



MINUTES FROM MEETING ON MARCH 8, 2018

Chairman Smith contacted Mr. Kaufman by telephone and called the meeting to order on Thursday, March 8, 2018 in the "H" Classroom, at Fleet and Facilities at 9:30 AM. There was a quorum.

Board Members

Jay L. Smith, Chairman
 Jose Vicente, Vice-Chairman
 Laurie Botts, Secretary
 Mathew Fleury, Trustee
 Christopher McCullion, Trustee

Others Present

Katrina Laudeman, Executive Director
 Matt Dickey, Deputy Executive Director
 Michelle McCrimmon, Deputy CFO
 Randy Thames, FOP
 Stu Kaufman, Board Attorney (by telephone)
 Randy Brown, Attorney for Ms. Eaton
 Angela Eaton, Police Officer
 Jill Baxter, Court Reporter
 Katie Zuccarini, Employee Benefits
 Lori Janeczek, Employee Benefits
 Alexander Karden, Police Advocate
 Shannon Gridley-Hetz, Police Advocate
 Dolores Bracero, Police Officer
 Cheryl Middleton, Police Officer
 Christopher Brilliant, Police Officer
 Ed Sanguino, Police Officer
 James Spears, Attorney for Ms. Briscoe
 Jeffrey Williams, Segal Consulting
 Michele Keane, Pension Coordinator

1. **PUBLIC COMMENT**

Chairman Smith asked if there was any public comment. There was none.

2. **DISABILITY HEARING FOR ANGELA EATON**

Chairman Smith stated this is the time set for hearing the disability application of Angela Eaton. He informed everyone the hearing is being recorded and will be conducted in an informal manner but consistent with constitutional requirements of due process and equal protection.

Officer Eaton was represented by Mr. Brown. Chairman Smith asked if Mr. Brown or Officer Eaton wished to have the process explained. They declined. Officer Eaton was sworn in by Ms. Keane. Chairman Smith noted the entire package and all documentation submitted to the Board would be accepted into evidence. There were no objections from Mr. Brown or Mr. Karden, who represented the Department.

Mr. Brown made his opening statement, noting Officer Eaton's injuries and that they were sustained on two different occasions. He quoted Drs. Beckner and Stewart and the restrictions they placed upon Officer Eaton.

Mr. Karden made his opening statement, saying the Department is not challenging Officer Eaton's injuries. However, he added that both Dr. Beckner and Dr. Stewart stated she is capable of working a 40-hour week and she has been doing so. The Chief of Police has made an offer of a limited duty position without loss of pay or benefits and the Department would like to benefit from her 15 years of experience and value. He added the Department will make any accommodations necessary for Officer Eaton to be able to perform in a light duty position. If anything changes, Officer Eaton will be reassessed.

Neither Mr. Brown nor Mr. Karden had anything else to add. Chairman Smith asked if there were any questions from the Board. Chairman Smith asked Officer Eaton if she had requested any accommodations that had not been met. She responded "no sir". There were not any closing statements.

Chairman Smith declared the evidence phase of the hearing was now closed and the Board would enter into the determination phase of the proceeding.

A MOTION THAT THIS IS A LINE OF DUTY DISABILITY BASED ON THE EVIDENCE PRESENTED was made by Mr. Fleury and seconded by Mr. Vicente; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT THIS IS A PERMANENT AND TOTAL DISABILITY was made by Mr. Fleury and seconded by Ms. Botts; **MOTION CARRIED UNANIMOUSLY.**

A MOTION TO DENY THE DISABILITY PENSION AT THIS TIME AS THE CHIEF OF POLICE HAS A LIMITED DUTY POSTION WITHOUT REDUCTION IN PAY OR BENEFITS was made by Ms. Botts and seconded by Mr. Vicente; **MOTION CARRIED UNANIMOUSLY.**

Chairman Smith explained that if any conditions change, whether a job is no longer available or Officer Eaton's physical condition changes, she will be eligible to submit a secondary application to the Board to be reassessed for a disability pension.

A recess was taken at 9:50 AM, at which time Mr. Brown, Ms. Eaton, Ms. Baxter, and Officers Sanguino and Brillant left the meeting.

Meeting resumed at 10:00 AM.

3. **ACTUARIAL DISCUSSION**

Chairman Smith turned the meeting over to Mr. Jeffrey Williams with Segal Consulting. Mr. Williams noted that the preliminary results are good and the current actuarial assumed rate of return is at 7.75%. He strongly suggests that the Board lower the assumed rate of return and provided a chart that shows preliminary October 1, 2017 actuarial valuation results based on assumed rates of return ranging from 7.50% to 7.75% in 5-basis point increments. Chairman Smith called upon Mr. McCullion and Ms. Laudeman, as CFO and Treasurer respectively, for their opinions. Mr. McCullion stated that advice from the actuaries and the investment consultant, NEPC, is consistent that we should be reducing the assumed rate of return. He suggested that the Board reduce the assumed rate of return from 7.75% to 7.60%, noting that both the General Employees Pension Board and the Firefighters Pension Board have lowered their rates. Some discussion ensued.

A MOTION TO SET THE ASSUMED RATE OF RETURN TO 7.6%, EFFECTIVE THE VALUATION DATED OCTOBER 1, 2017 was made by Mr. McCullion and seconded by Chairman Smith; **MOTION CARRIED UNANIMOUSLY.**

4. **APPROVAL OF MINUTES OF FEBRUARY 14, 2018**

A MOTION TO APPROVE THE MINUTES OF FEBRUARY 14, 2018 was made by Chairman Smith and seconded by Mr. Fleury; **MOTION CARRIED UNANIMOUSLY.**

5. APPROVAL OF CONSENT AGENDA

A MOTION TO APPROVE THE CONSENT AGENDA was made by Ms. Botts and seconded by Mr. Vicente; **MOTION CARRIED UNANIMOUSLY.**

6. PENDING / OLD BUSINESS

a. Disability Updates

Cheryl Middleton:

Mr. Thames noted both of Officer Middleton's IMEs have been scheduled.

Kenneth Brown:

Mr. Thames has spoken with Officer Brown's widow and received the medical records, except for the death certificate. She still has not been appointed as his personal representative and can't proceed until this is accomplished. Mr. Thames added Mrs. Brown has been receiving a survivor's pension and thought this was all she was entitled to.

Dolores Bracero:

Officer Bracero's attorney, Mr. Spears, requested another extension to allow the functional capacity exam (FCE) to be performed and the workers' compensation doctors to complete their reports. Chairman Smith continued the extension.

Tammi Cliborne:

Mr. Thames reminded the Board that Officer Cliborne had filed for disability last year but withdrew her application and returned to work. She is back in the hospital for the same issue and may be resubmitting her disability notebook.

(Chairman Smith asked if Mr. Thames will ask the Chief's office or the advocate if there is an offer for a limited duty position at the beginning of each disability process.)

Christopher Brilliant:

Ms. Keane noted that Officer Brilliant's notebook is at Centra Care awaiting his IME to be scheduled.

b. Securities Litigation Update

Chairman Smith noted Ms. Laudeman's report.

7. NEW BUSINESS

Chairman Smith asked about the progress of the Police annual report. Ms. McCrimmon replied that it is in process and needs the audited financial statements to be finalized before it can be completed. (Ms. Gridley-Hetz left the meeting at 10:25 AM.)

Mr. Kaufman noted that SB 376 passed allowing workers' compensation benefits for posttraumatic stress disorder suffered by a first responder, without a physical injury. The governor is expected to sign the bill and it will become effective October 1, 2018. Mr. Kaufman will be providing a memo of any resulting consequences to Chapters 175 and 185.

Ms. Zuccarini asked Mr. Kaufman for guidance regarding Officer Briscoe's minor children leaving their portion of the LOD death benefits in the pension fund until they reach age 18, then dispersing the funds at that time. Some discussion ensued. At the direction of the Board, Mr. Kaufman will draft a policy addressing escrowing funds and distributing it, without interest, when the minor becomes 18 years of age.

Chairman Smith thanked Ms. Zuccarini for all of her hard work and dedication and presented her with a trophy and chocolates.

Chairman Smith cancelled the April 12th meeting and asked to have the May 10th meeting scheduled in the Manatee A&B.

8. **ADJOURNMENT**

A MOTION TO ADJOURN was made by Mr. Vicente and seconded by Mr. Fleury. The meeting adjourned at 10:43 AM.

Respectfully submitted,

Michele Keane

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Pension Coordinator