

**CITY OF FORT PIERCE RETIREMENT AND BENEFIT SYSTEM  
MINUTES OF MEETING HELD  
November 20, 2014**

Summarized Minutes of the regular meeting of the City of Fort Pierce Retirement and Benefit System, November 20, 2014 at 2:00 p.m. in the Second Floor Conference Room at City Hall.

Present:

Commissioner Tom Perona	City Commission Member, Chairman
Gloria J. Johnson	Secretary/Treasurer
Stanley Fidge	City of Fort Pierce General Member, Vice Chair
Nina Hurtubise	U.A. Board Appointee
Keith Stephens	UA General Member

Attorney Jim Walker	City Attorney, Advisory
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Absent:

Commissioner Reginald Sessions	City Commission Member
Rodney Nieves	Police Member

Guests:

Weston Lewis	Callan Associates
Cody Chapman	Callan Associates
Joe Gardner	Emerald Advisors
Steve Loncar	Ceredex Value Advisors

Recording:

Christine Paz	Retirement Clerk
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**ITEM NO. 1 & 2 ~ ROLL CALL**

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

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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. Comm. Perona asked if there were any comments from the public. There were no comments from the public

**ITEM NO. 4 ~ APPROVAL OF SUMMARIZED MINUTES OF OCTOBER 16, 2014**

**Comm. Perona** stated that the next item was the approval of the summarized minutes of October 16, 2014. Comm. Perona asked if there was a motion to approve the minutes.

**A motion was made by Mrs. Nina Hurtubise and seconded by Mr. Stan Fidge to approve the summarized minutes of October 16, 2014.**

**Comm. Perona** asked for any questions, comments or changes that any Board Member would like to have on the minutes before the motion was called. **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**

**Attorney Walker** had nothing to report but was available for questions.

**Comm. Perona** asked if there were any questions for Attorney Walker. Seeing none, he moved to item 6.

**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 Martin R. Petlock with 7 years of service with the City of Fort Pierce. He asked if there was any one here who would like to publicly comment on this request. Seeing none, he closed the public hearing and opened the matter for the Board. **A motion was made by Mr.**

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**Fidge and seconded by Mrs. Johnson to approve the request for retirement from Martin R. Petlock.** 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 Gregory L. Fowler with 25 years of service with the City of Fort Pierce, entering into the DROP. He asked if there was any one here who would like to publicly comment on this request. Seeing none, he closed the public hearing and opened the matter for the Board. **A motion was made by Ms. Hurtubise and seconded by Mr. Keith Stephens to approve the request for retirement from Gregory L. Fowler.** 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 Dewey W. Hudmon with 8 years and 2 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, he closed the public hearing and opened the matter for the Board. **A motion was made by Ms. Hurtubise and seconded by Mr. Stephens to approve the request for retirement from Dewey W. Hudmon.** 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 retirement from Mary E. Thomas with 17 years and 9 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, he closed the public hearing and opened the matter for the Board. **A motion was made by Mrs. Hurtubise and seconded by Mr. Stephens to approve the request for retirement from Mary E. Thomas.** 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 retirement from Nancy L. McConkey with 22 years and 4 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, he closed the public hearing and opened the matter for the Board. **A motion was made by Mrs. Hurtubise and seconded by Mr. Fidge to approve the request for retirement from Nancy L. McConkey.** 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.**

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**Comm. Perona** opened up the quasi-judicial hearing on the request for reconsideration of in-line of duty disability retirement from Donald Spence with 6 years of service with the City of Fort Pierce Police Department. He reminded the board of the particulars of the case and that the previous request had been denied because there had not been a separation date given by the applicant.

**Mr. Donald Spence** was sworn in and proceeded to give an opening statement. At the last meeting he was informed by Atty. Walker that, according to the definition in the Code, he needed to terminate before he would be seen again. That's not what the paper work says; it says I need to have a termination date prior to the selection date. There was no selected date therefore I did not need to be terminated yet. I can provide a termination date and I have an MMI date that was forwarded to Risk Management.

**Comm. Perona** asked if the MMI was the date of his retirement.

**Mr. Spence**- no that is the date that the doctor is closing my open case. Last time you told me I had to have an MMI date, but nowhere in here does it say I have to an MMI date. I will have a maximum medical improvement date in January. During the last meeting Atty. Walker clearly explained the definition of member as quoting definition Section 13-16 as "an employee who is a member of the retirement system." Dodi was kind enough to review the handbook and in doing so I believe the board erred, in that I am currently a member of the retirement system. According to the handbook an employee means any person who is employed by the participating employer in position requiring 700 or more hours of work and is compensated by the participants on its regular payroll subject to withholding tax and fica tax. Member means an employee who is part of the retirement system. At the last meeting I had not received a pay check since July; I was paying my own health insurance and was not receiving any benefits from the City whatsoever. My worker's compensation pay is not subject to taxes therefore I do not meet the retirement board's definition of an employee and should not be considered an active member at the time of the last meeting. My application was submitted to Chief Baldwin back in May of 2014 and it took until the August meeting before I could get in front of the board. At the time that I submitted my application at the direction of Mr. Tony Barnes office I did have a MMI from Dr. Trophia. There were two IME, one from my doctor and one from the doctor that the board selected for me to go to, both indicated that I am physically incapacitated and that I should be retired.

**Mrs. Dodi Spence** came forward and began to read the letter that Mr. Spence had provided with the reconsideration request.

**Comm. Perona** asked if there was anything further. He said he had given quite a bit of latitude and that the only thing that was before the board today was the same issue that we had at the last meeting, that of the termination date.

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**Mr. Spence** – when I left this board last time I was under the impression that I could not be seen unless I separate myself from the City and Sgt. Nieves requesting to see the accident report.

**Comm. Perona** said the only thing the board was hearing today was any new information or evidence you have to consider this request showing you have accommodated the previous stipulations. You have failed to meet that one term and if you have evidence to that we want to hear it.

**Mr., Spence** – I don't have a selected date and I can't just quit.

**Comm. Perona** said we would love to grant your request, but we have to have a separation date. He asked if Mr. Spence had anything further to present and if he wanted to call any witnesses.

**Mr. Spence** answered no.

**Comm. Perona** asked if there were any questions from the board.

**Mrs. Johnson** asked Mr. Spence if he was still employed with the City.

**Mr. Spence** said he had just been called back to work.

**Mrs. Johnson** asked if he had ever terminated his employment with the City.

**Mr. Spence** answered no.

**Atty. Walker** asked if he has received any pay checks yet.

**Mr. Spence** said yes, 1.

**Atty. Walker** asked in what capacity had he returned to the City.

**Mr. Spence** answered lite duty.

**Atty. Walker** asked what he was doing.

**Mr. Spence** said he had been moved to the Avenue D sub-station.

**Atty. Walker** asked when he started.

**Mr. Spence** said Monday at the Avenue D sub-station.

**Atty. Walker** asked how many hours a week was he working.

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**Mr. Spence** said 40.

**Atty. Walker** what is your official status with the department.

**Mr. Spence** answered currently he is a certified law enforcement officer but his certification is no good unless he can pass the physical exam, which he cannot.

**Atty. Walker** asked how long he was anticipating working in that capacity.

**Mr. Spence** said he had no idea.

**Atty. Walker** asked if he had a worker's comp hearing where his medical treatment was approved.

**Mr. Spence** asked for what injury, there were several.

**Atty. Walker** asked what was the subject of the hearing.

**Mr. Spence** asked which hearing, there have been several.

**Atty. Walker** said the hearing that is now on appeal.

**Mr. Spence** said that was not on his request, worker's comp is appealing that.

**Atty. Walker** said the appeal is being taken by the worker's comp company but the hearing that is the subject of that appeal was brought because you and your attorney filed a petition.

**Mr. Spence** said no, it's all worker's comp, whatever attorney you go thru for benefits. I was being treated a year and a half for my injuries, up until worker's comp decided they didn't want to pay for a surgery; so therefore they denied it and we had to file an appeal. It was granted by the judge and it went to a hearing.

**Atty. Walker** – The treatment was asking for treatment by what doctor.

**Mr. Spence** – I do not remember which one.

**Atty. Walker** - You don't remember.

**Mr. Spence** - I don't recall there have been numerous doctors.

**Atty. Walker** – was the hearing the subject of treatment for a number of doctors.

**Mr. Spence** – I was seeing quite a few doctors at the time. What is your question?

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**Atty. Walker** – I am asking you which doctor you were asking the judge to authorize, which was being denied by the insurance company. What were their names?

**Mr. Spence** – Dr. Sacowski

**Atty. Walker** – What's his specialty?

**Mr. Spence** – I have no idea and I saw Dr. Roche.

**Atty. Walker** – Were those the doctors that the judge authorized.

**Mr. Spence** – I don't have the paperwork in front of me so I don't recall what was authorized. I know Dr. Sacowski was approved at the worker's compensation appeal.

**Atty. Walker** – Was Dr. Roche being appealed too?

**Mr. Spence** – No

**Atty. Walker** – Is he orthpod too?

**Mr. Spence** – He's orthopedic.

**Atty. Walker** – Is he currently treating you.

**Mr. Spence** – No

**Atty. Walker** – Do you have care by an orthopedic now.

**Mr. Spence** – Yes

**Atty. Walker** – Who?

**Mr. Spence** – That would be Dr. Sellers.

**Atty. Walker** – Is Dr. Sellers currently treating you?

**Mr. Spence** – Yes, he treating me for my shoulders.

**Atty. Walker** – Do you have an MMI from Dr. Sellers.

**Mr. Spence** – No that's the MMI that's coming,.

**Atty. Walker** – So you don't have an MMI for Dr. Sacowski.

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**Mr. Spence** - No, once the appeal got started everything stopped. I then went to my own physician.

**Atty. Walker** – Who was that.

**Mr. Spence** – Dr. Paul

**Atty. Walker** – Has he given you an MMI.

**Mr. Spence** – No

**Atty. Walker** - I have nothing more.

**Comm. Perona** asked if anyone had any questions.

**Atty. Walker** said he'd like to offer Section 22.04 of the Human Resources Personnel Rules and Regulations as part of the record.

**Comm. Perona** asked Atty. Walker if there was any other consideration that needed to be made from this board. We still do not have a certain date for retirement and if that is not determined the requirement still is not met.

**Mr. Spence** said so that I understand clearly, if I go upstairs and pick a date I can come back before the board at the next meeting.

**Atty. Walker** said Section 13-13(4) states membership is terminated prior to a selected date of retirement. There are 2 elements that have to be met, 1) a selected date of retirement and 2) there has to be a termination of membership that takes place before that selected date. Any decision of the board has to be based on competent substantial evidence to these requirements. I myself have not seen competent substantial evidence to either of the two points.

**Comm. Perona** said those 2 elements have to exist before we can consider this anyway. He closed the public hearing and asked for questions or comments from the board.

**Mrs. Johnson made a motion that deny the request for In-line of Duty Disability Retirement from Donald Spence based on the comments thus far and because he is still employed with the City of Fort Pierce. It was seconded by Mr. Fidge with discussion.** 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.**

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**ITEM NO. 7 ~ OLD BUSINESS**

**Comm. Perona** said the next item is Old Business and asked if there was any old business. Seeing none he moved to Item no. 8.

**ITEM NO. 8 ~ NEW BUSINESS**

**Comm. Perona**, the next item was new business and the first item was a request for plan membership from Comm. Rufus Alexander.

**Mrs. Johnson** said Comm. Alexander has requested to be a member of the retirement system. Chapter 13 of the code allows for this upon written application and this is his request.

**Mr. Stephens** asked for clarity to him having to come up with his portion for the number of years he's requesting and then the City having to pay its portion for those years also.

**Mrs., Johnson** said yes it will go before the Commission and they will decide what portion it will pay.

**A motion was made by Mrs. Johnson and seconded by Mr. Fidge to approve Comm. Rufus Alexander request to become a member of the Retirement System.** 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**, the next item was the election of the Chair and Vice Chair for 2015. He called for the nominations for Chairman and Vice Chair and Comm. Tom Perona and Mr. Stan Fidge were the only nominees. **All those in favor of the nominees signified by saying aye. There was no opposition and the motion was carried unanimously.**

**Comm. Perona**, the next item was report from money managers and deflected to Mr. Weston Lewis and Mr. Cody Chapman of Callan Associates.

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**Mr. Weston Lewis** began by explaining to new board members the role of Callan Associates after which he explain the Executive Summary. He said the economy continues to show good strength, the small cap has outperformed the large cap and this really helped the portfolio.

**Mr. Cody Chapman** started on page 4 of the Third Quarter Report explaining that the assets of the fund were \$177 million at 9/30. He said the managers are doing great the portfolio is doing well; you have met the return objective for the year. He said Heitman had made their first call in July would be requesting the remaining \$5 million investment next month. He said the fund has been in the top quartile and is doing great; ranked in the 12<sup>th</sup> percentile outperforming 88 percentile of your peers. He said that Richmond Capital had met their objectives, up 20 basis points for the quarter and 50 basis points for the year; they were positive and meeting their goals. Morgan Stanley has two markets and the International markets was beating the benchmark and meeting their objectives. They are in the top percent of the quartile relative to their peers. William Blair outperformed by 1% for the quarter. As it relates to the monitoring they are no longer on the watch list but they will continue to monitor them. So far things look well and they are suggesting no changes at this time. Emerald was meeting their objectives, they outperformed by 1.5 %. Ceredex under performed by 1.4% but long term they have been good and they are ok. State Streets continue to perform well.

**Emerald Advisors**

**Mr. Joe Gardner** introduced himself as the Portfolio Manager and the Director of Research from Emerald Advisors and that they handle the small cap growth product and gave an update on the asset position. The portfolio has performed very well; as of September 30<sup>th</sup> it is up. He explained there have been no personnel changes to date, the market conditions and the effects on the portfolio of such.

**Mr. Fidge** asked if any members had any more questions. Seeing none Mr. Gardner was thanked for his presentation.

**Ceredex**

**Mr. Steve Loncar** was from Ceredex as the Small Cap Value Advisor. He said that there had not been any changes in personal for the 14 years that they have managed the portfolio. As of September 30<sup>th</sup> the portfolio is up \$7.3 million. They finished the year with the 3<sup>rd</sup> Quarter not good, but they are very optimistic.

**Mr. Fidge** asked if any members had any more questions. Seeing none Mr. Loncar was thanked for his presentation.

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**ITEM NO. 9 ~ CONSENT AGENDA**

**Mr. Fidge** stated the next item is the Consent Agenda.

**A motion was made by Mrs. Johnson and seconded by Mr. Stephens to approve the distributions. All those in favor of the motion signified by saying aye. There was no opposition and the motion was carried unanimous**

**ITEM NO. 10 ~ CONSIDERATION OF ABSENCES**

**Mr. Fidge** said that the next item is Consideration of Absences. **A motion was made by Mrs. Johnson and seconded by Mr. Stephens to approve the absences of Commission Sessions and Rodney Nieves. All those in favor of the motion signified by saying aye. There was no opposition and the motion was carried unanimous**

**ITEM NO. 11 ~ NEXT MEETING**

**Mr. Fidge** said that the next item was next month's meeting. He noted that the next meeting was scheduled for December 18, 2014 at 2:00 p.m. and would be held in the Second Floor Conference Room. He asked if any board member had anything else before he dismissed.

**Ms. Hurtubise** asked if the minutes were going to be posted on the website. This will help in providing information for the members and retirees.

**Mrs. Johnson** said, after a brief discussion, we will work on putting them on the website.

**ITEM NO. 12 ~ ADJOURNMENT**

Being that there were no further questions or comments, Mr. Fidge adjourned the meeting at 4:36 p.m. He thanked everyone for their time and attendance.

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ATTEST:

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Secretary/Treasurer

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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.