

**CITY OF FORT PIERCE RETIREMENT AND BENEFIT SYSTEM
MINUTES OF MEETING HELD
July 21, 2016**

Summarized Minutes of the regular meeting of the City of Fort Pierce Retirement and Benefit System, July 21, 2016 at 2:00 p.m., in the 2nd Floor Conference Room at City Hall.

Present:

Keith Stephens, Vice -Chairperson	U.A. General Manager
Commissioner Reginald Sessions	City Commission Member
Johnna Morris	Director of Finance
Rodney Nieves	Police Officer Member
Nina Penick	U.A. Board Appointee
Caleta Scott	General Member
Attorney Jim Walker	Assistant City Attorney, Advisory
Christina Paz	Retirement Clerk

Absent:

Commissioner Tom Perona, Chairperson	City Commission Member
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Recording:

Queen Thompkins	Executive Assistant to the Director of Finance
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ITEM NO. 1 & 2 ~ ROLL CALL

Mr. Keith Stephens called the meeting to order at 2:05 p.m., the first item on the agenda being the “*Roll Call*”.

ITEM NO. 3 ~ COMMENTS FROM THE PUBLIC

Mr. Stephens, the next item on the agenda was comments from the public. There were no comments from the public.

ITEM NO. 4 ~ APPROVAL OF SUMMARIZED MINUTES OF MAY 19, 2016.

Mr. Stephens, the next item was the approval of the summarized minutes of May 19, 2016 and asked if there was a motion to approve the minutes.

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A motion was made by Ms. Johnna Morris and seconded by Ms. Caleta Scott to approve the summarized minutes of May 19, 2016.

All those in favor of the motion signified by saying aye. A poll was done of each Board member. There was no opposition and the motion was carried unanimously.

ITEM NO. 5 ~ ATTORNEY'S REPORT

Attorney Jim Walker said there are a couple of items he will briefly bring up. Mr. Walker handed each Board member a copy of the letter addressed to Comm. Perona concerning the 2016 Legal Education Conference he attended. He said he would like to thank Ms. Johnna Morris for providing extra copies via flash drive the Board members received. It has various outlines of material he obtained at the conference. Mr. Walker said there was something one of the speakers said that stood out to him most. He said the speaker was alluding to the criticism that pension funds often draw from the public. The speaker also said that those involved in the pension system needs to be prepared to think outside the box. There needs to be a necessity of pointing out that pensions are one of the few municipal services that are pre-funded. Hardly anything else is pre-funded. Pensions are pre-funded to the benefit of the community. Another example of a typical service that is not pre-funded is the criminal justice; when someone is sentenced to prison for 10 years, society is going to have that expense, but it's not pre-funded. The County does not put aside a sum to cover that expense over the years. Mr. Walker said there is another matter he feels should be brought up and it pertains to a comment that came to him from one of the Commissioners. He said the Commissioner was approached by Mr. Creswell whose petition was on the agenda for today but is being carried over to the next meeting. Mr. Walker said apparently Mr. Creswell was approaching Board members to talk about his petition. He said everybody should know or is reminded that when the Board hears there is a petition, it's doing that in its capacity as a judge, as a quasi-judicial fact finder, and that carries with it certain obligations; one of which is objectivity. Because of that, it is very bad form to have ex parte communications with any party or person outside the actual proceeding itself. If someone comes up wanting to talk to you about a proceeding that is coming up, do not allow it. We have a section in the code that does allow the Commissioners to do it if they purge any presumption of prejudice that is presented by disclosing communication. Mr. Walker said it probably would not be a bad idea to have a rules provision on that subject. He said if it is okay with the Board, he will draw something up and present it for consideration at the next meeting. Mr. Walker asked the Board to take a look at the highlighted language on Page of the *Jennings v. Dade County, 1991 Fla. App. LEXIS 12672* document that was given to each Board member. It states where the Court discusses ex parte presumptions. There is a presumption of prejudice that has to be overcome. Mr. Walker thanked the Board for the time and offered to answer any questions the Board members may have.

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Mr. Nieves asked if the subject matter is not for discussion to the Board, if that's what pre-versus post is; questions are being asked to members of the Board and then they make a petition? He wants to know if you can qualify that as ex parte.

Mr. Walker said it would not be an ex parte communication. He said Mr. Nieves, as a Board member, is expected to talk with people that he represents; to constituents; to educate them; to answer any questions. Mr. Walker said the rule of reason intervene and comes into play only when there is an actual pending petition.

Mr. Stephens said in reference to this individual, there is nothing that's pending concerning what the individual's concerns are. He asked if this was correct.

Mr. Walker said it is pending. The petition has been filed; members may or may not be aware that it's been filed and pending. It is set for hearing or will be for hearing at the next meeting.

Ms. Penick said, as a member of finance, she has to be, and Johnna probably as well, have to be very careful about when we speak to members about participating in the Pension Plan because it's a matter of our day-to-day employment. We have to be careful that we are not expressing an opinion and keeping it professional and merely administrative.

Mr. Stephens said people use to ask him, as a department head before he was on this Board, about retiring and going into DROP. They wanted to know what I thought about it; the pros and cons. As a member of the Retirement Board, you can't answer that.

Mr. Walker said that's a good point.

Mr. Nieves said if the question was merely, what do I do, he understands that, but the question he's asked is how does it work?

Ms. Morris said she is working with Brad Armstrong and Gabriel has a program now that we are going to bring back before the Board to actually look into purchasing; to put on our website; for our members. They can actually put in numbers themselves at a platform to see would it be better for them to continue working if they are getting raises or should they go into DROP. The Program would be there to answer some of those questions.

ITEM NO. 6 ~ PUBLIC HEARING ON BENEFITS APPLICATIONS

Mr. Stephens opened up the public hearing for comments on the request for Retirement (DROP) Program from D. Wayne Dearman with 9 years and 3 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. Stephens closed the public hearing. Mr. Stephens opened up the matter for the Board. **A motion was made by Ms. Penick and seconded by Ms. Morris to approve the request for Retirement (DROP) Program from D. Wayne Dearman.** Mr.

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Stephens 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. A poll was done of each Board member. There was no opposition and the motion was carried unanimously.**

Mr. Stephens opened up the public hearing for comments on the request for Retirement (DROP) Program from David Jones with 25 years of service with the City of Fort Pierce Police Department. He asked if there was any one here who would like to publicly comment on this request. Seeing none, Mr. Stephens closed the public hearing. Mr. Stephens opened up the matter for the Board. **A motion was made Mr. Nieves and seconded by Comm. Sessions to approve the request for Retirement (DROP) Program from David Jones.** Mr. Stephens 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. A poll was done of each Board member. There was no opposition and the motion was carried unanimously.**

Mr. Stephens opened up the public hearing for comments on the request for deferred retirement from Amzad Karim with 9 years and 6 months 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, Mr. Stephens closed the public hearing. Mr. Stephens opened up the matter for the Board. **A motion was made Comm. Sessions and seconded by Ms. Morris to approve the request for retirement from Amzad Karim.** Mr. Stephens 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. A poll was done of each Board member. There was no opposition and the motion was carried unanimously.**

Mr. Stephens opened up the public hearing for comments on the request for deferred retirement from Heather Scarborough with 11 years and 3 months of service with the City of Fort Pierce Police Department. He asked if there was any one here who would like to publicly comment on this request. Seeing none, Mr. Stephens closed the public hearing. Mr. Stephens opened up the matter for the Board. **A motion was made Ms. Morris and seconded by Ms. Scott to approve the request for retirement from Heather Scarborough.** Mr. Stephens 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. A poll was done of each Board member. There was no opposition and the motion was carried unanimously.**

ITEM NO. 7 ~ OLD BUSINESS

None.

ITEM NO. 8 ~NEW BUSINESS

**APPROVAL OF CONTRACT FOR EMPLOYEE OF FPUA – TIM PERKINS
INDEPENDENT CONTRACTOR CONTRACT JULY 21, 2016**

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Mr. Stephens asked if the Board have any discussions pertaining to the approval of the contract for employee of FPUA, Tim Perkins. He asked for a motion for approval.

Mr. Nieves said he wasn't sure of what the approval is.

Mr. Stephens said Comm. Perona asked him to explain this. The person went into the DROP; they left the Company; FPUA would like to maintain him for a short period of time. They are dealing with some specific things with FPUA and the community and the Director would like to keep him for a short term as an independent contractor to handle that for the betterment of the community.

Mr. Nieves asked if the Perkins fulfilled his obligations in the DROP Program.

Mr. Stephens said yes, 4½ years; he has retired. You have to be retired for 30 days. Mr. Stephens said he checked with Mr. Walker and Johnna also knows about it.

Mr. Walker said once the person retires, he/she retains his or her status as a retiree regardless of whether or not they choose to enroll in DROP or not. In this case, the retiree wishes to come back to rejoin the employer and the code says that it is permissible provided that there has been a break in employment of at least 30 days, which there is; and that the employer and the retiree have entered into an independent Contractor's Agreement. The code requires the Retirement Board to approve the contract so that it may verify and satisfy itself it is an independent contracting relationship that is taking place and not merely a resumption of employment whereby the retiree would be getting wages simultaneously with retirement.

Comm. Sessions asked what service is being provided.

Mr. Stephens said one of the main ones is directly involved with the Island WRF Project for the City.

Mr. Nieves asked if this is one individual or a company.

Mr. Stephens said this is one individual.

Mr. Nieves asked, for a \$175,000?

Mr. Stephens said yes. It's no more than 2 years.

Mr. Walker said whether or not it's a good idea or a bad idea is not an issue for the Board. The only question that the Board needs to address is whether or not there is an independent contracting relationship as oppose to an employment relationship and that is evident by the contract.

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Mr. Stephens said it has to go before the FPUA Board also. Mr. Stephens asked for any questions or comments on this request before the motion was called. **A motion was made Ms. Scott and seconded by Ms. Morris for approval of the contract for employee of FPUA, Tim Perkins. All those in favor of the motion signified by saying aye. A poll was done of each Board member. There was no opposition and the motion was carried unanimously..**

ITEM NO. 9 ~ CONSENT OF AGENDA

Mr. Stephens, the next item is the Consent Agenda.

A motion was made by Ms. Morris and seconded by Comm. Sessions to approve the refund of member contributions.

All those in favor of the motion signified by saying aye. A role call was done; there were no oppositions and the motion carried unanimously.

ITEM NO. 9 ~ CONSIDERATION OF ABSENCES

Mr. Stephens acknowledged the excused absence of Comm. Perona.

A motion was made by Ms. Morris and seconded by Comm. Reginald Sessions to approve the excused absence of Comm. Perona.

All those in favor of the motion signified by saying aye. A role call was done; there were no oppositions and the motion carried unanimously.

ITEM NO. 10 ~ BOARD MEMBER COMMENTS

None.

ITEM NO. 12 ~ NEXT MEETING

The next item was next month's meeting. The meeting for the month of June was cancelled. The next meeting was scheduled for August 18, 2016 at 2:00 p.m.

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ITEM NO. 13 ~ ADJOURNMENT

Seeing that there were no further questions or comments, Mr. Keith Stephens made a **motion 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 2:33 p.m.

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.