

**CITY OF DAYTONA BEACH POLICE AND FIRE PENSION FUND
MINUTES OF SPECIAL MEETING HELD
OCTOBER 4, 2010**

A special meeting of the Board of Trustees was called to order at 9:00 A.M. in the Council Chambers located at Daytona Beach City Hall. Those persons present were:

TRUSTEES PRESENT

Mark Eisner
Jeff Rossi
Erin Masters
Terence Henry
Lyle McCormick

OTHERS PRESENT

Lee Dehner, Christiansen & Dehner P.A.
Nick Schiess, Pension Resource Center
David Abner, Disability Claimant
William Bailey, Disability Claimant
Sally McCarroll, City of Daytona Beach
Mike Tyrell, Firefighters' Union, IAFF Local 1162

CALL TO ORDER

The meeting was called to order at 9:00 A.M. Nick Schiess provided the Roll Call.

DISABILITY HEARING – DAVID ABNER

David Abner appeared before the Board.

Lee Dehner reviewed in great detail the procedures for the disability hearing proceedings, the Plan provisions, and substantive law for the Trustees. He explained the definition of total and permanent disability, as well as the provisions of the Ordinance containing the substantive provisions in the Plan relating to disability pensions. Mr. Dehner discussed the State Statutes pertaining to the presumption that specific diseases are presumed to have been as a direct result of employment as public safety personnel unless evidence exists to the contrary. Mr. Abner was questioned whether he had any hereditary or lifestyle factors contributing to his condition and he responded that he had no such factors. It was noted that his condition did not exist at the date of his pre-employment physical exam.

The Trustees, having reviewed the medical evidence individually prior to the meeting, discussed in great detail David Abner's medical condition, physicians evaluations, Independent Medical Evaluation, and other factors regarding the Disability Application for David Abner. The Board confirmed that the physician performing the independent medical evaluation had issued an opinion that Mr. Abner was totally and permanently disabled and unable to render useful and efficient service as a police officer. After a lengthy and careful discussion, Butch McCormick made a motion to determine that David Abner was totally and permanently disabled and unable to render useful and efficient service as a police officer. Erin Masters seconded the motion,

approved by the Trustees 4-1 with Jeff Rossi dissenting. After a discussion regarding whether the disability was service related, Jeff Rossi made a motion to determine that the disability was not service related. Butch McCormick seconded the motion, approved by the Trustees 4-1 with Mark Eisner dissenting.

DISABILITY HEARING – WILLIAM BAILEY

Lee Dehner again reviewed the procedures for the disability hearing proceedings, the Plan provisions, and substantive law for the Trustees. He explained the definition of total and permanent disability, as well as the provisions of the Ordinance containing the substantive provisions in the Plan relating to disability pensions. He noted that the disability must be determined to have occurred in the line of duty for the Board to grant a service related disability pension.

William Bailey appeared before the Board and discussed the injury he received while on duty. The Trustees, having reviewed the medical evidence individually prior to the meeting, discussed in great detail William Bailey's medical condition, physicians evaluations, Independent Medical Evaluation, and other factors regarding the Disability Application for William Bailey. The Board confirmed that the physician performing the independent medical evaluation had issued an opinion that Mr. Bailey was totally and permanently disabled and unable to render useful and efficient service as a police officer. After a lengthy and careful discussion, Terence Henry made a motion to determine that William Bailey was totally and permanently disabled and unable to render useful and efficient service as a police officer. Butch McCormick seconded the motion, approved by the Trustees 4-1 with Jeff Rossi dissenting. After a discussion regarding whether the disability was service related, Terence Henry made a motion to determine that the disability was service related. Erin Masters seconded the motion, approved by the Trustees 4-1 with Jeff Rossi dissenting.

FIREFIGHTER'S SUPPLEMENTAL BENEFIT

Mike Tyrell appeared before the Board on behalf of the Firefighter's Union and reported that the Union and City had come to an agreement to proceed with an increase in the Firefighter's supplemental benefit. However, the resulting Memorandum of Understanding was under review and had not been executed and therefore Mr. Tyrell requested that the matter be deferred until the next meeting and the Board agreed.

SPLITTING OF PENSION PLAN

The Board reviewed the City's request for a recommendation on whether to split the Plan into separate police officer and firefighter pension plans. Jonathan Craven joined the meeting via teleconference. A discussion arose regarding separate accounting for the firefighter and police officer membership within the Plan, which Mr. Craven confirmed was possible. A lengthy discussion ensued regarding whether the Board itself should become involved in a matter that should be instead be resolved between the City and the Unions. Lee Dehner advised that the Board's responsibility was to all members collectively and urged the Board not to issue a recommendation on splitting the Plan. Butch McCormick made a motion to issue notification to

the City that it was beyond the scope of the Board to issue a recommendation on splitting the Plan. Jeff Rossi seconded the motion, approved by the Trustees 5-0.

ADJOURNMENT

The meeting adjourned at 10:40 A.M.

Respectfully submitted,

Secretary