

**CITY OF FORT PIERCE RETIREMENT AND BENEFIT SYSTEM
MINUTES OF MEETING HELD
January 19, 2017**

Summarized Minutes of the regular meeting of the City of Fort Pierce Retirement and Benefit System January 19, 2017 2:00 p.m., in the 2nd Floor Conference Room at City Hall.

Present:

Commissioner Tom Perona, Chairperson	City Commission Member
Keith Stephens, Vice -Chairperson	U.A. General Manager
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 Reginald Sessions	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

Comm. Tom Perona 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

Comm. Perona, 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 January 19, 2017.

Comm. Perona, the next item was the approval of the summarized minutes of January 19, 2017 and asked if there was a motion to approve the minutes.

A motion was made by Ms. Nina Penick and seconded by Mr. Keith Stephens to approve the summarized minutes of January 19, 2017.

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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 the hearing on the agenda for Robert Creswell is set for continuance. The City will be representing the City and the attorney represents the City in that proceeding, giving a little more extra time to prepare. The hearing is reset for the February Retirement Board Meeting. Mr. Walker said he did send a case note around on a decision that was release, "**City of Hollywood v. Bien**". He said he would be happy to answer any questions.

Comm. Perona said that was an interesting case. It was interesting in how it unfolded. He said he was happy to see they upheld the decision of the Municipality. Comm. Perona thanked Mr. Walker for that information.

ITEM NO. 6 ~ PUBLIC HEARING ON BENEFITS APPLICATIONS

Comm. Perona opened up the public hearing for comments on the request for Retirement from John C. Canard with 25 years and 11months of service with the Fort Pierce Utilities Authority (DROP Program). He asked if there was anyone 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 Ms. Johnna Morris and seconded by Ms. Caleta Scott to approve the request for retirement from John C. Canard.** 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. 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

COMMISSIONER JEREMIAH K. JOHNSON'S REQUEST TO BECOME A MEMBER OF THE CITY OF FORT PIERCE RETIREMENT AND BENEFIT SYSTEM.

Comm. Perona said Comm. Jeremiah K. Johnson has requested to become a member of the City of Fort Pierce Retirement and Benefit System. He said the process is that we need to discuss it; make a motion to approve or disapprove it for whatever reason. Comm. Perona asked for any questions or comments on this request before the motion was called. Mr. Stephens said he had

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one question. He asked, if Comm. Johnson does four years now and then he's away, can he defer it and if he gets voted in again, through his life as long as he gets the ten year total?

Ms. Morris said Comm. Johnson can't defer until he's vested.

Mr. Stephens asked what happens if he gets four years and gets voted out.

Ms. Morris said Comm. Johnson has to take whatever he contributed into the System. If he comes back in the next four years, he has to buy back the four years if he wants the credit service for it.

Mr. Stephens asked if Comm. Johnson have to buy his portion and the City's portion.

Ms. Morris said yes. This is because he has already elected to become part of the System.

Mr. Stephens said when Comm. Johnson comes back it will only be his portion he buys back. He asked if this was true.

Ms. Morris said it should be just his portion.

A motion was made Ms. Nina Penick and seconded by Ms. Johnna Morris to approve the request of Comm. Jeremiah K. Johnson to become a member of the City of Fort Pierce Retirement and Benefit System. A poll was done of each Board member. There was no opposition and the motion was carried unanimously.

ITEM NO. 9 ~ CONSENT OF AGENDA

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

A motion was made by Ms. Morris and seconded by Ms. Scott 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. 10 ~ CONSIDERATION OF ABSENCES

Comm. Perona acknowledged the unexcused absence of Comm. Reginald Sessions.

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ITEM NO. 10 ~ BOARD MEMBER COMMENTS

Mr. Nieves had a question for Mr. Walker. He asked, in the event that he retire in February and go into the DROP Program, will he still be a member of the Retirement Board.

Mr. Walker said he doesn't know, but he will find out for him.

Mr. Nieves said there are other members he runs into at the conferences that are on the Board and are not associated with the City. He said they are all retired people that are on the Retirement Board. They don't have any attachment to the City at all.

Mr. Walker said officially Mr. Nieves status of being in the DROP Program does not affect the fact that he is a "retiree". He said he will find out for sure.

Mr. Stephens said the only change is that Mr. Nieves would not be a paying member of the Retirement System.

Mr. Nieves said under the rules it says you have to be a City employee. He said he will still continue to be an employee.

Comm. Perona said this is true. Mr. Nieves just won't be an active member of the Retirement System.

Mr. Nieves said this is true and we also have Commissioners here who have not been active members of the Retirement System either.

Comm. Perona said let's reverse that. He asked Mr. Nieves if he would postpone his retirement just to stay on the Retirement Board.

Mr. Nieves said he doesn't know. He said this is very important to him and he is very passionate about what he does as a Retirement Board member.

Comm. Perona said Mr. Nieves has made an investment and the Retirement Board has made an investment; Mr. Nieves has been an advocate member. He said this is something we can find out from Mr. Walker and if the Board can do something to help make that change, we can talk about it at a future meeting. Comm. Perona asked if there were any more Board comments. He said the Board will be having the quasi-judicial hearing and he asked Mr. Walker to speak to the Board about what a quasi-judicial hearing is, what the Board needs to do, what the Board is expected to do, and what's the scope of what the Board has to look at in making some final decision.

Mr. Walker said most of the Board members here are an expert on the subject. He told the Board members to get in the mind set of pretending you are a judge because you are. You are judges of the fact and ultimately judges of the law. Think about how you would expect a judge to

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act. It's a little different from what we are used to. Normally things are run on an administrative level of proceeding; Comm. Perona opens a public hearing; calls for public comments; immediately closes it, and then ask for a motion. This is a little more involved. I am going to ask you, before the next meeting, that you read the section in the document that was just passed out to you, pertaining to this subject matter; get familiar with it. Take a look at the agenda packet; that sets out the applicable law that I am aware of. It will also include a note from Mr. Creswell's attorney, setting out his side of the case. Just as you are thinking of yourself as a judge and what you expect of a judge, we don't want anyone with a conflict of interest. If it turns out there is someone who is a friend of yours and is connected to the case, you want to disclose that. They would have the right to ask to be excused. You might want to look into your handbook and read the information it has on conflict of interest. You are also reminded that we did pass the rule about conversations with any third parties outside the hearing. If anybody contacts you outside the hearing, you have a duty to disclose that. Comm. Perona is going to allow each side to give an opening statement. It allows each side to set up a case and comment on what they think the evidence will show. Once that has taken place, each side will present its witnesses and each witness is questioned by the attorney. The other side gets to cross-examine and only then, after the attorney for the parties have talked to the witnesses, the Board members, with the permission of the Chairperson, are able to present questions. Do not get into any arguments with any of the parties. Don't launch into any speeches. Don't comment on the credibility of which you are hearing. All of that gets saved for later discussion. There will be documents that will be given to the clerk where it will be kept for records. Copies will be available to the Board members. Once all of the evidence is in, the parties give final statements. Comm. Perona will close that portion of the hearing; he turns to the Board members and asks if there is a motion. Someone will make a motion and you would proceed as you do when a motion is made.

Comm. Perona asked if we can have a discussion between the Board members about the case.

Mr. Walker said if you read Robert's Rule of Order, Robert's Rule of Order says a discussion should take place in the context of a motion.

Comm. Perona said it would be a motion, then a second, and from there a discussion takes place on the issue.

Mr. Walker said that is correct.

Mr. Stephens said he knows the Civil Service Board has a charter they have to follow and we have a charter we have to follow as well; he asked if the Board could go against the rules.

Comm. Perona asked Mr. Walker if the Board is charged with affirming or disaffirming a motion by the applicant.

Mr. Walker said the petitioner here is challenging a computation or a calculation by the City, so the Board will be affirming the City.

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Comm. Perona said with the Civil Service that's all we were able to do for so many years until we changed the rule. We then changed it to where we were able to amend it.

Mr. Stephens asked if the Board have the authority to do the same thing.

Mr. Walker said no.

Mr. Stephens said he just wanted to make sure the Board understood this.

Mr. Walker said our Board is bound by the Law and the facts, and when a motion is made, it should include relevant findings that the movement is relying upon reaching that decision. This way the record would be supported with the basis for the decision.

Ms. Morris asked Mr. Walker if she would be recusing herself due to the dual roles she has as secretary/treasurer because she may have to provide testimony as the Director of Finance.

Mr. Walker said that would be recommended.

ITEM NO. 12 ~ ADJOURNMENT

The next item was next month's meeting. The next meeting is scheduled for February 16, 2017 at 2:00 p.m.

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 2:40 p.m.

ATTEST:

Secretary/Treasurer

Chairperson

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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.