

City of Miami Beach Firemen's Relief and Pension Fund
Meeting of the Board of Trustees

February 19, 2013
Fire Chief's Office Administration Building – Conference Room

Minutes

- 1) **Call to Order/Roll Call** – Trustee Robert Dowling called the meeting to order at 10:03am. Trustees Javier Otero, Allison Williams and Rafael Granado present. Four Trustees in attendance. A quorum of three (3) is met.

Also in attendance were Attorney Stephen Cypen, Attorney Alison Bieler, Steven Gordon, CPA, Robert Maddock, Sr. V.P. Inverness Counsel and Andrew McGarrell, Pension Investors Corp.

HR Director to the Board – Trustee Rafael Granado formally resigned as Trustee. Trustee Javier Otero to meet with City Manager for a new appointee. Rafael Granado left the meeting. The quorum is still met as three (3) Trustees remain.

Chairperson Lee Amato joined the meeting at 10:10am. Four Trustees in attendance.

- 2) **Minutes from November 28, 2012 Meeting** – Minutes were reviewed.

A motion was made by Trustee Javier Otero to accept the minutes as presented. Chairperson Lee Amato seconded the motion. All in favor, motion passed. (4-0)

- 3) **Audit Report for June 30, 2012** – Steven Gordon, CPA presented a “clean opinion” audit report. Total assets \$13,099,023 with a net gain of \$638,740 since last period ending June 30, 2011.

A motion was made by Trustee Robert Dowling to accept the “clean opinion” audit report as presented. Trustee Javier Otero seconded the motion. All in favor, motion passed. (4-0)

Discussion with Steve Gordon, CPA pertaining to annual payouts and whether to keep the current procedure of withholding 10% on final payment. No change was presented. No motion followed.

Discussion with Steve Gordon, CPA pertaining to a September 30th year-end as opposed to a December 31st year-end. Trustee Allison Williams stated that a September 30th year-end is ideal for the City purposes but December 31st would work too. Steve Gordon, CPA to discuss with Donna Teat at Pension Investors Corp and will report back to the Board.

- 4) **Auditor Contract Renewal** – Steven Gordon, CPA stated that there is no contract to renew. An “Engagement Letter” will be forthcoming for the Board to review and sign. This is on an annual basis.

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5) Pension Forfeitures:

Attorney Alison Bieler presented the **Florida Statutes, Title X, Chapter 112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.**

Attorney Alison Bieler presented the **City of Miami Beach Firemen's Relief and Pension Fund Forfeiture Rules of Procedure & Forms.** Discussion followed.

A motion was made by Trustee Javier Otero to adopt the **City of Miami Beach Firemen's Relief and Pension Fund Forfeiture Rules of Procedure & Forms.** Trustee Robert Dowling seconded the motion. All in favor, motion passed. (4-0)

a) Chai Footman - Case # 12-20279-CR-SCOLA and #12-2494-GARBER

Attorney Alison Bieler reviewed the file regarding Mr. Footman's felony conviction and termination from City employment. Discussion followed.

A motion was made by Trustee Javier Otero that all the elements of a specified offence set forth in **Florida Statutes, Title X, Chapter 112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits** have been met and Chai Footman's pension should be forfeited. Trustee Robert Dowling seconded the motion. All in favor, motion passed. (4-0)

b) Henry Bryant – Case # 12-20279-CR-SCOLA and #12-2494-GARBER

Attorney Alison Bieler reviewed the file regarding Mr. Bryant's felony conviction and termination from City employment. Discussion followed.

A motion was made by Trustee Javier Otero that all the elements of a specified offence as defined in **Florida Statutes, Title X, Chapter 112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits** were met and Henry Bryant's pension should be forfeited. Trustee Robert Dowling seconded the motion. All in favor, motion passed. (4-0)

A letter will be sent to Footman and Bryant advising of the Board's decision.

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c) Steven Martonffy – Case # 8288XEX

Attorney Alison Bieler presented highlights on the file of **"City of Miami Beach Firemen's Relief and Pension Fund vs. Steven Martonffy" Preliminary Forfeiture Hearing**. Discussion followed.

A motion was made by Trustee Robert Dowling that Steven Martonffy did not commit a specified offense as set forth in **Florida Statutes, Title X, Chapter 112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits** and therefore his pension should not be forfeited. Chairperson Lee Amato seconded the motion. All in favor, motion passed. (4-0)

The Miami Beach Firemen's Relief & Pension Fund Application for Participants' Separation Benefits form to be forwarded to Steven Martonffy.

6) **Notice of Election for Trustee** – Discussion with Attorney Stephen Cypen. Leave position vacant until end of term, June 30, 2013

7) **Review/Approve – Annual Payouts** and other warrants.

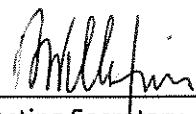
A motion was made by Trustee Allison Williams requesting time to review warrants and to approve via email as the meeting was lengthy. Trustee Robert Dowling seconded the motion. All in favor, motion passed. (4-0)

8) **Inverness Council, Robert Maddock, Sr. V.P.** presented a "Market Overview Report" and an "Investment Performance Report" (Copies on file)

9) Chairperson Lee Amato inquired if there was any further business? There being no further business, Trustee Robert Dowling made a motion to adjourn the meeting. Trustee Javier Otero seconded the motion. All in favor, meeting adjourned at 1:04pm



Robert Dowling, Acting Chairperson



Allison Williams, Acting Secretary

cc: Stephen Cypen, Esq.
Trustees
Fire Department Personnel Distribution