

Minutes of the Firefighter's Pension Board Meeting

Chairman Ronald Glass called the meeting to order on Friday, December 4, 2009 at 8:00 a.m., 9th floor, Harvard Conference Room, City Hall at 400 S. Orange Avenue, Orlando, Florida. There was a quorum.

Members Present:

Ronald Glass, Chairman
John Miller, Vice-Chair
Michael Droege, Secretary
Mario A. Garcia, Trustee*
Rebecca W. Sutton, Trustee

Also Present:

Christopher P. McCullion, Executive Director
James B. Loper, Board Attorney (via telephone)
Rochelle L. Burlon, Pension Coordinator
Michael Clelland, Attorney for C. Bates
Collette Bates, Disability Applicant

2. MINUTES

A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 28, 2009 was made by M. Droege and seconded by R. Sutton, MOTION CARRIED UNANIMOUSLY.

3. CONSENT AGENDA

Michael Pelletier #3571
\$5,035.57 monthly

Date of Retirement November 2009

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED was made by M. Droege and seconded by R. Sutton, MOTION CARRIED UNANIMOUSLY.

4. PENDING/OLD BUSINESS

a. **STATUS OF DISABILITY APPLICATIONS**

Gary Gammage	IME report received on 11/3/09.
John Tormos	Took Application on 10/7/09.
Willie Torres	Notebooks submitted on 10/1/09. IME scheduled for 11/10.

b. **SELECTION OF INTERNATIONAL EQUITY MANAGER**

Taken care of at prior meeting.

c. **SHARE PLAN**

Chairman R. Glass and J. Loper gave an update on the Share Plan. The City Attorney has requested an attorney general opinion from the Honorable Bill McCollum regarding the retirees receiving a share of this plan.

R. Sutton will discuss with the City Attorney if the amounts can be escrowed until all is finalized. C. McCullion advised that this should be ready by possibly March 2010 for Nationwide to take over.

A MOTION TO AUTHORIZE RANDALL STANLEY TO BEGIN THE CALCULATIONS FOR THE SHARE PLAN AS SOON AS DATA IS COMPLETE, was made by M. Droege and seconded by J. Miller; MOTION CARRIED UNANIMOUSLY.

d. **FIREFIGHTER ROBERT MARKWARD**

J. Loper will review the situation and advise staff.

1. **DISABILITY HEARING OF COLLETTE BATES**

The following witnesses were sworn in and then sequestered outside the room except for Deputy Chief John P. McCormack and Dawn Sumter.

Firefighters: Jerome Cadorette; Lorne J. Spence; Charles Schermerhorn; Michael Ryan; Craig Hulette; Tamra Hull; William T. Fazio, Dawn Sumter; Deputy Chief John P. McCormack and Joe Barron of Skyetec.

Chairman R. Glass advised that this was the time set for the application for line of duty disability pension of Collette Bates. R. Glass recognized the Applicant who was represented by Michael Clelland. Amanda Green represented the Department. J. Loper went over the guidelines of the disability hearing. R. Glass informed all present that the hearing was being recorded and indicated that the applicant's package, depositions, IME report, mold reports, exhibits P 1-13 and additional documents submitted by A. Green, would be accepted into evidence. C. Bates was sworn in. M. Clelland gave his opening statement. A. Green waived her opening statement. M. Clelland presented his case. Witnesses testified. Trustees asked questions of the applicant's attorney and of the applicant. A. Green called her witness Joseph Anthony Barron of Skyetec to testify. Mr. Barron had performed and certified the mold report of the station for the City of Orlando. A. Green called her witness Chief John P. McCormack who testified that there was no light duty position available for Ms. Bates without a reduction in pay and benefits. R. Glass advised that the evidentiary phase of the hearing was closed. M. Clelland and A. Green gave their closing statements.

A MOTION THAT C. BATES' INJURY IS A PERMANENT AND TOTAL DISABILITY was made by M. Droege and seconded by R. Glass; MOTION CARRIED UNANIMOUSLY.

A MOTION THAT THIS IS A LINE OF DUTY DISABILITY was made by M. Droege and seconded by M. Garcia; MOTION CARRIED UNANIMOUSLY.

A MOTION THAT COLLETTE BATES IS NOT ENTITLED TO COST OF LIVING INCREASES SINCE SHE DOES NOT HAVE 20 OR MORE YEARS OF ACTUAL SERVICE, was made by R. Glass and seconded by M. Droege; MOTION CARRIED UNANIMOUSLY.

A MOTION THAT THE DEPARTMENT DOES NOT HAVE A LIGHT DUTY POSITION AVAILABLE WITHOUT A REDUCTION IN PAY AND BENEFITS PER DEPUTY CHIEF MCCORMACK, was made by R. Sutton and seconded by M. Droege; MOTION CARRIED UNANIMOUSLY.

A MOTION THAT THE LINE OF DUTY DISABILITY PENSION WILL BE EFFECTIVE JANUARY 1, 2010 was made by M. Droege and seconded by R. Glass; MOTION CARRIED UNANIMOUSLY.

Meeting adjourned @ 12:45 p.m.

Respectfully submitted,

Shelly Burlon

Rochelle (Shelly) Burlon
Pension Coordinator