

Chairman J. Smith called the Orlando Police Pension Board Meeting to order on Friday, May 21, 2010 at 2:17 p.m., in Conference Room R, 2nd floor, City Hall at 400 S. Orange Avenue, Orlando, Florida. A quorum was present.

Member(s) Present:

J. Smith, Chairman
V. Montgomery, Secretary
R. Sutton, Vice-Chair
A. Blanca, Trustee
R. Thames, Trustee

Also Present:

C. McCullion, Executive Director
S. Kaufman, Board Attorney
S. Burlon, Pension Coordinator
D. Braddy, Disability Applicant
R. Brown, Applicants Attorney
K. Brewster, Disability Applicant
S. Hoffman, FOP
S. Hetz, Department Advocate

1. DISABILITY HEARING FOR DARREN BRADDY

Chairman Smith advised that this was the time set for the Disability Hearing of Darren S. Braddy. The disability notebook, IME and affidavit from the Department Advocate, Shannon Hetz, and supplemental medical documents were submitted into evidence. Randy Brown represented the applicant. D. Braddy was sworn in. Chairman Smith asked R. Brown to give his opening statement which he waived. Chairman Smith advised that the evidence phase was now closed and asked if any trustees had questions. No questions were asked of the applicant. R. Brown gave a closing statement. R. Brown stated that the Department Advocate did not state in her "Notice of Departmental Review" that there would be no reduction in pay or benefits. A letter that was sent out by Chief Demings on March 11, 2010 that states that she has a light duty position without a reduction in pay or benefits to the applicant was added into evidence. S. Hetz was sworn in and stated for the record that she has been advised by the Chief that there is a limited duty position available without a reduction in pay *or benefits* and that was an oversight in her Departmental Review. S. Hetz had no closing statement.

S. Kaufman read from the City of Orlando Police Pension Plan, Section 8 to all in attendance.

A MOTION THAT BASED UPON THE EVIDENCE AND TESTIMONY PROVIDED AND BASED ON SECTION 8 SUB SECTION 3 A, B, C, OF THE POLICE PENSION PLAN, AND CASE LAW REFERRED TO BY THE BOARD ATTORNEY, THE APPLICANT IS NOT PERMANENTLY AND TOTALLY DISABLED AND AT THIS TIME IS CAPABLE OF DOING SOME OF THE WORK IN HIS SAME RANK, AND THE CHIEF OF POLICE HAS STATED THAT SHE HAS A LIMITED DUTY POSITION AVAILABLE FOR D. BRADDY, WITHOUT A REDUCTION IN PAY OR BENEFITS. SHOULD THERE BE A TIME IN THE FUTURE THAT THE CHIEF NO LONGER HAS A LIGHT DUTY POSITION, THE PENSION BOARD WILL ADDRESS IT THEN AND DETERMINE HOW IT WILL BE HANDLED GOING FORWARD, was made by J. Smith and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT THE DISABILITY PENSION FOR DARREN BRADY IS DENIED; HE WILL REMAIN WITH THE ORLANDO POLICE DEPARTMENT IN A LIMITED DUTY POSITION WITHOUT A REDUCTION IN PAY OR BENEFITS; AND A FINAL ORDER WILL BE PREPARED BY THE BOARD ATTORNEY TO THAT EFFECT, was made by J. Smith and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

The Board took a ten minute break.

2. DISABILITY HEARING FOR KIMBERLY BREWSTER

Chairman Smith advised that this was the time set for the Disability Hearing of Kimberly Brewster. The disability notebook, IME and affidavit from the Department Advocate, Shannon Hetz, Memorandum from Chief Demings on March 11 and supplemental medical documents were submitted into evidence. Randy Brown represented the applicant. S. Hetz represented the Department. K. Brewster was sworn in. Chairman Smith asked R. Brown to give his opening statement which he waived. S. Hetz waived her opening statement. Chairman Smith advised that the evidence phase was now closed and asked if any trustees had questions. No questions were asked of the applicant. R. Brown gave a closing statement. S. Hetz had no closing statement.

A MOTION THAT BASED UPON THE EVIDENCE AND TESTIMONY PROVIDED AND BASED ON SECTION 8 SUB SECTION 3 A, B, C, OF THE POLICE PENSION PLAN, AND ACCORDING TO THE CASE LAW PREVIOUSLY STATED, THE APPLICANT IS NOT PERMANENTLY AND TOTALLY DISABLED AND AT THIS TIME IS CAPABLE OF DOING SOME OF THE WORK IN HER SAME RANK, AND THE CHIEF OF POLICE HAS STATED THAT SHE HAS A LIMITED DUTY POSITION AVAILABLE FOR K. BREWSTER, WITHOUT A REDUCTION IN PAY OR BENEFITS. SHOULD THERE BE A TIME IN THE FUTURE THAT THE CHIEF NO LONGER HAS A LIGHT DUTY POSITION, THE PENSION BOARD WILL ADDRESS IT THEN AND DETERMINE HOW IT WILL BE HANDLED GOING FORWARD, was made by J. Smith and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT THE DISABILITY PENSION FOR KIMBERLY BREWSTER IS DENIED; SHE WILL REMAIN WITH THE ORLANDO POLICE DEPARTMENT IN A LIMITED DUTY POSITION WITHOUT A REDUCTION IN PAY OR BENEFITS; AND A FINAL ORDER WILL BE PREPARED BY THE BOARD ATTORNEY TO THAT EFFECT, was made by J. Smith and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

Board took a five minute recess.

3. **MINUTES**

A MOTION TO APPROVE THE MINUTES OF MARCH 11, APRIL 8, AND APRIL 19, 2010 was made by V. Montgomery and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

4. **CONSENT AGENDA**

<u>Name</u>	<u>Date of Retirement</u>
Timothy Fisk #3106 Monthly payment of \$5,256.56	March 1, 2010
Audrey White Harris #2391 Monthly payment of \$4,275.27	March 1, 2010
Amy Bretches #4164 Monthly payment of \$4,161.92	April 1, 2010
Kevin Powell #1029 Monthly payment of \$4,305.26	May 1, 2010

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED was made by J. Smith and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

5. **PENDING/OLD BUSINESS**

a. **Disability Applicants**

APPLICANT	DATE OF APPLICATION	BOOK & CD SUBMITTED	IME APPT	IME RECEIVED	Injury	HEARING OR OTHER INFO
Jonathan Adkins	2/28/10	5/3/10			2/28/09	
Amy Bretches	2/24/10	4/13/10	TO BE SCHEDULED		5/5/09	Resigned 4/1/10
Kim M. Garcia	10/26/09	12/8/09	1/18/10	2/4/10	8/25/08	Letter from Chief sent 3/11/10. HEARING TO BE SCHEDULED FOR AUGUST MEETING
William Gipson, Subsequent Disability App	6/28/07	6/28/07	2/10/09	3/12/09	Resigned	4/13/09 R. Cohen hired
Brett Licciardello	10/26/09	1/21/10	2/16/10	3/11/10	5/5/09	Letter from Chief sent 3/11/10 HEARING TO BE SCHEDULED FOR AUGUST MEETING
Eduardo Lopez	10/1/09	12/09	12/28/09	1/21/10	7/3/08	Letter from Chief sent 3/11/10. HEARING TO BE SCHEDULED FOR JULY MEETING.
Gary J. Wilkins	10/14/09	11/24/09	1/18/10	2/4/10	9/3/08	Letter from Chief sent 3/11/10. HEARING TO BE SCHEDULED FOR JULY MEETING.
Audrey White Harris	10/22/09	3/29/10	IME TO BE SCHEDULED		11/06/08	Resigned 3/1/10.

b. **POLICY REVISION REGARDING DISABILITY PENSIONS**

Chairman Smith reviewed the situation regarding employees who resign and have already submitted an application for disability pension. Discussion ensued.

A MOTION TO PERMIT KIM M. GARCIA HER DUE PROCESS RIGHT TO TAKE A NORMAL RETIREMENT DUE TO HER MEDICAL CONDITION AND STILL RECEIVE A DISABILITY PENSION AT HER DISABILITY HEARING IF MEDICAL DOCUMENTATION WARRANTS. THIS WILL ALSO PERTAIN TO AUDREY WHITE HARRIS AND AMY BRETCHES. HOWEVER, GOING FORWARD IF FUTURE DISABILITY APPLICANTS CHOOSE TO TAKE A NORMAL RETIREMENT AND RECEIVE A LETTER FROM THE CHIEF ADVISING THEM OF A LIGHT DUTY POSITION WITHOUT A REDUCTION IN PAY OR BENEFITS PRIOR TO THEIR RETIREMENT THEY WILL FORFEIT AND BE DENIED A DISABILITY PENSION, was made by J. Smith and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

Chairman Smith will work with the board attorney to prepare a policy.

c. **457 DEFERRED COMPENSATION PLAN REGULATIONS**

The Chairman had requested this memorandum of understanding from the Board Attorney due to member requests. This will be given out in block training on June 2.

d. **REVIEW OF NEPC & NYC TRIPS**

J. Smith gave an update on their recent trip to New York and Boston.

e. **UPDATE ON NEW MANAGER CONTRACTS**

C. McCullion gave an update on the Loomis Sayles and J.P. Morgan contracts as well as the transitioning of assets.

f. **REMINDER FINANCIAL DISCLOSURE FORMS DUE JULY 1, 2010**

6. **NEW BUSINESS/GENERAL APPEARANCE**

a. **RESIGNATION OF VINCE MONTGOMERY**

V. Montgomery is resigning from the Orlando Police Department effective June 1, 2010.

A MOTION TO HAVE V. MONTGOMERY REMAIN ON THE BOARD FOR THE REMAINDER OF HIS TERM WHICH EXPIRES ON SEPTEMBER 30, 2010, SINCE THE GENERAL ELECTION FOR THE NEW TWO YEAR TERM EFFECTIVE OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2012 FOR THE TWO ELECTED MEMBERS OF THE BOARD IS SCHEDULED FOR AUGUST 2010 was made by T. Blanca and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

b. **BNY MELLON**

J. Smith advised that he invited Jim Nevola to the next quarterly meeting to speak on Transition Management. As this is not Jim's expertise, Jim will arrange for the proper personnel from BNY to make a presentation. R. Sutton suggested that in the future, BNY Mellon should do presentations on valuation methodology as well as securities lending and C. McCullion should be the go between as he is more aware of what would benefit the board members and pension advisory committee members.

Meeting adjourned at 4:15 p.m.

Respectfully submitted,

Shelly Burlon

Rochelle (Shelly) L. Burlon
Pension Coordinator