

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S PENSION ORDINANCE, CREATED BY ORDINANCE NO. 2006-3504, AS AMENDED (THE "MIAMI BEACH EMPLOYEES' RETIREMENT PLAN" OR "PLAN"), BY AMENDING SECTION 5.01(b)(6) THEREOF, FOR THE SOLE PURPOSE OF IMPLEMENTING EMPLOYEE BENEFIT PROVISIONS RELATING TO THE EMPLOYMENT OF THE CITY CLERK, AS APPROVED VIA CITY COMMISSION RESOLUTION NO. 2021-31601, BY PROVIDING FOR A PENSION ACCRUAL FACTOR OF FOUR PERCENT (4%) FOR THE CHARTER POSITION OF CITY CLERK, THE SAME ACCRUAL FACTOR APPLICABLE TO THE CITY MANAGER AND CITY ATTORNEY; AND PROVIDING FOR SEVERABILITY; REPEALER; AND AN EFFECTIVE DATE.

WHEREAS, at its meeting on April 11, 2012, the Mayor and City Commission appointed Rafael E. Granado to the position of City Clerk of the City of Miami Beach effective April 11, 2012; and

WHEREAS, Mr. Granado's engagement is reflected in an Employment Agreement dated April 22, 2015, and unanimously approved by the City Commission pursuant to Resolution No. 2015-28994 (the "Employment Agreement"); and

WHEREAS, the Employment Agreement provides for an annual performance review and evaluation of the City Clerk, at which time the City Commission shall review the annual salary and/or other benefits of the City Clerk, and shall adjust in such amounts and to such extent as the City Commission may determine it is desirable to do so; and

WHEREAS, on July 13, 2016, Mr. Granado's Employment Agreement was further amended pursuant to Resolution No. 2016- 29513; and

WHEREAS, on July 26, 2017, Mr. Granado's Employment Agreement was further amended pursuant to Resolution No. 2017-29960; and

WHEREAS, on July 17, 2018, Mr. Granado's Employment Agreement was further amended pursuant to Resolution No. 2018- 30384; and

WHEREAS, on September 11, 2019, Mr. Granado's Employment Agreement was further amended pursuant to Resolution No. 2019- 30992; and

WHEREAS, on February 10, 2021, Mr. Granado's Employment Agreement was further amended pursuant to Resolution No. 2021-31601; which amendment provided, in lieu of a merit increase, that the employee pension accrual factor for the City Clerk would be modified from 3% to 4%, to provide the City Clerk with the same employee pension

accrual factor afforded to the City Manager and City Attorney under the Plan, during any employee's period of service in said positions; and

WHEREAS, the change to the pension accrual factor requires an amendment to the implementing ordinance creating the Plan (Ordinance No. 2006-3504, as subsequently amended); and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Section 5.01 (b) 6) of the Miami Beach Employees' Retirement Plan created by Ordinance 2006-3504, as subsequently amended, is hereby amended as follows:

Section 5. Benefits

(b) Normal Retirement Benefit

* * *

6) Notwithstanding the provisions of paragraph (1), above, the normal retirement benefit payable to a Member who has served as an Elected Official, City Manager, ~~or City Attorney,~~ or City Clerk shall be four percent (4%) of final average monthly earnings multiplied by the number of years of creditable service as an Elected Official, City Manager, ~~or City Attorney~~ or City Clerk; and the percentage rate in effect under the Classified System, Unclassified System or this Plan, as applicable, for any other periods of City employment multiplied by the number of years of creditable service in such employment; up to a maximum of eighty percent (80%) of final average monthly earnings. Notwithstanding any other provision of this Plan, in determining the benefit payable under this paragraph (6), earnings as an Elected Official, City Manager, ~~or City Attorney,~~ or City Clerk shall include total W-2 compensation plus any other payments or allowances, up to the limitations set forth in Section 401(a)(17) of the Internal Revenue Code and regulations promulgated thereunder. Notwithstanding any other provision of this Plan, the normal retirement benefit payable to a Member who has served as an Elected Official and is subsequently employed, without a break in service, by the City in another position as a member of this Plan for a period of at least five additional years, shall be equal to the sum of the retirement allowance payable based on the member's creditable service and final average monthly earnings as an Elected Official, plus the retirement allowance payable based on the member's creditable service and final average monthly earnings for the period of employment subsequent to service as an Elected Official, up to a maximum of eighty percent (80%) of final average monthly earnings during employment subsequent to service as an Elected Official. In the event a Member who has served

as an Elected Official and is subsequently employed, without a break in service, by the City in another position as a member of this Plan for a period of less than five additional years, such Member shall not be entitled to a benefit from this Plan for the period of employment subsequent to service as an Elected Official, but shall be entitled to a refund of accumulated employee contributions for such period of service.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2021.

PASSED and ADOPTED this _____ day of _____ 2021.

**DAN GELBER
MAYOR**

DEPUTY CITY CLERK

Underline denotes additions
~~Strikethrough~~ denotes deletions

(sponsored by Mayor Dan Gelber)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney **PAZ**

4-13-21

Date