

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

Minutes

**July 25, 2014
8:30 AM**

CALL THE MEETING TO ORDER

Mr. Frost called to order the West Palm Beach Police Pension Fund Special Meeting on July 25, 2014 at 8:34 AM, in the main conference room of the Ernest George Building of the Palm Beach County Police Benevolent Association.

Present at the meeting: Jonathan Frost - Board Chairman, Troy Marchese - Board Secretary, Craig Kahle - Board Trustee (arrived 8:37 AM) and Chris Fragakis – Board Trustee. Mr. Wilton White, Board Trustee (By Conference Call at 8:52 AM).

Also present: Joe Van Reeth (arrived 8:48 AM) & Lou Penque, Members; Bonni Jensen, Board Attorney, Law Offices of Perry & Jensen, LLC; Angela Twomey, Acting Recording Secretary.

PUBLIC COMMENT

No comments provided

ATTORNEY'S REPORT

Mrs. Jensen updated the Board on the transition underway with the New Amsterdam Account.

INFORMAL DISABILITY HEARING –

At 8:52 AM Mr. White joined the meeting via conference call. Due to unforeseen circumstances, Mr. White was unable to attend the meeting in person. Noting an official quorum was present at the meeting, Mr. Marchese made the motion to permit Mr. White attendance via conference call. This motion was seconded by Mr. Fragakis. All Trustees voted yes, and the motion was passed 4-0.

Mrs. Jensen reviewed in detail the records of Mr. _____ (Claimant) with regard to his disability claim that was before the Board of Trustees. It was noted that the Claimant was provided notice of this meeting, but was not present. Prior to this informal hearing, the entire file was available to the Trustees to review in the Office of Retirement and electronically.

Having received representations of the Claimant and having reviewed the records, medical and otherwise, and the independent medical evaluation of _____, M.D. the Board of Trustees collectively determined the following:

Claimant is physically unable to perform the duties of a police officer to which he was assigned.

As a result of Claimant's failure to pass a fitness for duty examination, the City of West Palm Beach ("City") terminated his employment on December 5, 2013. *Con't*

West Palm Beach Police Pension Fund – Minutes

July 25, 2014

Page 2 of 2

Therefore, the City does not have a position for the claimant as a certified police officer and Claimant is unable to render useful and efficient service as a police officer to the City. Pursuant to Police Pension Board, City of Hollywood v. Gaines, 389 So.2d 677 (Fla 4th DCA 1980), “An employing authority which terminates an employee because of a disability is estopped from contending the disability is not total.”

Based upon the pension fund file and medical records, the Board has determined that the on duty incident precipitated the disability and it was the on duty incident that resulted in the inability to work as a police officer.

Based on the foregoing and pursuant to the Special Act that governs the Plan, Mr. Fragakis made the motion that the Claimant – Mr. _____ is entitled to a duty disability pension, that the disability pension shall be payable effective December 5, 2013 or the date that the Claimant stopped receiving pay from the City of West Palm Beach, whichever is later. This motion was seconded by Mr. Marchese. All Trustees voted yes, and the motion was passed 5-0.

OPEN DISCUSSION

Mr. Penque asked the Board to consider an impact study by the Actuary. The potential changes are being sought as part of a collective bargaining agreement. Mr. Marchese made the motion to authorize the impact study requested. This motion was seconded by Mr. Fragakis. All Trustees voted yes, and the motion was passed 4-0.

Mr. Frost recapped a recent educational symposium he attended for the benefit of his fellow Trustees.

ADJOURNMENT

Being there was no other business; the meeting was adjourned at 9:41 AM.

Next meeting is scheduled for August 8, 2014 at 8:30 AM

Troy Marchese, Board Secretary