

**West Palm Beach Police Pension Fund  
2100 North Florida Mango Road  
West Palm Beach, Florida 33409**

**Minutes**

**December 11, 2009**

**8:15 AM**

**CALL THE MEETING TO ORDER**

Mr. Mitchell called to order the West Palm Beach Police Pension Fund Meeting on December 11, 2009 at 8:15 AM, in the conference room of the Palm Beach County Police Benevolent Association.

Present at the meeting: Edward Mitchell, Chairman, Jonathan Frost, Board Secretary, Chris Fragakis, Board Trustee, Chris Roaf, Board Trustee, and Wilton White, Board Trustee.

Also present: Bonni Jensen, Board Attorney, Law Offices of Perry & Jensen; Dave Williams, Plan Administrator; Ernest George, Plan Member; Sidney Liebesman & Eric Belfi of Labaton Sucharow.

**APPROVAL OF THE MINUTES**

Mr. Mitchell asked if there were any changes required to the minutes of November 13, 2009. Mr. Frost offered his response (which was duly noted). Mr. Fragakis made the motion to approve the minutes, which was seconded by Mr. Roaf. All Trustees voted yes, and the motion was passed 5-0.

**APPROVAL OF DISTRIBUTIONS**

New Warrants were presented for review and execution. Warrants approved at the last meeting were presented to the Board in spreadsheet format by Mr. Williams. In addition, contained in the administrative report was a buy back request for Mr. Kevin Coppin. Mr. Coppin requested to purchase .50 years of military time. Proceeds to come from a 457 trustee to trustee transfer. A drop loan request was presented for consideration for Mr. Christopher Fahey. Finally, drop distribution requests as follows: Mr. Harvey Starr, Mr. Christopher Fahey (2 requests). After reviewing same, Mr. Frost made the motion to approve the foregoing, which was seconded by Mr. Fragakis. All Trustees voted yes, and the motion was passed 5-0.

Mr. Gary Leach requested a (hardship) drop distribution. After reviewing same, Mr. Fragakis made the motion to approve the distribution based on the hardship, which was seconded by Mr. Frost. All Trustees voted yes, and the motion was passed 5-0.

**APPROVAL OF DROP BENEFIT**

Mr. Williams provided the Board with the following drop calculations: Mr. John Kelly, Mr. Michael Tierney and Mr. Christopher Fragakis. After reviewing same, Mr. Frost made the motion to approve the calculations of Mr. Kelly & Mr. Tierney. That motion was seconded by Mr. Roaf. All Trustees voted yes, and the motion was passed 5-0.

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### **APPROVAL OF DROP BENEFIT (Con't)**

Mr. Roaf made the motion to approve the drop calculation of Mr. Fragakis which was seconded by Mr. Frost. At this juncture Mr. Fragakis indicated that he would be abstaining from voting, due to the personal nature of the vote. Mr. Fragakis will file the 8B form and attach it to the minutes. All Trustees voted yes with the exception of Mr. Fragakis, and the motion was passed 4-Yes, 0-No, 1-Abstention.

### **ATTORNEY'S REPORT**

Mrs. Jensen briefed the Board on the status of the disability. A list of providers was presented to the Board to consider. After reviewing same, Mr. Fragakis made the motion to approve Dr. David Krant, MD to conduct the independent medical examination of Mr. which was seconded by Mr. Frost. All Trustees voted yes, and the motion was passed 5-0.

Mrs. Jensen provided an update on the approval of the restatement of the special act.

Mrs. Jensen provided a Collins Capital 5% redemption request for execution.

Mrs. Jensen is working with Mr. McCann on necessary revisions to the investment policy to comply with state law.

Mrs. Jensen requested a Shade Meeting in January 2010.

Mrs. Jensen advised that the Smith Barney matter was still in negotiations.

Mrs. Jensen indicated that during the recent audit, it was discovered that a distribution was made from our Fund to Argent, who is an investment manager for the West Palm Beach General Employee Fund. The payment was apparently made under the prior administration. The matter is under review by Mr. Williams.

### **PORTFOLIO MONITORING PRESENTATION**

At the request of Mr. Frost and consensus of the Board, Mr. Sidney Liebesman & Mr. Eric Belfi of Labaton Sucharow were provided an opportunity to address the Board. A comprehensive presentation was made to the Board of Trustees. Mr. Mitchell asked that a proposed contract be sent to Mrs. Jensen to review and consider.

### **ADMINISTRATOR'S REPORT**

**Salem Trust:** Mr. Williams advised that our prior custodian Salem Trust provided a proposal that they will file all security litigation paperwork on behalf of the Fund. This will be limited to assets held by Salem Trust during their tenure. The fee is \$300.00 per filing. Both Mr. Williams and Mrs. Jensen indicated that due to the fact that Salem has all the custodial records and the filing is highly detailed in nature, it would be best for Salem to file on behalf of the Fund. Mr. Roaf made the motion to approve the filing fee, which was seconded by Mr. Frost. All Trustees voted yes, and the motion was passed 5-0. Note: Fiduciary Trust the current custodian will file on behalf of the Fund for all current assets held with their company. There are no additional fees for that service.

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**COLA 2010:** Mr. Williams presented the COLA report for 2010 for the Board to review and consider. The COLA report was completed by Gabriel Roeder Smith and was based on the provisions set forth in the special act. During the review, it was determined that Mr. Fred Walling did not receive a COLA in 2009 from the prior administration for his beneficiary payment (W. Sadler). Direction was given to Mr. Williams to take the required steps to remedy Mr. Walling's beneficiary COLA payment. After reviewing same, Mr. Fragakis made the motion to approve the foregoing, which was seconded by Mr. White. All Trustees present voted yes, and the motion was passed 4-0 (Mr. Mitchell off the dais).

**Anchor Capital:** Mr. Williams presented a letter to the Board that was written to Mr. Robert Croce of Anchor Capital outlining a direct billing matter. It was discovered during the audit process that for reasons unknown, Anchor Capital sent invoices directly to the custodian for payment. While the bills were accurate, this process breaches our internal controls. Both the manager and the custodian were again advised of the proper billing procedures.

**OPEN DISCUSSION**

Mr. Roaf indicated that at a recent training event, he was made aware of an organization called Wall Street War Fighters. The group's mission is to retrain disabled war veterans in a financial field. Mr. Roaf felt the organization was worthwhile and asked Mrs. Jensen to review with an ethics attorney before taking any formal action.

**ADJOURNMENT**

Being there was no other business; the meeting was adjourned at 9:20 AM.

The next meeting regularly scheduled meeting is January 15, 2010 at 8:15 AM.

Jonathan Frost, Board Secretary