

**CITY OF FORT PIERCE RETIREMENT AND BENEFIT SYSTEM  
MINUTES OF MEETING HELD  
OCTOBER 15, 2015**

Summarized Minutes of the regular meeting of the City of Fort Pierce Retirement and Benefit System, October 15, 2015 at 2:06 p.m., in the 2<sup>nd</sup> Floor Conference Room at City Hall.

Present:

Commissioner Reginald Sessions  
Johnna Morris  
Stanley Fidge, Vice Chair  
Nina Hurtubise

City Commission Member  
Interim Director of Finance  
General Member  
U.A. Board Appointee

Attorney Jim Walker  
Christina Paz

Assistant City Attorney, Advisory  
Retirement Clerk

Absent:

Commissioner Tom Perona, Chair  
Rodney Nieves  
Keith Stephens

City Commission Member  
Police Officer Member  
U.A. General Manager

Recording:

Queen Thompkins

Executive Assistant to Director of Finance

**ITEM NO. 1 & 2 ~ ROLL CALL**

**Co-Chairperson, Stanley Fidge** called the meeting to order at 2:03 p.m., the first item on the agenda being the “*Roll Call*”.

**ITEM NO. 3 ~ COMMENTS FROM THE PUBLIC**

**Mr. Stanley Fidge**, the next item on the agenda was comments from the public. There were no comments from the public.

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**ITEM NO. 4 ~ APPROVAL OF SUMMARIZED MINUTES OF SEPTEMBER 17, 2015.**

**Mr. Fidge**, the next item was the approval of the summarized minutes of September 17, 2015 and asked if there was a motion to approve the minutes.

**A motion was made by Ms. Nina Hurtubise and seconded by Comm. Reginald Sessions to approve the summarized minutes of September 17, 2015.**

**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 Jim Walker** stated there were no specific items to be covered under the report. Mr. Walker said he is available for questions from the Board. There were no questions from the Board.

**ITEM NO. 6 ~ PUBLIC HEARING ON BENEFITS APPLICATIONS**

**Mr. Fidge** stated that the next item on the agenda was Public Hearings on Benefit Applications.

**Mr. Fidge** opened up the public hearing for comments on the request for retirement from Joseph Massimino with 25 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, Mr. Fidge closed the public hearing. Mr. Fidge opened up the matter for the Board. **A motion was made by Comm. Sessions and seconded by Ms. Nina Hurtubise to approve the request for retirement from Joseph Massimino.** Mr. Fidge 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.**

**Mr. Fidge** opened up the public hearing for comments on the request for retirement from Glyndon Moberly with 25 years and 6 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, Mr. Fidge closed the public hearing. Mr. Fidge opened up the matter for the Board. **A motion was made Ms. Johnna Morris and seconded by Comm. Sessions to approve the request for retirement from Glyndon Moberly.** Mr. Fidge 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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**Mr. Fidge** opened up the public hearing for comments on the request for retirement from Paul C. Godsil with 15 years and 6 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, Mr. Fidge closed the public hearing. Mr. Fidge opened up the matter for the Board. **A motion was made Ms. Hurtubise and seconded by Comm. Sessions to approve the request for retirement from Paul C. Godsil.** 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 A. ~ SECOND READING OF ORDINANCE AMENDING SECTION 13  
OF THE CODE – DISABILITY RETIREMENT**

**Mr. Walker** said this was not an actual reading. The ordinance draft was presented to the Board at the last meeting so that they might review it and determine if they want to make a recommendation to the Commission on the subject of the ordinance. He said the ordinance was drafted by him at the request of the Disability Committee and they reviewed it and forwarded it to the Board with request that the Board consider recommending it to the Commission. Mr. Walker said the reason the Committee asked that this ordinance be drafted was because of concern over what the Committee felt was vague, amorphous standards that currently govern the City's code requirements involving the permanent total disability. Mr. Walker said, for example, if an employee comes down with a disability and is unable to do his/her normal job and the City has no other work available; the employer certifies that the employee cannot do that job; the doctors agrees that the employee's disability is permanent and disqualifies that individual, then that individual is eligible for disability under our code of ordinances. Mr. Walker stated this does not tell the whole story and not to pick on our police officers; we are aware of the differential to their status and we lose no opportunity to honor our first responders. For example if that first responder cannot do the duties required as a police officer, then the police officer may well be retired on that basis. Nevertheless, they are capable of doing many other things within the area so that the officer ends up getting a disability pension while simultaneously embarking on another second career elsewhere. Our ordinance is often used to award partial disability rather total disability. Another concern the Committee had was with respect to the role of doctors under our code. The way it is done now is the doctors are asked to give us an opinion on disability, which is outside their expertise. The doctor is, in fact, only qualified to offer opinions on impairment and physical limitations. There is a vast difference between impairment, which is a medical question and a disability, which is actually a mixed question of medicine and vocational rehabilitative considerations. With that, the Disability Committee wish to recommend an ordinance that would amend our code to address such concerns. The draft ordinance that you have in front of you borrows very heavily on the City of Gainesville's ordinance which was studied along with a number of others and found to be very sophisticated in this area. Mr. Walker said this is where we are and would be happy to answer any questions that the Board might have.

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**Mr. Fidge** asked the Board if they had any questions. He said he did recall Comm. Perona's concern about the 50-mile radius issue that might cause a problem regarding the distance and limitation.

**Mr. Walker** said the scope of this is a lot less demanding than Social Security. With Social Security, you have to establish that there is nothing in the national economy that you could do. Here, we ask only that there be a showing of an inability to work in the immediate area as defined by an arbitrary radius of 50 miles. Mr. Walker also pointed out that this does have the effect of impacting substantive entitlement to fees and therefore, if this goes on to the Commission, it is not going to be recommended that the Commission actually adopts this yet without first presenting it collective bargaining.

**Mr. Fidge** asked at this point if this is the second review of the proposed change and if the recommendation is to forward it to the Commission or the Disability Committee.

**Mr. Walker** said it was coming from the Disability Committee with request that this Board consider forwarding it to the Commission. If the Commission wishes to do so, they may adopt this as an agenda for eventual adoption subject in collective bargaining process.

**Mr. Fidge** said he noticed some editing in the ordinance when he was reviewing it so the Board would basically be recommending that it be pushed forward as is.

**Mr. Walker** said as is or with any changes or deletions that the Board might feel appropriate.

**Comm. Sessions** said to Mr. Walker that he mentioned it being an issue for collective bargaining; he asked is it normal practice of those in the past that have passed this and this has been an issue that has been put on the table; at the bargaining table for the Unions or is it something that the Commission has just gone ahead and actually continued and made it an ordinance or is it something that is subject to bargaining?

**Mr. Walker** said some provisions which were strictly procedural which didn't affect benefits were simply adopted. However, where they did have the effect of reducing benefits, we either got the Union's agreement or we got it without the bargaining; or we got it through the bargaining process. Once that's forthcoming, it's been formally adopted and put in the code.

It really all depends on the specific provisions.

**Comm. Sessions** asked Mr. Walker, when he said provisions?

**Mr. Walker** said procedural versus substantive. He said some of this is clearly procedural. Other provisions in this draft are substantive; they are intertwined and we can break out the specific provisions that the Commission wanted to go ahead and adopt procedural measures immediately.

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**Mr. Fidge** said substantive would be there areas where they are looking at partial disability versus in the past that was total disability; those would be the substantial benefit type considerations.

**Mr. Walker** said this is intended to tighten up total disability and make it truly total as opposed to the current situation where in fact it is often much more partial rather than total. The concern that Ms. Gloria Johnson expressed for a number of years in fact, was that we were giving out a lot of awards under circumstances she thought perhaps with revision of the code might not be made.

**Mr. Fidge** asked if there were any questions or comments. He opened up the matter to the Board. **A motion was made by Comm. Reginald Sessions and second by Ms. Nina Hurtubise to forward to the City Commission, for approval, an Ordinance amending Section 13 of the Code - Disability Retirement. All those in favor of the motion signified by say aye. There were no opposition and the motion was carried unanimously.**

**Mr. Walker** mentioned that Lieutenant Bender is on the committee and he was very unhappy with this on behalf of the police department. It was explained to him they would be given another chance during the bargaining process

**Comm. Sessions** said this raises another question. He said what if the Union decides that particular portion they do not want to include for the purpose of bargaining? However, the Commission passes the ordinance in its totality; would this cause a problem?

**Mr. Walker** said the way that would work is that if the parties were at an impasse, and they couldn't reach an agreement and neither side would give, the City, as you know, has the ability in the end; once the procedure has been carried out, can adopt it.

**Comm. Sessions** asked if this was mandated or subject to go away with an impasse.

**Mr. Walker** said if the City absolutely felt that it needed this provision, The City could still adopt it. It should still be submitted to the process.

**ITEM NO.8 A. ~ APPOINTMENT OF CHAIRPERSON AND VICE CHAIRPERSON  
FOR FY 2016**

**Mr. Fidge** said it is time to appoint the Chairperson and Vice-Chairperson for Fiscal Year 2016. Mr. Fidge said they have a quorum, but asked if the Board wanted to wait until all Board members were present.

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**Ms. Johnna Morris** said they have a quorum and do not have to wait to appoint the Chairperson and Vice-Chairperson.

**A motion was made by Ms. Hurtubise and seconded by Comm. Sessions that Comm. Tom Perona be appointed Chairperson and Mr. Stan Fidge be appointed Vice-Chairperson of the City of Fort Pierce Retirement and Benefit Board.**

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

**ITEM NO. 8 B. ~ DISCUSSION FOR FUTURE LEGAL REPRESENTATION**

**Mr. Fidge** said it was his understanding that it was recommended to have this item pulled until the next meeting.

**Mr. Walker** said that it was stated the subject was perhaps best brought up while the Chairperson was present and he could not be here at the meeting today.

**Mr. Fidge** said he understood and it was probably best to have all Board members present.

**Mr. Sessions** said that he would like to inquire while they are talking about the subject matter, if it is okay with the Board.

**Mr. Fidge** gave Comm. Sessions the floor.

**Comm. Sessions** asked Mr. Walker if he was interested in the position.

**Mr. Walker** said the question has been presented to him off the record by others and he has indicated that, if it was the pleasure of the Commission, he would be happy to continue to serve the Board.

**Comm. Sessions** said thank you to Mr. Walker.

**Mr. Fidge** said this will be officially pulled for the next meeting.

**ITEM NO. 9 ~ CONSENT OF AGENDA**

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

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**A motion was made by Mr. Hurtubise and seconded by Comm. Sessions 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**

**Mr. Fidge**, the next item is Consideration of Absences.

**A motion was made by Mr. Fidge and seconded by Ms. Hurtubise to approve the absence of Commissioner Tom Perona and Keith Stephens.**

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

**ITEM NO. 11 ~ BOARD MEMBER COMMENTS**

**Mr. Fidge** commented that he attended the conference and it was excellent. He said that he attended the actuary seminar. He said there were different actuaries coming from different organizations. Mr. Fidge said it was brought up about the new mortality tables that the State of Florida requires. It was discussed at lengths, the impacts of the change in cost to the system because of the new mortality tables.

**Ms. Hurtubise** said Mr. Keith Stephens told her to pass along that he found the conference very enlightening and also found that the Board is doing a lot of the right things.

**Mr. Fidge** said this was good because they can always reach out to peers and find out what they are doing in comparison to what this Board is doing.

**Ms. Hurtubise** said there is a lot of interest on the Utilities Authority side about the change to the 8-year final average salary calculation. She asked if she can get an update as to where that is.

**Ms. Morris** said they are still in the bargaining process. One Union; the Teamsters Union, has agreed to it. They have one down and two to go, but still no progress as of yet.

**Ms. Hurtubise** thanked Ms. Morris for the update.

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**ITEM NO. 12 ~ NEXT MEETING**

The next item was next month's meeting. The next meeting was scheduled for November 19, 2015 at 2:00 p.m.

**ITEM NO. 13 ~ ADJOURNMENT**

Seeing that there were no further questions or comments, a **motion was made by Mr. Fidge and seconded by Ms. Hurtubise to adjourn the meeting.**

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

The meeting was adjourned the meeting at 2:30 p.m. Mr. Fidge 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.