

**POLICE AND FIREFIGHTERS' PENSION BOARD
REGULAR BOARD MEETING
888 South Andrews Avenue, Suite 202
Fort Lauderdale, FL 33316
Wednesday, May 12, 2021, 12:30 P.M.**

Communication to the City Commission

1. Received and Approved the quarterly performance report for the 2nd quarter of the fiscal year. The return on investments for the quarter is 3.24%; 30.41% for one year; and 9.21% for five years.
2. The Board approved 3.24% rate of return for the last quarter.

Board Members

Ken Rudominer, Chair	P
Richard Fortunato, Vice Chair	P
Scott Bayne, Secretary	P
Jim Naugle, Trustee	A
Jeff Cameron, Trustee	P
Dennis Hole, Trustee	P
Derek Joseph, Trustee	P

Also Present

Lynn Wenguer, Executive Director
Alexandra Goyes, Deputy Director
Robert Klausner, Board Attorney
Fred Nesbitt, Communications Director
Kyle Campbell, CAPTRUST
Steve Schott, CAPTRUST
Jason Fox, Oliver & Fox
Michael Dew, Retiree
Dana Swisher, Major, Police Department
Blaine Lehner, Applicant for Disability
Robert Bacic

ROLL CALL/CALL TO ORDER:

The meeting was called to order at 12:30 p.m. Roll was called and a quorum was determined to be present.

MINUTES:

Special Meeting: March 24, 2021

Motion made by Mr. Joseph, seconded by Mr. Bayne, to approve the Board's March 24, 2021 special meeting minutes. In a voice vote, motion passed unanimously.

Regular Meeting: April 14, 2021

Motion made by Mr. Hole, seconded by Mr. Joseph, to approve the Board's April 14, 2021 meeting minutes.

Amendment to Motion made by Mr. Hole. Mr. Hole stated that there was a typo in minutes on page 6; it should read "risk" not "rick".

Motion made by Mr. Hole, seconded by Mr. Joseph, to approve the Board's April 14, 2021 meeting minutes as amended. In a voice vote, motion passed unanimously as amended.

NEW HIRES:

Mr. Rudominer stated that they had six new police officers. He welcomed the new officers.

BENEFITS: FIRE DEPT:	New Retiree:(DROP Termination):	Peter Santamarina Anthony Niosi Karen Niosi
	DROP Retiree:	Evelio Manso
	Survivor Death:	Donna Pritchard
POLICE DEPT:	New Retiree:(DROP Termination):	Katherine Collins-Kuras
	New Retiree:(Service Retirement):	Gregory S. Tripp
	DROP Retiree:	Francis J. Sousa
	Vesting:	Anthony J. Aversano
	Retiree Death:	Judith Waldman
	Survivor Death:	Louretia Tipton
SERVICE INCURRED DISABILITY APPLICATION:		Blaine Lehner

Motion made by Mr. Bayne, seconded by Mr. Hole, to approve payment of the benefits as stated. In a voice vote, the motion passed unanimously.

Motion made by Mr. Bayne, seconded by Mr. Joseph to reconsider the benefits as stated.

Discussion:

Attorney Klausner explained that "Service Incurred Disability Application" should be separated from the benefits.

Motion made by Mr. Bayne, seconded Mr. Joseph, to approve payment of benefits from pages 13-23, as presented. In a voice vote, the motion passed unanimously.

BILLS:	Lazard	\$165,088.81	25
	Vaughan Nelson	\$59,951.04	26
	Boyd Watterson	\$51,855.00	27
	Agincourt	\$50,737.80	28
	Eagle Asset	\$49,917.44	29
	Aristotle	\$43,303.95	30
	Rhumblin	\$16,508.00	31
	Intech	\$7,515.93	33
	Klausner, Kaufman	\$3,500.00	34

Motion made by Mr. Hole, seconded by seconded by Mr. Bayne, to approve payment of the bills as stated. In a voice vote, the motion passed unanimously.

SERVICE INCURRED DISABILITY APPLICATION:

Mr. Klausner stated that the Board was provided with a disability notebook to review. He stated that the applicant is Mr. Blaine Lehner, who incurred injuries on July 5, 2017, while trying to retain a suspect. Mr. Klausner stated that Mr. Lehner does have prior injuries from his previous employment as a police officer in Virginia Beach, but added that he was cleared for duty when hired by Fort Lauderdale. Mr. Klausner stated that Mr. Lehner did receive immediate treatment from Broward County Urgent health and was discharge. Mr. Klausner stated that six days later, Mr. Lehner went to urgent care for treatment.

Mr. Klausner stated that Mr. Lehner was evaluated by a worker's compensation physician, Dr. Lupo, and was approved for worker's compensation. He stated that Mr. Lehner was put on light duty, until November 4, 2020. Mr. Klausner stated that, in Dr. Lupo's initial report, Mr. Lehner did have muscle strain, but no clinical evidence of a herniated disk from the MRI. He added that Mr. Lehner was also evaluated by two spinal surgeons, who could not conclude why Mr. Lehner had

back pain. Mr. Klausner stated that it should be noted, from Dr. Lupo's report, that a possibly reason for the back pain could be from Mr. Lehner's weight.

Mr. Klausner stated that the Board must determine causation. He stated that the Board should review his current disability situation and conclude whether his present disability condition arose from the July 5, 2017 incident. Mr. Klausner stated that this is a two-step process, with the evaluation being the first step. He stated that if the applicant is denied, then the process moves to a formal hearing. Mr. Klausner stated that right now this is the administrative hearing and added that Mr. Lehner is required to bare the evidence of proof, "preponderance of evidence".

Attorney Klausner swore in all parties who would be speaking at the Administrative Hearing.
Jason Fox, Oliver & Fox, attorney for the applicant, presented the evidence for his client.

Mr. Fox stated that Mr. Lehner suffered an injury, in the line of duty on July 5, 2017. He stated that, prior to the injury of July 5th, Mr. Lehner was able to perform all his job duties. Mr. Fox stated that this was a major injury. Mr. Lehner tried to arrest a suspect and during this incident fell and felt an immediate pop and pain. Mr. Fox stated that there are many holes in the worker's compensation report by Dr. Lupo, one being that Mr. Lehner did not receive immediate treatment for injury. Mr. Fox stated that Dr. Lupo did not get a thorough reading of the MRI report, adding that Mr. Lehner was evaluated by independent physicians, all stating that Mr. Lehner has significant nerve damage. Mr. Fox stated that we believe that there is substantial evidence that proves that Mr. Lehner's current disability situation was caused by the injury of July 5, 2017.

Mr. Rudominer questioned Major Dana Swisher on the current employment status for Mr. Lehner.

Major Dana Swisher stated that Mr. Lehner was terminated on November 4, 2020.

Mr. Rudominer questioned if the Department had any permanent "light duty" positions.

Major Swisher stated that the Department does not have "light duty" positions.

Mr. Klausner stated that the Board must determine, after reviewing all the evidence and medical records, if the incident that occurred on July 5, 2017 is the cause for the Mr. Lehner's disability. Mr. Klausner stated that the Board has three options, either approve, deny, or defer the application pending further medical review.

The Board discussed the disability application.

Mr. Hole stated that it does seem like additional evaluations are needed.

Ms. Wenguer stated that staff could send Mr. Lehner to other physicians for evaluation, if that is the direction of the Board.

Mr. Bayne stated that he would request the report from when Mr. Lehner was transported to the emergency room.

Motion made by Mr. Joseph, seconded by seconded by Mr. Hole, to defer the application until additional medical evaluations could be done on the applicant.

Roll Call Vote

Ken Rudominer, Chair	AYE
Richard Fortunato, Vice Chair	AYE
Scott Bayne, Secretary	AYE
Jeff Cameron, Trustee	AYE
Dennis Hole, Trustee	AYE
Derek Joseph, Trustee	AYE

Motion Approved 6-0

**COMMENTS FROM PUBLIC/ INPUT FROM ACTIVE & RETIRED
POLICE OFFICERS & FIREFIGHTERS:**

Mr. Michael Drew requested the Board to consider a response letter from the Retiree Association (Mr. Schultz) regarding the Pension Board being against the retirees. Mr. Drew stated that in the letter from Mr. Schultz, he states that the Pension Board is against the retirees as they could have done better in granting a COLA to the retirees, according to the actuaries' report. Mr. Drew requested that the Board address this letter as it was concerning to him and full of misinformation.

The Board discussed the letter.

Motion made by Mr. Bayne, seconded by Mr. Joseph to approve Chair Rudominer draft a response letter to the Retiree Association regarding retiree COLA. In a roll call vote, motion passed unanimously.

CAPTRUST - QUARTERLY INVESTMENT REVIEW:

Mr. Kyle Campbell presented the quarterly investment report to the Board (*report attached*). He stated that there were strong returns for 2020, which is starting to payout. He stated that small caps up over 10% and international equity up 3.5%. Mr. Campbell stated that there will be another stimulus plan and adding that the overall performance was very favorable.

The Board requested a comparison from other plans in the public sector.

Motion made by Mr. Joseph, seconded by seconded by Mr. Hole, to approve investment review presented by CAPTRUST and adopt the rate of return of 3.24%. In a voice vote, the motion passed unanimously.

ATTORNEY'S REPORT

Mr. Klausner stated that the Florida Legislature did not pass any pension bills this year. He stated that they were not able to get a companion bill in the Senate regarding the Florida Retirement System, which means they live to fight another day.

Mr. Klausner stated that he did get a report from the one of their security monitors, Palmerian, which reported a \$100,000 loss in Emergent Bio Solutions due to an alleged quality control problem with J&J vaccine. He stated that the stock has declined and even though he did not have enough information as of today, he would recommend authorizing the Chair and himself to proceed with the best interest of the Board, subject to adequate demonstration. He added that we possibly will need to move fast, regarding this issue.

Motion made by Mr. Bayne, seconded by Mr. Joseph, to authorize Chair Rudominer and Attorney Klausner to proceed with the best interest of the board, regarding Emergent Bio Solutions. In a roll call vote, motion passed unanimously.

Mr. Campbell stated that he would look into this issue.

Mr. Klausner continued with his report, stating that the completion of the benefit vesting ordinance is almost done. He stated that he will be meeting with the Finance Department and will update the Board after this meeting.

Mr. Klausner stated that there was an issue with Executive Director Lynn Wenguer's employment contract. He stated that employment contract would need to be amended as she will have inputted income and there could be tax implications.

The Board discussed the Executive Director's employment contract and how to amend it.

Motion made by Mr. Bayne, seconded by Mr. Joseph, to amend the employment contract for the Executive Director, adding a true-up provision and additional language in a roll call vote, the motion passed unanimously.

COMMUNICATION DIRECTOR'S REPORT

Mr. Fred Nesbitt stated that the annual reports was finished and should be delivered to pension board tomorrow or Friday. He stated that he would be mailing the report out to all the retirees.

Mr. Nesbitt also stated that a special catchup provision was added for define contribution accounts.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Wenguer stated that she has been receiving calls from members regarding vesting schedule and when they would be able to collect.

Mr. Bayne questioned if the Board would be covered by "errors and emissions" regarding this issue, moving forward.

Mr. Klausner stated that he would need to look at the insurance policy.

Mr. Klausner questioned how many members are vested and have not reached the age of 50.

Ms. Wenguer stated that there are 15 people, with 20 years of service and have not reached the age of 50.

PENDING ITEMS:

New Business:

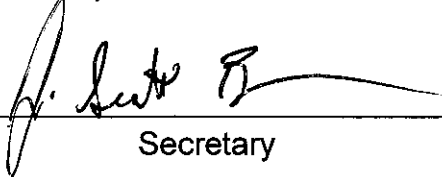
The Board discussed virtual meetings versus in-person meetings.

Old Business:

No old business.

ADJOURNMENT:

There being no further business to come before the Board at this time, the meeting was adjourned at 3:20 p.m.



Secretary



Chairman

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.