

CITY PENSION FUND FOR FIREFIGHTERS AND POLICE OFFICERS  
IN THE CITY OF MIAMI BEACH

958<sup>TH</sup> BOARD OF TRUSTEES MEETING

January 18, 2024

*COPIES OF MINUTES ARE BEING  
PROVIDED WITHOUT ATTACHMENTS.*

*ALL ATTACHMENTS ARE AVAILABLE  
FOR REVIEW AT THE FIRE & POLICE  
PENSION OFFICE.*

**958<sup>TH</sup> MEETING OF THE BOARD OF TRUSTEES  
CITY PENSION FUND FOR FIREFIGHTERS AND POLICE OFFICERS  
IN THE CITY OF MIAMI BEACH**

**January 18, 2024**

**CALL TO ORDER**

Meeting was called to order at 8:37 AM by Secretary Nolan.

Board members physically present and by videoconference were as follows:

FIRE DEPARTMENT

David J. Frazier, Jr.  
Dwight M. Nicholas

POLICE DEPARTMENT

Steven L. Feldman  
Daniel D. Molina  
James D. Nolan

ADMINISTRATION

Hernan D. Cardeno  
Eric T. Carpenter  
Tameka Otto Stewart

Absent was:

Paul D. Johnson - Fire Department

Present were:

Stuart A. Kaufman, Esq. - Attorney, Klausner, Kaufman, Jensen & Levinson (KKJL)  
Donna Brito - Executive Director  
Frank Estevez - Assistant Director  
Myriame Jean-Baptiste - Pension Administrator  
Clara La Rosa - Office Manager

Also present were:

Alberto J. Castro - Former Police Officer, City of Miami Beach  
Paulina Castro - Wife of Former Police Officer Alberto J. Castro  
Melinda Figarola - Court Reporter, U.S. Legal Support  
Tonya A. Oliver, Esq. - Oliver & Fox P.A. – Counsel for Alberto J. Castro  
Dann Smith - Director, Client Relations & Business Development, Allspring  
Global Investments  
Brendon Vavrica, CFP - AndCo Consulting, Consultant

**MINUTES**

**Regular Meeting of the Board of Trustees – November 16, 2023**

Minutes from the regular board meeting were distributed as part of the agenda packet. Trustee Frazier made a motion to approve the minutes. The motion was seconded by Trustee Carpenter and unanimously carried.

**INFORMAL SERVICE-CONNECTED DISABILITY HEARING**

**Police Officer Alberto J. Castro – represented by Tonya A. Oliver, Esquire**

Attorney Kaufman explained that the three criteria to consider for this disability are: (1) total, (2) permanent, and (3) service connected. In this case, the City of Miami Beach has terminated Officer Castro based upon his inability to perform the essential functions of the Police Officer job specification. Therefore, under Florida Law, the total criterion has been proven. The issue before the Board is to determine whether or not this disability is permanent and service connected.

*958<sup>th</sup> Meeting of the Board of Trustees  
January 18, 2024*

*Attorney Kaufman summarized that Mr. Castro was sent to Dr. Adam White for psychological evaluation and was also evaluated by the Medical Board of Dr. Cornel Lupu and Dr. Isidro Pujol. All three medical experts came to the same conclusion that Mr. Castro's disability is permanent and service connected.*

*Trustee Frazier made a motion to accept Mr. Castro's disability notebook, including his application, medical records, and the medical experts' opinion reports, into evidence. The motion was seconded by Trustee Carpenter and unanimously carried.*

*Attorney Tonya A. Oliver, Counsel for Alberto J. Castro, stated that Officer Castro has an occupational illness of PTSD stemming from repeated exposure while on duty to catastrophic incidents in which he was unable to save the lives of the victims.*

*Officer Castro was terminated from his position as a Police Officer on July 7, 2023, in accordance with City of Miami Beach Personnel Rule X, Separations, Section 2 Removals (b) six: "Has contracted some mental or physical ailment or defect which incapacitates him for usefulness in the City service." Therefore, the total criterion has been met.*

*The medical experts' opinion indicates that Officer Castro's impairments are service-connected, and his condition is permanent.*

*Based on these findings, Attorney Oliver requested that the Board award Officer Castro a service-connected, total, and permanent disability.*

*After considering all the evidence, including the disability evaluation provided by the medical experts, and the law applicable to the case, Trustee Frazier made a motion to grant Alberto J. Castro a total, permanent and service-connected disability. The motion was seconded by Trustee Nicholas and unanimously carried.*

**RETROACTIVE PENSION CHANGES**

*Director Brito advised that there were a series of approximately 24 different payroll changes and retroactive adjustments that were made by the City over the course of the past year due to the ratification of the Fire and Police Union contracts effective October 1, 2021. The following retroactive pension changes are being made to the original pension amounts for members who entered the DROP prior to the payroll adjustments issued by the City.*

<b>CLASSIFICATION</b>	<b>NAME OF MEMBER</b>	<b>DROP DATE OF RETIREMENT</b>	<b>MONTHLY INCREASE IN PENSION</b>	<b>RETROACTIVE ADJUSTMENT AMOUNT</b>
<i>Police Officer</i>	<i>Hector E. Fernandez, II</i>	<i>06/01/23</i>	<i>\$ 0.35</i>	<i>\$ 2.45</i>
<i>Firefighter</i>	<i>Ricardo Fernandez</i>	<i>01/01/22</i>	<i>\$34.73</i>	<i>\$843.84</i>
<i>Police Officer</i>	<i>Philip Henson</i>	<i>06/01/23</i>	<i>\$ 0.73</i>	<i>\$ 5.11</i>
<i>Firefighter</i>	<i>Damon Keller</i>	<i>10/01/21</i>	<i>\$11.39</i>	<i>\$312.60</i>
<i>Police Sergeant</i>	<i>Oswaldo Ramos</i>	<i>02/01/23</i>	<i>\$60.55</i>	<i>\$666.05</i>
<i>Police Officer</i>	<i>Pedro L. Rodriguez</i>	<i>07/01/23</i>	<i>\$11.93</i>	<i>\$ 71.58</i>
<i>Firefighter</i>	<i>Wayne A. Trentacosta</i>	<i>02/01/22</i>	<i>\$12.30</i>	<i>\$286.31</i>

*Trustee Frazier made a motion to approve the revised pension and retroactive adjustments for Officer Fernandez, Firefighter Fernandez, Officer Henson, Firefighter Keller, Sergeant Ramos, Officer Rodriguez and Firefighter Trentacosta. The motion was seconded by Trustee Nicholas and unanimously carried. (Attachment #1-1 Schedule A)*

*The Director advised that additional retroactive pension changes will continue to be processed in the upcoming months.*

**DEFERRED RETIREMENT OPTION PLAN (DROP) – APPROVAL OF ENTRY**

Police Officer Manuel M. Cano retired under the DROP program effective January 1, 2024, in accordance with the Miami Beach Code, Section 66(a) and Section 79. Officer Cano had 12 years and 9 months of pension service and met the eligibility for retirement by Tier 2 and attainment of age 50. In addition, Officer Cano purchased the 6% multiplier.

Police Officer Bernadette Maher retired under the DROP program effective January 1, 2024, in accordance with the Miami Beach Code, Section 66(a) and Section 79. Officer Maher had 22 years and 7 months of pension service and met the eligibility for retirement by Tier 1 and attainment of age 50. In addition, Officer Maher purchased the 6% multiplier.

Trustee Molina made a motion to approve the pension service retirement for Officer Cano and Officer Maher and grant entry into the DROP. The motion was seconded by Trustee Frazier and unanimously carried. (Attachment #1-1 Schedule A)

**COMMENCEMENT OF PENSION**

Firefighter Lori S. Riley, who was retired under the DROP program, resigned from City employment effective November 4, 2023. She is eligible to commence her monthly pension in accordance with the Miami Beach Code, Section 66(a) and Section 79.

Police Lieutenant Andrew M. Dohler, who was retired under the DROP program, resigned from City employment effective November 30, 2023. He is eligible to commence his monthly pension in accordance with the Miami Beach Code, Section 66(a) and Section 79.

Police Officer Juan A. Cabrera, who was retired under the DROP program, resigned from City employment effective December 31, 2023. He is eligible to commence his monthly pension in accordance with the Miami Beach Code, Section 66(a) and Section 79.

Police Officer Eduardo Docampo, who was retired under the DROP program, resigned from City employment effective December 31, 2023. He is eligible to commence his monthly pension in accordance with the Miami Beach Code, Section 66(a) and Section 79.

Trustee Cardeno made a motion to approve the commencement of pension for Firefighter Riley, Lieutenant Dohler, Officer Cabrera and Officer Docampo. The motion was seconded by Trustee Frazier and unanimously carried. (Attachment #1-1 Schedule A)

**LUMP SUM REFUND**

Former Police Officer Lorenzo D. Contis' last day of work was November 26, 2019. As a Tier 4 member with less than 5 years of pension service time, he was not vested. Mr. Contis requested a lump sum refund of his employee contributions with interest.

Trustee Molina made a motion to approve the lump sum refund of employee contributions with interest to Lorenzo D. Contis. The motion was seconded by Trustee Frazier and unanimously carried. (Attachment 1-1 Schedule A)

**DECEASED**

*Retired Police Lieutenant Richard J. Procyk passed away on November 17, 2023. Widow Roberta S. Procyk will receive a benefit under the code of the City of Miami Beach, Section 69(b)(1)(A). She will be entitled to 100% of his monthly pension benefit for one year and thereafter 50% of the benefit until remarriage or death. She will also be entitled to a 2½ % cost of living increase each October.*

*Trustee Molina made a motion to approve the commencement of pension for Roberta S. Procyk. The motion was seconded by Trustee Carpenter and unanimously carried. (Attachment #1-1 Schedule A)*

*Fire Division Chief Emile J. Gauthier passed away on December 9, 2023. His pension benefit has been discontinued as there are no beneficiaries under the Plan.*

*Beneficiary Liliam M. Yero, widow of retired Police Sergeant Julio I. Yero, passed away on December 2, 2023. Her pension has been discontinued, as there are no other beneficiaries under the Plan.*

*Trustee Carpenter made a motion to stop the monthly pension for Emile J. Gauthier and Liliam M. Yero. The motion was seconded by Trustee Frazier and unanimously carried. (Attachment #1-1 Schedule A)*

**FINANCIAL REPORT FOR DECEMBER 2023**

*The Financial Warrants were emailed to the Board for their review prior to the meeting.*

*The Director advised that since the December 2023 board meeting was cancelled, Financial Warrants #5306-5313 have to be ratified for December 2023.*

*Trustee Frazier made a motion to approve the ratification of Warrants #5306-5313. The motion was seconded by Trustee Nicholas and unanimously carried. (Attachment #1, December 2023)*

**FINANCIAL REPORT FOR JANUARY 2024**

*The Financial Warrants were emailed to the Board for their review prior to the meeting.*

*Trustee Frazier made a motion to accept the Financial Warrants #5314-5321 as presented. The motion was seconded by Trustee Molina and unanimously carried. (Attachment #1, January 2024)*

**BUYBACKS COVERING THE PERIOD OF NOVEMBER 17, 2023, THROUGH JANUARY 18, 2024**

*Trustee Frazier made a motion to approve the buybacks of probationary service time with interest at 3% as shown on the revised agenda schedule presented during the meeting. The motion was seconded by Trustee Molina and unanimously carried. (Attachment #2)*

**COUNSEL**

***Request for amendment of Pension Ordinance by plan sponsor Amending Section 62, Definitions, Relating to Actuarial Assumption Rates; Amending Section 66, Service and Disability Benefits Generally; Related to Implementing the Conclusive Firefighter Cancer Presumption Established by Section 112.1816, Florida Statutes; Amending Section 84, Distribution Limitation, to Provide for Inclusion of the Federal Secure Act 2.0 Provisions***

*Attorney Kaufman presented a draft pension ordinance to reflect the following changes:*

*958<sup>th</sup> Meeting of the Board of Trustees  
January 18, 2024*

- *Motion dated March 16, 2023, to update the definition of actuarial assumptions (for the calculation of optional forms of benefits) from 7.5% effective for plan years beginning on or after October 1, 2020, to 7.2% effective for plan years beginning on or after October 1, 2023.*
- *The Florida Division of Retirement's position to have the conclusive firefighter cancer presumption established by Section 112.1816, Florida Statutes, codified in every ordinance in order to receive the Division's approval of the Annual State Report.*
- *To implement the federal SECURE 2.0 Act of 2022, which increases the required minimum distribution age from a retirement plan.*

*Trustee Frazier made a motion to provide the draft pension ordinance to the City for their review and approval. The motion was seconded by Trustee Carpenter and unanimously carried. (Attachment #3)*

**Corient Private Wealth LLC – Investment Management Agreement**

*Attorney Kaufman submitted for approval the Investment Management Agreement from Corient Private Wealth LLC, which updates their partnership with Inverness Counsel, LLC.*

*Trustee Frazier made a motion to approve the Corient Private Wealth LLC agreement as presented. The motion was seconded by Secretary Nolan and unanimously carried. (Attachment #4)*

**Memorandum dated January 2024, from KKJL, regarding Electronic Financial Disclosure Management System for Form 1 filing**

*Beginning January 1, 2024, the annual Form 1, Statement of Financial Interests, must be filed via the Electronic Financial Disclosure Management System (EFDMS). Trustees will now be responsible to register and file their own Form 1 electronically with the Florida Commission on Ethics. (Attachment #5)*

**Recovery of pension benefit**

*Attorney Kaufman was pleased to say that in the case of deceased member, John P. Geary, Popular Bank has responded to the demand letter and has reimbursed the overpaid pension benefit.*

**ANDCO CONSULTING  
BRENDON VAVRICA, CFP – CONSULTANT**

**Letter dated November 27, 2023, from Allspring Global Investments, LLC, regarding Liquidation of International Bond fund**

*Brendon Vavrica advised that Allspring Global Investments had a very large investor who decided to transition into a different strategy, and that left a relatively small amount of assets in the international bond fund. Allspring decided that the loss of assets necessitated a change and they intend to dissolve the portfolio by February 28, 2024. (Attachment #6)*

*Dann Smith, Director, Allspring Global Investments, was in attendance and thanked the Board for the opportunity to manage this fund since 2011. His team will do everything possible to facilitate a smooth transition and will manage the portfolio until the Board decides on a replacement.*

**International Bond Index Fund Review**

*Due to the timeline of the strategy closing, Mr. Vavrica provided information on the Fidelity International Bond Index fund in case the Board wanted to move faster than February. If not, the index fund will be included again in his February review along with a comparison against some active strategies.*

*Trustee Carpenter suggested that the international bond strategy be reviewed again to see whether or not it should be kept as part of the asset allocation. Mr. Vavrica explained that many years ago the Board wanted to have a small amount of Non-US bond exposure for diversification. Over the years, Allspring has provided diversification, but recently the "since inception" return is negative. He will include an asset allocation analysis in his February review. (Attachment #7)*

#### **2024 Money Managers schedule**

*Mr. Vavrica provided a 2024 money managers' schedule. (Attachment #8)*

### **DIRECTOR'S REPORT**

#### **Update on rebalancing the Fund's portfolio**

*Director Brito gave an update on the rebalancing of asset classes as approved at the November 16, 2023, board meeting:*

- The liquidation of \$15,000,000 from Corient's S&P 500 portfolio and transferring the funds to Corient Fixed Income and Tocqueville Fixed Income was completed on November 29, 2023.*
- The liquidation of \$20,000,000 from Logan's Large Cap Growth portfolio and transferring the funds to Tocqueville Fixed Income and Cash was completed on December 4, 2023.*
- The liquidation of \$10,000,000 from RhumbLine's Large Cap Value portfolio and transferring the funds to Cash was completed on December 4, 2023*
- The liquidation of \$5,000,000 from RhumbLine's International Equity portfolio and transferring the funds to Cash was completed on November 29, 2023*
- The liquidation of \$5,000,000 from Wellington's Small Cap portfolio and transferring the funds to Cash was completed on November 28, 2023*

#### **Update on pension software system**

*The Director advised that Ellen Schaffer has extended her retirement date to the end of 2025.*

#### **Comprehensive Report complying with House Bill 3**

*Director Brito confirmed that the Comprehensive Report for compliance with House Bill 3 was submitted on December 5, 2023. (Attachment #9)*

#### **2023 Affidavits**

*Director Brito reported that all 2023 affidavits have been received.*

#### **2023 Form 1099-R**

*The Director commented that the Form 1099-Rs have been printed and will be mailed by the January 31, 2024, deadline.*

*For the Board's information, the following items were distributed as either part of the agenda or meeting packet:*

- A. Administrative Budget*
- B. Management Fees Fiscal Year vs. Budget*

**OTHER BUSINESS**

*Due to other responsibilities, Secretary Nolan requested a motion be made to transfer his position of Secretary of the Board of Trustees over to Trustee Feldman.*

*Trustee Frazier made a motion for Trustee Feldman to replace Trustee Nolan as Secretary for the period of January 1, 2024, to June 30, 2025. The motion was seconded by Trustee Carpenter and unanimously carried.*


*Director Brito thanked Trustee Nolan for his dedicated service as Chairman and Secretary to the Board from:*

- Chairman - July 2017 through June 2019*
- Chairman - July 2021 through June 2023*
- Secretary - September 2023 through December 2023*

**ADJOURNMENT**

*Trustee Cardeno made a motion to adjourn the meeting. The motion was seconded by Trustee Nolan and unanimously carried. The meeting was adjourned at 9:59 AM.*

  
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Paul D. Johnson, Chairman

  
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Steven L. Feldman, Secretary