
**POLICE AND FIRE PENSION FUND
ADVISORY COMMITTEE
MEETING SUMMARY – SEPTEMBER 13, 2017 – 9:00AM**

PRESENT

James Holderfield, Chair
Lt. Ellis Burns, Police Representative
Cpt. Michael Lynch, Fire Representative
Lt. Christopher Stover, Fire Representative
Rick Townsend, Retired Police Representative

STAFF

Timothy H. Johnson, Executive Director – Plan Administrator
Steve Lundy, Assistant Plan Administrator
Chuck Hayes, Pension Benefits Manager
Lawsikia Hodges, Office of General Counsel – *via webex*
Bob Sugarman, Fund Counsel – *via webex*

EXCUSED

Battalion Chief Sean Hatchett, V. Chair
Lt. Michael Shell, Police Representative

I. CALL TO ORDER

Chairman James Holderfield called the meeting to order at 9:07AM.

II. PUBLIC SPEAKING PERIOD

There were no requests for Public Speaking. Public Speaking Period was closed.

III. CONSENT AGENDA (ITEMS 1-11)

1. MEETING SUMMARY TO BE APPROVED

1. **Summary of the meeting held August 9, 2017**
Copy held in the meeting file.

A motion was made by Ellis Burns to approve the meeting summary for August 9, 2017, seconded by Christopher Stover. The vote was unanimous.

2. APPLICATION FOR MEMBERSHIP

A motion was made by Ellis Burns to approve the Applications for Membership, seconded by Rick Townsend. The vote was unanimous.

3. APPLICATION FOR VESTED RETIREMENT

A motion was made by Ellis Burns to approve the Application for Vested Retirement, seconded by Christopher Stover. The vote was unanimous.

4. APPLICATION FOR TIME SERVICE CONNECTIONS

A motion was made by Ellis Burns to approve the Applications for Time Service Connections, seconded by Christopher Stover. The vote was unanimous.

5. APPLICATION FOR DROP

A motion was made by Rick Townsend to approve the Applications for DROP, seconded by Ellis Burns. The vote was unanimous.

6. REFUND OF PENSION CONTRIBUTIONS

The Refund of Pension Contributions were verified with supporting documentation and received as information by the Advisory Committee.

7. SHARE PLAN DISTRIBUTIONS

The Share Plan Distributions were verified with supporting documentation and received as information by the Advisory Committee.

8. DROP PARTICIPANT TERMINATION OF EMPLOYMENT

The DROP Participant Termination of Employment were verified with supporting documentation and received as information by the Advisory Committee.

9. DROP DISTRIBUTIONS

The DROP Distributions were verified with supporting documentation and received as information by the Advisory Committee.

IV. OLD BUSINESS

1. HOLTSMAN, Frank R.

Deferred Application for Vested Retirement – Update

Bob Sugarman said that he doesn't have a copy of the Court File regarding Holtzman, and that he is going by the information that he received from Holtzman's lawyer. Bob Sugarman said that he will work on an opinion with OGC once he receives the Court File. He said that he expects that there will not be a forfeiture of Holtzman's pension.

James Holderfield said that the Advisory Committee is on standby until the opinion is received, and no action needs to be taken yet.

V. COUNSEL REPORTS

Lawsikia Hodges & Bob Sugarman

1. Ordinance 2017-564 – Staggering Terms

Lawsikia Hodges said that the City Council approved this legislation through committee last week. She said that there was a Council meeting scheduled for Tuesday the 12th, however it was postponed due to Hurricane Irma. She said that she suggests that the PFPF adopt an election rules policy in writing, and that it is the Board of Trustees' responsibility to approve.

James Holderfield said he would meet with Timothy Johnson to discuss the policy.

Lawsikia Hodges said that it should be a very simple outline, with a description of the term staggering and how that would be handled administratively.

2. **Participation of DROP Members in the Share Plan**

3. **Internal Revenue Code Compliance of Share Distributions to DROP Members**

Bob Sugarman discussed item numbers 2 & 3 of the Counsel Reports as follows: He said that the PFPF's current practices are deemed lawful in his attached opinion, and that he answered questions related to the Internal Revenue Code in the affirmative.

4. **Benefit Correction Policy**

Lawsikia Hodges said that this matter is still in the hands of her litigators, and that she apologizes by saying that they have been very busy. She said that she will be giving the Board of Trustees a list of all the opinions requested of OGC that remain outstanding. She said that this is a work in progress, and as soon as she has something she will bring it to the Advisory Committee.

5. **Bailiff Time Service Connections Opinion**

James Holderfield said that at the last Advisory Committee meeting, the Committee wasn't sure who would be putting this policy in place. He asked for an update.

Lawsikia Hodges said that Hurricane Irma threw her office off, and that she had expected to have the Bailiff Opinion ready by today. She said that Steve Durden is working on it, and that the outcome is the same; The Bailiff must show that he or she had worked full time hours in order to connect time. She said that Durden's opinion will give a little more guidance and direction; however it is not a litmus test. She said that she would like to get together with Steve Durden and Timothy Johnson today to discuss this opinion.

Timothy Johnson said that he is available after 1:30PM.

Lawsikia Hodges said that once the opinion is issued, an official notification will be sent to members informing them of their possibility of connection bailiff time. She said that after that, the process of accepting applications would begin. She reiterated that the number of hours worked would be the most important factor determining eligibility to make a time service purchase.

James Holderfield asked Bob Sugarman if Bailiffs would be purchasing time at their current rate of pay or a previous rate.

Bob Sugarman said that he cannot answer that off the top of his head, and he will address it once OGC issues their final opinion.

Chuck Hayes said City Employees were allowed to buy back time after they had been denied membership in the General Employees' Pension Plan, and that may provide insight as a similar scenario.

Lawsikia Hodges said that the event Chuck Hayes mentioned is similar and would be included in OGC's opinion.

VI. EXECUTIVE DIRECTOR'S REPORT

Timothy Johnson

Timothy Johnson said that there is nothing new on his report.

VII. NEW BUSINESS

James Holderfield said that there is no new business.

VIII. NEXT MEETING

Wednesday, October 11, 2017 at 9:00AM

IX. ADJOURNMENT

Chairman James Holderfield adjourned the meeting at 9:32AM.

NOTES:

Any person requiring a special accommodation to participate in the meeting because of disability shall contact Steve Lundy, Assistant Plan Administrator, at (904) 255-7373, at least five business days in advance of the meeting to make appropriate arrangements.

The public meeting may be continued to a date, time, and place to be specified on the record at the meeting. If any person decides to appeal any decision made with respect to any matter considered at this public meeting such person will need to a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based.

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Additional items may be added / changed prior to meeting.

SL

James Holderfield, Chairman

To be approved at the Advisory Committee Meeting on October 11, 2017