

Summarized Minutes of the regular meeting of the City of Fort Pierce Retirement and Benefit System September 19, 2019 2:00 p.m., in the 2nd Floor Conference Room at City Hall.

Present:

Keith Stephens, Chairperson
Caleta Scott, Vice-Chairperson
Johnna Morris
Brian Avilla
Nina Penick

U.A. General Member
General Member
Director of Finance
Police Officer Member
U.A. Board Appointee

Attorney Jim Walker
Christina Paz

Attorney for the Retirement Board, Advisory
Retirement Clerk

Guest:

Keith Holmes

Absent:

Mayor Linda Hudson
Comm. Tom Perona

Commission Appointed Member
City Commission Member

Recording:

Queen Thompkins

Executive Assistant to the Director of Finance

ITEM NO. 1 & 2 ~ ROLL CALL

Mr. Keith Stephens called the meeting to order at 2:00 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 AUGUST 15, 2019

Mr. Stephens, the next item was the approval of the summarized minutes of August 15, 2019, and the Board asked if there was a motion to approve the minutes. **A motion was made by Ms. Caleta Scott and seconded by Ms. Nina Penick to approve the summarized minutes of August 15, 2019.**

All those in favor of the motion signified by saying aye. A poll was done of each Board member. Mr. Stephens abstained.

Mr. Walker said there’s a statute that covers this that allows extension only for conflict purposes. You can vote in clear conscious notwithstanding your absence.

Mr. Stephens said in that case he votes yes. **There was no opposition and the motion carried unanimously.**

ITEM NO. 5 ~ ATTORNEY’S REPORT

Mr. Walker said there isn’t much going on. I handed a report to the Board members on the conference that took place. It was a very worthwhile conference. I’ve done my best to share the information. A disc has been provided to the City; our Custodian of Records, and if anyone wants that information, they can request it. The Board might recall we brought an action against Ricky Brown to cover roughly \$6,000 in payment that he collected following the death of his relative. He was supposed to drop by my office last week with a check from the sale of some property; he didn’t show up, so we filed a motion for judgement on the pleadings and that apparently encouraged him, and he got back in touch with me. We have another office appointment set for next week. I’m happy to entertain any questions the Board members might have.

Mr. Stephens said he was interested in what it had to do with IT; the protection of our data. Maybe this is a good idea to have as a topic if you think this is valuable for us. Maybe IT can come and tell us certain things without getting too specific of what they do to protect through switches, through software, and who checks them to see if they are doing everything they can. What does the Board think about this?

Ms. Scott said she’s in agreement to have them come explain it to us, if there is an outside provider. I know Shay Johnson recently did a lot of changes to our IT, so they probably do have a nice update.

Ms. Morris said if the Board wants it, they can come but, the same measures that they use for our regular system is what they use, and annually our auditors are at IT to make sure they are following certain parameters as well as their other outside agencies.

Mr. Stephens said it doesn't have to be anything long; just a few minutes. Should we do motion on it?

Mr. Walker said it's the discretion of the Chairman to some extent but, it might lend authority to the request if a formal motion was made.

A motion was made by Ms. Nina Penick and seconded by Ms. Caleta Scott that we ask the City's IT Department to present to the Retirement Board the protocols that are in place that secure the retiree data and other data associated with the Retirement System. 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 carried unanimously.**

ITEM NO. 6 ~ PUBLIC HEARINGS ON BENEFIT APPLICATIONS

Mr. Stephens opened the public hearing for comments on the request for Retirement (DROP Program) from Andrew J. Digiacommo with 5 years of service with the Fort Pierce Utilities Authority. He asked if there was anyone here who would like to publicly comment on this request. Seeing none, Mr. Stephens closed the public hearing. He opened the matter for the Board. **A motion was made by Ms. Nina Penick and seconded by Ms. Caleta Scott to approve the request for retirement (DROP Program) from Andrew J. Digiacommo.** 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 carried unanimously.**

Mr. Stephens opened the public hearing for comments on the request for Deferred Retirement from Evelyn Walker with 15 years and 9 months of service with the Fort Pierce Utilities Authority. He asked if there was anyone here who would like to publicly comment on this request. Seeing none, Mr. Stephens closed the public hearing. He opened the matter for the Board.

Mr. Stephens said he would like to bring something up. I know this person has litigation and I know part of the litigation with FPUA had to do with the retirement; I don't know how that ties in. There was mentioned of that and I'm wondering should we find out more. How can it affect us by doing this because the litigation had to do with how they may gate years?

Ms. Penick said this was discussed with FPUA's labor attorney and was okayed to be processed, at least from that standpoint.

Mr. Stephens said there is litigation; I just don't know; is this going to go into effect for many years; would it be better for us to table it until the litigation is over, which I don't see that dragging on too much longer. In the next year or so I anticipate, and then we could bring this back.

Mr. Walker said long as the Board is making a decision based upon a parameter of Chapter 13, it matters within its jurisdiction the litigation of unrelated matters should not affect this. If Ms. Morris has additional information, I would be happy to defer to her. Otherwise, long as we are sticking to our limited area of jurisdiction, there should be no issue here.

Ms. Morris said she's only deferring retirement. Until she reaches the age or by chance there is some type of award settlement, we make an adjustment and it allows for pension adjustment, we make the adjustment.

Mr. Stephens asked if she was going right into retirement that would be a little different at this time.

Ms. Morris said even if she was going right into retirement; if by reason of award we had to go back and recalculate based on the award, we would go back and recalculate.

A motion was made by Ms. Nina Penick and seconded by Mr. Brian Avilla to approve the request for deferred retirement from Evelyn Walker. 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 carried unanimously.**

ITEM NO. 7 ~ OLD BUSINESS

None.

ITEM NO. 8 ~ NEW BUSINESS

a. KEITH HOLMES - DISABILITY MEDICAL BENEFITS FOR IN THE LINE OF DUTY INJURY DURING A FELONIOUS EVENT

Ms. Morris said we have a request from Mr. Keith Holmes, who the Board approved his retirement in April, to have health benefits paid by the Board based on the Statute. That is his request and is now before the Board for discussion for approval or non-approval of this request.

Mr. Stephens asked Ms. Morris to explain for clarification.

Ms. Morris said based on Florida Statute, and Mr. Walker might have to help me on this; I think it's 112 in the Florida Statute; it lays out what the stipulations are if an employee dies in the line of duty and it also relates to an injury; as I read it, a catastrophic injury; if an officer has a catastrophic injury in the line of duty, the municipality has to pay the health insurance. As it relates to the benefit of the Board paying that, the Board does not pay those benefits. We've had employees or retired employees, disability retired police officers that in the past have come to commission the Board. It has been conveyed that is not a benefit the Board itself has the authority to grant but, the request is based on the Statute and what the Statute says and how he's interpreting it.

Mr. Walker said I would recommend that the petitioner be give an opportunity to speak.

Mr. Stephens said that would be fine.

Mr. Keith Holmes said his name is Keith Holmes; retired from the Police Department. He brought this before Ms. Christine Paz a little bit before my retirement and after my retirement took place. She said according to things done in the past, I had to come before the Retirement Board in order to get this passed. Lesley Lasenby, who was injured in the line of duty, took his before a court, and this was before the Florida Statute came into play. Since mine was in felonious event, multiple felonies, also fresh pursuit; still having to deal with multiple surgeries going through, I fall into this category according to the Florida Statute. I requested this from the City before I retired and I would even pay my premium that I was paying from the Police Department, and not have to worry about my child who is also eligible according to the Florida Statute under this benefit. I was just requesting for mine so I wouldn't lose the insurance. Ms. Paz said I had to come before the Board. You all didn't meet for two months, so here I am.

Ms. Penick asked if there was an agenda item associated with this. I didn't have any information about this until now.

Ms. Morris said it's just labeled as far as the backup email request for it. There was nothing other than the email request asking for it.

Mr. Stephens asked Mr. Walker when did the Statute come out.

Mr. Walker said he doesn't have the effective date and I have read the Statute. Whether that does or does not trigger a duty on the part of the City of Fort Pierce is a question that I do not express an opinion on but leave it to the City Attorney to address as he thinks best. There's nothing in the Statute referred to that indicates it is a matter for the local Retirement Plan. There's nothing in our Chapter 13 that prescribes any such provision or entitlement relating to healthcare benefits by first responder under the circumstances that are brought to us here today. It appears to me, Mr. Chairman, this is not a matter that would be within the jurisdiction of this Retirement Board. This Board does not take the position on whether he is entitled to it or not. That's left to the City Commission, that consultation is with counsel. We are bound by what's in Chapter 13.

Mr. Stephens asked Mr. Holmes if this explains it to him.

Mr. Holmes said he's getting told from the City I had to come here. Now I'm being told by you I need to go to the City. In the past Mr. Lasenby came to a Retirement Board and he even got back pay. I'm going off what Ms. Paz said. Where am I supposed to go, and this has been going on since before my retirement.

Ms. Morris said for clarification Mr. Lasenby may have come before the Board, but the Board did not approve it for him. That was approval by City Commission as to them awarding that or deciding that the City would pay that for him on his behalf, not the Retirement Board. Your request was, you wanted to come before the Retirement Board. We put you on the agenda to come before the Retirement Board to make a request. I can't speak to what Ms. Paz told you, but I know I conveyed to you that the Retirement System does not pay health insurance for employees. However, it's your right to come and petition and make the request.

Mr. Holmes said if the Retirement Board doesn't do that, I wouldn't have come here and wasted my time.

Ms. Morris asked Mr. Holmes, I didn't tell you we don't do that?

Mr. Holmes said no. He was told to come before the Retirement Board to do this. I wouldn't be here.

Mr. Stephens said all I can do, without getting in between the "he said, she said" understanding; I will say this, we're bound by a certain Statute. I understand frustration. All we can do is move forward. Whether I believe and don't believe you have a right to this, it doesn't matter because I don't have any say to make that decision; I don't have the authority. We can refer it to the City Attorney. Ms. Morris what would be the next step for him to do?

Ms. Morris said my suggestion and Attorney Walker, you can help me with this; make a formal written request as to what it is you are requesting. I will send it over to the City Attorney, who will then speak with his boss, which is the Commission. It will go before the Commission as to whether they are going to grant you this request based on the Statute.

Mr. Holmes said he appreciate it and I have been doing this for a year, trying to figure out what I need to do to get to this point. I have email after email to Human Resources stating the same thing you said, and I can't get in front of the Commission.

Mr. Stephens asked Mr. Walker if Mr. Holmes needs to go to the City Attorney.

Mr. Walker said administratively, there are several ways to do this. Apologies to you Mr. Holmes for any confusion that you might have. It's obvious you are very sincere, and you are trying to follow whatever procedure is the best way to address your concerns. You can also check with the City Manager's office. They get things on the agenda. If the City Manager has any questions, he will probably address them to personnel or the City Attorney's office. Personally, I would start with the City Manager's office to see about getting on the agenda. If the City Manager feels that's the right way to go, at least today you have the consolation of knowing that you've eliminated one group. If anybody says that you should go to the Retirement Board, you can tell them that you did that and was told that's not the way to go.

ITEM NO. 9 ~ CONSENT AGENDA

Mr. Stephens said the next item is the Consent Agenda. **A motion was made by Ms. Nina Penick and seconded by Ms. Caleta Scott to approve the refund of member contributions.**

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

ITEM NO. 10 ~ CONSIDERATION OF ABSENCES

Mr. Stephens acknowledged the excused absence of Mayor Linda Hudson. There was no information given concerning Comm. Perona being absent.

Mr. Walker said the idea of this is to excuse when there's cause. Comm. Perona has not explained his absence. There might be a desire to wait and hear his explanation whereupon it can be

determined that there was cause for the absence. Since we've been given information on the Mayor, there would be grounds to excuse her absence.

Mr. Stephens said we would make a motion and it would be on the Mayor's absence and on Comm. Perona we would do nothing. **A motion was made by Ms. Caleta Scott and seconded by Mr. Brian Avilla to approve the excused absence of Mayor Linda Hudson.**

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

Ms. Scott said she will be out on October 17 for the FRA Conference in Tampa.

Mr. Stephens said we have a conference coming up in October. Ms. Scott is going, and the Mayor is going. I believe Comm. Perona is going.

ITEM NO. 12 ~ ADJOURNMENT

The next item was next month's meeting. The next meeting is scheduled for September 19, 2019 at 2:00 p.m.

The meeting was adjourned the meeting at 2:30 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.