

HOLLYWOOD POLICE OFFICERS' RETIREMENT SYSTEM
Office of Retirement
4205 Hollywood Blvd., Suite 4
Hollywood, Florida 33021

September 22, 2016
9:00 AM

MINUTES

A regular meeting of the Hollywood Police Officers' Retirement System was held on Friday, September 22, 2016, at 9:05 AM, in the Office of Retirement, 4205 Hollywood Blvd., Suite 4, Hollywood, Florida 33021.

PRESENT: C. Marano, Acting Chair, C. O'Brien, D. Brickman, P. Laskowski and V. Szeto, Trustees. D. Strauss, via conference call.

Excused Absence: M. Pollak

Also present were Michael Whiting, Julio E. Gonzalez Jr. (Counsel for Mr. Whiting); Stuart Kaufman, Board Attorney of Klausner, Kaufman, Jensen & Levinson and David M. Williams, Plan Administrator.

PUBLIC COMMENT

No Comments

READING OF THE WARRANTS

The warrants since the last meeting were reviewed and executed by the Board of Trustees.

APPROVAL OF THE MINUTES OF THE July 29, 2016 MEETING

Mr. Strauss asked if there were any additions or corrections to the Minutes of July 29, 2016 pension board meeting. Mr. Laskowski made a motion to approve the Minutes cited, which was seconded by Mr. Szeto. All board members voted yes.

INFORMAL DISABILITY HEARING – MICHAEL WHITING

Mr. Kaufman reviewed the matter at hand that was before the Board to consider. Mr. Kaufman conveyed that the Board at this juncture (after considering all the medical records) could either grant, deny or postpone based on the need for additional information. Mr. Kaufman indicated that the burden to prove disability is on the claimant. At this juncture Mr. Kaufman indicated it would be appropriate for Mr. Whiting and his legal counsel the opportunity to address the Board and present their position.

Mr. Michael Whiting and Mr. Julio E. Gonzalez Jr. reflected that it is not his (Whiting's) intent to go out on disability and that the city required his application for disability in order to seek a permanent light duty position. Mr. Michael Whiting and Mr. Julio E. Gonzalez Jr. took the position that he (Whiting) would need more time to determine the level of permanency of his condition. As such he would ask the Board not to make a decision today. The Trustees asked Mr. Whiting if he sought a path to re-acclimate himself from light duty to full unrestricted duty as recommended by the Board's IME's¹. Mr. Whiting said he did not pursue that at the advice of his treating physicians at this time.

Based on the claimant's position (and that of his legal counsel) requesting additional time to determine permanency, and to allow him time to re-acclimate himself, Mr. Brickman made the motion to defer a decision at this juncture. Further Mr. Brickman felt that the claimant should be re-evaluated by our IME's in six months. This motion was seconded by Mr. Laskowski. All board members voted yes.

¹ IME – Independent Medical Examination – Dr. Peters, Dr. Brooks and Dr. Melnick

The Trustees also directed Mr. Williams to send all the IME reports to Chief Sanchez so he may be able to determine if there was a suitable position available for Mr. Whiting.

Mr. Michael Whiting and Mr. Julio E. Gonzalez Jr. departed the meeting.

ATTORNEY'S REPORT

Mr. Kaufman advised that he is pursuing a mediation date with the city on the supplemental distribution issue. Mr. Williams indicated that he has received calls from retirees asking about the mediation and who was representing them. Mr. Kaufman agreed that the retirees should be represented at the mediation table by their own counsel and he let the city attorney know that as well.

ADMINISTRATIVE REPORT

Mr. Williams presented the Administrative Report to the Board.

Mitchell Matter: Mr. Williams indicated that he received the month rate of returns for the period in question. Further that Mr. Mitchell requested a formal hearing on this issue. By consensus the Trustees felt that Mr. Mitchell's account should be treated alike and to allow him the opportunity to have his formal hearing.

Administrative Expense Budget (Originally tabled August 19, 2016): Mr. Williams outlined the Administrative Expense Budget provision. 175.061(8) and 185.05(8) require that all firefighter and police Boards of Trustees shall provide a detailed accounting report and operate under an administrative expense budget. A copy of the budget shall be provided to the plan sponsor and made available to plan members before the beginning of the fiscal year. If the Board amends the administrative expense budget, the Board must provide a copy of the amended budget to the plan sponsor and make available a copy of the amended budget to plan members. For plans that use a September 30 - October 1 fiscal year, the new administrative expense budget must be prepared and made available prior to October 1st. Mr. Williams presented an Administrative Expense Budget based on the expenses reported in the financial statements of September 30, 2015 for the Board to consider. Mr. Williams advised that the line item entitled "Special Counsel" remains in the amount of \$250,000.00. This was in line and in response to the June 22, 2015 commission meeting for litigation against this Board. Mr. Williams indicated that unlike the city, our goal is to always come in below budget. It is not a use or lose it budget. Mr. Williams stated that 100 basis points of expense is considered reasonable in the industry. The proposed budget is estimated at 53 basis points which is based on the September 30, 2015 balance of the System, so is extremely reasonable. Mr. O'Brien made a motion to approve the 2016/17 Administrative Expense Budget as presented, which was seconded by Mr. Laskowski. All board members voted yes.

Summary Plan Description (Originally tabled August 19, 2016): Mr. Williams reflected that at a prior meeting the Trustees requested and received the red-lined version of the draft. If there were no further questions, he would ask the Board to approve.

Staff Review (Originally tabled August 19, 2016): Mr. Williams advised that the last review/salary adjustment was in 2014. He contacted the FD and the GE Administrators. The FD Administrator/staff received a 3% cola for 2014, 2015 and 2016. The GE Board is restructuring at this juncture to be more in-line with PD and FD Board's. The U.S. Census 2014-2015 report was considered which reflected household income increased by 5.2%. A range of 2.5% to 3% was provided for consideration. After discussion and consideration on the staff performance, Mr. O'Brien felt a 3% effective 10-01-2015 and 3% effective 10-01-2016 was reasonable for Mrs. Ostrander and Mr. Williams. This motion was seconded by Mr. Brickman. All board members voted yes. A second motion was made by Mr. Laskowski for Mrs. Lori Strauss as previously noted and seconded by Mr. Szeto. The motion passed 5-0 with Mr. Strauss citing an abstention. Form 8B filed accordingly (see attached).

OPEN BOARD DISCUSSION

No discussion ensued.

MEETING ADJOURNED

There being no further business, the meeting was adjourned at 12:16 PM.

The next scheduled meeting is September 30, 2016 at 10:30 AM.

Respectfully submitted,

C. Marano, Secretary

APPROVED:

D. Strauss, Chairman

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME STRAUSS, DAVID	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE HOLLYWOOD POLICE OFFICERS' RETIREMENT SYSTEM
MAILING ADDRESS 4205 HOLLYWOOD BLVD., SUITE 4	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY HOLLYWOOD, FL 33021 BROWARD	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 09-22-2016	NAME OF POLITICAL SUBDIVISION:
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, DAVID STRAUSS, hereby disclose that on September 22, 20 16 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

spouse subject to employee review/salary adjustment.

September 22, 2016

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.