POMPANO BEACH POLICE & FIREFIGHTERS' RETIREMENT SYSTEM

2335 EAST ATLANTIC BLVD. SUITE 400 POMPANO BEACH, FLORIDA BOARD OF TRUSTEES MINUTES REGULAR MEETING APRIL 15, 2019

POMPANO BEACI	II, I LONIDA		יו ור	IL T	<i>J</i> , 20	113
	istees convened at the Pompano Beach Police and on Office, Pompano Beach, Florida. The Chairman called er at 3:00 PM.		M O T	SEC	V O T E D	V O T E D
PRESENT:	Chairman Paul O'Connell Vice-Chairman Richard Samolewicz Trustee Sharra Aaronian Trustee Daniel Christophers Trustee Robert Drago Trustee Vincent Femia Trustee David Hall Trustee Peter McGinnis Trustee Jorge Rossi		O N	0000	Y E S	ZO
ALSO PRESENT:	Pedro Herrera, Board Attorney (via conference call) Debra Tocarchick, Executive Director Maureen Femia, Deputy Director					
<u>VISITORS</u> :	Andrea Levine, Police Member					
AUDIENCE TO BE	HEARD					
None						
APPROVAL OF AG	<u>GENDA</u>					
	rove the April 15, 2019 agenda as presented including add a DROP Loan application for firefighter, Edwin 9-0.	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	X X X X X X X	
APPROVAL OF MI	<u>NUTES</u>					
	ive the reading of the minutes of the Regular Board 18, 2019 and to approve them with the corrected text as D 9-0.	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	X X X X X X X	

Board of Trustees Minutes April 15, 2019 Page Two	TRUSTEES	M	S	Y	N
APPROVAL OF DROP LOAN APPLICATIONS					
MOTION: To approve the DROP loan application from firefighter member, Robert Krebs. PASSED 9-0.	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	X X X X X X X	
MOTION: To approve the DROP loan application from firefighter member, Edwin Adams. PASSED 9-0.	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	X X X X X X X	
RATIFICATION AND APPROVAL OF WARRANTS	110001				
MOTION: To ratify and approve payment of benefits and expenses as set forth on Warrant Nos. 5094, \$21,886.92; No. 5095, \$10,000.00; No. 5096, \$695,433.74; No. 5097, \$1,524.37; No. 5098, \$74,527.09; No. 5099, \$3,962.01; No. 5100, \$4,014.14; No. 5101, \$72,083.41; No, 5102, \$42,000.00; No. 5103, \$4,103.89; No. 5104, \$30,000.00. PASSED 9-0.	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	X X X X X X X	
SUGARMAN & SUSSKIND, PA LEGAL REPORT					
Due to unforeseen circumstances, Mr. Sugarman was unable to attend so Mr. Herrera participated via conference call.					
Mr. Herrera addressed Wells Capital's April 3 correspondence requesting permission to add Wells Fargo Securities (WFS), an affiliated broker-dealer, to the list of approved broker dealers to which Wells directs trades. Wells recognizes that this may present a conflict of interest. Their legal team confirmed that they are in discussions around engaging a class exemption under 86-128 so they have not yet moved forward with this program for their ERISA clients.					
Sugarman & Susskind advised the Board that while there is no legal prohibition on the Retirement System granting this permission, they recommend that it wait until Wells has secured the necessary legal opinions or US Department of Labor prohibited transaction exemptions that will permit it to trade with WFS on behalf of its private sector clients covered by ERISA.					

Board of Trustees Minutes April 15, 2019 Page Three	TRUSTEES	М	S	Y	N
Such ERISA exemptions granted by the DOL contain protective conditions that reduce the risk posed by this conflict of interest.					
Mr. Herrera will contact Graystone and request that they provide their comments and recommendations on this issue at the upcoming Educational Symposium.					
Sugarman & Susskind reviewed the fee amendment to the Investment Management Agreement with Nuance Investment and approved it for execution. The amendment lowered the fee from 40 to 35 basis points.					
MOTION: To ratify the Chairman's execution of the fee amendment to the Investment Management Agreement with Nuance Investments, as recommended by Sugarman & Susskind. PASSED 9-0.	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	x	X	X X X X X X X	
Sugarman & Susskind reviewed the Retainer Agreement for Global Portfolio Monitoring from Labaton Sucharow and approved it for execution.					
MOTION: To ratify the Chairman's execution of the Retainer Agreement for Global Portfolio Monitoring with Labaton Sucharow, LLP, as recommended by Sugarman & Susskind. PASSED 9-0.	Samolewicz Aaronian	V		X X X	
Trustee Drago questioned whether the Retirement System should have a formal securities litigation policy in place. Mr. Herrera responded that currently approximately 50% of their clients have a formal policy; however, a formal policy is never a bad thing. The crux of a policy comes down to drawing red lines in the sand regarding certain things such as the size of the loss. The Retirement System has historically been more open-ended on its consideration of cases.		X	X	X X X X	
The Board requested that Sugarman & Susskind provide a draft securities litigation policy for its consideration at the June 18 Board meeting. Trustee Drago requested that they also provide sample policies for small and larger plans for comparison.					
Sugarman & Susskind reviewed the required minimum distribution notification and forms that will be presented during the administrative section of the agenda.					
Mr. Herrera updated the Board on the Captain Sandell matter regarding the Order on the Joint Petition for Approval of Settlement on Behalf of Minors and the Notice of Confidential Information in the Court Settlement. Currently, all parties are collaborating on finalizing the order of dismissal where all claims and counter-claims will be dismissed.					
Mr. Herrera advised the Board that while the terms of the settlement agreement are public, the settlement agreement itself and certain other					

Board of Trustees Minutes Page Four	April 15, 2019	TRUSTEES	М	S	Υ	N
orders and documents are exempt from public disclosure puorder in order to protect the privacy of the minor children.	rsuant to court					
Mr. Herrera will provide clarification to the Executive Direct the Court still needs to appoint the guardians before commence.						
Sugarman & Susskind reviewed the analysis of recalculation benefits and retroactive lump sum payments as a resular Arbitration Ruling which will be presented under the administration of the agenda.	It of the BSO					
Mr. Herrera advised that ordinance section 34.048(D)(8) underpayments caused by errors of computation shall be interest at the rate per annum approved by the Board. Som considered regarding the rate of interest are:	adjusted with					
 the <i>de minimus</i> rule applies since the retroactive lum is so small so no interest is paid; or the Board applies an April 16, 2006 motion that wou at the most recent fund rate of return which was interest paid would be zero, or the Board determines some other time period on whinterest rate. 	uld pay interest 7.84%, so the					
The Board discussed the issue and took the posi underpayment was not caused by an error in computation or Retirement System but rather an error in computation on th Therefore, no interest should be paid.	the part of the					
The Executive Director indicated that the corrections are perfective August 1 to permit time for actuarial review and to bank processing deadlines.						
MOTION: To approve the recalculation of monthly pereffective August 1, 2019 as a result of the BSO Arbitration Experience lump sum payment to be paid with no interest, surand verification by Nyhart, and as recommended by Sugarma PASSED 9-0.	Decision, with a bject to review	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	X X X X X X X	
Sugarman & Susskind reported that a final demand letter April 3 requesting the return of the September 1, 2018 pens was direct deposited to the bank account of retiree, Rand deceased on August 30, 2018.	ion benefit that					

		M	S	Υ	N
n benefit of	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	x x x x x x x x x x x x x x x x x x x	
	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	x x x x x x x x x x x x x x x x x x x	
intended to					
to affected					
	ort since the fithe benefit of the benefit of the benefit of of Trustees Management is revised to define the benefit of the b	ort since the fithe benefit of the benefit of the benefit of of Trustees of Tr	ort since the fithe benefit of the benefit of on benefit of of Trustees O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi Management oup, LLC, as O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi Including the nal report by Mated Benefit, ecision was of notification intended to at due to the to affected tion of RMD	ort since the fithe benefit or to Deborah on benefit of of Trustees of Trustee	ort since the fithe benefit of the benefit of the benefit of of Trustees of Tr

Board of Trustees Minutes April 15, 201 Page Six	9 TRUSTEES	М	s	Υ	N
 Staff calculates the estimated RMD according to IRS guidelines and Nyhart confirms the calculation. Staff issues the notification letter and form to affected participant annually on September 1. Staff directs the authorized RMD distribution to be paid from the DROP account on December 1. 	S				
MOTION: To approve the proposed procedure, notification letter and form for purposes of complying with IRC minimum distribution rules, a recommended by Sugarman & Susskind. PASSED 9-0.		X	x	X X X X X X X	
The Executive Director submitted the Deputy Director's annual performance review and recommended that she be moved to the next step of her salary scale.					
MOTION: To accept the Executive Director's review and salar recommendation for the Deputy Director effective May 6, 2019. PASSEI 8-0 (Trustee Femia abstained and filed Form 8B).		x	X	X X X X X X	
COMMITTEE REPORTS					
None					
EXECUTIVE DIRECTOR'S REPORT					
 Repayment was received on all three DROP accounts that were overdrawn as of December 31, 2018. PTG implemented the first round of edits to the employee se service portal test system on April 12. Staff is reviewing. CNI commenced the website redesign on March 27. The Pension Office will close on April 17 from 10:00 AM to 12:0 PM so staff may attend the Celebration of Life for firefighter, Janee McKenzie. 	f D				
Vice-Chairman Samolewicz notified the Trustees that the 9463 Foundatio will have a fundraiser on Saturday, July 27, from 7:30 PM to 11:00 PM, a the home of Tom McMahon, Sr. The cost is \$20.00 and the theme i Christmas in July so everyone is asked to bring a toy.	t				

Board of Trustees Minutes April 15, 2019 Page Seven	TRUSTEES	M	S	Υ	N
Vice Chairman Samolewicz reported that the 9463 Foundation will perform a rifle presentation to officers on May 5, 2019. He will provide more information on time and location.		- Constitution of the state of		and description of the second	
The Executive Director advised the Board that she donated a gift certificate on behalf of the Retirement System to the Pompano Beach Employees Credit Union's for their annual meeting. The certificate will be given to a firefighter or police officer member during their luncheon meeting. The Retirement System works closely with the credit union for purposes of administering direct deposits and DROP loan repayments.		CONCINIONAL PROPERTY AND THE PROPERTY AN		Wednish drink driver year to	
MOTION: To reimburse the Executive Director the amount of \$50.00 for the purchase of a gift certificate on behalf of the PBPFRS for the PBECU's annual meeting. PASSED 9-0.	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	X X X X X X X X	
ADJOURNMENT					
MOTION: To adjourn the April 15, 2019 Board meeting at 3:49 PM. PASSED 9-0.	O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi	X	X	X X X X X X X	Triper programment and the second sec
Respectfully submitted,					
Debra Jocarchick Debra Tocarchick, CEBS Executive Director					
DISTRIBUTION: Board of Trustees Robert A. Sugarman, Esq. Pedro Herrera, Esq. Tayt Odom, Actuary City Manager Mayor and City Commission					
City Clerk Assistant City Attorney City HR Director President IAFF Local 1549 Marcum				***************************************	

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

LAST NAME-FIRST NAME-MIDDLE NAI	NAME OF BOAR	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE							
TEMA VINCENT		Pompano Be	Pompano Beach Police and Firefighters Retirement System						
MAILING ADDRESS	THE BOARD, CO	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON							
2335 E. Atlantic Blvd, Suite 40	WHICH I SERVE	WHICH I SERVE IS A UNIT OF:							
CITY	COUNTY	SE CITY	☐ COUNTY	OTHER LOCAL AGENCY					
Pompano Beach	Broward	NAME OF POLITI	ical subdivision:		**************************************				
DATE ON WHICH VOTE OCCURRED /	11 -1-0	MY POSITION IS		######################################	muniununibad				
Even	1/15/19	WI FOSITION IS.	- ELECTIVE	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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)

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
1. Vincent Fem: A, hereby disclose that on 475/19- April 15, 20 19:
(a) A measure came or will come before my agency which (check one or more)
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, Space Meuceen Found;
inured to the special gain or loss of my relative, Joues Meureen Fear A
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 subsidiary, or sibling 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:
Salary increase
If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.
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.

REGULAR MEETING – APRIL 15, 2019

ITEM NO. 6 - WARRANT NOS. 5094 THROUGH 5104

Ratified and Approved on 04/15/2019

WARRANT NO.	PAYABLE TO	DESCRIPTION	AMOUNT
5094	Morgan Stanley Florida U.C. Fund Xerox Corp	Inv consulting fee quarter ending 12/31/2018; \$21,250.00 Reemployment taxes quarter ending 3/31/2019; \$52.28 Inv No. 096439432, March lease; \$172.94, excess print charges; \$13.13, Total \$186.07	21,886.92
	Minuteman Press	Invoice 64055, dated 4/9/2019, 250 SPD Booklets; \$398.57	
5095	Nyhart	One-half of total fee for Experience Studying covering 10/1/2013 thru 10/1/2018; \$10,000.00	10,000.00
5096	David W. Smith/ PBPFRS UBS Financial/IRA and Vantagepoint Transfer Agents/457 FBO David W. Smith	Lump sum distribution from Fund Rate DROP account to pay off outstanding DROP loan balance; \$39,427.03, and split trustee-to-trustee transfer of remaining balance of DROP account to UBS Financial/IRA; \$600,000.00 and Vantagepoint Transfer Agents/457, \$56,006.71 due to separation of service on 2/28/2019; Total \$695,433.74	695,433.74
5097	Bank of America	To correct error on warrant 5089 to Bank of America to pay full balance on business credit card; \$1,524.37	1,524.37
5098	David W. Smith	Lump sum distribution of balance of Share Plan account due to separation of service on 2/28/2019; \$74,527.09	74,527.09
5099	Maureen Femia Vantagepoint Transfer Agents/401	One-time payroll due to salary increase to be applied to payroll ending 5/15/2019 and retroactive to 5/6/2019, less 10% 401(a) employee contribution; \$3,241.65, 401(a) employee and employer contribution \$720.36, Total \$3,962.01	3,962.01
5100	Maureen Femia Vantagepoint Transfer Agents/401	Salary increase to be applied commencing 5/16/2019, less 10% 401(a) employee contributions; \$3,284.30; 401(a) employee and employer contribution, \$729.84, Total \$4,014.14	4,014.14
5101	Mellon Investments Sawgrass Renaissance Nuance	Inv mgmt. fee quarter ended 3/31/2019; \$14,371.78 Inv mgmt. fee quarter ended 3/31/2019; \$18,866.00 Inv mgmt. fee quarter ended 3/31/2019; \$26,710.18 Inv mgmt. fee quarter ended 3/31/2019; \$12,135.45	72,083.41
5102	Robert W. Krebs Florida Department of Revenue Nyhart	DROP loan net amount to Robert W. Krebs; \$41,703.00 Documentary stamps for Robert W. Krebs DROP loan; \$147.00 Loan processing fee for Robert W. Krebs; \$150.00	42,000.00
5103	Bank of America	Debra Tocarchick: (3) Replacement trustee netbooks; \$807.15, Telephone & internet; \$299.66, Educational Symposium expense; \$255.61, Board meeting supplies; \$55.41, Courier; \$38.42, Website domain 1-yr renewal; \$14.97, Total \$1,471.22 Maureen Femia: Board meeting supplies; \$100.92	4,103.89

REGULAR MEETING – APRIL 15, 2019

ITEM NO. 6 - WARRANT NOS. 5094 THROUGH 5104

Ratified and Approved on 04/15/2019

			Paul O'Connell: Educational Symposium expense; \$961.72 Robert Drago: NCPERS Annual Conference registration; \$815.00, NCPERS hotel deposit; \$307.05, NCPERS airfare; \$429.98, OPAL Impact Investing Forum expenses; \$18.00, Total \$1,570.03	
51	104	Edwin L. Adams Florida Department of Revenue Nyhart	DROP loan net amount to Edwin L. Adams; \$29,745.00 Documentary stamps for Edwin L. Adams DROP loan; \$105.00 Loan processing fee for Edwin L. Adams; \$150.00	30,000.00