

## Minutes of the Firefighter's Pension Board Meeting

Chairman Ronald Glass called the meeting to order on Thursday September 18, 2008 at 8:20 a.m. 2<sup>nd</sup> floor, Agenda 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:**

Donnie R. Jones, Risk & Safety Division Manager  
Christopher P. McCullion, Executive Director  
Amanda Green, Fire Department Advocate  
James B. Loper, Board Attorney  
Chief James Reynolds  
Katie Zuccarini, Employee Benefits  
Daniel Velez, Disability Applicant  
Corby Rusk, Disability Applicant  
Jason Ballard, Disability Applicant  
Christine Collyer, Disability Applicant  
Rochelle L. Burlon, Pension Coordinator

R. Sutton announced that Donnie Jones will be moving to the Risk & Safety Division and Christopher McCullion has been promoted to Treasurer and Executive Director of the Fire Pension Board effective immediately.

### **1. DISABILITY HEARING FOR DANIEL VELEZ**

Chairman R. Glass advised that this was the time set for the application for line of duty disability pension of Daniel Velez. R. Glass recognized the Applicant who wasn't represented by an attorney. 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 and the Board's IME would be accepted into evidence. D. Velez, C. Rusk, J. Ballard, C. Collyer and Chief J. Reynolds were sworn in. A. Green asked Chief Reynolds if there were any limited duty positions for the four applicants in the Fire Department with no reduction in pay or benefits and Chief Reynolds advised there were none. D. Velez gave his opening statement. A. Green waived her opening statement. D. Velez testified. R. Glass advised that the evidentiary phase of the hearing was closed. D. Velez gave his closing statement. A. Green waived her closing statement.

**A MOTION THAT THIS IS A PERMANENT AND TOTAL DISABILITY** was made by M. Droege and seconded by R. Sutton, **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT D. VELEZ'S DISABILITY IS A LINE OF DUTY DISABILITY AS STATED IN THE PENSION PLAN** was made by M. Droege and seconded by R. Glass; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THERE IS NO LIMITED DUTY POSITION WITHIN THE FIRE DEPARTMENT WITH NO REDUCTION IN PAY OR BENEFITS** was made by M. Droege and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THE LINE OF DUTY DISABILITY PENSION WILL BE EFFECTIVE OCTOBER 1, 2008** was made by R. Glass and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT DANIEL VELEZ IS NOT ENTITLED TO COST-OF LIVING INCREASES SINCE HE DOES NOT HAVE 20 OR MORE YEARS OF ACTUAL SERVICE** was made by M. Droege and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

## 2. **DISABILITY HEARING FOR CORBY RUSK**

Chairman R. Glass advised that this was the time set for the application for line of duty disability pension of Corby Rusk. R. Glass recognized the Applicant who wasn't represented by an attorney. 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 and the Board's IME would be accepted into evidence. C. Rusk gave his opening statement. A. Green waived her opening statement. C. Rusk testified. R. Glass advised that the evidentiary phase of the hearing was closed. C. Rusk gave his closing statement. A. Green waived her closing statement.

**A MOTION THAT THIS IS A PERMANENT AND TOTAL DISABILITY** was made by M. Droege and seconded by R. Sutton, J. Miller asked a question of the applicant; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT C.RUSK'S DISABILITY IS A LINE OF DUTY DISABILITY AS STATED IN THE PENSION PLAN** was made by M. Droege and seconded by R. Glass; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THERE IS NO LIMITED DUTY POSITION WITHIN THE FIRE DEPARTMENT WITH NO REDUCTION IN PAY OR BENEFITS** was made by J. Miller and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THE LINE OF DUTY DISABILITY PENSION WILL BE EFFECTIVE OCTOBER 1, 2008** was made by R. Sutton and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT C. RUSK IS NOT ENTITLED TO COST-OF LIVING INCREASES SINCE HE DOES NOT HAVE 20 OR MORE YEARS OF ACTUAL SERVICE** was made by R. Glass and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

**3. DISABILITY HEARING FOR JASON BALLARD**

Chairman R. Glass advised that this was the time set for the application for line of duty disability pension of Jason Ballard. R. Glass recognized the Applicant who wasn't represented by an attorney. 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 and the Board's IME would be accepted into evidence. J. Ballard gave his opening statement. A. Green waived her opening statement. J. Ballard testified. R. Glass advised that the evidentiary phase of the hearing was closed. J. Ballard gave his closing statement. A. Green waived her closing statement.

**A MOTION THAT THIS IS A PERMANENT AND TOTAL DISABILITY** was made by M. Droege and seconded by J. Miller; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT J. BALLARD'S DISABILITY IS A LINE OF DUTY DISABILITY AS STATED IN THE PENSION PLAN** was made by M. Droege and seconded by M. Garcia; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THERE IS NO LIMITED DUTY POSITION WITHIN THE FIRE DEPARTMENT WITH NO REDUCTION IN PAY OR BENEFITS** was made by R. Glass and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THE LINE OF DUTY DISABILITY PENSION WILL BE EFFECTIVE OCTOBER 1, 2008** was made by M. Droege and seconded by R. Glass; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT J. BALLARD IS NOT ENTITLED TO COST-OF LIVING INCREASES SINCE HE DOES NOT HAVE 20 OR MORE YEARS OF ACTUAL SERVICE** was made by R. Sutton and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

4. **NON LINE OF DUTY DISABILITY HEARING FOR CHRISTINE COLLYER**

Chairman R. Glass advised that this was the time set for the application for a non-line of duty disability pension for Christine Collyer. R. Glass recognized the Applicant who wasn't represented by an attorney. 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 and the Board's IME would be accepted into evidence. C. Collyer gave her opening statement. A. Green waived her opening statement. C. Collyer testified. R. Glass advised that the evidentiary phase of the hearing was closed. C. Collyer gave her closing statement. A. Green waived her closing statement.

**A MOTION THAT THIS IS A PERMANENT AND TOTAL DISABILITY** was made by M. Droege and seconded by M. Garcia; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT C. COLLYER'S DISABILITY IS A NON-LINE OF DUTY DISABILITY AS STATED IN THE PENSION PLAN** was made by M. Droege and seconded by M. Garcia; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THERE IS NO LIMITED DUTY POSITION WITHIN THE FIRE DEPARTMENT WITH NO REDUCTION IN PAY OR BENEFITS** was made by R. Sutton and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THE NON-LINE OF DUTY DISABILITY PENSION WILL BE EFFECTIVE OCTOBER 1, 2008** was made by M. Droege and seconded by R. Glass; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT C. COLLYER IS NOT ENTITLED TO COST-OF LIVING INCREASES SINCE SHE DOES NOT HAVE 20 OR MORE YEARS OF ACTUAL SERVICE** was made by R. Sutton and seconded by R. Glass; **MOTION CARRIED UNANIMOUSLY.**

2. **APPROVAL OF MINUTES**

**A MOTION TO APPROVE THE MINUTES OF AUGUST 20, 2008** was made by M. Droege and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

3. **CONSENT AGENDA**

None

4. **PENDING**

a. **STATUS OF DISABILITY APPLICATIONS**

S. Burlon gave an update on the disability applicants.

Jeromy Hansen            Disability Application and Notebooks were turned in on September 17, 2008.

Jose Miranda            New application was turned in on September 17, 2008 for a change in circumstance. Application was the same as previously provided.

**A MOTION TO HAVE JAMES LOPER WRITE A LETTER TO MR.MIRANDA'S ATTORNEY, ADVISING HIM THAT AN OFFICIAL HEARING WILL BE SCHEDULED FOR NEXT MONTH ON THE CHANGE OF CIRCUMSTANCE WITH COMPLETE DETAILS ON DOCUMENTS REQUIRED AND ALL TIMELINES** was made by M. Garcia and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

b. **ANNUAL REPORTING OF RETIREES AND SURVIVING SPOUSES**

S. Burlon advised that the annual letters were sent out and only one retiree has not responded yet. A second letter was issued to Mr. Milton Davis on September 8, 2008.

c. **ELECTION OF 5<sup>TH</sup> MEMBER FOR TERM OCTOBER 1, 2008-SEPTEMBER 30, 2010 AND ELECTION OF OFFICERS**

**A MOTION TO REAPPOINT JOHN MILLER AS THE 5<sup>TH</sup> MEMBER FOR THE TERM OCTOBER 1, 2008-SEPTEMBER 30, 2010** was made by R. Sutton and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION TO HAVE THE OFFICERS REMAIN SEATED AS IN THE PREVIOUS TERM: R. GLASS, CHAIRMAN; J. MILLER, VICE-CHAIRMAN; AND M. DROEGE, SECRETARY;** was made by R. Sutton and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY...**

d. **ANNUAL PLAN REVIEW**

J. Loper reviewed his annual plan review. He reviewed the new federal laws; IRS scrutiny of governmental plans; rollovers from retirement plans to Roth IRA's; deferred pension payments; Proposed Rule 60T; the Premium Tax Monies distributions for 2007 and fiduciary liability insurance.

**A MOTION TO HAVE J. LOPER PREPARE AN ORDINANCE REGARDING THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX (HEART) ACT OF 2008 PERTAINING TO THE FIRE PENSION PLAN AFTER DISCUSSION WITH THE CITY ATTORNEY; AND OBTAIN AN IMPACT STATEMENT FROM STANLEY, HOLCOMBE AND ASSOCIATES;** was made by R. Glass and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION TO KEEP OUR CURRENT IRS DETERMINATION LETTERS AND AT THIS TIME NOT APPLY FOR NEW DETERMINATIONS FOR CHANGES IN THE PLAN** was made by M. Droege and seconded by R. Glass; **MOTION CARRIED UNANIMOUSLY.**

5. **NEW BUSINESS/GENERAL APPEARANCE**

a. **IAFF**

Steve Clelland of the IAFF asked if the Board would grant permission for the Union to hire J. Loper in order to write a share plan between the City and the Union after negotiations have been completed. Discussion ensued.

**A MOTION TO AUTHORIZE JAMES LOPER TO REPRESENT THE PENSION BOARD'S INTEREST BY PREPARING A SHARE PLAN DOCUMENT BETWEEN THE CITY AND THE UNION AFTER COLLECTIVE BARGAINING HAS BEEN COMPLETED; AND THE COSTS FOR THIS DOCUMENT WILL BE SPLIT BETWEEN THE PENSION BOARD AND IAFF. HOWEVER, THIS SHOULD NOT BE A PRECEDENT FOR FUTURE PROJECTS;** was made by M. Droege and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

b. **IME REPORTS**

J. Miller advised that while Dr. Thames comments in addition to the IME reports confirm that all questions have been answered, he doesn't feel the trustees should receive it. Effective immediately, staff will no longer submit Dr. Thames comments into the disability package.

Meeting adjourned at 10:35 a.m.

Respectfully submitted,

*Rochelle L. Burlon*

Rochelle (Shelly) L. Burlon  
Pension Coordinator