



**MINUTES FROM MEETING**  
**OF**  
**October 19, 2017**

Chairman Zabin called the meeting to order at 9:03 AM in the Sustainability Conference Room, 2<sup>nd</sup> floor of City Hall and determined a quorum was present.

<b><u>Members</u></b>	<b><u>Also Present</u></b>
Douglas Zabin, Chairman	Katrina Laudeman, Executive Director
Eddie Torres, Vice Chair	Michelle McCrimmon, Deputy CFO
Jason Franklin, Secretary	Matt Dickey, Deputy Executive Director
Mario Garcia, Trustee	James Loper, Board Attorney
Christopher McCullion, Trustee	Kimberly Laskoff, Department Advocate
	Daniel Smith, Firefighter
	Mike Clelland, Attorney
	Laura Green, Court Reporter
	Casey Preston, Firefighter
	Paul Sutherland, Firefighter
	Mitch Hamilton, Firefighter
	Nick Tuten, Firefighter
	Creed McClelland, Firefighter
	John Panzella, Firefighter
	Keith Stronkowsky, NEPC (9:50 AM) By phone
	Katie Zuccarini, Employee Benefits
	Michele Keane, Pension Coordinator

**1) PUBLIC COMMENT**

Chairman Zabin asked for public comment. There was none.

**2) DISABILITY HEARING - DANIEL SMITH**

Chairman Zabin stated this is the time set aside for Daniel Smith's disability hearing and noted the hearing is being recorded and that a court reporter was present. He stated the hearing will be conducted in an informal manner but consistent with constitutional requirements of due process and equal protection. Chairman Zabin asked if the applicant was present. Mr. Smith replied "yes". Mr. Smith was represented by Mr. Clelland and the attorney for the Firefighters' Pension Board is Mr. Loper. Chairman Zabin turned the meeting over to Mr. Loper, asking him to explain the disability hearing process. Mr. Loper noted the Fire Department was represented by Ms. Laskoff.

Mr. Loper stated that the applicant's package and the depositions of Drs. Mathias and Nocero are all part of the records accepted into evidence. Mr. Clelland requested the pre-employment physical (PEP) that Ms. Laskoff had already authenticated, also be included in the records. There was no objection to this request.

Mr. Loper noted there are five determinations to be addressed by the Board and stated them.

Ms. Laskoff stipulated that Mr. Smith is permanently and totally disabled.

Mr. Clelland asked that the three cases he had previously submitted be included in the records: Caldwell v. Division of Retirement, Carney v. Sarasota's Sheriff's Office, and Punskey v. Clay County Sheriff's Office. There were no objections to this request.

Mr. Loper then addressed the second determination of Line of Duty or Non Line of Duty causes. He referred to Florida Statutes 175.231 and 112.18 that both deal with presumptions. Ms. Laskoff interjected stating she will stipulate the presumption applies to this case.

The third issue is if there is a limited duty position available for Mr. Smith without reducing his pay. Ms. Laskoff stated the Fire Chief does not have a position for Mr. Smith.

The fourth issue is determining the effective date of the disability, if granted, and the last issue is whether or not Mr. Smith has 20 years of service and is entitled to cost-of-living adjustments, COLA. Mr. Smith did not work for the City of Orlando Fire Department for 20 years and is not entitled to COLA.

Mr. Clelland made his opening statement.

Ms. Laskoff waived her opening statement.

Mr. Smith was sworn in by Ms. Keane. He responded to questions from the Board and Mr. Loper. Ms. Laskoff did not have any questions.

Mr. Clelland waived his closing statement.

Ms. Laskoff made her closing statement noting Dr. Nocero stated that Mr. Smith's disease is due to a genetic predisposition. She also stated that Dr. Mathias' did not refute this finding but stated it in a different way.

Mr. Clelland rebutted, disagreeing with Ms. Laskoff and stating she has not met the burden of proving a non-industrial cause of Mr. Smith's disease.

Mr. Loper stated the hearing is now at the decision stage. Chairman Zabin asked the Board members if they had any questions, and some discussion ensued.

**A MOTION THAT DANIEL SMITH IS TOTALLY AND PERMANENTLY DISABLED** was made by Mr. Garcia and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THE DISABILITY IS A LINE OF DUTY DISABILITY** was made by Chairman Zabin and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THERE IS NOT A LIMITED DUTY POSITION AVAILABLE** was made by Mr. Garcia and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THE LINE OF DUTY DISABILITY BE GRANTED EFFECTIVE NOVEMBER 1, 2017** was made by Chairman Zabin and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT MR. SMITH DOES NOT HAVE TWENTY YEARS OF SERVICE** was made by Chairman Zabin and seconded by Mr. Garcia; **MOTION CARRIED UNANIMOUSLY.**

Chairman Zabin thanked Mr. Smith for his service. A short recess was taken at 9:40 AM at which time Mr. Smith, Mr. Clelland, Ms. Laskoff, Ms. Green and the six firefighters left the meeting.

Meeting resumed at 9:50 AM at which time Chairman Zabin contacted Mr. Stronkowsky by telephone.

**3) PENDING / OLD BUSINESS** – (Taken out of order as courtesy to Mr. Stronkowsky)

- a. **Private Equity / Private Debt Discussion** - Mr. Stronkowsky presented the pacing plan for the private equity and private debt allocations for the vintage years of 2017 and 2018. For 2017, NEPC is recommending \$8 million be allocated to private equity and \$7 million be allocated to private debt, the Comvest Capital IV Fund. NEPC will be providing manager recommendations for the private equity allocation.

For vintage year 2018, the recommendation is to allocate \$8 million each to private equity and private debt. NEPC will be providing strategy and manager recommendations for the private equity allocation and the private debt allocation will be invested in the Park Square Capital Credit Opportunity III.

Ms. Laudeman summarized that 5% of the portfolio is allocated to both private equity and private debt. She added the private equity sector is currently under-allocated to Collier and the pacing plans will help fill these allocations. The allocations will be reviewed on an annual basis to keep in line with the pacing plan.

**A MOTION TO ACCEPT NEPC'S RECOMMENDATIONS TO ALLOCATE \$8 MILLION AND \$7 MILLION TO PRIVATE EQUITY AND PRIVATE DEBT RESPECTIVELY, FOR THE VINTAGE YEAR 2017 AND TO ALLOCATE \$8 MILLION EACH TO PRIVATE EQUITY AND PRIVATE DEBT FOR THE VINTAGE YEAR 2018** was made by Chairman Zabin and seconded Mr.

McCullion; **MOTION CARRIED UNANIMOUSLY.** (Mr. Stronkowsky left the meeting at 9:57 AM.)

**4) APPROVAL OF MINUTES FROM SEPTEMBER 21, 2017**

**A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 21, 2017** was made by Mr. McCullion and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

**5) APPROVAL OF CONSENT AGENDA – THERE WAS NONE**

**3) PENDING / OLD BUSINESS UPDATE (Continued)**

b. Disability Update

Mr. Loper stated he is waiting for some chiropractor records for Mr. Preston. Once Mr. Preston's package is complete, the Board will move forward with scheduling his disability hearing.

Chairman Zabin asked if there is a deadline for receiving records and evidence once a hearing is scheduled. Ms. Laudeman will look into this and inform the Board at the next meeting.

c. Securities Litigation Update

Ms. Laudeman stated there are only two outstanding items.

d. Final Review of Policies & Procedures 006 – 010

Policy 006 – Under "authority" correct the policy number from #15005 to #015. Under "methods of operation", section "F", correct the policy number from #15005 to #015 and under "effective date", correct the policy number from #06003 to #006. Add effective dates to the bottom of all forms.

Policy 007 – No changes other than adding effective dates to the bottom of the forms.

Policy 008 – No changes.

Policy 009 – Under "objective" and "method of operation", strike "and for the Annual Retiree's Medical Authorization" from the last sentence of each section.

Policy 010 – Under "method of operation" 3 "C" change the policy #16 to #016.

**A MOTION TO ACCEPT POLICIES & PROCEDURES 006 THROUGH 010, AS AMENDED,** was made by Mr. McCullion and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

e. Review of Policy 020 – Exclusive Administrative Remedies for any Claims or Disputes

Mr. Loper explained the policy mandates any disputes or grievances be filed in the form of a written application with the Board to allow an opportunity to remedy the dispute before going to court. **A MOTION TO ACCEPT AND ADOPT POLICY 020** was made by Chairman Zabin and seconded by Mr. McCullion; **MOTION CARRIED UNANIMOUSLY.**

f. Review of Policy 021 – Effective Date of Service Retirement and Disability Retirement

Mr. Loper stated he derived the definition of “works” to mean any day in which a firefighter is entitled to receive base pay from Section 17 of the Plan. **A MOTION TO ACCEPT AND ADOPT POLICY 021** was made by Chairman Zabin and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

g. Michael Caraway Update

Mr. Loper noted that Mr. Caraway is cooperating and has provided all documents that have been requested. After some discussion, the Board decided to treat all cases for possible recall on an individual basis. Mr. Loper will provide an update on Mr. Caraway at the next meeting and if needed will set up a functional capacity examination.

**6) ADJOURNMENT**

A motion to adjourn the meeting was made by Chairman Zabin and seconded by Mr. Garcia. There being no further business, the meeting adjourned at 11:47 AM.

Respectfully submitted,

*Michele Keane*

Michele Keane  
Pension Coordinator