPROVED AND ADOPTED on second reading this ___ day of July, 2011

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored: Mayor & Council

ORDINANCE NO. 2011-8