

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE MIAMI SHORES VILLAGE, FLORIDA, AMENDING CHAPTER 18, PERSONNEL, ARTICLE III, GENERAL EMPLOYEES PENSION PLAN, AMENDING SECTION 18-38, DEFINITIONS; AMENDING SECTION 18-43, MEMBERSHIP; AMENDING SECTION 18-45, CREDITABLE SERVICE; AMENDING SECTION 18-46, SERVICE RETIREMENT ANNUITY; AMENDING SECTION 18-51, VESTING; AMENDING SECTION 18-63, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of Miami Shores Village, Florida (the "Village") finds it periodically necessary to amend its Code of Ordinances (the "Village Code") to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Village has a retirement system that provide for the payment of benefits to its general employee and police retirees; and

WHEREAS, it is necessary to amend the General Employees' Pension Plan to establish new regulations applicable to employees hired on or after October 1, 2024, in order to ensure the sustainability and long-term viability of the pension plan; and

WHEREAS, the Village Council has reviewed the proposed amendments and found it to be in the best interest and welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, AS FOLLOWS¹:

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough for de~~ and double underline.

31 **Section 1. Recitals Adopted.**

That the above stated recitals are hereby
32 adopted and confirmed.

33 **Section 2. Amendment to the Village Code.**

Chapter 18, "Personnel," Article
34 III, "General Employee Pension Plan," Section 18-38 of the Village Code of Ordinances
35 is hereby amended as follows:

36 **Sec. 18-38. – Definitions.**

37
38 *Member* means an active employee included in the membership of the plan,
39 or any former employee who shall have made contributions to the plan and shall not have
40 received a refund, except that no employee hired prior to October 1, 2024 shall be
41 included as a member unless the employee has completed at least one year of continuous
42 service.

44 **Section 3. Amendment to the Village Code.**

Chapter 18, "Personnel," Article
45 III, "General Employee Pension Plan," Section 18-34 of the Village Code of Ordinances
46 is hereby amended as follows:

47 **Sec. 18-43. – Membership.**

48
49 (a) *Eligibility.*

50
51 (1) All employees in service on the effective date of the plan that have one year of
52 service are deemed to be members as of that date.

53
54 (2) Any person who becomes an employee after June 21, 1988 and prior to
55 October 1, 2024, shall, upon completion of one year of continuous service,
56 become a member of the plan as a condition of employment. Contributions
57 shall begin with the first payroll period after the service requirement has been
58 fulfilled, and creditable service shall then begin to accrue.

59
60 (3) Any person who becomes an employee on or after October 1, 2024, shall
61 immediately become a member of the plan as a condition of employment.
62 Contributions shall begin with the first payroll period of employment, and
63 creditable service shall immediately begin to accrue.
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65
66

67 (3) ~~(4)~~ It shall be optional with all village employees who serve at the will of the
68 village council and who became employees prior to October 1, 2024, including
69 but not limited to the village manager, village clerk and village attorney, to be
70 excluded from the plan by filing with the pension board a written request for
71 exclusion prior to completion of one year of service from the employee's initial
72 appointment. Any such employees initially appointed on or after October 1,
73 2024, may be excluded from the plan by filing a written request for exclusion
74 within 30 days from the employee's initial appointment.

75
76 (5) Charter Officers, Executive Management, and Directors, as defined in the
77 Miami Shores Village personnel rules and regulations, hired after October 1,
78 2023 may opt not to participate in the plan provided that the election to opt out
79 of the plan i) shall be in writing and ii) is required to be exercised within 30 days
80 from their employment, or within 30 days of the adoption of this ordinance, if
81 later.

82
83 (6) Notwithstanding anything to the contrary, Charter Officers hired prior to
84 October 1, 2023, shall be permitted to make an irrevocable election to opt out
85 of the plan. In such event a vested Charter Officer shall be entitled to receive
86 their benefit accrued as of the opt-out date at their otherwise early or normal
87 retirement date.

88
89 (b) *Designation of beneficiary.* Each member shall complete a form prescribed by the
90 pension board designating a beneficiary or beneficiaries.

91
92 **Section 4. Amendment to the Village Code.** Chapter 18, "Personnel," Article

93 III, "General Employee Pension Plan," Section 18-45 of the Village Code of Ordinances

94 is hereby amended as follows:

95 **Sec. 18-45. – Creditable service.**

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97 (a) *[Computation of creditable service.]* All service of a member shall count as
98 membership service, except that if any employee ~~becomes an employee prior to~~
99 ~~October 1, 2024 and~~ remains in the service of the village for ~~ten~~ eight years or
100 more, his creditable service shall be computed from his date of employment.

101 ***

102
103 **Section 5. Amendment to the Village Code.** Chapter 18, "Personnel," Article

104
105 III, "General Employee Pension Plan," Section 18-46 of the Village Code of Ordinances

106 is hereby amended as follows:

107 **Sec. 18-46 - Service retirement annuity.**

108 ***

109
110 (b) *Early retirement.*

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112 (1) Early retirement date. Any member may retire on his early retirement date, which shall
113 be the first day of the month coincident with or next following the attainment of age 55
114 and the completion of at least 15 years of creditable service. Early retirement under the
115 plan is retirement from service with the village on or after the member's early retirement
116 date and prior to the member's normal retirement date.

117
118 (2) Early retirement benefit. A member retiring on his early retirement date shall receive
119 either a deferred or an immediate monthly retirement benefit payable in the same form as
120 for normal retirement as follows:

121
122 a. A deferred monthly retirement benefit, which shall commence on what would have been
123 his normal retirement date had he continued employment with the village as an employee
124 and shall be continued on the first day of each month thereafter. The amount of each
125 such deferred monthly retirement benefit shall be determined in the same manner as for
126 retirement on his normal retirement date except that credited service and average final
127 compensation shall be determined as of the member's early retirement date; or

128
129 b. An actuarially reduced monthly retirement benefit, equal to the actuarial value of the
130 member's deferred normal retirement benefit at age 62 determined in subsection a.
131 above, which shall commence on the member's early retirement date and shall be
132 continued on the first day of each month thereafter. The benefit payable shall be as
133 determined in subsection a. above.

134 ***

135
136 **Section 6. Amendment to the Village Code.** Chapter 18, "Personnel," Article

137 III, "General Employee Pension Plan," Section 18-51 of the Village Code of Ordinances
138 is hereby amended as follows:

139 **Sec. 18-51. – Vesting.**

140 ~~(a) Effective October 1, 2024, if~~ a member has ~~ten eight~~ or more years of credited
141 service upon separation from service, then the member shall be entitled to a
142 service retirement annuity, determined in the same manner as for normal or early
143 retirement and based upon the member's credited service, average final
144 compensation, and the benefit accrual rate as of the date of the member's
145 separation from service, commencing on the member's otherwise normal or early
146 retirement date, provided the member does not elect to withdraw his accumulated

contributions and provided further that the member survives to his otherwise normal or early retirement date. If the member does not withdraw his accumulated contributions and does not survive to his otherwise normal or early retirement date, then his designated beneficiary shall be entitled to a benefit as provided for by the plan.

~~(b) For employees separating from service on or after October 1, 2024, the term "otherwise normal retirement date" in subsection (a) above shall mean the date which would have been the member's normal retirement date had the member continued employment with the village as an employee.~~

Section 7. Amendment to the Village Code. Chapter 18, "Personnel," Article

III, "General Employee Pension Plan," Section 18-63 of the Village Code of Ordinances is hereby amended as follows:

Sec. 18-63. – Deferred retirement option plan.

(a) A deferred retirement option plan (DROP) is hereby adopted and shall be administered by the board. Any member who is eligible for normal retirement under the plan may elect to defer receipt of the member's service retirement annuity and to participate in the DROP. Participation in the DROP shall be limited to five eight years. The five-year eight-year participation period shall be measured from the actual retirement of the member.

Section 8. Conflicting Provision. Any provisions of the Code of Ordinances

of Miami Shores Village, Florida, in conflict with the provisions of this Ordinance are hereby repealed, but only to the extent of such conflict.

Section 9. 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 10. Codification.

It is the intention of the Village Council 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 Miami Shores Village, Florida, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section," or other appropriate word.

Section 11. Effective Date.

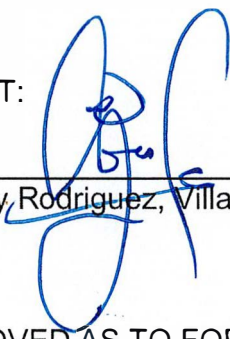
That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this 7 day of January, 2025.




Mayor George Burch

ATTEST:


Ysabely Rodriguez, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.

FINAL VOTES AT ADOPTION

Council Member Neil Cantor	YES
Council Member Jerome Charles	YES
Council Member Sandra Harris	NO
Vice Mayor Jesse Valinsky	YES
Mayor George Burch	NO

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