



# City of Temple Terrace Fire Department Pension Board

Roger Chewning, Chairman; Gerald Terenzi, Vice-Chairman; Ian Kemp,  
Secretary; Joe Affronti, City Mayor; Kim Leinbach, City Manager

## MINUTES OF THE SPECIAL MEETING HELD April 23, 2012

### 1. CALL TO ORDER

A special meeting of the Board of Trustees of the City of Temple Terrace Fire Department was called to order at 10:04 AM at the City Manager's Conference Room located at 11250 N. 56<sup>th</sup> Street, Temple Terrace, FL 33617.

Mr. Baur took a roll call of the Trustees present. The Board had a quorum for the quarterly meeting. Those persons present included:

#### TRUSTEES

Roger Chewning, Chair  
Ian Kemp, Secretary (10:09)  
Joe Affronti, City Mayor  
Kim Leinbach, City Manager  
Gerald Terenzi, Vice-Chairman

#### OTHERS

Scott Baur, Pension Resource Center  
JC Louissaint, Pension Resource Center  
Diane Reichard, Finance Director

### 2. 2011 ANNUAL REPORT

Chairman Roger Chewning explained to the Board that he place the Annual Report to the Division of Retirement as an Agenda item. Mr. Chewning noted that the administrator agreed to file the Annual Report to the Division for 2011, but the administrator had not filed the report by the March 15 deadline. A substantial amount of correspondence ensued between staff at the City and the plan administrator. Mr. Baur provided an explanation, but he made absolutely clear that his explanation did not in any way constitute an excuse. He initially prepared the report in advance of the February 9, 2012 meeting based on the plan financials prepared by the actuary and incorporated into the 2011 Annual Valuation. This financial statement contained substantial classification differences from the CAFR for the City that he subsequently obtained from the Finance Department. As a result of these differences, Mr. Baur explained that he ultimately started over on the entire report. The completion of the report therefore required more time than he initially anticipated. He noted that the delay to file the report created no adverse impact to the plan or the relationship between the Board of Trustees and the Division of Retirement. The plan should still receive the normal distribution of Chapter 175 premium tax receipts in the first round of checks issued by the state, typically now in August. He apologized to the Trustees for the distraction the matter seemed to create from other issues before the Board.

Mr. Baur further noted that he had requested some details from the actuary on the DROP Accounts for members participating in the DROP. Once he received this additional information, he anticipated filing a clean version of the Annual Report allowing staff at the City sufficient time to review the report prior to filing. Ms. Reichard stated that the City had never previously filed the Annual Report following the March 15 deadline. Mr. Baur also noted that he remained in constant communication with the Division of Retirement throughout the process.

### **3. ATTORNEY RFP COMPARISON AND DISCUSSION:**

Chairman Chewning requested that Mr. Baur review the summary that he prepared of the proposals received in response to the recently completed RFP for legal services. Mr. Baur went over the summary and explained that he submitted the request to all of the attorneys in Florida that he knows deal with multiple public plans across the State. Two of them, Christiansen & Dehner and Cypen & Cypen, chose not to respond because of reported schedule conflicts with the plan's meetings. Mr. Baur reported that he asked the attorneys for an hourly rate and a retainer fee, but many of the attorneys responding preferred not to submit a retainer fee proposal initially. The attorneys not offering a retainer fee proposed first working for the Board for about 6 months until both the Board and the attorney developed some experience together. Mr. Baur also reviewed in detail other considerations in the proposals, including liability insurance, firm size, staffing, and number of public pension clients served by each firm.

Mr. Baur reported that he was also asked to request a fee arrangement or proposal if the Police Board of Trustees decided to make a change to the legal counsel for their board in addition to the Firefighter Board of Trustees. Mr. Baur explained that his firm has no relationship with the Police Board of Trustees, so he communicated with Mike Lowell, Chair for the other Board. Mr. Lowell did not specifically object to the Firefighter Board of Trustees seeking an additional fee proposal, but in deference to the other Board, Mr. Baur made the additional request in the cover to the Request that he sent to firms submitting proposals. Mr. Baur reviewed the savings if both Boards selected the same counsel, which primarily consisted of savings on travel to meetings. Some firms did offer additional savings on proposed fees to work for both Boards as well. For instance, Ron Cohen's firm proposed a \$250 hourly rate and a \$2,200 monthly retainer fee, but his firm would lower the hourly rate to \$225 an hour and a \$3,500 combined retainer fee to work for both Boards. Mr. Baur also explained savings in the retainer fee proposed by Mierzwa and Associates to travel to meetings if the Boards continued to hold meetings on the same day.

Mr. Kemp explained that he had some experience with most of the attorneys listed on the summary list, and he spoke a bit about their background and the specialty for each of the firms submitting proposals. Mr. Kemp stated that they all of the firms submitting proposals included highly qualified attorneys, although he noted some style differences between the different attorneys. Mayor Affronti suggested that the Board should interview several of the firms and Mr. Leinbach stated that the Fire Board should also invite the Chairman of the Police Board to listen to the interviews. Mr. Chewning suggested that the Fire Board should invite both the Police Chair and Secretary to listen to the presentations.

After a lengthy discussion, the Board decided to interview four firms, including James Loper. The Board further discussed the criteria used to evaluate each of the firms; the Trustees emphasized that actual attorney that would attend Board meetings on behalf of each firm. The Board selected for firms to make presentations:

James B. Loper  
Ronald Cohen, P.A.  
Mierzwa & Associates  
Klausner, Kaufman, Jensen & Levinson

After further discussion, the Trustees decided to allot a total of about 30 minutes for each presentation, including time for any questions and answers. The Board requested that the May 10, 2012 Board meeting be extended to accommodate the attorney presentations. Mr. Baur will notify the firms, and he will coordinate any agenda concerns for May 10 with the Chair.

#### **4. ADJOURN**

There being no further business, a motion was made to adjourn the meeting at 11:00 AM.

Respectfully submitted,

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Ian Kemp, Secretary