

POMPANO BEACH POLICE & FIREFIGHTERS' RETIREMENT SYSTEM

50 NE 26TH AVENUE
SUITE 302
POMPANO BEACH, FLORIDA

BOARD OF TRUSTEES MINUTES
REGULAR MEETING
JULY 21, 2025

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 3:00 PM.

PRESENT: Chairman Paul O'Connell
Vice-Chairman Jorge Rossi
Trustee Sharra Aaronian
Trustee Daniel Christophers
Trustee Richard Cupo
Trustee Vincent Femia
Trustee David Hall
Trustee Patrick Hanrahan

ABSENT: Trustee Peter McGinnis

ALSO PRESENT: Greg Rossman, Board Attorney
Mike Spano, Board Attorney (via Zoom)
Debra Tocarchick, Executive Director
Maureen Femia, Deputy Director
Lawrence Watts, Nyhart (via Zoom)

AUDIENCE TO BE HEARD

None

CONSENT AGENDA ITEMS

- a) Approval of Agenda of Regular Board Meeting on July 21, 2025
- b) Approval of Minutes of Regular Board Meeting on June 16, 2025
- c) Approval of Applications for DROP Loans from:
 - Battalion Chief Robert Weihs
 - Firefighter Eddie Prince
- d) Ratification and Approval of Warrant Log
- e) Variable COLA Letter from Nyhart (informational)

The Chairman asked if any Trustee wished to move an item from the consent agenda to the regular agenda for separate consideration. Seeing none, the Chairman called for a motion.

MOTION: To ratify and approve the consent agenda items as presented.
PASSED 8-0.

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<div> <div>Board of Trustees Minutes</div> <div>July 21, 2025</div> <div>Page Two</div> </div>	TRUSTEES	M	S	Y	N
<p><u>GREGG ROSSMAN LEGAL REPORT</u></p> <p>The Executive Director sought a legal opinion as to the proper offset of a worker's compensation lump-sum settlement of which a portion was deemed 'future compensation benefits'. The member was granted a service-incurred disability on October 21, 2024, and the Pension Office received notice on December 11, 2024, of a worker's compensation settlement.</p> <p>Mr. Rossman presented his legal opinion memorandum with respect to the offset of lump-sum workers' compensation benefits in connection with Firefighter Kimberly Gandolf's service-incurred disability.</p> <p>Mr. Rossman indicated that the question becomes can a member make more in disability than she would if she were still working, and the answer to this is no. This is the answer to the question of the offset. There are two ways he looks at this. The first threshold question is whether the Retirement System is legally entitled to an offset when a member receives a lump-sum worker's compensation benefit, and the answer is yes.</p> <p>Mr. Rossman referenced an 11th federal circuit case in Alabama which specifically addressed lump-sums because there is not a lot of caselaw and much of it is old and usually talks about weekly wages and somebody getting an extra \$175 dollars a week added to their pension. So, the lump-sum is a little bit of a different issue and the answer is that the Retirement System is entitled to offset against the lump-sum if the member would be making over 100% of her average weekly wage. There are different standards and one is her average current wage which does not apply to her so there's different cases all up and down the Florida Supreme Court, as well as the federal circuits, all of which have a little different nuance to them. This opinion is an amalgamation of twelve or thirteen different cases.</p> <p>The next question is how to determine what the lump-sum's value is. Mr. Rossman spoke to the Retirement System's actuary again next week and noted that Mr. Watts didn't like the use of the word "opine" in the legal opinion memorandum since he is not expressing a <i>legal</i> opinion. Mr. Rossman understands and should have consulted with him before he finalized the draft. They do give an opinion on their math.</p> <p>Mr. Rossman had inquired as to how they determine the lump-sum value. Is it her life-time, or is it her work life expectancy, or age 75 in reference to social security? The Actuary ran the numbers with two different life expectancies, and in both circumstances, the member would not make over 100% of what she was making so the Retirement system is not entitled to offset. This is just for wages and does not include any lump-sum payment for medical.</p> <p>Mr. Watts attended virtually and apologized that he missed the first half of the discussion due to connection issues but noted that generally what he heard was accurate. Nyhart is not familiar with the exact applicability of a lump-sum calculation towards the offset in a disability situation, but they did provide two calculations based on some standard actuarial techniques for reasonable ways to spread the lump-sum over her life expectancy.</p>					

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<p>The two techniques are the use of the Retirement System’s valuation assumptions, and the IRS post-tax basis methodology, and in both cases, she is far from the limit. Therefore, if Mr. Rossman says the law says it’s a reasonable thing to spread this lump-sum over a life expectancy, and if the law says there is no offset to be given for results under 100%, then that is what the math shows in this particular situation.</p> <p>MOTION: To accept the Opinion Memorandum regarding Worker’s Compensation Offset, as recommended by Rossman Legal. PASSED 8-0.</p>	O’Connell Rossi Aaronian Christophers Cupo Femia Hall Hanrahan	X			X X X X X X X	
<p>Mr. Rossman confirmed the three new Investment Manager Agreements have been reviewed and are recommended for approval and execution.</p> <p>MOTION: To approve the Investment Management Agreement by and between PBPFRS and Pullen Investment Management, LLC, as reviewed by Rossman Legal and recommended by Southeastern Advisory Services, Inc., and to authorize the Chairman to execute same. PASSED 8-0.</p>	O’Connell Rossi Aaronian Christophers Cupo Femia Hall Hanrahan	X		X	X X X X X X X	
<p>MOTION: To approve the Subscription and Side Letter Agreement by and between PBPFRS and Radcliffe Capital Management, as reviewed by Rossman Legal and recommended by Southeastern Advisory Services, Inc., and to authorize the Chairman to execute same. PASSED 8-0.</p>	O’Connell Rossi Aaronian Christophers Cupo Femia Hall Hanrahan	X			X X X X X X X	
<p>MOTION: To approve the Investment Management Agreement by and between PBPFRS and Reinhart Partners, as reviewed by Rossman Legal and recommended by Southeastern Advisory Services, Inc., and to authorize the Chairman to execute same. PASSED 8-0.</p>	O’Connell Rossi Aaronian Christophers Cupo Femia Hall Hanrahan	X		X	X X X X X X X	
<p>Mr. Rossman reviewed the Service Agreement with Technical Cooling Solutions, the HVAC services company required under the lease agreement. The Agreement was signed in advance by the Vice-Chairman since the services were needed in an emergency situation.</p>						

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<p><u>MOTION:</u> To ratify the Vice-Chairman’s execution of the Technical Cooling Solutions Service Agreement for HVAC services, as reviewed and recommended by Rossman Legal. PASSED 8-0.</p>		O’Connell Rossi Aaronian Christophers Cupo Femia Hall Hanrahan	X		X X X X X X X X	
<p>Mr. Rossman reviewed the documents from WTax who is partnering with SEI/Cohen & Steers, the Retirement System’s global infrastructure fund, to assist with recovering foreign tax reclaims. Cohen & Steers is recommending it’s clients participate.</p>						
<p><u>MOTION:</u> To approve the account documents from WTax/SEI for Cohen & Steers Foreign Tax Reclaims, as reviewed and recommended by Rossman Legal and Southeastern Advisory Services. Inc. PASSED 8-0.</p>		O’Connell Rossi Aaronian Christophers Cupo Femia Hall Hanrahan		X	X X X X X X X X	
<u>ADMINISTRATIVE AND MISCELLANEOUS ISSUES</u>						
<p>The Executive Director submitted the renewal quote for the fiduciary liability policy. The premium has slightly increased from last year due to an increase in Plan assets.</p>						
<p><u>MOTION:</u> To approve the renewal of the fiduciary liability insurance policy at a cost of \$60,825.00, for the period of August 8, 2025 to August 8, 2026, with the policy’s limit of liability and retention rate to remain at \$5 million and \$75,000, respectively. PASSED 8-0.</p>		O’Connell Rossi Aaronian Christophers Cupo Femia Hall Hanrahan		X	X X X X X X X X	
<p>Mr. Rossman reviewed the Hilton Event and Rooms Agreement and noted it is unnecessary to include any addendum for this type of agreement.</p>						
<p><u>MOTION:</u> To approve the Event and Group Rooms Agreement by and between the Hilton Home 2 Suites Pompano Beach, and the PBPFRS, as reviewed by Rossman Legal; and to authorize the Executive Director to electronically sign the agreement on behalf of the Chairman. PASSED 8-0.</p>		O’Connell Rossi Aaronian Christophers Cupo Femia Hall Hanrahan	X		X X X X X X X X	

Board of Trustees Minutes Page Five	July 21, 2025	TRUSTEES	M	S	Y	N
<p><u>COMMITTEE REPORTS</u></p> <p>No Committee Reports were rendered.</p> <p>The Board reviewed the flooring, countertop and cabinet samples for the office redesign.</p> <p><u>CHAIRMAN'S REPORT</u></p> <p>Chairman O'Connell advised the Board of the following events:</p> <ul style="list-style-type: none"> ➤ The re-dedication of the Chris Reyka memorial at Walgreens will be July 29th at 11:30 AM, and the Scott Winters' memorial beforehand at 10:00 AM. ➤ William & Sharon Wesoloski will be retiring on August 8 and a retirement eagle presentation will be held at the Emma Lou Olsen Center at 11:00 AM. Staff was directed to inform the membership. ➤ An NCPERS Conference is being held in Ft. Lauderdale, October 26 – 29 at the Omni Hotel. ➤ TerraCap is holding their Annual Meeting on February 5 at the Ritz Carlton in Naples. <p>Chairman O'Connell reported that he received a few telephone calls from members stating they were confused by the election letters sent out. The members felt it wasn't highlighted enough that the incumbents were running for re-election. The Executive Director noted that she will bold-face it in future letters.</p> <p><u>EXECUTIVE DIRECTOR'S REPORT</u></p> <ul style="list-style-type: none"> ➤ Signed Notification of Benefit forms for Steven Gernant, Kenneth Shelley, and Lyn Roberts. ➤ The Landlord has been properly notified and provided with copies of the HVAC and Janitorial service contracts. ➤ Trustee Aaronian's uncontested reappointment is July 22, at 6:00 PM. <p>Chairman O'Connell noted there is an item on the City's July 22 meeting agenda to perform a study and cross-benefit analysis to start their own Police Department.</p> <p><u>ADJOURNMENT</u></p> <p>MOTION: To adjourn the July 18, 2025 Regular Board meeting at 3:29 PM. PASSED 8-0.</p>						
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Respectfully submitted,



Debra Tocarchick, CEBS
Executive Director

DISTRIBUTION:

Board of Trustees
Gregg Rossman, Esq.
Michael Spano, Esq.
Lawrence Watts, Actuary
City Manager
Mayor and City Commission
City Clerk
Assistant City Attorney
City HR Director
President IAFF Local 1549
CBIZ CPA's

REGULAR MEETING – JULY 21, 2025

CONSENT AGENDA - WARRANT NOS. 5981 THROUGH 5993

Ratified and Approved on 07/21/2025

WARRANT NO.	PAYABLE TO	DESCRIPTION	AMOUNT
5981	Debra Tocarchick	Lump sum salary stipend on 7/10/2025 of 5.0% of annual salary subject to applicable taxes and not pensionable in accordance with the Board's Compensation Policy adopted 1/16/2018; \$7,639.51	7,639.51
5982	Rossman Legal Ascensus (Nyhart) Florida U.C Fund Southeastern Advisory Services, Inc.	Inv No. 787, Retainer June 2025; \$ 7,250.00, Inv No. 830, Retainer June 2025; \$ 7,250.00, Total \$14,500.00 Inv No. 153360FO_202506, Semi-Annual DROP Admin Fee 10/1/2024 – 3/31/2025; \$5,000.00 Reemployment taxes quarter ending 6/30/2025; \$70.13 Inv No. 2502, Investment consulting fee 6/30/2025; \$42,992.00	62,562.13
5983	Edwin L. Adams	Normal retirement benefit commencing 9/1/2025 as a result of reaching end of DROP on 8/7/2025; \$5,551.68	5,551.68
5984	Robert W. Weihs	DROP loan net amount to Robert W. Weihs; \$49,675.00 Documentary stamps for Robert W. Weihs; \$175.00 Loan processing fee for Robert W. Weihs; \$150.00	50,000.00
5985	Paul O'Connell Patrick Hanrahan Florida Power & Light US Postmaster Xerox Corporation	FPPTA Annual Conference expense reimbursement; \$371.59 FPPTA Annual Conference expense reimbursement; \$285.60 Monthly utilities, 6/2/2025-7/1/2025; \$251.80 Postage; \$400.00 Inv No. 0237489709, June lease; \$136.11, excess print charges; \$70.12, Total \$206.23	1,515.22
5986	Octavio Dominguez	Refund of contributions as a result of separation of employment on 7/1/2025; \$14,628.31	14,628.31
5987	Eddie C. Prince	DROP loan net amount to Eddie C. Prince; \$39,152.23 Documentary stamps for Eddie C. Prince; \$138.04 Loan processing fee for Eddie C. Prince; \$150.00	39,440.27
5988	Bank of America	Debra Tocarchick: Telephone & internet; \$534.17, Courier; \$36.80, Publications; \$27.96, Board meeting supplies; \$20.51, Total \$619.44 Maureen Femia: Board meeting supplies; \$214.20, Publications; \$45.98, Total \$260.18 Paul O'Connell: FPPTA Annual Conference expense; \$766.20 Daniel Christophers: Board meeting expense 6/16/2025; \$229.59 Patrick Hanrahan: FPPTA Annual Conference expense; \$540.00	2,415.41

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CONSENT AGENDA - WARRANT NOS. 5981 THROUGH 5993

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5989	Daniel Christophers Yousif Waycross Minuteman Press of Pompano	Board Meeting Expense Reimbursement 6/17/2025; \$66.00 Inv mgmt. fee quarter ended 6/30/2025; \$7,118.24 Inv mgmt. fee quarter ended 6/30/2025; \$33,834.04 Inv No. 84945, dated 7/10/2025, Envelopes; \$782.95	41,801.23
5990	Scott E. McLellan	Normal Retirement benefit commencing 9/1/2025 as a result of reaching end of DROP period on 8/31/2025; \$6,709.07	6,709.07
5991	Morgan Stanley FBO: Ronald L. Morales/ IRA	Lump sum distribution of balance of Fund Rate DROP account via trustee-to-trustee transfer to Morgan Stanley/IRA, due to separation of service on 5/28/2020; \$598,640.40	598,640.40
5992	Allspring Global Lazard Asset Management G&C Platinum 50 Inv Trustee and Fiduciary Insurance Services, Inc.	Inv mgmt. fee quarter ended 6/30/2025; \$22,962.90 Inv mgmt. fee quarter ended 6/30/2025; \$16,484.74 HVAC service call 7/8/2025; \$450.00 Renewal of fiduciary liability insurance for one year effective 8/8/2025; \$60,825.00	100,722.64
5993	Edwin L. Adams MissionSquare Retirement FBO: Edwin Adams/457	Lump sum distribution of balance of Fund Rate DROP account with partial distribution to member; \$40,000.00, and the balance via trustee-to-trustee transfer to MissionSquare/457; \$506,640.47, due to separation of service on 8/7/2025, Total \$546,640.47	546,640.47