

**POMPANO BEACH POLICE & FIREFIGHTERS' RETIREMENT SYSTEM**

**2335 EAST ATLANTIC BLVD.  
SUITE 400  
POMPANO BEACH, FLORIDA**

**BOARD OF TRUSTEES MINUTES  
REGULAR MEETING  
OCTOBER 16, 2017**

The Board of Trustees convened at the Pompano Beach Police and Firefighters' Pension Office, Pompano Beach, Florida. The Chairman called the meeting to order at 3:03 PM.

**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

**ALSO PRESENT:** Pedro Herrera, Esq., Board Attorney  
Debra Tocarchick, Executive Director  
William Egan, Retired Firefighter  
Douglas Cason, Fire Captain  
Tonya Oliver, Esq., Bichler, Oliver, Longo & Fox  
Audrey Castro, Esq., Bichler, Oliver, Longo & Fox  
Gregg Rossman, Esq., Special Counsel  
Ron Cohen, Esq., Attorney for Jeff Poole

**VISITORS:** Michele Belmont, Friend of Douglas Cason  
Lora Lee Knorr, Court Reporter  
Ed Beecher, City Human Resources Director  
Douglas Cohen, Esq., City Workers' Compensation  
Danielle Thorpe, City Risk Management Office

**AUDIENCE TO BE HEARD**

None

**APPROVAL OF AGENDA**

**MOTION:** To approve the agenda for October 16, 2017, as presented.  
PASSED 9-0.

	M O T I O N	S E C O N D	V O T E D Y E S	V O T E D N O
O'Connell			X	
Samolewicz			X	
Aaronian			X	
Christophers	X		X	
Drago			X	
Femia			X	
Hall			X	
McGinnis		X	X	
Rossi			X	

Board of Trustees Minutes Page Two	October 16, 2017	TRUSTEES	M	S	Y	N
<p><u>CONSIDERATION TO ACCEPT FOR FURTHER PROCESSING THE APPLICATION FOR SERVICE-INCURRED DISABILITY FROM WILLIAM EGAN</u></p> <p>Mr. Egan was present and indicated he was not represented by legal counsel. Mr. Herrera explained that Mr. Egan had submitted an application for service-incurred disability benefits and by so doing claimed that he was unable to continue in his employment with the City due to a disabling condition of atrial fibrillation. However, as a participant in the Deferred Retirement Option Plan (DROP) for eight years, he was required to end his career on June 30, 2017 and had submitted a letter to the City of his intent to retire on that date. On June 29, he submitted his application for disability. The question then arose as to whether his medical condition caused his inability to continue in a job that was ending the next day. Although he stated that his heart condition dated back to 2012, he did not file a workers' compensation claim until June 23, 2017 and, although he said he had taken some sick days, he had never been taken off the job for his condition by any doctor. According to the City's records, his final shift was on June 21, 2017 and he then used vacation and sick time through the end of the month. Mr. Douglas Cohen, the City's workers' compensation attorney, informed the Board that the City has denied Mr. Egan's workers' compensation claim on the basis that it was not timely filed. The pension board requires that a member must have an MMI rating from workers' compensation and must have a letter from the City that states the member is disabled, unable to continue in his present position and that the City does not have another position available. Mr. Egan has neither of those.</p> <p><b>MOTION:</b> To not accept the Application for Service-Incurred Disability received from William Egan on June 29, 2017 based on non-compliance with specific provisions of the ordinance and state law as recommended by Sugarman &amp; Susskind. ROLL CALL VOTE PASSED 6-3.</p>						
<p><u>INFORMAL SERVICE-INCURRED DISABILITY HEARING FOR FIRE CAPTAIN DOUGLAS CASON</u></p> <p>Mr. Cason was present and represented by Tonya Oliver, his legal counsel, and a court reporter was present to record the proceedings. Mr. Herrera described the approval process and outlined the questions that must be answered in the affirmative for a service-incurred disability application to be approved. Ms. Oliver reviewed Mr. Cason's work and injury history, noted that he is at MMI and his workers' compensation doctor has stated that he is no longer able to perform the duties of a firefighter. She also referred to the Independent Medical Examination (IME) that affirmatively answered the questions referred to by Mr. Herrera. Mr. Cason was sworn in and answered questions from the trustees concerning his injuries and a road-rage incident that occurred in November 2016.</p>	<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X X X X X X</p>	<p>X X X X X X</p>	<p>X X X X X X</p>	<p>X X X X X X</p>

Board of Trustees Minutes Page Three	October 16, 2017	TRUSTEES	M	S	Y	N
<p><b>MOTION:</b> To approve the application from Douglas Cason for a service-incurred disability retirement, to be effective October 16, 2017, on the basis that his disability is service-incurred, total and permanent. ROLL CALL VOTE PASSED 8-1.</p>	<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X X</p>	<p>X</p>	
<p>The Board took a short break before proceeding with the agenda.</p>						
<p><u>SUGARMAN AND SUSSKIND PA LEGAL REPORT</u></p>						
<p><u>Consideration of Amended Final Order of Agency Action/Jeff Poole Forfeiture.</u></p>						
<p>Mr. Ron Cohen, representing Jeff Poole, and Mr. Gregg Rossman, the Board's special counsel, joined the Board at the table to address the Amended Final Order. Mr. Herrera noted that this is the continuation of a discussion at a previous meeting. Mr. Cohen has suggested some changes he would like the Board to include in the Order and Mr. Rossman is prepared to discuss them and recommend acceptance or denial. Mr. Herrera suggested that each paragraph should be discussed and then voted on before proceeding to the next.</p>						
<p><u>Paragraph 52.</u> Mr. Cohen objected to the following language: "Jeff Poole defrauded the public of the right to honest services by conspiring with David Benjamin to deprive Marcy Romeo of her civil liberty by falsely arresting her, with corrupt intent, to gain a benefit for himself and to gain a benefit for his co-conspirator." He contends that this is a conclusion, not a finding, and there is no competent, substantial evidence to back it up; there has been no showing of corrupt intent and there is no factual statement of what that corrupt intent was. Mr. Rossman disagreed and said that the finding is expressly based on the statements in Mr. Poole's plea and the testimony of the witnesses and the Board would not have had grounds to forfeit the pension without that finding.</p>						
<p><b>MOTION:</b> To deny Mr. Cohen's exception to paragraph No. 52. ROLL CALL VOTE PASSED 9-0.</p>	<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X X</p>	<p>X</p>	
<p><u>Paragraph 53.</u> Mr. Cohen objected to language that said Mr. Poole contacted Mr. Benjamin to "complain" about being removed from SID, that</p>						

<p><b>Board of Trustees Minutes</b> <b>Page Four</b></p> <p style="text-align: right;"><b>October 16, 2017</b></p>	<b>TRUSTEES</b>	<b>M</b>	<b>S</b>	<b>Y</b>	<b>N</b>
<p>Mr. Poole would have suffered a financial loss of "\$30,000" and that Special Counsel concluded that "there is nothing illegal about a transfer being politically motivated". He said the record reflects that Mr. Poole called to get information from Mr. Benjamin, not complain, the \$30,000 amount is speculative and it is against Florida law to take adverse employment action against a person because of union activity. Mr. Rossman responded that the findings are not just based on Mr. Poole's testimony; they also take into account all the documents that were put in the record. Mr. Rossman noted that Mr. Poole testified that he earned about \$100,000 in 2009 whereas his salary was about \$70,000, a difference of \$30,000. Removing or changing the \$30,000 figure will not change the fact that there was a financial reason for Mr. Poole wanting to stay in SID.</p>					
<p><b>MOTION:</b> To deny Mr. Cohen's exception to paragraph No. 53. ROLL CALL VOTE PASSED 7-1 (Vice-Chair Samolewicz was not in the room).</p>	<p>O'Connell Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X</p>	<p>X</p>
<p><u>Paragraph 54.</u> Mr. Cohen did not object to stating that Mr. Poole arrested Ms. Romeo because "Lieutenant Benjamin told me to". However, he contends that the reason for the arrest is irrelevant and the proper question is was there probable cause for the arrest. He does object to the following language: "In fact, as far as the defendant (Poole) is concerned this was done as a favor to David Benjamin, it wasn't being done in the interest of good law enforcement. It is the unlawful agreement that they reached for him to exercise his official function to take this woman to jail no matter what, and that is the essence of this charge." He argued that this is nothing more than a statement by the prosecutor at the plea hearing. He added that Poole was wrong when he said that there was no probable cause for the arrest and the fact that Poole said he may have exercised his discretion not to arrest Romeo but for being told to do so by Benjamin is irrelevant. The exercise of discretion and whether or not to make a lawful arrest is not grounds or violation of a law or the code of ethics. Mr. Rossman noted that Mr. Cohen is not objecting to the language that "Poole swore under oath that he arrested Romeo and violated her civil rights for "someone else's ulterior motives." This is the reason that Mr. Poole's pension is being forfeited.</p>					
<p><b>MOTION:</b> To deny Mr. Cohen's exception to paragraph No. 54. ROLL CALL VOTE PASSED 9-0.</p>	<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X</p>	

Board of Trustees Minutes Page Five	October 16, 2017	TRUSTEES	M	S	Y	N
<p><u>Conclusions of Law – Paragraph 7.</u> Mr. Cohen argued that Mr. Poole had probable cause and therefore made a legal arrest, that there is no finding as to whether Poole acted with corrupt intent to benefit himself or someone else (Benjamin accepted the money, not Poole) and that Poole is being stripped of his pension for following the direct orders of a superior officer. He feels this puts all police officers in jeopardy by putting them at the mercy of an officer of higher rank, even if not in their direct chain of command. He indicated that he had previously argued the Conclusions of Law but that was before Paragraphs 52, 53 &amp; 54 were added to the Order. He is amending his previous exceptions to include those paragraphs. Mr. Rossman noted that Mr. Cohen did not object to paragraph no. 7 until more facts were added. He is now asking to change language that he previously accepted.</p>						
<p><b>MOTION:</b> To deny Mr. Cohen’s exception to Conclusions of Law, Paragraph No. 7. ROLL CALL VOTE PASSED 9-0.</p>	<p>O’Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>		<p>X X X X X X X X X</p>	
<p><b>MOTION:</b> To approve the amended Final Order of Agency Action and Notice of Appeal rights in the forfeiture of Jeff Allen Poole’s pension benefits, and to authorize the Chairman to sign the Order. ROLL CALL VOTE PASSED 9-0.</p>	<p>O’Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>		<p>X</p>	<p>X X X X X X X X X</p>	
<p><u>Ratification and Approval of Various Fee Reduction Amendments to Investment Manager Agreements</u></p>						
<p><u>BlackRock</u></p>						
<p><b>MOTION:</b> To accept the investment management fee reduction set forth in the letter from BlackRock dated 9/22/2017 as an amendment to Exhibit B of the Investment Management Agreement dated 12/17/2012, by and between BlackRock and the Board of Trustees of the Retirement System, as recommended by Graystone and Sugarman &amp; Susskind.</p>	<p>O’Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>		<p>X</p>	<p>X X X X X X X X X</p>	

Board of Trustees Minutes Page Six	October 16, 2017	TRUSTEES	M	S	Y	N	
<u>Wells Capital Management</u>							
<p><b>MOTION:</b> To ratify the Chairman’s execution of the 9/01/2017 Amendment to Investment Management Agreement dated 11/01/2008, by and between Wells Capital Management and the Board of Trustees of the Retirement System, as recommended by Graystone and Sugarman &amp; Suskind. PASSED 9-0.</p>	<p>O’Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X X</p>	<p>X X X X X X X X</p>		
<p>Trustee Christophers reiterated comments made previously about having the police &amp; fire pension fund doing business with a company, Wells Fargo Bank, who has had unscrupulous business practices. It was noted that there is a firewall between the Bank and the investment company and suggested that this be discussed next month or at the next Symposium.</p>							
<p><b>MOTION:</b> To ask Mr. Mulfinger of Graystone Consulting to bring a search report with names of some investment managers to the next meeting to consider as possible replacements for Wells Capital Management. PASSED 8-1.</p>	<p>O’Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X X</p>	<p>X</p>		
<u>Lazard Asset Management</u>							
<p><b>MOTION:</b> To authorize the Chairman to execute Amendment No. 1 to Exhibit A and Exhibit B of the Investment Management Agreement dated 1/15/2013, by and between Lazard Asset Management and the Board of Trustees of the Retirement System, subject to review and approval by Sugarman &amp; Suskind, as recommended by Graystone and Sugarman &amp; Suskind. PASSED 9-0.</p>	<p>O’Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X X X</p>	<p>X X X X X X X X</p>		
<u>Renaissance Investment Management</u>							
<p><b>MOTION:</b> To ratify the Chairman’s execution of the Amendment to Exhibit A of the Investment Management Agreement dated 11/17/2008, by and between Renaissance Investment Management and the Board of Trustees of the Retirement System, as recommended by Graystone and Sugarman &amp; Suskind. PASSED 9-0.</p>	<p>O’Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X X X</p>	<p>X X X X X X X X</p>		

Board of Trustees Minutes Page Seven	October 16, 2017	TRUSTEES	M	S	Y	N
<u>Standish Mellon Asset Management</u>						
<p><b>MOTION:</b> To ratify the Chairman’s execution of the 9/25/2017 Amendment No. 1 to Exhibit A of the Investment Management Agreement dated 12/01/2004, by and between Standish Mellon Asset Management and the Board of Trustees of the Retirement System, as recommended by Graystone and Sugarman &amp; Suskind. PASSED 9-0.</p> <p>Mr. Herrera concluded the legal report by noting the Division of Retirement School coming up November 15-17 in Orlando, with the first day being reserved for new trustees. The information will be sent to Trustee Drago.</p> <p>Trustee Drago said that, in light of the recent increase in DROP conversion disability requests, that the IRS should possibly be contacted for an opinion letter on the taxation issues. He was concerned that there might be a liability to the Board. Mr. Herrera noted the IRS has already reviewed the plan, including the DROP, and issued a letter of acceptance. He does not know if the IRS considered this specific issue but said the Board is simply following the provisions of the plan and state law and therefore he does not believe there is any liability to the pan. He added that any taxation issues lie with the members and the process of getting a private letter ruling is very expensive. Executive Director Tocarchick reported on the IRS code regarding the taxation of service-incurred disability benefits, noting that as long as a member’s disability is not calculated using age or service, the benefit is considered tax-free. When our member’s convert to service-incurred disability, the portion of the age &amp; service calculation that exceeds the 75% of salary disability benefit, is reported to the IRS as a normal taxable benefit, and the 1099-R’s are coded accordingly.</p> <p><u>ADMINISTRATIVE AND MISCELLANEOUS ISSUES</u></p> <p>A proposed calendar for the 2018 meeting dates was presented for consideration.</p> <p><b>MOTION:</b> To approve the 2018 meeting calendar as presented. PASSED 9-0.</p>	<p>O’Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X X X X X X X X</p>	<p>X X X X X X X X</p>	<p>X X X X X X X X</p>	
		<p>X</p>	<p>X</p>	<p>X X X X X X X X</p>	<p>X X X X X X X X</p>	

<p><b>Board of Trustees Minutes</b> <b>Page Eight</b></p> <p style="text-align: right;"><b>October 16, 2017</b></p>	<b>TRUSTEES</b>	<b>M</b>	<b>S</b>	<b>Y</b>	<b>N</b>
<p><u>COMMITTEE REPORTS</u></p> <p><u>Professional Advisors Review Committee</u></p> <p>Committee Chairman Samolewicz reported that 15 resumes were submitted for the Deputy Director position and the Committee interviewed 9 candidates. Each candidate was asked 18 questions about themselves and their qualifications and they were given an opportunity to ask questions they had. Each interview lasted approximately 30 minutes. At the end of the 2<sup>nd</sup> day, he suggested that the top 4 candidates be asked back for a 2<sup>nd</sup> interview but there were some objections to that idea. Everyone was then asked to rank their top 3 choices but there was no clear agreement in those rankings. The Board Chairman then suggested that the Executive Director should meet individually over lunch with the top 4 candidates and then make a report. Trustee Samolewicz said that he based his selections strictly as a business decision, taking into account the resumes, their presentations, the answer to their questions and overall KSA's (knowledge, skills, abilities). Based on his experience as a former director of HR and employee and labor relations manager and having conducted numerous interviews, he still believes that 2<sup>nd</sup> interviews will be helpful. He does not believe that an honest and good decision on a job of this stature and importance can be made in a 30-minute interview.</p> <p>Trustee Hall agreed with Trustee Samolewicz that there was consensus on the top four candidates but no one was ranked on top by everyone. He feels that he could support any of the four but believes that ultimately the Executive Director should choose who she is comfortable working with. He believes the Committee has done its due diligence and he will support Ms. Tocarchick's choice.</p> <p>Trustee Rossi indicated that he feels that the meetings Ms. Tocarchick conducted should count as the second interview. While he agrees that qualifications and experience are important, with only two people in the office, he wants to make sure that the dynamic between them works well. He agrees with Trustee Hall that Ms. Tocarchick is the best one to make that decision.</p> <p>Trustee Aaronian said she is not opposed to 2<sup>nd</sup> interviews but wondered what additional questions could be asked. She would like to have the Committee meet again to hear Ms. Tocarchick's report and make a decision about what the Committee is looking for and on which there is a split.</p> <p>Ms. Tocarchick then proceeded to give her report, in which she said she hoped to recreate the working relationship she had with the prior Executive Director and avoid the problems experienced with the past Deputy Director. She recognized that the Committee is split and she is not opposed to 2<sup>nd</sup> interviews in the hopes of coming to a harmonious decision. The qualities she considers the most important, and what she was looking for as she evaluated the candidates, are accuracy and being detail oriented. She also wants someone with no preconceived notions about how things should be</p>					



Board of Trustees Minutes Page Nine	October 16, 2017	TRUSTEES	M	S	Y	N
<p>done based on what was done in a prior job. The employee also needs high energy, good communication skills and a desire to be here for the long term. While she has a recommendation for her top choice, she has nothing negative to say about any of the other top three candidates with whom she met. She noted that the job description sets forth desirable qualifications but does not mandate any minimum requirements, and those qualifications were taken into account in her reasoning. If the Board disagrees with her recommendation, she is more than willing to work with any of the other candidates and will do her best to make him/her successful. With that said, she recommended Maureen Femia for the position of Deputy Director and she went on to describe the reasons for her decision based on her education, resume, interviews, job performance evaluations, communication and networking skills, essential computer skills, stable work history and enthusiasm to learn and be a productive member of this team.</p>						
<p>There was considerable discussion, including a summary of the qualifications and impressions of the other candidates.</p>						
<p><b>MOTION:</b> To have a 2<sup>nd</sup> round of interviews by the Committee for three candidates. FAILED 2-6 (Trustee Femia abstained and filed Form 8B).</p>	<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X</p>	<p>X X</p>	<p>X X X X X X</p>
<p><b>MOTION:</b> To accept the Executive Director's recommendation to hire Maureen Femia. PASSED 7-1 (Trustee Femia abstained and filed Form 8B).</p>	<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X</p>	<p>X X X X X X</p>	<p>X X X X X X</p>
<p>It was clarified that the hiring terms will be at the entry salary as listed in the compensation policy, entry into the 401(a) plan and an offer of the City's health insurance with single coverage, and 50% of her dependent(s) coverage to be paid by the plan. The most recent contract will be revised and submitted to Sugarman &amp; Susskind for review.</p>						
<p>Letters from the Chairman will be sent to the candidates.</p>						
<p>There were no other committee reports.</p>						
<p>The Chairman called for another short break.</p>						

<p><b>Board of Trustees Minutes</b> <b>Page Ten</b></p> <p style="text-align: right;"><b>October 16, 2017</b></p>	<b>TRUSTEES</b>	<b>M</b>	<b>S</b>	<b>Y</b>	<b>N</b>
<p><u>APPROVAL OF MINUTES</u>  Before addressing the minutes, Chairman O’Connell said he wanted to clarify the roles of the trustees and staff. He referred to the October 2 and October 4 emails from Trustee Drago to Ms. Tocarchick in which he attempted to unilaterally interpret the minutes of the September 18 meeting. The Chair indicated that Ms. Tocarchick has many years experience in pension administration and it is not the role of any one trustee to interpret the meeting minutes. The minutes are presented to the Board for approval and it is then a Board function to modify them if there is a question regarding interpretation. This modification, if any, must be done by consensus.</p> <p>Next, he addressed Trustee Drago’s October 5 email to Mrs. Rowley regarding the reconciliation of his travel expenses. The Chairman said that this email concerned him and he does not think the Board’s staff should ever be treated in this manner. He was also fearful of creating any type of hostile work environment. Going forward, he encouraged everyone to dial back their communications and treat the entire staff with respect.</p> <p>Trustee Drago was given a chance to respond. He said that his emails stand at face value and he met with Ms. Tocarchick and worked out the issues.</p> <p>There was then a discussion about the proposed minutes from the last meeting and the interpretation of the intended changes to the travel policy. The minutes were presented as follows:</p> <p><b>MOTION:</b> To amend the travel policy re lodging as follows, “Lodging expenses will be covered starting with the night prior to the first official event function and ends with the night prior to the final event function. At the <u>Trustees’ discretion, recommendation of staff and with the Board’s approval, in advance,</u> the hotel for the last day of events may be reimbursed if the Trustees cannot reasonably be expected to get home the same day at a reasonable time, taking into account the time at which the last session ends, the time zone of the event and the availability of flights or length of drive.” <u>Meals shall also be covered should a Trustee find it necessary to stay the additional night.”</u></p> <p>Trustee Drago said he understood that the Trustees would have unconditional approval to stay the night the conference ends without having to provide justification. He also said he believes “may” be reimbursed should be replaced with “shall”. Chairman O’Connell said he would back out of the discussion because he voted against the change at the last meeting and Vice-Chair Samolewicz took over the discussion.</p> <p>During discussion there was general agreement that the minutes should reflect the motion to be as follows: To amend the travel policy re lodging as follows, “Lodging expenses will be covered starting with the night prior to the first official event function and ends with the night prior to the final event function. At the <u>Trustees’ discretion, recommendation of staff and with the Board’s approval, in advance,</u> the hotel for the last day of events</p>					

Board of Trustees Minutes Page Eleven	October 16, 2017	TRUSTEES	M	S	Y	N	
<p>may <u>shall</u> be reimbursed. if the Trustees cannot reasonably be expected to get home the same day at a reasonable time, taking into account the time at which the last session ends, the time zone of the event and the availability of flights or length of drive." <u>Meals shall also be covered should a Trustee find it necessary to stay the additional night."</u></p>							
<p><b>MOTION:</b> To waive the reading of the minutes of the Regular Board meeting on September 18, 2017 and to approve same as amended above. PASSED 9-0.</p>		<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X X X</p>		
<p><u>RATIFICATION AND APPROVAL OF WARRANTS</u></p>							
<p>In the interest of full disclosure and in his capacity as the Chairman, Chairman O'Connell reported that he hired a private investigator to investigate one of today's disability applicants. The invoice has not yet been received and is not included on today's warrants but will be forthcoming for the Board's approval. Some trustees expressed concern over this action, which was unknown to anyone. There was discussion about how to go about this in the future without taking action at a public meeting or violating the sunshine law. Mr. Herrera was asked to look into some options that might be available to the Board that would allow for confidentiality but also institute some checks and balances.</p>							
<p><b>MOTION:</b> To ratify and approve payment of benefits and expenses as set forth on Warrant Nos. 4898 – 4903. PASSED 9-0.</p>		<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X X X</p>		
<p><b>MOTION:</b> To not hire any private investigators until this matter is brought back to the Board for reconsideration. PASSED 9-0.</p>		<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X X X X X X X X X</p>		

<p><b>Board of Trustees Minutes</b> <b>Page Twelve</b></p> <p style="text-align: right;"><b>October 16, 2017</b></p> <p><u>EXECUTIVE DIRECTOR'S REPORT</u></p> <ul style="list-style-type: none"> <li>➤ Signed Notification of Benefits Form for Scott McLellan.</li> <li>➤ Received 2016 Fire Supplement check from the Division of Retirement in the amount of \$1,200.32.</li> <li>➤ Complied with a public records request from Diana Sandell's attorney on 9/21 for Richard Sandell's employment and medical records.</li> <li>➤ Today Mr. Massarelli called and said he is withdrawing his application for disability retirement and he resigned from his position with the City. Need to get withdrawal of disability claim in writing.</li> <li>➤ John DeVoe filed his application for service-incurred disability on Sept. 28. The City has not yet submitted a letter but advised on Oct. 13 that the matter is under review. It was clarified that no application will be accepted or processed that is not complete.</li> <li>➤ RBC is reimbursing the Fund for a \$3,485.52 loss incurred on Amtrust Financial due to a misinterpretation of trade instructions for holding shares during the litigation.</li> <li>➤ Wells Capital is reimbursing for a \$40.00 loss due to trade error input.</li> <li>➤ The City has drafted a Memorandum of Understanding that is related to the DROP interest ordinance; estimated for first reading Oct. 24.</li> <li>➤ Notified the Board regarding issues relating to the Sugarman &amp; Susskind Scholarship fund. Apparently two scholarships have been awarded to persons who have not been determined to be affiliated with the Plan and who did not request or receive eligibility letters from the Pension Office. Staff is aware of one member who applied for a scholarship but who may not be eligible according to Broward College due to a maximum number of Broward Scholarships that can be received. Sugarman &amp; Susskind will be contacting Broward College to resolve.</li> <li>➤ Casa D'Angelo will be checked out in the coming week for suitability as a venue for the Holiday party.</li> <li>➤ Asked for clarification of the per diem language in the travel policy as adopted at the last meeting. The policy has always stated that there is no reimbursement for meals that are included in the registration or provided by a vendor or investment manager; i.e. at no cost to the member. The question has arisen as to why a Trustee cannot be reimbursed for a breakfast or lunch if they choose to eat someplace else if, for example, they do not like what is being served at the event. Or, if someone eats breakfast and lunch at the event but then spends \$45 on dinner when the GSA per diem dinner rate is \$26. This led to considerable discussion but was ultimately deferred to the next meeting with no action taken.</li> </ul> <p><b>MOTION:</b> To adjourn the October 16, 2017 meeting at 7:40 PM. PASSED 9-0.</p>	<p><b>TRUSTEES</b></p>	<p><b>M</b></p>	<p><b>S</b></p>	<p><b>Y</b></p>	<p><b>N</b></p>
	<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>			<p>X X X X X X X X X</p>

Respectfully submitted,



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Debra Tocarchick, CEBS  
Executive Director

**DISTRIBUTION:**

Board of Trustees  
Robert A. Sugarman, Esq.  
Pedro Herrera, Esq.  
David Harris, Actuary  
City Manager  
Mayor and City Commission  
City Clerk  
Assistant City Attorney  
City HR Director  
President IAFF Local 1549  
Marcum

**REGULAR MEETING – OCTOBER 16, 2017**

**ITEM NO. 10 - WARRANT NOS. 4898 THROUGH 4903**

**Ratified and Approved on 10/16/2017**

<b>WARRANT NO.</b>	<b>PAYABLE TO</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
<b>4898</b>	Geandy Perez	Refund of contributions as a result of separation of employment on 08/04/2017; <b>\$1,874.04</b>	<b>1,874.04</b>
<b>4899</b>	Alerus Financial  Xerox Corporation  US Healthworks Medical Grp FL, Inc.	Inv No. 20172686, dated 9/18/17, Fund Rate administration and recordkeeping fee quarter ended 6/30/2017; <b>\$762.50</b> Inv No. 090696785, September lease; \$172.94, excess print charge \$15.94, <b>Total \$188.88</b> Inv. No. 0436015-FL, (14) pre-employment physicals @ \$280.00 each; <b>\$3,920.00</b>	<b>4,871.38</b>
<b>4900</b>	Vantagepoint Transfer Agents/457 FBO Matthew Reilly	Refund of contributions via trustee-to-trustee transfer to Vantagepoint Transfer Agents/457 as a result of separation of employment on 08/08/2017; <b>\$1,874.04</b>	<b>1,874.04</b>
<b>4901</b>	Florida U.C. Fund Daniel Christophers Richard Samolewicz	Reemployment taxes quarter ended 9/30/2017; <b>\$42.61</b> Public Funds Forum Expenses; <b>\$582.63</b> Public Funds Forum Expenses; <b>\$166.22</b>	<b>791.46</b>
<b>4902</b>	Bank of America	Debra Tocarchick: Telephone & Internet, \$301.06; Interview Lunches, \$61.94; Board Meeting Supplies, \$110.09; FPPTA Fall School, \$74.00; Total: <b>\$547.09</b> Paul O'Connell: Board meeting supplies; \$14.95, Business lunch; \$20.64, <b>Total \$35.59</b> Vincent Femia: FPPTA Fall School Expense, <b>\$74.00</b> Jorge Rossi: FPPTA Fall School Expense, <b>\$74.00</b> Robert Drago: Public Funds Forum Expenses, <b>\$507.83</b>	<b>1,238.51</b>
<b>4903</b>	IFEBP Sugarman & Susskind Center Coast Standish Mellon	2018 Annual Membership Dues, <b>\$1,205.00</b> Inv No. 124399, Captain Sandell interpleader, <b>\$2,865.00</b> Inv mgmt fees qtr ended 9/30/2017; <b>\$14,267.59</b> Inv mgmt fees qtr ended 9/30/2017: <b>\$45,022.25</b>	<b>63,359.84</b>

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

LAST NAME—FIRST NAME—MIDDLE NAME Vincent Femia	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Pompano Beach Police and Firefighters Retirement System
MAILING ADDRESS 2335 E. Atlantic Blvd, Suite 400	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Pompano Beach	COUNTY Broward
DATE ON WHICH VOTE OCCURRED 10/16/2017	NAME OF POLITICAL SUBDIVISION: City of Pompano Beach
MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE	

## 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**

I, Vincent Femia, hereby disclose that on October 16, 20 17 :

(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, Maureen Femia (Spouse) ;
- 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:

*Whether to employ my wife, Maureen Femia, as the Deputy Director of the Pompano Beach Police & Fire Retirement System.*

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.

October 16, 2017  
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.



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

LAST NAME—FIRST NAME—MIDDLE NAME <b>Vincent Femia</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Pompano Beach Police and Firefighters Retirement System</b>
MAILING ADDRESS <b>2335 E. Atlantic Blvd, Suite 400</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <b>Pompano Beach</b>	COUNTY <b>Broward</b>
DATE ON WHICH VOTE OCCURRED <b>October 16, 2017</b>	NAME OF POLITICAL SUBDIVISION: <b>City of Pompano Beach</b>
MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" 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 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.

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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.

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**APPOINTED OFFICERS (continued)**

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I, Vincent Femia, hereby disclose that on October 16, 2017 :

(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, Maureen Femia (Spouse) ;
- 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:

Whether to hold second interview with finalists for Deputy Director for City of Pompano Beach Police & Firefighters Retirement System.

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.

10/16/17  
Date Filed

[Signature]  
Signature

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