



# City of Marco Island Florida

## ***POLICE PENSION BOARD***

### ***SPECIAL MEETING MINUTES***

***OCTOBER 13, 2021***

#### ***Hybrid Meeting***

**1. CALL TO ORDER**

The meeting was called to order at 9:05 AM.

**2. ROLL CALL**

**Trustees Present**

Mark Haueter, Chairman  
Laura Litzan, Secretary  
Gerard Shannon  
Ryan Montgomery, Vice Chair

**Trustees Absent**

Glenn Zirgibel

**Others Present**

Amber McNeill, The Resource Centers, LLC  
Tracy Frazzano, Police Chief

Electronic:

Pedro Herrera, Sugarman & Susskind, P.A.  
Robert Sims

A brief summary of the meeting is as follows:

**3. PUBLIC COMMENT – NONE**

**4. SIMS DISABILITY HEARING**

Mr. Sims elected to move forward with the hearing with only 4 Trustees present. Mr. Herrera reviewed the disability process with the Board including that this is a job specific disability. The Board has three choices, grant the service connected disability, deny the disability, and table the matter. The Board discussed in-line vs not in-line of duty at length. Mr. Herrera explained Mr. Sims' appellate rights should the disability be denied. Due to the Heart & Lung Bill, any condition caused by TB, hypertension, or heart disease shall be presumed to be in-line of duty. The burden would shift to the Board to show why it is not in-line of duty at that point.

There was a recess at 9:29 AM. The meeting resumed at 9:47 AM.

Mr. Sims reviewed his medical records and why he applied for a disability pension. The Board discussed his pre-employment physical at length.

**MOTION TO APPROVE THE IN-SERVICE DISABILITY OF ROBERT SIMS WAS MADE BY MR. MONTGOMERY AND SECONDED BY MR. SHANNON. THE MOTION PASSED UNANIMOUSLY.**

Mr. Sims will provide any worker's compensation settlement and social security disability details so the Plan's actuary can determine if there is an offset. As per Board policy, the Board will periodically check that the member remains disabled.

5. **NEW BUSINESS – NONE**

6. **OLD BUSINESS – NONE**

7. **BOARD MEMBER COMMENTS – NONE**

8. **NEXT MEETING – The Next Regular Meeting is scheduled for November 10<sup>th</sup>, 2021 at 9 AM.**

9. **ADJOURNMENT**

**MOTION TO ADJOURN THE MEETING WAS MADE BY MS. LITZAN AND SECONDED BY MR. SHANNON. THE MOTION PASSED UNANIMOUSLY.**

Respectfully submitted,

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Mark Haueter  
Chairman  
Police Pension Board