

**POLICE AND FIRE PENSION FUND
ADVISORY COMMITTEE
MEETING SUMMARY – NOVEMBER 9, 2016**

FFPF MISSION STATEMENT:

To provide long term benefits to participants and their beneficiaries

PRESENT

Battalion Chief Brady Rigdon, Chair
James Holderfield, V. Chair
Battalion Chief Sean Hatchett, Fire Representative
David McCall, Fire Representative
Lt. Michael Shell, Police Representative
Rick Townsend, Retired Police Representative

STAFF

Timothy H. Johnson, Executive Director – Plan Administrator
Paul Daragjati, Fund Counsel – *via phone*
Chuck Hayes, Pension Benefits Manager
Debbie Manning, Executive Assistant

EXCUSED

Lt. Ellis Burns, Police Representative
Beth McCague, Consultant

GUESTS

Lt. Chris Brown, Police Trustee

NOTE: Any person requiring a special accommodation to participate in the meeting because of disability shall contact the Debbie Manning, Executive Assistant, at (904) 255-7373, at least five business days in advance of the meeting to make appropriate arrangements.

I. CALL TO ORDER

CHAIRMAN RIGDON CALLED THE MEETING TO ORDER AT 9:00AM

II. A MOMENT OF SILENCE WILL BE OBSERVED FOR THE FOLLOWING DECEASED MEMBERS:

NO MEMBERS OBSERVED

III. PUBLIC SPEAKING PERIOD

NO REQUESTS FOR PUBLIC SPEAKING

IV. CONSENT AGENDA (ITEMS 1-11)

1. MEETING SUMMARY TO BE APPROVED

Summary of the meeting held October 18, 2016. Copy in the meeting file.

A MOTION WAS MADE BY SEAN HATCHETT TO APPROVE THE MEETING SUMMARY OF THE OCTOBER 18, 2016 MEETING. SECONDED BY RICK TOWNSEND. VOTE WAS UNANIMOUS.

2. APPLICATION FOR MEMBERSHIP

CLEARED (POLICE):

BARRIER, Christopher A.
LEGGETT, Whitney D.
LEVERENZ, Patrick T.
REYNOLDS, Jonathon S.
SANCHEZ, Aaron D.

TRUSTEE RULE 13.3 (POLICE):

BRABSTON, Derek A.
CAVENDER, Casey W.
DAUDELIN, Jay B.
FUSSELL, Garrett S.
LONGDON, Amber L.
LYLES, Willard E.
PARENT, J. Patrick G.
SOLOMON Jr., George H.

CLEARED (FIRE):

BRINSON, Rhett E.
BURT, Toure M.
CARTER, Doyle D.
CLARK, Nicole M.
DENBY, Jordan T.

DONNELL, Joseph C.
GRAY, Aaron G.
GREGORY, Jesse E.
JENNINGS, Adam M.
KRAUS, Robin O.
LAMPRECHT, Thomas B.
LAVASSEUR, Cullen N.
LOWELL, Joshua M.
O'STEEN, Justin R.
SEXTON, Nicholas H.
STRICKLAND, Marshall G.
TALAVERA, Gabriela I.
WALLACE Jr., Edward P.
WOMACK, David A.

TRUSTEE RULE 13.3 (FIRE):

FERGUSON, Theodore R.
FOLEY, Kyle J.
GEYER, Colin T.
MATTHEWS, Martin L.
NODINE, Robert A.
PHILIPS, Colton C.
STAFFORD, Brian H.
SWEAT, Zachary S.
WALKER, Caleb D.
WILLETTS, Eric A.

A MOTION WAS MADE BY DAVID MCCALL TO APPROVE THE APPLICATIONS FOR MEMBERSHIP. SECONDED BY RICK TOWNSEND. VOTE WAS UNANIMOUS.

3. APPLICATION FOR SURVIVOR BENEFITS

1. **BLACKWELL, Rosemary**, widow of George R. Blackwell Jr. who passed away on September 25, 2016, bi-weekly gross pension benefit of \$2,523.74.
2. **DEARBORN, Barbara A.**, widow of William G. Dearborn who passed away on October 1, 2016, bi-weekly gross pension benefit of \$1,846.35.
3. **JOYEUSAZ, Deborah L.**, widow of Charles G. Joyeusaz who passed away on October 10, 2016, bi-weekly gross pension benefit of \$735.44.

A MOTION WAS MADE BY SEAN HATCHETT TO APPROVE THE APPLICATIONS FOR SURVIVOR BENEFITS AS VERIFIED WITH SUPPORTING DOCUMENTATION. SECONDED BY DAVID MCCALL. VOTE WAS UNANIMOUS.

4. **APPLICATION FOR CHILD'S BENEFIT**

1. **CALDWELL, Ava Tate**, child of deceased member Richard A. Caldwell who passed away on September 29, 2016, bi-weekly gross pension benefit of \$122.31 payable to Guardian Jennifer L. Caldwell-Short.

SEAN HATCHETT ASKED HOW THE CHILD'S BENEFIT WAS DETERMINED. CHUCK HAYES THE BASE BENEFIT AMOUNT OF \$200. PLUS YEARS OF SERVICE FOR DECEASED MEMBER, AND SUPPLEMENT PAID ACCORDING TO ORDINANCE CODE.

A MOTION WAS MADE BY SEAN HATCHETT TO APPROVE THE APPLICATION FOR CHILD'S BENEFITS AS VERIFIED WITH SUPPORTING DOCUMENTATION. SECONDED BY DAVID MCCALL. VOTE WAS UNANIMOUS.

5. **APPLICATION FOR TIME SERVICE CONNECTIONS**

1. **BALANKY, Matthew D.**, Prior Wartime Military Service (2 yrs.), \$21,998.50.
Police Officer
2. **DOUGLAS, Quinton L.**, Prior Duval Service (2 yrs., 8 mths., 5 days),
\$12,038.08. Police Officer
3. **DUNAJSKI, Derek L.**, Prior Wartime Military Service (2 yrs.), \$14,495.95.
Police Officer
4. **MEJIA-ORTIZ, Freddy**, Prior Wartime Military Service (2 yrs.), \$18,785.62.
Fire Fighter
5. **PALMER III, Joseph C.**, Prior Florida Service (2 yrs., 7 mths., 29 days),
\$22,634.71. Fire Fighter
6. **RODRIQUENZ, Christopher J.**, Prior Wartime Military Service (11 mths., 29
days), \$8,905.57. Police Officer
7. **WINFREE, Robert C.**, Prior Florida Service (2 yrs., 1 mth., 16 days),
\$15,422.08. Police Officer

A MOTION WAS MADE BY MICHAEL SHELL TO APPROVE THE APPLICATION FOR TIME SERVICE CONNECTIONS AS VERIFIED WITH SUPPORTING DOCUMENTATION. SECONDED BY SEAN HATCHETT. VOTE WAS UNANIMOUS.

6. **APPLICATION FOR TIME SERVICE RETIREMENT**

1. **WYNNE, Daniel H.**, date of retirement October 21, 2016, monthly pension base amount of \$6,390.32. Police Officer

A MOTION WAS MADE BY JAMES HOLDERFIELD TO DEFER THIS UNTIL THE NEXT ADVISORY COMMITTEE MEETING. SECONDED BY MICHAEL SHELL. VOTE WAS UNANIMOUS.

7. REFUND OF PENSION CONTRIBUTIONS

1. **ARCHIE, Bryan R.**, refund of pension contributions in the amount of \$6,758.20. Fire Fighter
2. **COHILL, David D.**, refund of pension contributions in the amount of \$4,851.04. Police Officer
3. **CRUZ, Kevin E.**, refund of pension contributions in the amount of \$9,357.33. Fire Fighter
4. **FRANCOIS, Gael**, refund of pension contributions in the amount of \$1,814.34. Fire Fighter
5. **OSHMAN, Emily L.**, refund of pension contributions in the amount of \$4,249.79. Police Officer
6. **POWELL, David P.**, refund of pension contributions in the amount of \$44,627.68. Fire Fighter

AS VERIFIED WITH SUPPORTING DOCUMENTATION AND RECEIVED AS INFORMATION BY THE ADVISORY COMMITTEE.

8. SHARE PLAN DISTRIBUTION

THE FOLLOWING MEMBERS RECEIVED A GROSS SHARE PLAN DISTRIBUTION IN THE AMOUNT OF \$1,500.65:

1. ATKINS, Glenn A.
2. BAKER, David B.
3. BINDER, Michael A.
4. CALDWELL, Richard A.
5. CALLAHAN, Trudy L.
6. CATIR, David W.
7. CREWS, David L.
8. DOSHIER, Anthony F.
9. ELLISON, Tracy M.
10. FEACHER, Roderic D.
11. GIBSON, Annmarie
12. GRAHAM, Gloria A.
13. HUBER, Stephen M.

14. JOHNSON, William M.
15. NEMETH, Mathew S.
16. PELLOT, Dennis E.
17. PENN, James T.
18. PFISTER, Shannon L.
19. POWELL, David P.
20. SMITH, Bradley R.
21. SNYDER, Gary M.
22. THOMAS, David
23. TUTEN III, Richard H.
24. VILLABROZA, Glenn G.
25. WHITE, Clifton E.

AS VERIFIED WITH SUPPORTING DOCUMENTATION AND RECEIVED AS INFORMATION BY THE ADVISORY COMMITTEE.

9. DROP PARTICIPANT TERMINATION OF EMPLOYMENT

1. **HAYES, Scott D.**, DROP commencement date of January 20, 2012, termination of employment date effective October 21, 2016, with a monthly retirement base of \$3,304.21. Police Officer
2. **JOHNSON, Rudolph**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,869.07. Fire Lieutenant
3. **MILEY, Kenneth R.**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,505.95. Police Officer
4. **MORGAN II, Corinthian R.**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,376.40. Police Officer
5. **NORSE, Ronald A.**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$5,353.21. Police Lieutenant
6. **PARSHALL, Eric K.**, DROP commencement date of April 24, 2015, termination of employment date effective October 21, 2016, with a monthly retirement base of \$4,162.95. Fire Captain
7. **PEOPLES, Terence G.**, DROP commencement date of July 17, 2015, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,036.44. Police Officer

8. **RIGGS, Terrence W.**, DROP commencement date of January 20, 2012, termination of employment date effective October 21, 2016, with a monthly retirement base of \$4,341.37. Police Sergeant
9. **SMITH II, Wesley G.**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,172.39. Fire Fighter Engineer
10. **SNOW, Randall J.**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,107.82. Police Officer
11. **WALKER, Robert C.**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,377.67. Fire Fighter Engineer
12. **WHITE JR., Dennis R.**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,809.20. Police Sergeant
13. **WHITTLESEY, William D.**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,495.26. Police Officer
14. **YOUNG, Terry L.**, DROP commencement date of October 28, 2011, termination of employment date effective October 7, 2016, with a monthly retirement base of \$3,899.16. Fire Captain

AS VERIFIED WITH SUPPORTING DOCUMENTATION AND RECEIVED AS INFORMATION BY THE ADVISORY COMMITTEE.

10. **DROP DISTRIBUTIONS**

1. **BROWN, Susan E.**, the entire value of her DROP account \$261,129.48 will be paid in a direct rollover to Midland National.
2. **GEORGE, Cornell L.**, the entire value of his DROP account \$18,880.00 will be paid to him lump sum.
3. **HAYES, Scott D.**, the entire value of his DROP account \$245,399.36 will be paid to him over the next 37 yrs.
4. **JOHNSON JR., Rudolph**, the entire value of his DROP account \$300,348.96 will be paid to him over the next 44.6 yrs.
5. **MILEY, Kenneth R.**, the entire value of his DROP account \$272,161.04 will

be paid to him over the next 36 yrs.

6. **MORGAN II, Corinthian R.**, the entire value of his DROP account \$262,105.01 will be paid to him over the next 47.5 yrs.
7. **NORSE, Ronald A.**, the entire value of his DROP account \$415,560.79 will be paid to him over the next 45.5 yrs.
8. **PARSHALL, Eric K.**, the entire value of his DROP account \$82,818.23 will be paid to him over the next 20 yrs.
9. **PEOPLES, Terence G.**, the entire value of his DROP account \$49,414.09 will be paid to Ameriprise Financial.
10. **RIGGS, Terrence W.**, a portion of this DROP account \$122,427.75 will be paid to him lump sum; the balance \$200,000.00 will be paid to him over the next 42.6 hrs.
11. **SIEMER, Rex M.**, the entire value of his DROP account \$38,942.21 will be paid to him lump sum.
12. **SMITH II, Wesley G.**, a portion of his DROP account \$50,000.00 will be paid in a direct rollover to Empower Retirement; the balance \$196,069.03 will be paid to him over the next 12 yrs.
13. **SNOW, Randall J.**, the entire value of his DROP account \$241,255.08 will be paid to him over the next 48.8 yrs.
14. **WALKER, Robert C.**, a portion of his DROP account \$55,000.00 will be paid to him lump sum; the balance \$207,202.94 will be paid to him over the next 20 yrs.
15. **WHITE JR., Dennis R.**, the entire value of his DROP account \$295,701.02 will be paid to him over the next 51.5 yrs.
16. **WHITTLESEY, William D.**, the entire value of his DROP account \$271,332.60 will be paid to him over the next 35.1 yrs.
17. **YOUNG, Terry L.**, a portion of this DROP account \$50,000.00 will be paid to him lump sum; the balance \$252,685.91 will be paid to him over the next 25 yrs.

AS VERIFIED WITH SUPPORTING DOCUMENTATION AND RECEIVED AS INFORMATION BY THE ADVISORY COMMITTEE.

11. DROP PARTICIPATION FOR SURVIVOR

1. **BLACKWELL, Rosemary S.**, the entire value \$64,457.78 will be paid to her over the next 8 yrs.

AS VERIFIED WITH SUPPORTING DOCUMENTATION AND RECEIVED AS INFORMATION BY THE ADVISORY COMMITTEE.

CONSENT AGENDA ITEMS 2–11, EXCLUDING ITEM 6 WHICH WAS DEFERRED, ARE TO BE APPROVED BY THE BOARD OF TRUSTEES AT THEIR MEETING ON NOVEMBER 18, 2016.

V. OLD BUSINESS

- Discussion Regarding Re-Employment of Retired Member

THE ADVISORY COMMITTEE IS REVIEWING THE FACTS REGARDING A MEMBER WHO IS RETIRED BUT WAS RE-HIRED BY THE CITY AS AN INDEPENDENT CONTRACTOR.

THE LAW STATES THAT IF A MEMBER RETIRES, HE IS PROHIBITED FROM RETURNING TO WORK FOR THE CITY EXCEPT UNDER CERTAIN CIRCUMSTANCES, AND THEIR BENEFIT IS SUPPOSED TO STOP, HOWEVER, THE CIRCUMSTANCE DOESN'T PROHIBIT AN INDEPENDENT CONTRACTOR FROM RETURNING TO WORK FOR THE CITY.

THE DESIGNATION IS LESS IMPORTANT THEN THE JOB DUTIES.

IN TRYING TO FIGURE OUT WHETHER OR NOT THE EMPLOYEE OR CONTRACTOR HAS A CLEAR RELATIONSHIP WITH THE CITY, THE ADVISORY COMMITTEE NEEDS TO REVIEW THE TERMS OF THE AGREEMENT AND WHETHER OR NOT HE IS AN EMPLOYEE OR INDEPENDENT CONTRACTOR.

TIM JOHNSON HAD HEARD THAT IF A PERSON WAS EMPLOYED FOR LESS THAN SIX MONTHS, THIS IS NOT AN ISSUE. PAUL DARAGJATI SAID THIS IS ONE OF THE FACTS THAT THE ADVISORY BOARD SHOULD CONSIDER. IF WORKING LESS THAN SIX MONTHS, HE MAY NOT BE AN EMPLOYEE. IF LONGER, HE MAY BE AN EMPLOYEE.

TIM ALSO HEARD THAT IF YOU PUT HIM THRU A TEMPORARY SERVICE CONTRACT, THAT WOULD HELP.

PER PAUL, IF THERE IS A BUFFER SUCH AS A CORPORATION OR TEMP SERVICE, THAT MIGHT SUPPORT AN INDEPENDENT CONTRACTOR.

IRS HAS A 20 PT. TEST THAT CAN BE USED TO DETERMINE THE TOTALITY OF THE CIRCUMSTANCE. THIS IS A FACT BASED JUDGEMENT CALL. SOME QUESTIONS MAY OR MAY NOT APPLY. THERE IS NO BLACK AND WHITE. WE MUST EVALUATE OURSELVES AND MAKE A FACT BASED JUDGEMENT CALL.

PAUL DARAGJATI'S RECOMMENDATION TO THE ADVISORY COMMITTEE IS TO DETERMINE DUE DILLIGENCE AND IF THE RETIRED MEMBER FITS THIS CATEGORY. PAUL RECOMMENDS USING THE 20 PT IRS TEST AS IT IS VERY DETAILED.

THERE WAS DISCUSSION OF FORMING A SUBCOMMITTEE HOWEVER, NO SUBCOMMITTEE IS TO BE FORMED FOR NOW. EACH OF THE ADVISORY COMMITTEE MEMBERS SHOULD GO THRU THE IRS 20 POINT TEST AND ANSWER THE QUESTIONS PERTAINING TO THE CONTRACT AND COMPARE INFORMATION ABOUT THIS EMPLOYEE TO SEE HOW HE QUALIFIES PRIOR TO THE NEXT MEETING.

THE ADVISORY COMMITTEE WOULD LIKE TO KNOW HOW MANY OTHER CASES ARE OUT THERE SURROUNDING THIS SAME QUESTION AS THIS CONFLICT PROBABLY EXISTS WITH OTHER MEMBERS. OBTAIN A LIST BY THE DECEMBER MEETING.

A SUGGESTION WAS MADE THAT WHEN A MEMBER RETIRES, WE SHOULD HAVE A STATEMENT SIGNED BY THE EMPLOYEE THAT IF THEY GAIN EMPLOYMENT "OR ENTER INTO ANY CONTRACT" THEY NOTIFY OUR OFFICE.

PAUL WAS ASKED TO WRITE A LETTER AND NOTIFY THE MEMBER THAT THE ADVISORY COMMITTEE IS BEGINNING TO REVIEW THE CONTRACT. THE MEMBER SHOULD BE GIVEN COPIES OF THE INFORMATION THE ADVISORY COMMITTEE HAS TO REVIEW AND THE MEMBER SHOULD RESPOND IN WRITING TO THE IRS 20 POINT TEST.

A MOTION WAS MADE BY RICK TOWNSEND TO HAVE KLAUSNER'S OFFICE NOTIFY THE MEMBER THAT WE ARE INVESTIGATING HIS CONTRACT WITH THE CITY ON ADVICE OF COUNCIL. THE MEMBER HAS 30 DAYS FROM THE DATE OF THE LETTER TO RESPOND AND WILL BE INVITED TO THE FOLLOWING ADVISORY MEETING FOR FURTHER DISCUSSION. SECONDED BY JAMES HOLDERFIELD. VOTE WAS UNANIMOUS.

- Term Expiration for Advisory Committee

ACCORDING TO OUR RECORDS, ALL OF THE ADVISORY COMMITTEE TERMS WILL EXPIRE IN OCTOBER, 2017, HOWEVER, DAVID MCCALL WILL BE RETIRING IN DECEMBER, 2016, AND BRADY RIGDON WILL BE RETIRING IN APRIL, 2017. WE WILL NEED TO HOLD A SPECIAL ELECTION TO REPLACE THOSE TWO MEMBERS.

DAVID MCCALL SUGGESTED THAT WE DON'T HOLD A SPECIAL ELECTION TO REPLACE HIM. SINCE BRADY LEAVES IN APRIL, 2017, JUST HOLD ONE ELECTION FOR BOTH.

IT WAS MENTIONED THAT THE ADVISORY COMMITTEE THOUGHT THAT THEIR TERM LIMITS WERE STAGGERED JUST AS THE BOARD OF TRUSTEES ARE, AND THEREFORE SHOULD NOT EXPIRE AT THE SAME TIME.

DEBBIE MANNING'S RECOLLECTION OF THE ELECTION INDICATES THAT WITH THE LAST ELECTION, EVERYONE'S TERM EXPIRES ON THE SAME DATE.

TIM JOHNSON RECOMMENDED THAT THE STAFF RESEARCH THE HISTORY OF THE ADVISORY ELECTIONS AND WHAT LEAD TO THE TERMS NO LONGER BEING STAGGERED. THE STAFF WILL REPORT BACK TO THE ADVISORY COMMITTEE AT THE NEXT MEETING.

THE ADVISORY COMMITTEE WANTED TO BRING BACK STAGGERING OF TERM LIMITS GOING FORWARD IF POSSIBLE.

VI. EXECUTIVE DIRECTOR'S REPORT

- Time Service Connections (*DRAFT*) – Procedures Manual

TIM JOHNSON EXPLAINED THIS WAS AN UPDATE OF THE PROCEDURE FOLLOWING PENSION REFORM. IT IS MORE DESCRIPTIVE OF THE PROCESS AND AN APPLICATION WAS ADDED TO VERIFY WHEN THEY WORKED FOR THE CITY.

JUDICIAL OFFICER "JO" QUESTION REGARDING OLUSH. GET A BINDING OPINION ON THIS AS HE WAS FULL TIME AND RIGHTS ARE PROTECTED BY LAW.

STEVE DURDEN SAID FULL TIME EMPLOYEES CAN PURCHASE TIME. THE EMPLOYEE HAS TO BE GIVEN THE RIGHT TO BUY TIME THROUGH THE GENERAL COUNCIL'S OFFICE.

CHUCK HAYES SAID "A MEMBER OF ANY FUND" IS WHAT IS STATED. WE NEED CLARIFICATION ON THE LANGUAGE. WE NEED A BINDING OPINION.

- 2017 PFPF Calendar

A MOTION WAS MADE BY DAVID MCCALL TO APPROVE THE 2017 PFPF CALENDAR. SECONDED BY BRADY RIGDON. VOTE WAS UNANIMOUS.

VII. NEW BUSINESS

RICK TOWNSEND ASKED HOW THE MONEY WAS GOING TO BE DISTRIBUTED FOR THE CHRISTMAS BONUS THIS YEAR.

TIM JOHNSON ADVISED THIS IS TO BE DISCUSSED AT THE BOARD OF TRUSTEE MEETING THIS MONTH.

TRUSTEE CHRIS BROWN ATTENDED THE POLICE OFFICERS AND FIRE FIGHTERS CONFERENCE IN ORLANDO. HE LEARNED A LOT ABOUT DISABILITY CASES, AND

LEARNED SOMETHING HE WISHES HE HAD KNOWN ABOUT WHEN HE WAS ON THE ADVISORY COMMITTEE AND WANTED TO TELL THE COMMITTEE.

IF THE COMMITTEE HAS ANY EVIDENCE AT ALL, EVEN JUST ONE MEDICAL OPINION THAT STATES THE MEMBER IS NOT 100% DISABLED, THEY CAN BASE THEIR DECISION ON THAT ONE OPINION ONLY. THIS WAS CASE LAW THAT WAS DISCUSSED AT THE CONFERENCE.

WE NEED TO GET A COPY OF THE CASE LAW FROM THAT ATTORNEY FOR REFERENCE.

VIII. ADJOURNMENT

MEETING WAS ADJOURNED AT 10:42AM.

NOTE: 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.

**TO BE APPROVED AT THE NEXT ADVISORY
COMMITTEE MEETING HELD ON DECEMBER 14, 2016**

Brady Rigdon, Chairman