

GENERAL EMPLOYEES' RETIREMENT SYSTEM

TRUSTEE BOARD MEETING

January 25, 2017

Page 1 of 4

Trustee Travis Woods called the board meeting to order. In attendance were Trustee Alicia McMillian, Trustee Terry Anderson, Commissioner Danny Nugent, Pension Attorney Ron Cohen; David Kelly, Bowen Hanes; and Deputy Clerk Brenda Wiggins. Chairman Trustee Scott Roberts was absent.

Trustee Woods entertained a motion to approve the minutes of the October 25, 2016 minutes.

Trustee McMillian made the motion to approve the minutes as published, second by Trustee Anderson; passed 4-0.

Trustee Woods entertained a motion to approve the warrants for October, November, and December 2016.

Trustee Anderson made the motion to approve the warrants, second by Trustee McMillian; passed 4-0.

David Kelly reported the portfolio as of January 20, 2017. Beginning Market Value on 09/30/2016 \$8,814,613.95; Capital Appreciation \$161,737.49; Income Received \$51,465.74; Cash or Securities Added \$11,018.27; Cash or Securities Withdrawn \$252,762.49; Management Fees Withdrawn \$11,018.27; Custodian Fees Withdrawn \$790.70; Ending Market Value as of 01/20/2017 \$8,774,263.99.

From inception 10/24/2007 \$7,155,773.20; Net Additions/Withdrawals - \$2,374,287.61; Capital Appreciation and Income \$3,992,778.40; again, making the Ending Market Value 01/20/2017 \$8,774.263.99. The portfolio is up 2.5 to date for the fiscal year.

Trustee Woods entertained a motion to accept the report as presented by David Kelly.

Trustee Nugent made the motion to accept the report, second by Trustee McMillian; passed 4-0.

Attorney Cohen stated for the record Mary Johnson was present for the meeting. He received a phone call that Ms. Johnson was investigated by the County Sherriff's Department and the report suggested charges of grand theft, which the State Attorney's Office declined prosecution.

The question he received what effect could this have on her pension benefit? He referenced Florida Law 112.3173 states and read;

(5) FORFEITURE DETERMINATION.—

(a) Whenever the official or board responsible for paying benefits under a public retirement system receives notice pursuant to subsection (4), or otherwise has reason to believe that the rights and privileges of any person under such system

GENERAL EMPLOYEES' RETIREMENT SYSTEM

TRUSTEE BOARD MEETING

January 25, 2017

Page 2 of 4

are required to be forfeited under this section, such official or board shall give notice and hold a hearing in accordance with chapter 120 for the purpose of determining whether such rights and privileges are required to be forfeited. If the official or board determines that such rights and privileges are required to be forfeited, the official or board shall order such rights and privileges forfeited.

What he believes this means when you have information that could lead to a forfeiture there is a fiduciary responsibility to follow through and decide if it does or doesn't lead to a forfeiture.

He read the statute

3) FORFEITURE.—Any public officer or employee who is convicted of a specified offense committed prior to retirement,

Ms. Johnson has not been convicted so that is no grounds forfeiture.

or whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense, shall forfeit all rights and benefits under any public retirement system of which he or she is a member, except for the return of his or her accumulated contributions as of the date of termination.

Attorney Cohen stated there is a question whether her employment was terminated by reason of her admitted commission, aid, or abetment of a specified offense. What was the reason for her termination.

He has reviewed the portion of the Sheriff's Department file on this case, reviewed the termination letter and reviewed the State Attorney's decision not to prosecute and that is how he concluded it is not a specified offense. But there is still an open question of her termination was reason of admitted commission, aid or abetment of a specified offense.

He has done some research and reviewed the video tapes of the statements. He placed a call to Mr. Earnharth but has not had the opportunity to speak with him.

He informed the board they may become the judge and jury on this situation. No one is to form a conclusion, this is a serious matter. Before the board forfeits a pension you as a board must do complete due process with a notice, hearing, and a decision based on the evidence as presented to you.

He summarized what he reviewed; Mr. Johnson is the nephew of Ms. Johnson and they worked together in the Gas Department. Mr. Johnson was concerned

GENERAL EMPLOYEES' RETIREMENT SYSTEM

TRUSTEE BOARD MEETING

January 25, 2017

Page 3 of 4

of the number of overtime hours Ms. Johnson was getting and discussed this with Mr. Ernharth.

Mr. Ernharth tells that the conversation Mr. Johnson is referring to he doesn't remember.

Mr. Johnson at that time wouldn't sign Ms. Johnson's time sheets and sent to Mr. Ernharth for signature.

There was significant amount of overtime over the last several months. Ms. Johnson said she had approval to do the overtime and do the paperwork and other matters over the weekends, so the overtime was approved.

On several of the overtime responses she responded she was working on the DIMP program, and she was not. She may have been working on something else, she said she was and she wasn't working on the DIMP program.

Ms. Johnson spoke added that she stated "there was occasion she was working on the DIMP program...it was in her statements.

Attorney Cohen responded that is possible but at some point, she did say she wasn't working on the DIMP program. It is not his view of the evidence and what needs to be done is to get the remaining Sheriff's file, speak to Mr. Ernharth, speak to the Sheriff's Deputy who did the investigation interviews, and the State Attorney.

He will then come back to the board; with a twostep process to get started. If he recommends to proceed the evidence will be provided for the boards review and then proceed to a hearing.

Another question was asked if Ms. Johnson would receive her contributions.

Attorney Cohen responded Ms. Johnson will receive her contributions the 1% and 5%.

The board will need to look at what did Ms. Johnson admit too, was it a felony, and was it the reason for the termination.

He read the termination letter from her personnel file.

Effective October 14, 2016 Mary Johnson was terminated from her position within the department due to the Sheriff's Department report recommending that Ms. Johnson be charged with grand theft.

He is not sure if she was fired for admitting commission or not the board will need to determine by what was said to the Sheriff Deputy play in the final report including the allocation she be charged.

This is why he would like to know why the State Attorney didn't prosecute.

Acting Chairman Woods added Attorney Cohen should be able to pursue to gather the evidence and information so he can come back and provide a good recommendation to the board.

GENERAL EMPLOYEES' RETIREMENT SYSTEM

TRUSTEE BOARD MEETING

January 25, 2017

Page 4 of 4

Ms. Johnson ask Attorney Cohen if he is going to speak with the Sheriff Deputy is he going to speak with her as well?

Attorney Cohen responded he will not speak with her unless it is approved by her attorney.

Deputy Clerk Wiggins announced the FPPTA Conference will be held June 25 through June 28 in Orlando and ask who would like to attend.

Trustee Anderson, Trustee McMillian, Trustee Woods, and Trustee Nugent all stated they will be attending.

There being no further discussion a motion was made to adjourn the meeting by Trustee McMillian, seconded by Trustee Nugent; passed 4-0.

Trustee Scott Roberts, Chairman

ATTEST:

Ricky Thompson, Administrator/City Clerk