

**MINUTES OF A JOINT EMPLOYEES' RETIREMENT BOARD  
AND POLICE RETIREMENT BOARD MEETING  
HELD IN THE CONFERENCE ROOM AT CITY HALL ON  
WEDNESDAY, SEPTEMBER 26, 2012 at 1:30 PM**

**I. ROLL CALL: ..... 1:32 PM**

**A. Employees' Retirement Board:**

A meeting was called to order at 1:32 PM.

Those persons present included:

Trustees: Robert Kahant, Chair  
Steve Carr, Vice Chair  
Alexis Copeland  
Pam Triolo (1:34 p.m.)

Others: Ken Harrison, Sugarman & Susskind  
Dixie Martinez, Resource Centers  
Members of Public:

**B. Police Retirement Board:**

A meeting was called to order at 1:32 PM.

Those persons present included:

Trustees: Lt. Todd Baer, Vice Chair  
Karri Casper, Secretary  
Steve Carr  
Pam Triolo (1:34 p.m.)

Others: Ken Harrison, Sugarman & Susskind  
Dixie Martinez, Resource Centers  
Members of Public:

**II. ADDITIONS/ DELETIONS/ REORDERING:**

**A. Employees' Retirement Board:**

No additions, deletions or reordering to the Agenda were made for the Employees' Retirement Board.

**Action:** A motion was made by Mr. Carr and seconded by Ms. Copeland to approve the Agenda as presented.

**Vote:** Voice vote showed: AYES: Unanimous. NAYS: None

**B. Police Retirement Board:**

No additions, deletions or reordering to the Agenda were made for the Police Officers' Retirement Board.

**Action:** A motion was made by Mr. Carr and seconded by Ms. Casper to approve the Agenda as presented.

**Vote:** Voice vote showed: AYES: Unanimous. NAYS: None

### **III. UNFINISHED BUSINESS:**

#### **A. Employees' Retirement Board:**

##### **1. Horne, Sheila – Disability Application**

Ms. Martinez reported that the medical records from her primary doctor as well as from JFK Hospital have been received. She reported that there had been a fee of \$95.25 for the medical records from her primary doctor. She reported that JFK Hospital sent a box with 7024 copies of medical records. In the box was an invoice for \$7,518.18 from a third party copying company. She reported that she had called and spoken to the supervisor to ask who had authorize this and she was told that they had received the request from JFK but they bill the person who made the original request. She was told that the best they could do would be to give a discount and charge \$5,000 instead.

Ms. Martinez reported that since 2005 Ms. Horne has been hospitalized at JFK at least 10 times. She explained that she had reviewed some of her medical records and they all seem to state the same thing, she has a history of hypertension, diabetes, acute kidney injury and chronic kidney disease stage III. She reported that she had spoken to Ms. Horne's friend who is handling her affairs while she is in the hospital and she was told that Ms. Horne was admitted once again into the Hospital. Ms. Martinez reported that Ms. Horne was on paid leave up until March 22, 2012 and has been on medical leave without pay from March 22, 2012 to July 1<sup>st</sup>, at which point the City terminated her position. Ms. Martinez reported that Social Security has granted her a disability retirement. Mr. Harrison reported that the Board has the option of sending Ms. Horne for an independent medical exam or they can accept all the medical information that they have received as well as the Social Security award and grant Ms. Horne her disability request. The Board reviewed the information provided by Ms. Martinez.

**Action:** A motion was made by Mr. Carr and seconded by Ms. Copeland to grant Sheila Horne her disability request based on the fact that Social Security has granted her disability request and due to the fact that the volume of medical records supports her illness and disability.

**Vote:** Voice vote showed: AYES: Unanimous. NAYS: None.

Mr. Carr stated that he believes this is a very special case due to the volume of medical records and wants to make sure for the record that this is not setting any precedents and it does not mean that the Board will grant disability requests without sending participants if needed for an independent medical evaluation.

The Board reviewed the invoice in the amount of \$7,518.18 from Healthport, third party copying company. The Board agreed that the records received are not responsive to their request and that Healthport did not advise them regarding the fees prior to the shipment of such records, nor did they authorize the shipment. The Board agreed that the records should be returned to Healthport and a letter should be sent with a copy of the original letter in which they should highlight the fact that they did not notify us of the fees.

**Action:** A motion was made by Ms. Copeland and seconded by Mr. Carr to authorize the administrator to

return the medical records to Healthport with a letter and a copy of the original letter highlighting the fact that they did not notify us of the fees.

Vote: Voice vote showed: AYES: Unanimous. NAYS: None.

**B. Police Retirement Board:**

**C. Employees' and Police Retirement Boards:**

**1. House Bill 401**

**a. Letter to Legislative Delegation**

Mr. Harrison explained to the Board the background of House Bill 401. He explained that the Board had already taken action on this matter and had instructed the administrator to send information to the members of the Plan. Ms. Martinez reported that the information has already been sent to all participants of the Plan.

Mr. Harrison briefly reviewed the "Letter to Legislative Delegation." He explained that this letter should be jointly signed by the City and the Board asking your legislative delegation to take a look at this new law and to try and urge them to treat these Pension Plans like FRS.

Action: For the Employees' Retirement Board a motion was made by Ms. Copeland and seconded by Ms. Triolo to send the "Letter to Legislative Delegation" regarding House Bill 401 to Mayor Triolo.

Vote: Voice vote showed: AYES: Unanimous. NAYS: None.

Action: For the Police Retirement Board a motion was made by Ms. Casper and seconded by Mr. Carr to send the "Letter to Legislative Delegation" regarding House Bill 401 to Mayor Triolo.

Vote: Voice vote showed: AYES: Unanimous. NAYS: None.

Ms. Martinez should send the letter to the Mayor and copy the City Manager.

Ms. Martinez reported that she is currently working with retired Police Officer Bruce Stroller. She explained that it seems that he elected a joint and survivor option when he retired. Subsequently he got divorced and claims that he changed his joint annuitant to his new spouse. She explained that she has submitted a request to the City for his records as she needs to determine if his benefit was ever recalculated.

**IV. NEW BUSINESS:**

**A. Employees' Retirement Board:**

**1. Benefit Approval (08-22-12):**

Ms. Martinez presented to the General Employees' Pension Board the following benefit applications for approval: Refund of Contributions for James L Stubbs, Ann Marie Wilson, and Cheryl Smith.

Ms. Martinez reported that at the last Pension Board meeting she had been asked to confirm Ms. Cheryl Smith's full time employment with the City of Lake Worth. Ms. Martinez reported that the City of Lake Worth has confirmed Ms. Cheryl Smith full time employment and pension contributions. Ms. Martinez reported that they all had been provided with the "IRS Updates Safe Harbor Rollover Notice" form, which explains the tax implications on rollovers and lump-sum cash distribution requests.

Action: A motion was made by Mr. Carr and seconded by Ms. Copeland to approve the following benefit Applications: Refund of Contributions for James L Stubbs, Ann Marie Wilson, and Cheryl Smith

Vote: Voice vote showed: AYES: Unanimous. NAYS: None.

## **B. Police Retirement Board:**

### **1. Benefit Approval:**

Ms. Martinez presented to the Police Officers' Pension Board the following benefit applications for approval: Application to Exit the D.R.O.P for Ralph Brillinger and John Roberts.

Action: A motion was made by Ms. Casper and seconded by Mr. Carr to approve the following benefit Applications: Application to Exit the D.R.O.P for Ralph Brillinger and John Roberts.

Vote: Voice vote showed: AYES: Unanimous. NAYS: None.

Mr. Carr noted that item IV. A.2. Fiduciary Liability Insurance had been skipped.

## **A. Employees' Retirement Board:**

### **2. Fiduciary Liability Insurance:**

Ms. Martinez reported that the Fiduciary Liability Policy for the General Employees expires October 1, 2012. She reported that the Plan's current Policy is with Chartis and the rate to renew the current policy is \$14,857.00. She reported that this policy has a liability limit of \$1,000,000.00 and a deductible of \$25,000.00. She reported that they had also received the following quotes; State National (Ullico) rate \$8,924.09, liability limit \$1,000,000.00 with a deductible of \$0.00; Hudson's rate \$5,328.79, liability limit \$1,000,000.00 with a deductible of \$0.00. The Board reviewed the information provided by the administrator.

Action: A motion was made by Mr. Carr and seconded by Ms. Triolo to bind fiduciary liability coverage with Hudson.

Vote: Voice vote showed: AYES: Unanimous. NAYS: None

## **B. Police Retirement Board:**

### **2. Possibility of co-mingling Div I and Div II Police Pension Plan:**

Lt. Baer explained why the Pension Board for Division II has been considering the possibility of comingling Division I and Division II Police Pension Plans. The Board briefly discussed how this would work. Lt. Baer explained that it would be a good idea to discuss this matter with Mr. Nash as well. Ms. Martinez reported that Mr. Nash will be attending the next Pension Board meeting. The Board agreed to add this item to the Agenda for further discussion at the next meeting.

**V. CONSENT AGENDA:**

**A. Employees' Retirement Board:**

1. Warrant for Accounts Payable (08-22-12)
2. Warrant for Account Payable (09-26-12)
3. Approval of Minutes: July 25, 2012

**B. Police Retirement Board:**

1. Warrant for Accounts Payable

**C. Employees' and Police Retirement Boards:**

1. Approval of Minutes: August 22, 2012 Regular Meeting

**Action:** For the Employees' Retirement Board a motion was made by Mr. Carr and seconded by Ms. Triolo to approve the consent agenda which included; warrant for accounts payable (08-22-12), warrant for accounts payable (09-26-12), minutes of the July 25, 2012 Regular Meeting and minutes of the August 22, 2012 Regular Meeting.

**Vote:** Voice vote showed: AYES: Unanimous. NAYS: None

**Action:** For the Police Retirement Board a motion was made by Mr. Carr and seconded by Ms. Triolo to approve the consent agenda which included the warrant for accounts payable and minutes of the August 22, 2012 Regular Meeting.

**Vote:** Voice vote showed: AYES: Unanimous. NAYS: None

**D. Board Attorney's Report:**

Mr. Harrison briefly reviewed a memo sent by the Florida League of Cities regarding the Department of Management Services interpretation of extra benefits law that passed in 1999. He explained that this determination was in response to a letter sent by the City of Naples to the Department of Management Services. He further explained that in response to the letter the Department of Management Services sent a letter to the City of Naples, which addresses how the City may use insurance tax revenues for its police pension plan. He briefly reviewed the background of this determination.

Mr. Harrison reported that each Plan is different and that if a Pension Plan has questions as to how this will affect them they may have to send a letter to the Department of Management Services

requesting an explanation but if they do not have any questions then there is nothing that they need to do.

Mr. Kahant asked Mr. Harrison for an update on the Merrill Lynch Settlement. Mr. Harrison reported that they should be receiving the settlement payment soon.

**VI. ADJOURNMENT:**

There being no other business and the next meeting having been previously scheduled for Wednesday, October 24, 2012 at 1:30 PM, the General Employees' and Police Officers' Pension Board adjourned the workshop and meeting at 2:45 p.m.

MINUTES APPROVED: October 24, 2012

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Robert Kahant, Chairman Employees' Retirement Board

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Sgt. Randy Collier, Chairman Police Retirement Board

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Dixie Martinez, Administrator  
Employees' & Police Retirement Boards