

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

Summarized Minutes of the regular meeting of the City of Fort Pierce Retirement and Benefit System, December 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
Nina Hurtubise	U.A. Board Appointee
Keith Stephens	U.A. General Member
Rodney Nieves	Police Officer Member

Attorney Jim Walker	Assistant City Attorney, Advisory
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Absent:

Commissioner Reginald Sessions	City Commission Member
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Recording:

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

Chairperson, Commissioner Tom Perona called the meeting to order at 2:05 p.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; there were none.

ITEM NO. 4 ~ APPROVAL OF SUMMARIZED MINUTES OF NOVEMBER 20, 2014.

Comm. Perona stated that the next item was the approval of the summarized minutes of November 20, 2014. **Comm. Perona** asked for a motion to approve the minutes.

Mrs. Gloria Johnson asked because they had just received the minutes if they could be approved at next month's meeting. All agreed that the minutes would be approved at the January 15, 2015 meeting.

ITEM NO. 5 ~ ATTORNEY'S REPORT

Atty. Jim Walker asked that the item listed under number 9 of the agenda be moved to his report. He said after the last meeting it came to mind that the board and the chair needs a little more guidance on procedural handling of reconsiderations; they are more complicated and usually involve attorneys. After the reconsideration, if the applicant wishes, it could go before the courts and procedures rules need to be clarified to make sure they have been followed in the event of such. There are no rules currently in the code; however there are some for the 185 Board, which I have just passed out. I had originally drafted an ordinance and after thinking about it decided it would be easier to make a rules amendment, and the rules amendment would involve Rule 12. All it does is add Sub-section(c), which says the rules of procedure will be those set out in Section 13-172 (c-g). It is much less complicated. Enclosed is a draft of the amendment.

Comm. Perona asked if there were any pending issues before the board the board today.

Atty. Walker asked in terms of reconsideration.

Comm. Perona answered yes.

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Atty. Walker answered no, so this is the time to address it.

Mr. Keith Stephens said he noticed it says they can apply for it to be reviewed by the circuit court within 30 days of our decision; when the circuit court reviews are they just review our procedures or are they also questioning the decision we made.

Atty. Walker answered all of them and explained the procedures.

Mrs. Johnson asked if we were replacing (a) and (b) of 12 also, or only (c)

Atty. Walker said only adding (c), all others provisions of the rule are to remain the same and continue to apply.

Comm. Perona said this is great to have and asked are we going to be able to admit or not admit evidence.

Atty. Walker said if someone on reconsideration wants to present evidence that chair does not have to accept it, you can deflect to counsel.

Comm. Perona asked that because a lot of our information is subject to HIPPA, are we dealing with this accordingly.

Mrs. Johnson said the packets that you get are marked confidential.

Sgt. Rodney Nieves asked if he were asking if they were being safeguarded somewhere.

Comm. Perona said yes, he could see something like this becoming an issue for any organization.

Mr. Stephens asked is this portion redacted

Mrs. Johnson said yes, they do not get the medical information.

Comm. Perona asked Atty. Walker what he was requiring of the board on this matter.

Atty. Walker said he was requesting that the board approve at this meeting or table it and approve at the next meeting.

Comm. Perona asked if anyone needed more time, none did.

A motion was made by Mr. Fidge and seconded by Sgt. Nieves to accept the rule amendment as presented. 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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Atty. Walker said he had no other issues to discuss but was available for questions.

Mrs. Johnson asked if written request could be in the form of email .

Atty. Walker said currently it is not included but modern technology could be included.

Comm. Perona said the board was tasking Atty. Walker with researching this matter and reporting at the next meeting.

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 non-duty disability retirement from Jeanette Allen with 11 years 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.

Mrs. Johnson said in review of the comments from our doctor it seems as if he was taking direction from her, as referenced by all the “she said.”

Mr. Stephens said he has a lot of experience in these types of matters and why he wrote it like that he does not know, he’s not a doctor. A lot of it is neurological and they have to rely on what the patient is telling them.

Mrs. Johnson asked if FPUA sends them to doctors as well.

Mr. Stephens said they send them when it becomes an issue of fit for duty and most of these are fit for duty before they come before the board.

Atty. Walker said page 60 of the handbook outlines this and states that claimant only has to show that he/she cannot perform their duties with the said employer and not have the ability to work someone else.

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A motion was made by Mrs. Johnson and seconded by Mr. Stephens to approve the request for non-duty disability retirement from Jeanette Allen. Comm. Perona asked for any questions or comments on this request before the motion was called.

Ms. Hurtubise said we recently had another applicant where the individual had not yet been terminated and this made it to the agenda before she was terminated, how is that.

Mrs. Johnson said this is why we are trying to get the committee together because we only go by what the employee has said.

Ms. Hurtubise said she had not yet terminated.

Mrs. Johnson said we need to amend the packet to include a termination form from the employer.

After discussion, 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, there was none.

ITEM NO. 8 ~ NEW BUSINESS

Comm. Perona stated that the next item is New Business, which was move to discussion under item 5.

ITEM NO. 9 ~ CONSENT AGENDA

Comm. Perona, the next item is the Consent Agenda.

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A motion was made by Ms. Hurtubise and seconded by Mr. Fidge 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.

ITEM NO. 10 ~ CONSIDERATION OF ABSENCES

Comm. Perona said that the next item is Consideration of Absences. He asked if the board had any questions before dismissal.

Ms. Hurtubise asked if the City Commission had a section on their agendas for Commission comments at the end.

Comm. Perona answered yes.

Ms. Hurtubise asked if that could be included at the end of this agenda. She said she had a question on the monthly financial that was presented and this would be a good place to ask for clarity.

Mrs. Johnson said it was incorrect.

Comm. Perona asked if that could be added.

Atty. Walker said it could be included as long as the issues are not things that are to be voted on or decided by the board.

Mr. Fidge commented that he had noticed that Spirit Airlines had taken a large decline and that one of our money managers, had mentioned them at the November meeting. He just wanted to make the board aware of this.

ITEM NO. 11 ~ NEXT MEETING

Comm. Perona said the next meeting was scheduled January 15, 2015 at 2:00 p.m.

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ITEM NO. 12 ~ ADJOURNMENT

Seeing there were no further questions or comments, Comm. Perona adjourned the meeting at 2:57 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.