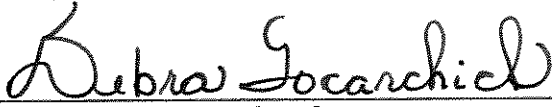




<p><b>Board of Trustees Minutes</b> <b>Page Two</b></p> <p style="text-align: right;"><b>October 31, 2018</b></p>	<b>TRUSTEES</b>	<b>M</b>	<b>S</b>	<b>Y</b>	<b>N</b>
<p><u>ADMINISTRATIVE AND MISCELLANEOUS ISSUES</u></p> <p>Chairman O’Connell discussed the recent Frontline documentary that aired on PBS which investigated the underfunding of Kentucky’s public pension system due to the state not making the required contributions. The Chairman suggested purchasing a couple of reduced price pre-order DVD copies to be shared with interested members and City officials for educational purposes. The copies will be available in December.</p> <p><b>MOTION:</b> To approve the purchase of two pre-order copies of the Frontline, PBS documentary regarding the underfunding of Kentucky’s public pension system at a cost of \$19.99 each. PASSED 9-0.</p> <p>The Board returned to discussion regarding the warrants submitted for approval. It was noted that the investment manager fee for Sands Capital appeared to be outsized in comparison to the other managers’ fees. The Board agreed that it should consider exploring another large cap equity manager to possibly split the mandate with Sands.</p> <p>The Executive Director will contact Graystone to check their availability to convene an Investment Committee meeting on November 19, at 2:00 PM to further discuss this issue.</p> <p><u>INFORMAL SERVICE-INCURRED DISABILITY HEARING FOR FIRE DRIVER/ENGINEER MITCHELL GROSSMAN</u></p> <p>Mr. Grossman was present and represented by Michael Clelland, his legal counsel.</p> <p>Mr. Sugarman reviewed the informal disability hearing procedures for the benefit of everyone present, noting that the following five questions must be answered affirmatively in order to approve a service-connected disability retirement:</p> <ol style="list-style-type: none"> <li>1) Did the member suffer an injury or illness?</li> <li>2) Was the injury or illness service-connected?</li> <li>3) Does the injury or illness cause a disability?</li> <li>4) Is the disability permanent?</li> <li>5) Does the injury/illness prevent him from rendering useful and efficient service as a firefighter.</li> </ol> <p>With respect to the second question, Mr. Sugarman advised the Board that Mr. Grossman’s illness is a presumption under state law and is presumed to be service-connected unless there is clear and convincing evidence otherwise.</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 Three</b></p> <p style="text-align: right;"><b>October 31, 2018</b></p> <p>The fact that the IME doctor claimed that there was a misdiagnosis does not overcome the presumption. Further, the Courts have been very clear that certain risk factors alone are not enough to overcome the presumption by any standard.</p> <p>The Board will have the option to approve, deny or table the application. All the parties received a package that included, in pertinent part, the application for disability retirement, a letter from the City of Pompano Beach indicating that Mr. Grossman reached MMI and cannot resume the essential functions of a Driver/Engineer, the job description, medical reports from the applicant's physicians, and an IME report from Dr. David Mishkel MD.</p> <p>Mr. Clelland presented his client's case discussing the four elements that his client satisfies as an injured worker for which the presumption as a matter of law attaches: 1) part of the protected class, 2) has a covered condition, 3) underwent and passed a physical upon hire that did not reveal the illness, and 4) suffered a disabling event. Mr. Clelland presented evidence that the condition has been proved to be total and permanent.</p> <p>The Board of Trustees was given an opportunity to ask questions.</p> <p><b>MOTION:</b> To approve the application from Mitchell Grossman for a service-incurred disability retirement, to be effective October 31, 2018, on the basis that his disability is service-incurred, total and permanent. <b>PASSED IN A ROLL CALL VOTE 9-0.</b></p> <p>The Chairman thanked Mr. Grossman on behalf of the Board of Trustees for his service to the City of Pompano Beach and its residents.</p> <p><u>ADJOURNMENT</u></p> <p><b>MOTION:</b> To adjourn the October 31, 2018 special meeting at 9:35 AM. <b>PASSED 9-0.</b></p> <p>Respectfully submitted,</p> <p> Debra Tocarchick, CEBS Executive Director</p> <p><b>DISTRIBUTION:</b> Board of Trustees Robert A. Sugarman, Esq. Pedro Herrera, Esq. Tayt Odom, Actuary City Manager Mayor and City Commission</p> <p style="text-align: right;">City Clerk Assistant City Attorney City HR Director President IAFF Local 1549 Marcum</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</p>	<p>X</p>	<p>X</p>
	<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>
	<p>O'Connell Samolewicz Aaronian Christophers Drago Femia Hall McGinnis Rossi</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>

**SPECIAL MEETING – OCTOBER 31, 2018**

**ITEM NO. 5 - WARRANT NOS. 5031 THROUGH 5034**

**Ratified and Approved on 10/31/2018**

<b>WARRANT NO.</b>	<b>PAYABLE TO</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
<b>5031</b>	Fredrick V. Fawcett	Change in annual installments from FR DROP account commencing 12/1/2018; <b>\$1,500.00</b>	<b>1,500.00</b>
<b>5032</b>	Renaissance Sands Capital Brookfield Lazard	Inv mgmt. fee quarter ended 9/30/2018; <b>\$25,991.24</b> Inv mgmt. fee quarter ended 9/30/2018; <b>\$47,940.32</b> Inv mgmt. fee quarter ended 9/30/2018; <b>\$14,468.33</b> Inv mgmt. fee quarter ended 9/30/2018; <b>\$21,028.05</b>	<b>109,427.94</b>
<b>5033</b>	Paul O'Connell  The Nyhart Company Esquire Deposition Office Depot	FPPTA Fall Trustee School expense reimbursement; <b>\$169.81</b> Inv No. 0143746, actuarial services 9/1-9/30/18; <b>\$416.69</b> Inv No. 1331787, court reporter shade meeting; <b>\$572.60</b> Inv No. 216882598001, office supplies, \$11.91; Inv No. 216940628001, office supplies, \$42.56, <b>Total \$54.47</b>	<b>1,213.57</b>
<b>5034</b>	Comerica Bank FBO John Tepedino	Wire transfer of employee directed DROP account from Alerus Retirement Solutions to Comerica Bank FBO John Tepedino, who has elected the Fund Rate option; <b>\$68,271.63</b>	<b>68,271.63</b>