

**CITY OF FORT PIERCE RETIREMENT AND BENEFIT SYSTEM
MINUTES OF MEETING HELD
SEPTEMBER 18, 2014**

Summarized Minutes of the regular meeting of the City of Fort Pierce Retirement and Benefit System, September 18, 2014 at 2:00 p.m. in the 2nd Floor Conference Room at City Hall.

Present:

Commissioner Tom Perona, Chair	City Commission Member
Stanley Fidge, Vice Chair	General Member
Gloria J. Johnson	Secretary/Treasurer
Commissioner Reginald Sessions (2:15 pm)	City Commission Member
William Conavay	U.A. General Member
Rodney Nieves	Police Officer Member

Attorney Jim Walker	Assistant City Attorney, Advisory
Christina Luna	Retirement Clerk

Absent:

Nina Hurtubise	U.A. Board Appointee
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Recording:

Johnna Morris	Chief Accountant
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ITEM NO. 1 & 2 ~ ROLL CALL

Chairperson, Commissioner Tom Perona called the meeting to order at 2:00 p.m., the first item on the agenda being the “*Roll Call*”. Absent was Ms. Nina Hurtubise

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ITEM NO. 3 ~ COMMENTS FROM THE PUBLIC

Comm. Perona said the next item on the agenda was comments from the public. He asked if there were any comments from the public. There were none..

ITEM NO. 4 ~ APPROVAL OF SUMMARIZED MINUTES OF AUGUST 21, 2014.

Comm. Perona stated that the next item was the approval of the summarized minutes of August 21, 2014. **Comm. Perona** asked for a motion to approve the minutes.

A motion was made by Mr. Will Conavay and seconded by Mr. Stan Fidge to approve the minutes.

All those in favor of the motion signified by saying aye. There was no opposition and the motion carried unanimously.

ITEM NO. 5 ~ ATTORNEY'S REPORT

There were none.

ITEM NO. 6 ~ PUBLIC HEARING ON BENEFITS APPLICATIONS

Comm. Perona stated that the next item on the agenda was Public Hearings on Benefit Applications.

Comm. Perona opened up the public hearings for anyone to comment on the request for retirement from Gordon E. Hayman with 25 years of service with the Fort Pierce Utilities Authority entering into the DROP. He asked if there was any one here who would like to publicly comment on this request. Seeing none, **Comm. Perona** closed the public hearing. **Comm. Perona** opened up the matter for the Board. **A motion was made by Mrs. Johnson and seconded by Mr. Conavay to approve the request for retirement from Gordon E. Hayman.**

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Comm. Perona asked for any questions or comments on this request before the motion was called. **All those in favor of the motion signified by saying aye. There was no opposition and the motion was carried unanimously.**

Comm. Perona opened up the public hearings for anyone to comment on the request for retirement from Dianne Harris with 23 years and 3 months of service with the Fort Pierce Utilities Authority entering into the DROP. He asked if there was any one here who would like to publicly comment on this request. Seeing none, Comm. Perona closed the public hearing. Comm. Perona opened up the matter for the Board. **A motion was made by Mr. Conovay and seconded by Mr. Fidge to approve the request for retirement from Dianne Harris .** Comm. Perona asked for any questions or comments on this request before the motion was called. **All those in favor of the motion signified by saying aye. There was no opposition and the motion was carried unanimously.**

Comm. Perona opened up the public hearings for anyone to comment on the request for In line of Duty Disability Retirement from Donald Spence with 6 years and 5 months of service with the Fort Pierce Police Department. He asked if there was any one here who would like to publicly comment on this request. Seeing none, Comm. Perona closed the public hearing. Comm. Perona opened up the matter for the Board

Mrs. Johnson said the board had requested additional information at the last meeting and after reviewing this information there needed to be some discussion. The first is the fact that at this time Mr. Spence has not severed his employment with the City nor has he met the maximum medical improvement with worker's compensation. We need to have these addressed before he can actually present his before this board.

Comm. Perona asked Atty. Walker if he had anything to say on this.

Atty. Walker said Code Section 13-36 sets out the requirements for disability retirement which also relates to in-line of duty retirement, one of those being "Membership is terminated prior to the selective date of disability retirement." The term membership isn't defined to involve employment and he does remain an employee of the City. The City in its rules of civil service, as a procedure that when implemented, permits termination due to disability and one of those provision says the employee must be at MMI. Mr. Spence has not yet reached MMI according to the physician under worker's comp and therefore the City has not terminated employment. According to Section 13-36:4 it is premature to approve the request.

Comm. Perona asked that because he was still employed and receiving a check from the City he is not eligible.

Atty. Walker said according to the Risk Manager he remains eligible for temporary medical disability, which is an indemnity to the City's worker's compensation coverage.

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Comm. Perona said he wanted to give clear direction to the applicant.

Sgt. Rodney Nieves said after reviewing the additional information he had seen where parts of the application had not been completely filled out and also a copy of a court order was to be included as well and it was not.

Comm. Perona said the additional information has brought us to the point that one of the requirements has not been met, the maximum medical improvement; we have no authorized authority that this has not happened.

Mrs. Johnson replied according to the Risk Manager this has not happened yet and additionally he is still an employee of the City.

Comm. Perona asked what would have to happen for Mr. Spence to not be an employee.

Mrs. Johnson said she is not sure, he could resubmit but currently we do not have anything saying he is eligible to be a retiree.

Atty. Walker said the rules governing disability separation are covered in Section 22.04 of the Civil Service rules.

Comm. Perona asked if the conditions had been met according to those rules.

Atty. Walker answered no.

Comm. Perona asked how does one go about getting that done, so we can give direction. As long as this is not done we have no authority to approve this, correct?

Atty. Walker replied as long as he remains an employee of the City, no.

Comm. Perona said it has been determined that the maximum medical improvement has to be met and we have to have a separation date of employment. Does anyone have anything else needed?

Sgt. Nieves said that a question on page 2 had not been answered, referring to prior medical treatment.

Comm. Perona said according to legal and staff this application has not met all the requirements so it has to be postponed. He asked the applicant for comments.

Mr. Spence said he was not sure about question 2, but he had reached MMI and had included that with his application. He said was still an employee of the City because he could not afford to give up his worker's comp and rely on this and not have anything.

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Comm. Perona said the applicant had said he is still an employee and according to legal that nullifies this for this board.

Atty. Walker referred to Code Section 13-36 and the requirements for disability retirement again stating that there has to be a date of separation from employment.

Comm. Reginald Sessions asked in light of this if he was proposing that he reapply or come back for reconsideration once he reaches MMI.

Atty. Walker said whether or not he has reached MMI is not a consideration for this board that has to be determined by the Human Resources department.

Comm. Perona said we need a date of separation before we can approve this application. He asked the pleasure of the board.

Mrs. Johnson made a motion and it was seconded, with discussion, by Comm. Sessions that when Mr. Spence meets his standards of eligibility for retirement he can resubmit his application for consideration but at this time we will not act on it. Comm. Sessions said in light of him not satisfying Section 13-35:4 and not being able to prove a termination date, it makes it impossible for the board to act on this matter.

Comm. Perona asked if anyone had any experience with this to be able to enunciate the procedure.

Mrs. Johnson said she does not know what the issues are she only knows that he has not met all the requirements.

Comm. Perona asked where he would go to get information on this.

Mrs. Johnson said Human Resources or his Supervisor.

Mrs. Johnson accepted Comm. Sessions' qualifications on the second.

Comm. Perona asked for any further discussion.

Mr. Spence asked if he would have to resubmit a new application and said he was requesting Sgt. Nieves not be present when he resubmits for personal reasons.

Comm. Perona asked for the call of the question. All those in favor of the motion signified by saying aye. There was no opposition and it carried unanimously.

Comm. Perona asked for those in favor of the motion. All those in favor of the motion signified by saying aye. There was no opposition and it carried unanimously.

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Comm. Perona opened up the public hearings for anyone to comment on the request for Non-duty disability retirement from Joyce King with 7 years and 10 months of service with the Fort Pierce Utilities Authority. He asked if there was any one here who would like to publicly comment on this request. Seeing none, Comm. Perona closed the public hearing. Comm. Perona opened up the matter for the Board. **A motion was made by Mrs. Johnson and seconded by Mr. Fidge to approve the request for Non-duty disability retirement from Joyce King.** Comm. Perona asked for any questions or comments on this request before the motion was called. **All those in favor of the motion signified by saying aye. There was no opposition and the motion was carried unanimously.**

ITEM NO. 7 ~ OLD BUSINESS

Comm. Perona stated that the next item is Old Business and the discussion on options for Code Amendment relating to Disability Retirement.

Atty. Walker said the board has expressed interest in revising the disability provisions of the plan and had survey various cities to see how they administered their plans and had prepared a memorandum on such.

Comm. Perona asked if there were any questions for Atty. Walker.

Mrs. Johnson said she had read about a committee, could this board elect to have a committee.

Atty. Walker said the board does not have authority by rule to require any other position in the City to serve for the board, it can be done by ordinance. The other thing is if two or more members from the board were on the committee it would have to be done by public hearing.

Mrs. Johnson said if one member were appointed we would only have to do it by ordinance. Could we also do a form to make sure we were accounting for everything so that it could be signed off by individuals?

Atty. Walker said he would draft an ordinance to bring before the board at next month's meeting.

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ITEM NO. 8 ~ NEW BUSINESS

Comm. Perona stated that the next item is New Business, first was discussion of new software for retirees.

Mrs. Johnson said she was seeking approval from the board to purchase software for retirees that will allow internet access to information that they are now calling and requesting, i.e. checks, 1099s change forms. The cost is \$6,000 and is web based.

Comm. Perona said it is of value for our future retirees and employees.

A motion was made by Mrs. Johnson and seconded by Sgt. Nieves to approve the purchase of the new software.

All those in favor of the motion signified by saying aye. There was no opposition and the motion carried unanimously.

Mrs. Johnson discussed the next item, the FY 2015 budget, which is \$14,708,000.

A motion was made by Mr. Conavay and seconded by Mr. Fidge to approve FY 2015 budget.

All those in favor of the motion signified by saying aye. There was no opposition and the motion carried unanimously.

Mrs. Johnson said the next item was the election results. The City's General elected member is Mr. Stan Fidge and the FPUA's General member is Mr. Keith Stevens. They will have to be sworn in at the next meeting.

ITEM NO. 9 ~ CONSENT AGENDA

Comm. Perona stated that the next item is the Consent Agenda.

A motion was made by Mr. Fidge and seconded by Sgt. Nieves to approve the refund of member contributions.

All those in favor of the motion signified by saying aye. There was no opposition and the motion carried unanimously.

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ITEM NO. 10 ~ CONSIDERATION OF ABSENCES

Comm. Perona said that the next item is Consideration of Absences.

A motion was made by Mrs. Johnson and seconded by Mr. Conovay to approve the absence of Ms. Hurtubise.

All those in favor of the motion signified by saying aye. There was no opposition and the motion carried unanimously.

ITEM NO. 11 ~ NEXT MEETING

Comm. Perona said the next meeting was scheduled for October 16, 2014 at 2:00 p.m.

ITEM NO. 12 ~ ADJOURNMENT

Seeing there were no further questions or comments, **Comm. Perona** adjourned the meeting at 3:31 p.m. He thanked everyone for their time and attendance.

ATTEST:

Secretary/Treasurer

Chairperson

Note: These minutes are not verbatim, only important issues and motions are reproduced in writing for the benefit of the Fort Pierce Retirement and Benefit System members. The recording itself is the official record for the meeting. The meeting tape/cd is available.