

# BOARD OF TRUSTEES OF THE CITY PENSION FUND FOR FIREFIGHTERS & POLICE OFFICERS

In the City of Pembroke Pines  
Hampton Professional Center  
1951 NW 150<sup>th</sup> Avenue – Suite #104  
Pembroke Pines, FL 33028

## REGULAR MONTHLY MEETING – DECEMBER 20, 2007

The three hundred and forty-eighth meeting of the Firefighters and Police Officers Pension Fund in the City of Pembroke Pines was called to order at 4:10 p.m. by Chairman Anthony Napolitano.

<b>1. <u>Roll Call</u> –</b>	<b><u>Fire Members</u></b>	<b><u>Police Members</u></b>	<b><u>City Members</u></b>
	Steve Dougherty	John Birkenheuer	Gary Arenson
	Richard Moss	Carl Heim	Vicki Minnaugh
	Anthony Napolitano	James Ryan	Isadore Nachimson

**Others Present:** Larry Wilson from Gabriel, Roeder, Smith & Co.; Rene Gonzalez, City Finance Director; Stephen H. Cypen, Esq., Attorney for the Fund; Karen H. Warner, Plan Administrator; and James Fisher, Asst. Plan Administrator.

**2. Approval of Minutes for November 15, 2007.** Chairman Napolitano presented minutes from the meeting of November 15, 2007 for approval. Vicki Minnaugh moved to approve. Gary Arenson seconded the motion. The motion carried unanimously.

**3. Approval of Warrant #407.** Chairman Napolitano presented Warrant #407 in the amount of \$120,128.43 for approval and payment. Vicki Minnaugh moved to approve payment of Warrant #407 as presented. Isadore Nachimson seconded the motion. The motion carried unanimously, authorizing payment of:

Cypen & Cypen – Monthly Retainer for December, 2007	\$3,250.00
Crexent, LLC – December, 2007	
Office Rent	\$1,134.00
Telephone Equip.	185.00
Long Distance	<u>3.91</u>
	\$1,322.91      \$1,322.91
Hampton Professional Center Condo No. 2 – Monthly Maintenance (Suite #104) for January, 2008	\$407.72
Karen Warner – Mo. Allowance for December, 2007 (Med/Dental/Life)	\$375.00
LEAF – Copier Lease, November (partial), December & Doc. Fee	\$513.46
State Street Global Advisors – Mgmt. Fee for Q/E 9/30/2007 (Active U.S. Midcap)	\$41,438.59
State Street Global Advisors – Mgmt. Fee for Q/E 9/30/2007 (International Balanced)	\$54,167.80
FWCJUA, INC. – Add'l. mandatory deposit (Workers Comp policy)	\$46.00
P/O Julie Jomant – Refund of Contributions (Term. 11/9/2007) Contributions \$4,945.55 + Int \$132.22 Less FIT \$1,015.55	\$4,062.22
U.S. Treasury – FIT Withholding (Jomant)	\$1,015.55
P/O Gregory Hitchings – Mo. Retire. Benefit commencing 1/1/2008	\$6,099.43
P/O Onofrio Raimondi – Mo. Retire. Benefit commencing 1/1/2008	\$7,188.75
James Fisher – Reimburse out-of-pocket exp. (pressure cleaning)	\$200.00
Joel L. Savitz, D.O. – Med. Records Copy Fee (Arzillo)	\$41.00
<b>TOTAL</b>	<b>\$120,128.43</b>

4. **Approval of DROP Benefit and Back-DROP Balance – Ordinance 1443 (Fire).** Vicki Minnaugh moved to approve the calculation of DROP Benefit and Back-DROP Balance as presented. Isadore Nachimson seconded the motion. The motion carried unanimously to approve:

	DROP Eff. Date	DROP Term. Date	Form of Benefit	Back-DROP Additions
F/F Laurence Shahboz	12/01/2007	11/30/2012	Joint & 100% Contingent	\$0.00

5. **Approval of DROP Benefit and Back-DROP Balance – Ordinance 1480 (Police).** Isadore Nachimson moved to approve the calculation of DROP Benefit and Back-DROP Balance as presented. Vicki Minnaugh seconded the motion. The motion carried unanimously to approve:

	DROP Eff. Date	DROP Term. Date	Form of Benefit	Back-DROP Additions
P/O Robert Powers	10/01/2007	9/30/2012	Joint & 100% Contingent	\$0.00

6. **Request for DROP Account Distributions – P/O Pamela Dutton and F/F Steven Weishaar.** DROP account distribution requests have been received from P/O Pamela Dutton (\$60,000 lump sum) and F/F Steven Weishaar (\$20,000 lump sum). Actuary Larry Wilson has provided the necessary letters indicating that these distributions would not pose a problem with the 415 limitation at the present time. Vicki Minnaugh moved to approve the distribution requests for Pamela Dutton and Steven Weishaar. Gary Arenson seconded the motion. The motion carried unanimously.

#### **UNFINISHED BUSINESS**

7. **Update – SPD Revisions (from Nov. 15<sup>th</sup> meeting).** Chairman Napolitano stated he spoke with Assistant City Attorney Julie Klahr to address inconsistent “disability” language in the ordinance. Ms. Klahr advised that the ordinance language in question had not been changed. Discussion followed regarding the Actuary’s interpretation of accrued benefit entitlement. Chairman Napolitano will re-address the matter in specific detail with Ms. Klahr. Motion by Gary Arenson, seconded by Isadore Nachimson, to table further discussion on this matter to the January 17, 2008 meeting. The motion carried unanimously.

#### **NEW BUSINESS**

8. **Review / Approve – Financial Reports for Q/E 9/30/2007.** Steve Dougherty moved to accept the financial reports as presented for the quarter ended 9/30/2007. Vicki Minnaugh seconded the motion. The motion carried unanimously.
9. **Review / Approve – Revised Investment Consulting Agreement (Dahab).** Copies of the revised agreement from Dahab Associates were distributed for discussion purposes. Karen Warner explained that the method of calculating fees will be prorated based upon combined assets with the City’s OPEB fund – see minutes of November 15, 2007 (agenda item #2). The end result should be a decrease in consulting fees to the pension fund. Following discussion, Vicki Minnaugh moved to approve the revised consulting agreement as presented and authorizing Chairman Napolitano to execute same. Gary Arenson seconded the motion. The motion carried unanimously.
10. **Capital Call – TA Associates Realty.** Karen Warner advised that the fund has received another capital call request from TA Associates, scheduled to be funded on December 21<sup>st</sup> in the amount of \$1,000,000.00. Vicki Minnaugh moved to authorize the \$1,000,000 capital call as presented. Isadore Nachimson seconded the motion. The motion carried unanimously.

11. **Review / Approve – Changes to Operating Agreement for American Realty Advisors.**  
Copies of the consent letter from American Realty Advisors were distributed for discussion purposes. Attorney Cypen has reviewed the documents and noted that the revisions basically represent a name change. Following discussion, Vicki Minnaugh moved to approve the consent letter as presented and authorizing Chairman Napolitano to execute same. Isadore Nachimson seconded the motion. The motion carried unanimously.

12. **Reports:**

**Actuary** – Larry Wilson summarized a new law taking effect in 2008 with regard to “415 limits”. He went into a detailed explanation of the legislation and its potential effect on the pension fund, noting that excess benefit payments from the City could become less likely.

**Attorney** – Copies of the Circuit Court for the Seventeenth Judicial Circuit of Broward County decision with regard to an appeal by P/O Glen Ikalina (Retired) were distributed for discussion. When Ikalina filed suit against the City of Pembroke Pines for breach of an agreement reached in an arbitration proceeding, the trial court referred the matter back to the arbitrator. The arbitrator determined that the City had not breached its contract. Based upon the arbitrator’s determinations, the court dismissed Ikalina’s suit. Ikalina appealed, claiming that the matter was not properly referred to the arbitrator and that the arbitrator exceeded his authority in determining the issue before him. The Circuit Court disagreed.

Attorney Cypen also discussed his memorandum dated December 11<sup>th</sup> with reference to the Florida Public Records Act Amendment. During the 2007 legislative session, the Florida Legislature passed, and Governor Crist signed, an amendment to the Public Records Act found in Chapter 119, F.S. The amendment prohibits a public agency from collecting social security numbers unless the agency states in writing the purpose of said action. The amendment further provides that the agency’s collection of social security numbers must be authorized by a specific law or imperative for the performance of entity’s duties and responsibilities as prescribed by law. An agency is prohibited from using social security numbers for any purpose other than the specific purpose set forth in the agency’s written statement. The amendment also requires agencies to certify their compliance in writing to both the President of the Senate and the Speaker of the House no later than January 31, 2008. A disclosure statement and the required letters will be presented for board approval at the January 17, 2008 meeting.

**Plan Administrator** – With regard to the capital call from TA Associates (agenda item #10 above), Gary Arenson moved to add Warrant #408 to the agenda. Vicki Minnaugh seconded the motion. The motion carried unanimously.

Vicki Minnaugh moved to approve payment of Warrant #408 in the amount of \$1,000,000.00. Isadore Nachimson seconded the motion. The motion carried unanimously, authorizing payment of:

---

**Bank of America, N.A.** (per attached wiring instructions) for:

Real Estate Investment – TA Associates Realty

**Realty Associates Fund VIII Corporation**  
**Account No. 4602278139**

\$1,000,000.00

---

**TOTAL**      **\$1,000,000.00**

The Pension Office is in receipt of additional bills for payment and other benefit disbursements for approval. Chairman Napolitano presented Warrant #409 for addition to the agenda and approval for payment. Vicki Minnaugh moved to add Warrant #409 to the agenda. Gary Arenson seconded the motion. The motion carried unanimously.

Vicki Minnaugh moved to approve payment of Warrant #409 in the amount of \$94,529.83. Gary Arenson seconded the motion. The motion carried unanimously, authorizing payment of:

P/O Pamela Dutton – DROP Withdrawal (Lump Sum)			
	\$60,000 less FIT \$12,000		\$48,000.00
F/F Steven Weishaar – DROP Withdrawal (Lump Sum)			
	\$20,000 less FIT \$4,000		\$16,000.00
U.S. Treasury – FIT Withholding (Dutton, Weishaar)			\$16,000.00
Purchase Power – Postage Meter Refill			\$400.00
SunTrust Bank – Visa (Fisher)	Etch Lite French Doors – new office	\$1,895.00	
	Gasoline	39.01	
	Med. Records Copy Fee (Arzillo)	50.00	
		<u>\$1,984.01</u>	\$1,984.01
SunTrust Bank – Visa (Warner)	Bd. Mtg. / Ofc. Supplies	\$368.79	
	FP&L (new office)	165.37	
	Postage Machine Lease (4 mo.)	228.86	
	Office Furnishings / Appliances	2,390.18	
	Public Storage	71.00	
	ISP	<u>24.95</u>	
		<u>\$3,249.15</u>	\$3,249.15
F/F Andrew Roberts – Refund of Contribution (Term 1/25/2006)			
	Contributions \$95.85 + Int \$2.88 – FIT \$0.00		\$98.73
Koch Reiss & Co. – Progress Billing for 9/30/2007 Audit			\$3,200.00
Everything Imprinted – Printing (#10 envelopes, bus. Cards, labels)			\$396.52
Iron Mountain – Storage (December)			\$105.00
F/F German Sanchez – Refund of Contributions (Term 1/8/2006)			
	Contributions \$327.47 + Int 9.82 – FIT \$67.46		\$269.83
U.S. Treasury – FIT Withholding (Sanchez)			\$67.46
City of Pembroke Pines – Occupational License			\$110.00
Richel Construction – Final Draw			\$4,649.13
<b>TOTAL</b>			<b>\$94,529.83</b>

Karen Warner noted the passing of F/F John Galloway (retired) on November 14, 2007. The Trustees were asked to be vigilant in notifying the Pension Office whenever a death has occurred, whether it be for a retiree or for an active member, as some sort of action will always be required in terms of plan benefits. In the case of F/F Galloway, the Pension Office learned of his death quite by accident early in December. Because Mr. Galloway retired out on a life annuity, there was no benefit entitlement for the month of December, and it is now necessary to try to recover funds in excess of \$1,900.00. Fiduciary Trust advises that the bank account used for direct deposit has been closed so they are unable to reverse the December payment. Discussion turned to using a service that will monitor deaths, etc. via Social Security numbers.

With regard to the fund's website – [www.pinespensiononline.com](http://www.pinespensiononline.com) – James Fisher reported this is his top priority now that the office move is complete.

**13. Input from Retirees: None.**

14. **Input from Active Members:** None.
15. **Unscheduled** – Trustee Gary Arenson commended staff for their efforts regarding the new office, including build-out, relocation and unpacking in anticipation of today’s meeting. We look forward to a number of years in this location, continuing to provide excellent service to active members and retirees.
15. **Adjournment** – Chairman Napolitano announced the next regular meeting would be held on Thursday, **January 17, 2008 at 4:00 p.m.**

There being no further business before the Board, Vicki Minnaugh moved to adjourn the meeting at 4:55 p.m. Gary Arenson seconded the motion. The motion carried unanimously.

---

Anthony Napolitano – Chairman

---

John Birkenheuer – Secretary