

**THE CITY OF WEST PALM BEACH RESTATED EMPLOYEES'
DEFINED BENEFIT RETIREMENT SYSTEM**

**MINUTES OF MEETING HELD
DECEMBER 14, 2010**

A regular meeting of the Board of Trustees was called to order at 1:38 P.M. by Craig Kahle in the City Hall (5th Floor) Conference Room 5.19, 401 Clematis Street, West Palm Beach, Florida 33401.

Those Trustees present were:

Craig Kahle, Chair
Benny Rodgers, Secretary
Bob Burd, Trustee
Patrick Cooney, Trustee
Randy Sherman, Trustee
Vicki Barnard, Trustee (departed 2:44P)

Also present were:

Audrey Ross, Administrator – Resource Centers
Adam Levinson, Attorney – Klausner & Kaufman, PA
(joined via teleconference)
Claudia McKenna, Attorney – City of West Palm Beach

PUBLIC COMMENTS

N/A

COLA DISCUSSION (WITH ADAM LEVINSON & CLAUDIA MCKENNA)

Ms. McKenna stated that the issue with the COLA is whether or not the language in the Ordinance and the Admin rule conflict each other. Mr. Levinson reviewed the background regarding section 62-193 in the Ordinance, which refers to the COLA. He also stated that he thinks the board should consider having the Actuary look into this issue and state his opinions as well. The Board discussed the issues and agreed that at this point it has now become a legal matter, and not an Actuarial matter. Ms. McKenna recommended to the board that they should go to the City Commission and have the language in the Ordinance revised to match what the Admin rule states, or to whatever the boards' intent is to do. The Trustees discussed what their actual intent is and what their options are. The Trustees directed AIG to continue to do the 2011 COLA spreadsheet as normal, and they will review it at the next meeting and move forward from there.

A motion was made by Benny Rodgers to delay the 2011 COLA payments to the retirees, pending the review of the 2011 COLA spreadsheet from AIG. The motion was seconded by Bob Burd and carried 6-0.

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**ATTORNEY REPORT – KLAUSNER & KAUFMAN PA (PRESENTED BY:
ADAM LEVINSON VIA TELECONFERENCE)**

Mr. Levinson stated that he just received all the medical records that he needed to make up the booklets for the Trustees, which he will have available for review at the next meeting. He also noted that he will also provide a summary and will have some recommendations available at the next meeting, as this member has a very complex medical history.

**ATTORNEY REPORT –CITY OF WEST PALM BEACH (PRESENTED BY:
CLAUDIA MCKENNA)**

Ms. McKenna noted that the Ordinance reads that the legal advisor for the board is the City Attorney, or someone that the City Attorney recommends. With that said the Trustees discussed the situation and decided that they must let the City Attorney take over, as they have to abide by the Ordinance.

A motion was made by Patrick Cooney to approve the City Attorney as the legal advisor for the Plan effective immediatly. The motion was seconded by Randy Sherman and carried 4-1.

Ms. McKenna commented that she will personally call Mr. Levinson to let him know that status of his relationship with the Board.

Ms. McKenna stated that in the meantime she will review the Klausner and Kaufman contract that was on today's agenda to be executed, and will come back to the board with some recommendations. Also Ms. Ross reported that she will send Ms. McKenna the disability application and the medical records since she will be taking over this case as well. Ms. McKenna noted that she will only need the application at this time.

Mr. Cooney commented that he wants to make sure that all the Trustees are educated and up to date on all the rules and policies of this plan. He asked all the Trustees to go back and read the Ordinance to make sure they understand it, and to see if there are any other changes that need to be made as well.

MINUTES

The Board reviewed the minutes from the regular meeting held on November 23, 2010.

A motion was made by Randy Sherman to approve the minutes from the regular meeting held on November 23, 2010. The motion was seconded by Benny Rodgers and carried 5-0.

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**ADMINISTRATIVE REPORT – RESOURCE CENTERS (PRESENTED BY:
AUDREY ROSS)**

- **DISBURSEMENTS**

The Board reviewed the disbursement list presented for the month of December 2010.

A motion was made by Benny Rodgers to approve the disbursements for the month of December 2010 as presented. The motion was seconded by Randy Sherman and carried 5-0.

Ms. Ross separately presented the board with a Klausner & Kaufman invoice in the amount of \$1,111.50. She noted that in this invoice the charges changed from the monthly retainer to hourly.

A motion was made by Benny Rodgers to approve the Klausner & Kaufman invoice in the amount of \$1,111.50. The motion was seconded by Randy Sherman and carried 5-0.

- **BENEFIT APPROVALS**

The board reviewed the final application for retirement for Gloria Shuttlesworth (vested member).

A motion was made by Benny Rodgers to approve the final application for retirement for Gloria Shuttlesworth. The motion was seconded by Bob Burd and carried 5-0.

- **FINANCIAL STATEMENTS**

Ms. Ross presented the Board with the statement of income and expense and the balance sheet through the end of November 2010.

The Board received and filed the financial statements through the end of November 2010.

Ms. Ross presented the board with the September 30, 2010 Audit Rep letter. She explained that this letter has to be signed by the board and returned to the Auditor before they can release the draft of the financials. It was noted that Mr. Levinson has reviewed and approved it.

A motion was made by Randy Sherman to approve the 9/30/2010 audit rep letter once reviewed and approved by Ms. McKenna. The motion was seconded by Bob Burd and carried 5-0.

OTHER BUSINESS

N/A

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ADJOURN

There being no other business, and the next meeting having been rescheduled for January 25, 2011 the meeting was adjourned at 3:33 PM.

Benny Rodgers, Secretary