

WEST PALM BEACH FIREFIGHTERS' PENSION FUND

STATEMENT OF POLICY REGARDING EXPENSES ASSOCIATED WITH PUBLIC RECORDS, CLASS ACTIONS, AND DOMESTIC RELATIONS ORDERS

WHEREAS, the West Palm Beach Firefighters' Pension Fund ("Fund") is a public agency subject to the public records requirements of Florida Statutes §119;

WHEREAS, the Board of Trustees of the Fund ("Trustees") is from time to time presented with public records requests;

WHEREAS, the Florida Statutes contains pricing to compensate the Fund for the time and expense required to respond to such requests;

WHEREAS, the Trustees occasionally become involved in class action litigation which may require review and production of extensive records;

WHEREAS, Members some times divorce requiring records from the Fund;

WHEREAS, these records requests are most usually responded to by the Fund's services providers, in particular the Fund's Administrator;

WHEREAS, the Fund's service providers should be fairly compensated for the time and expense of producing the documents;

WHEREAS, the Trustees desire to adopt a Statement of Policy regarding the expenses associated with public records, class actions, and domestic relations orders;

NOW, THEREFORE, it is hereby resolved that the following Statement of Policy is hereby adopted.

A. Public Records Requests

1. Florida Statutes §119.07(4)(d) provides

If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.

2. The term “extensive” shall be defined as requiring more than 15 minutes to complete or where significant use of information technology is required.

3. Labor charges shall be imposed for any such extensive public records request and shall be charged as follows:

a. Any document review or collection required of the legal counsel to the Board shall be charged at the current rate under the Agreement between legal counsel and the Board.

b. Any document review or collection required by any other service provider of the Fund shall be charged at the current rate under the Agreement between the service provider and the Board for staff time.

c. Costs for copies reproduced shall be charged at \$0.15 per page.

4. The Fund, prior to any research, assembly or compilation of any document request, will require a deposit of 50% of the estimated total charges (costs

included). If the deposit provided exceeds the actual cost of production of the documents requested, a refund of the difference will be provided.

5. The Fund shall make a good faith effort to contact the requestor when the public records request has been completed. The Fund shall hold the requested material for a period not to exceed 90 days. If the requestor has not responded to contact requests regarding the completed documentation at the end of the 90 day period, all documents will be destroyed and the deposit will be retained by the Fund.
6. The Fund will not create a new record in response to a request for information nor reformat records into a particular form as demanded by a requestor.

B. Responses to Requests for Documents in a class action case:

1. Requests for extensive records in the course of a class action case shall be treated like a public records request.
2. The public records request charges shall apply and be added a cost of the litigation and addressed in the retainer agreement.

C. Domestic Relations Orders

1. When initially contacted by a Member regarding a divorce or other matter involving a domestic relations order, the Administrator shall provide the Member with a packet of information at a cost as provided in Exhibit A, which includes:
 - a. Form requesting information for defined benefit calculations.
 - b. Up to three statements each for the DROP and Share Accounts
 - c. Frequently asked questions; and

- d. Cost of various other services which may be requested, such as attendance at deposition, other calculations, etc.
- 2. Upon receipt of the completed form, the form will be used to calculate the valuations. The cost depends upon how many calculations are requested.
- 3. If any other services are requested, the member will be charged fees as set forth in the information packet.

The BOARD OF TRUSTEES has adopted this **STATEMENT OF POLICY REGARDING EXPENSES ASSOCIATED WITH PUBLIC RECORDS, CLASS ACTIONS, AND DOMESTIC RELATIONS ORDERS** this 9th day of June, 2011.

BOARD OF TRUSTEES

Donald M. Miller

Robert M. Shum

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WITNESS: Amy Ren

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