



SUMMARY TO THE REGULAR ADVISORY COMMITTEE MEETING

Tuesday, June 6, 2023

9:00 A.M.

City of Jacksonville Police and Fire Pension Fund
1 West Adams Street Suite 100, Jacksonville, FL 32202

The next Advisory Committee meeting will be held Tuesday, August 8, 2023 at 9:00 A.M.

Advisory Committee Members

James Holderfield, Chair
Asst. Chief Richard Reichard, Vice Chair
Thomas Lumpkin
Cpt. Jean Paravisini
Michael Pelletier
Asst. Chief Michael Shell

Excused

Cpt. Christopher Stover

Fund Staff

Timothy H. Johnson, Executive Director – Plan Administrator
Steve Lundy, Deputy Director
Maria Young, Finance and Benefits Specialist

Guests

*Lawsikia Hodges, Office of General Counsel
*Bob Sugarman, Fund Counsel

*Paul Racho, With.Intelligence
Nicholous Protonotarius, JSO

Notice

Meeting Agendas and Summaries are available on our website at jaxpfpf.coj.net. For additional meeting documents, please contact Steve Lundy, Custodian of Public Records for the City of Jacksonville Police and Fire Pension Fund at 904-255-7373 or SLundy@coj.net to file a public records request.

Pursuant to the American with Disabilities Act, accommodations for persons with disabilities are available upon request. Please allow 1-2 business days notification to process; last minute requests will be accepted, but may not be possible to fulfill. Please contact Disabled Services Division at: V(904) 630-4940, TTY-(904) 630-4933. If any person decides to appeal any decision made with respect to any matter considered at this public meeting such person will need a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based. The public meeting may be continued to a date, time, and place to be specified on the record at the meeting. Additional items may be added / changed prior to meeting.

City of Jacksonville Police and Fire Pension Fund
 Summary to the Regular Advisory Committee Meeting of
 Tuesday, June 6, 2023
 9:00 A.M. – 9:30 A.M.

Agenda

I. Moment of Silence

Richard A. Darby, Retired Fire Captain

II. Public Speaking

None.

III. Consent Agenda – Action Items: a-e; Items f-g to be received as information.

Michael Shell expressed his gratitude to Timothy Johnson and the PFPF Staff for providing the disability pension application in advance for the Advisory Committee members to review before the meeting. He specifically appreciated the inclusion of the employer's affirmative statement regarding attempts to accommodate, noting that it was helpful.

Richard Reichard moved to approve the Consent Agenda, seconded by Michael Shell. The vote passed unanimously.

a. Meeting Summaries to be Approved

1. Summary to the Regular Advisory Committee Meeting of Tuesday, May 9, 2023

b. Application for Disability Pension

| Full Name | RANK/Job Description |
|-----------------------------|----------------------|
| PROTONOTARIOUS, NICHOLOUS A | POLICE OFFICER |

c. Application for Vested Retirement

| Full Name | RANK/Job Description | Monthly Pension Base | Vesting Date | Benefit Commencement Date |
|-------------------|-------------------------|----------------------|--------------|---------------------------|
| BAILEY, BRANDON L | FIREFIGHTER ENGINEER 56 | \$2,698.51 | 03/31/2023 | 09/08/2029 |
| SPENCER, ROBERT B | FIRE CAPTAIN RESCUE 40 | \$3,562.50 | 03/31/2023 | 04/28/2028 |

d. Application for Survivor Benefits

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| Survivor Name | Original Retiree Name | Spouse Effective Date | Monthly Gross Pension |
|----------------------|-----------------------|-----------------------|-----------------------|
| DARBY, JANET R | DARBY, RICHARD A | 05/17/2023 | \$8,386.57 |
| SUMMERLIN, BARBARA L | SUMMERLIN, WILLIAM A | 04/17/2023 | \$4,046.43 |

e. Application for DROP

POLICE:

| Full Name | RANK/Job Description |
|------------------------|----------------------|
| BAI, SUNG W | POLICE SERGEANT |
| BEAR IV, CHESTER R | POLICE SERGEANT |
| BELTZ, RAYMOND W | POLICE LIEUTENANT |
| BLIND, DAWN M | POLICE OFFICER |
| BOTTIN IV, OTTO H | POLICE LIEUTENANT |
| BOYD, MICHAEL B | POLICE SERGEANT |
| CARPENTER III, JAMES D | POLICE SERGEANT |
| CATER, WILLIAM S | POLICE OFFICER |
| COLLINS, MONICA J | POLICE OFFICER |
| HODGE, JAMES D | POLICE LIEUTENANT |
| JONES, CRAIG A | POLICE OFFICER |
| LEAVITT, MICHAEL D | POLICE OFFICER |
| MOORE, ERIN K | POLICE OFFICER |
| MOORE, JASON E | POLICE LIEUTENANT |
| ROSARIO, CRISTINA M | POLICE OFFICER |
| VELASCO, CHRISTIAN J | POLICE OFFICER |

FIRE:

| Full Name | RANK/Job Description |
|-----------------------|--------------------------------|
| BLACKBURN, DEANA M | FIREFIGHTER ENGINEER 56 |
| BLACKBURN, KEVIN E | FIRE CAPTAIN SUPPRESSION 56 |
| CANNON, LACEY D | FIRE CAPTAIN RESCUE 56 |
| DOPSON, ROBERT M | FIREFIGHTER ENGINEER 56 |
| DORING JR, ARTHUR P | FIRE LIEUTENANT SUPPRESSION 56 |
| HARPER, CHRISTOPHER E | FIRE CAPTAIN RESCUE 56 |
| LEDFORD, JOHN H | FIRE LIEUTENANT SUPPRESSION 56 |
| MILSTEAD, CLINTON M | FIREFIGHTER ENGINEER 56 |
| REDDISH, MORGAN L | FIRE CAPTAIN SUPPRESSION 56 |
| SCOTT, CASEY M | FIREFIGHTER ENGINEER 56 |
| SKIDMORE, LAWRENCE W | FIRE LIEUTENANT RESCUE 56 |
| SMITH, TODD A | FIRE LIEUTENANT SUPPRESSION 40 |
| VALLIERE, MATTHEW | FIRE LIEUTENANT SUPPRESSION 56 |

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f. Share Plan Distributions

| Full Name | RANK/Job Description | Share Plan Refund Amount |
|-----------------|----------------------|--------------------------|
| CLAYDON, PAUL D | POLICE OFFICER | \$6,412.74 |

g. DROP Distributions for Survivors

| Full Name | Payout Option | Total DROP | Refund Amount | Rollover Amount | Bi-Weekly Distribution Amount | Bi-Weekly Payment Amount | Payout Periods |
|----------------|---------------|--------------|---------------|-----------------|-------------------------------|--------------------------|----------------|
| DARBY, JANET R | Bi-Weekly | \$245,697.87 | \$0.00 | \$0.00 | \$245,697.87 | \$1,004.65 | 483 |

IV. Executive Director’s Report

a. July Hiatus – action requested

Timothy Johnson informed the Advisory Committee that the Board of Trustees voted to take a meeting hiatus in July. He said the Advisory Committee may also vote to take a hiatus.

Michael Shell moved to take a meeting hiatus for the month of July, seconded by Richard Reichard. The vote passed unanimously.

Timothy Johnson addressed his initiative to streamline the disability application procedure. He clarified that he would not be introducing any new procedures at the moment, but anticipated doing so in August or September. He explained the hierarchy of responsibilities within the procedure: the Law provides guidance, the Board of Trustees establishes its rules, and these rules are then translated into a procedure.

To illustrate his concerns, Johnson shared an excerpt from the PFPF Standard Procedures Manual pertaining to the disability procedure:

"In the event that the Department certifies the unavailability of viable positions, the disability applicant becomes eligible for a Disability Retirement pension, assuming they meet all other approval requirements established by the Trustees."

Johnson expressed his issue with the fact that the law does not mandate employers to certify the absence of accommodations before approving a disability pension. If the law or Board Rules stated otherwise, the situation would be different. However, this particular language has somehow made its way into the Standard Procedures Manual. To address this discrepancy and avoid the impression that the employer has the authority to grant a disability pension benefit instead of the PFPF Board of Trustees, Timothy Johnson announced that he, along with Fund Counsel Bob Sugarman and Lawsikia Hodges, will collaborate to rectify the procedure. Their goal is to ensure that if an employer claims an accommodation is available, it does not prevent the Board of Trustees from considering a disability pension application. Johnson emphasized that he believes this was not the intention behind the existing language.

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a. VERCRUYSE, Richard E. – action requested

Lawsikia Hodges discussed whether the Board can interpret "salary" in the Code to include the salary agreed upon in the settlement agreement between Richard Vercruysse and the City. The answer is yes, based on the definition of "salary" in the Ordinance Code and the Board's authority under the City Charter.

Section 121.201(a) of the Code states that a member's time service benefit is based on their average salary for the 52 pay periods preceding retirement. "Salary" is defined in Section 121.113(a) to include base salary, which is not explicitly limited to documented salary from paycheck stubs. If the City Council intended to impose such a constraint, it would have included it in the definition.

In this case, there is information available from both paycheck stubs and the settlement agreement regarding Vercruysse's base salary. The Board, empowered by the City Charter, can determine all relevant facts and interpret the pension plan's terms. The Board has considered employee service records and the settlement agreement to determine the facts. The Board is also authorized to construe the terms of the pension plan in good faith, with its construction being final and binding. Therefore, the Board can rely on the base salary agreed upon in the binding settlement agreement acknowledged by the court.

Furthermore, the Board can establish rules and regulations regarding base salary that are consistent with the Pension Plan and limit the types of documents it considers, apart from employer salary records, when determining the base salary for retirement benefit calculations.

Lawsikia Hodges said that it is important to note that the above conclusion is based on the provided facts. Any changes or new facts may require a reassessment.

Bob Sugarman raised the importance of considering IRS issues in this case. The PFPF must maintain its "qualified plan" status under the IRS code to preserve its tax-exempt status. The IRS mandates that benefits offered through pension plans must be clearly determinable. Fortunately, this Office of General Counsel analysis provides a comprehensive framework for identifying the specific sources to determine benefits, alleviating any concerns in this regard.

V. Counsel Reports

None.

VI. Old Business

None.

VII. New Business

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VIII. Upcoming Meetings

a. Tuesday, August 8, 2023 at 9:00AM

IX. Adjournment

9:30 A.M.

James Holderfield, Chair
Advisory Committee

Summary Prepared By:

Steve Lundy, Deputy Director
City of Jacksonville Police and Fire Pension Fund

Posted: 06/07/2023

To be Approved: 08/08/2023