



### MINUTES FROM MEETING ON JANUARY 11, 2024

Chairman Smith called the meeting to order at 9:35 AM on January 11, 2024. There was a quorum.

#### Board Members

Jay L. Smith  
 Michael Fields (9:42 AM)  
 Martin Carmody  
 Frankie Chisari  
 Christopher McCullion

#### Others Present

Katrina Laudeman, Executive Director  
 Sean Sendra, Board Attorney  
 Shawn Dunlap, Fraternal Order of Police  
 Shannon Hesse, Department Advocate  
 Michele Keane, Pension Coordinator

#### 1. **PUBLIC COMMENT**

Chairman Smith asked if there was any public comment. There was none.

#### 2. **APPROVAL OF THE MINUTES OF NOVEMBER 9, 2023**

**A MOTION TO APPROVE THE NOVEMBER 9, 2023 MINUTES** was made by Mr. Chisari and seconded by Mr. McCullion; **MOTION CARRIED UNANIMOUSLY.**

#### 3. **CONSENT AGENDA –OCTOBER, NOVEMBER, AND DECEMBER RETIREMENTS**

**A MOTION TO APPROVE THE CONSENT AGENDA** was made by Mr. Carmody and seconded by Mr. Chisari; **MOTION CARRIED UNANIMOUSLY.**

#### 4. **PENDING / OLD BUSINESS**

##### a. Disability Updates

Anthony Roland

Ms. Hesse stated Mr. Karden still plans to depose the physician who conducted the Independent Medical Examination (“IME”), Dr. Hall.

Mr. Chisari asked if it’s possible for the Board to request having a doctor attend the hearing to respond to questions. Chairman Smith said this could be done if there were questions after the IME results are received. Ms. Hesse noted she or Mr. Karden, as department advocates, can also request an independent expert or doctor attend the hearing. Mr. McCullion spoke about refining the questions we ask the applicants and doctors.

Mr. Chisari stated he spoke with the Chief of Police regarding reinstating light duty positions and it seems to be under consideration. This led to a discussion about recalling retired officers to verify they are still disabled at our standards. Mr. Dunlap, the representative for the Fraternal Order of Police ("FOP") stated they would be willing to discuss extending the time frame to recover medically at the next contract agreement. Some discussion ensued.

Chairman Smith and Mr. McCullion explained the recall process. Chairman Smith asked for a list of all questions to be sent to the trustees for consideration.

Michelle Edwards

Officer Edwards' notebook is at CentraCare, and they are searching for a physician to conduct the IME.

b. Securities Litigation Monthly Update

Chairman Smith thanked Ms. Laudeman for the update.

c. Update on Emerson's Petitions for Writ of Certiorari

Chairman Smith stated there are no updates on the Emerson case.

d. Update on Mills' Petition for Writ of Certiorari

Chairman Smith noted a final order was issued by the circuit court and asked Mr. Sendra to explain. He noted the court's opinion was that the Board did not have competent and substantial evidence to rule against granting Mr. Mills a Line-of-Duty disability. While the Board attorney disagrees with the finding, they recommend granting the disability to Mr. Mills.

**A MOTION TO ACCEPT THE ORDER ISSUED BY THE COURT, QUASHING THE BOARD'S ORIGINAL DECISION, TO GRANT A LINE-OF-DUTY DISABILITY TO MR. MILLS, RETROACTIVE TO THE LAST DATE MR. MILLS WAS PAID, TO BE DETERMINED BY STAFF AND TO TAKE ANY WORKERS' COMPENSATION OFFSETS INTO ACCOUNT** was made by Chairman Smith and seconded by Mr. Fields.

Mr. McCullion asked for a revised final order, referencing the Circuit Court's order, as the reason for granting the Line-of Duty disability.

**THE MOTION WAS AMENDED TO ACCEPT THE ORDER ISSUED BY THE COURT, QUASHING THE BOARD'S ORIGINAL DECISION, TO GRANT A LINE-OF-DUTY DISABILITY TO MR. MILLS, RETROACTIVE TO THE LAST DATE MR. MILLS WAS PAID, TO BE DETERMINED BY STAFF AND SUBJECT TO ANY WORKERS' COMPENSATION OFFSETS AND INCLUDE A REVISED FINAL ORDER REFERENCING THE CIRCUIT COURT'S ORDER AS THE REASON FOR GRANTING THE LINE-OF-DUTY DISABILITY** was made by Chairman Smith and seconded by Mr. Fields; **MOTION CARRIED UNANIMOUSLY.**

Chairman asked Ms. Keane to notify Ms. Janeczek to begin working on the new calculations for Mr. Mills.

Chairman Smith noted he has been speaking with Ms. Janeczek regarding workers compensation offsets. Some discussion ensued.

e. Update on the Waba-Daniels Appeal

There was no update.

f. Vertiv Litigation Update

Chairman Smith stated he spoke with Mr. Kaufman, and we are still waiting for further details from Judge Woods and Saxena White.

g. Non-Negotiables Discussion

Ms. Laudeman reminded the trustees that Mr. Kaufman is working on a policy to address the non-negotiable items. She added the Firefighters' Board is also working on a similar policy, which may offer some insight.

Ms. Laudeman noted the trustees have not reviewed the existing policies for some time. The trustees agreed to review the first five policies at the February 8, 2024 meeting; addressing five policies at each meeting until all 24 are reviewed. Mr. McCullion suggested having the Board attorney and staff review/edit the policies and provide the trustees with red-lined versions.

h. Executive Summary

Chairman Smith thanked Ms. Laudeman for her report.

5. **NEW BUSINESS**

a. Kenneth Brown

Mr. Fields stated another police officer has been in touch with Mrs. Brown and was questioning why Mr. Brown was not granted a disability pension. Mr. Fields is looking for clarification so he can explain the situation properly. Mrs. Brown was contacted by Mr. Thames, FOP representative, and Mr. Kaufman several times regarding applying for a disability. Chairman Smith noted the dates and nature of all the correspondence. The Board made several attempts to contact Mrs. Brown, as did the FOP, and never received any documentation.

6. **ADJOURN**

Chairman Smith noted the upcoming meetings Ms. Keane offered three alternate dates for the April 11<sup>th</sup> meeting date. It was agreed to change the meeting to April 24, 2024, at 9:30 AM. Mr. Fields stated he will be unavailable for the February 8 and March 14, 2024, meetings.

Mr. Chisari asked what the process is for making changes to the Plan. Mr. Fields and Chairman Smith explained the changes would have to come from the FOP. The union would negotiate with the City, it would be put to the vote of the members, and if agreed upon, would need to go before the Florida legislature.

Chairman Smith added new legislation rarely passes in the first attempt. Mr. Chisari asked if a study could be conducted to determine the costs for changing some parameters. Mr. McCullion stated the Board could send a letter to the FOP and the City advising them of what benefits the members are interested in. Also, the Board could hold a meeting for discussion. Mr. Fields noted some benefits the Firefighters' Pension Board have that the Police do not. Mr. McCullion explained how the Police benefits came about.

**A MOTION TO ADJOURN THE MEETING** was made by Chairman Smith and seconded by Mr. Chisari  
The meeting adjourned at 10:58 AM.

Respectfully submitted,

*Michele Keane*

Michele Keane  
Pension Coordinator