

MEETING MINUTES OF THE CITY OF MIAMI
G.E.S.E. RETIREMENT TRUST
THE ROSE GORDON BUILDING
2901 BRIDGEPORT AVENUE
WALDEMAR LEE MEETING ROOM
COCONUT GROVE, FLORIDA 33133
TELEPHONE: 305-441-2300 FAX: 305-441-2307
WWW.GESE.ORG

JULY 26, 2019
9:00 A.M.

MEMBERS: LUIS FERNANDEZ (Via Telephone)
CLARENCE GRAVES
PORFIRIO JIMENEZ
MARY LUGO
OLGA MACHIN
SEAN MOY
ANN MARIE SHARPE
JOE SIMMONS, JR.
COREY TAYLOR

ALSO IN ATTENDANCE:

WILLIE J. BEAILS, JR.	ANA KOKENGE
MARIA BLANDON	YVES LOUISSAINT
PAUL BROWN	FRED PERICLES
MARLON CHAVEZ	CHRIS RECICAR
GUILLERMO FERNANDEZ	GEORLIAM RODRIGUEZ
JOSE FERNANDEZ	KAREN ROJAS
TODD GREEN	RON A. SILVER, ESQ.
EDGARD HERNANDEZ	HILDA THOMPSON
MARLENE JANE	ELENA VALDES
RODRIGO JIMENEZ	WALLY WILSON

Other individuals were present; however, their signatures were illegible.

**SUMMARY OF THE
JULY 26, 2019
BOARD MEETING**

Roll-Call – Mr. Edgard Hernandez, Pension Administrator called the roll. The roll-call reflected everyone present. Trustee Fernandez joined via telephone.

APPROVAL OF MINUTES:

May 31, 2019 - Trustee Graves moved to approve. Trustee Fernandez seconded the motion. The motion was unanimously approved.

FOR APPROVAL:

GESE Lump Sum Payments – Exhibit A - Mr. Hernandez stated that there were 13 refunds and rollover checks in the amount of \$273,195.36. He asked for a motion to approve the Grand Total for Exhibit A in the amount of \$273,195.36. **Trustee Taylor moved to approve. Trustee Fernandez seconded the motion. The motion was unanimously approved.**

GESE Retirements and Deaths – Exhibit B - Mr. Hernandez stated that there were 6 retirement checks with a total of \$54,287.67 and 8 demises. He asked for a motion to approve Exhibit B in the amount of \$54,287.67. **Trustee Lugo moved to approve. Trustee Taylor seconded the motion. The motion was unanimously approved.**

DISABILITY APPLICATION:

Mr. Guillermo Fernandez' Disability Application – Trustee Lugo served as an interpreter for Mr. Fernandez. Mr. Silver swore in Mr. Fernandez. Trustee Fernandez requested clarification on whether the board was voting on the case based on Mr. Fernandez vestibular condition or his cancer. Mr. Peter Schwedock, Disability Attorney clarified that vestibular disorder is an inner ear problem. As per the reports provided, it states that the “patient is not advised to return to work.” Mr. Schwedock went over some of the facts on the reports provided to the board. He stated that in January 2018, Mr. Fernandez fell and hit his head while on the job. As a result of this fall, he was diagnosed with a vestibular disability. In May 2019, Mr. Fernandez was diagnosed with pancreatic cancer; therefore, we are dealing with two separate conditions. For the on the job accident, he takes medications for chronic dizziness, which prohibits him from using any power equipment, including driving. Just with the on the job accident, he is very limited with the kind of job he could do. If you compound that, with the treatment he is receiving for the pancreatic cancer, without a question, he was diagnosed by all the doctors to be totally incapacitated. The city doctor agrees that Mr. Fernandez should not be operating any equipment and it appears that he cannot render any valuable service to the city. Mr. Schwedock stated that he had not seen any documentation of the city trying to re-employ Mr. Fernandez. Mr. Schwedock added that it looked to him that Mr. Fernandez is totally limited as a result of his on the job accident and is probably, by definition of the ordinance, entitled to a service connected disability. Both doctors that evaluated Mr. Fernandez found him totally and permanently disabled. Mr. Silver stated that despite our numerous attempts and advising the City Attorney’s office of disabilities, and specifically on this one, there is no one from the City Attorney’s Office or the City present. As per the reports that were provided to the Board, Mr. Fernandez was seen by Dr. Bashar Obeidou on June 20, 2019. As per the Conclusions and recommendations form, number one, in your medical opinion is there a permanent disability which has occurred as a result of an accident? Obeidou marked “no.” Number two, was such incapacity the natural and proximate result of an accident? If so, the time, date and place of said accident? Dr. Obeidou marked “no.” Number three, in your medical opinion is such permanent disability partial or total? Dr. Obeidou marked “total. Mr. Fernandez is disabled from chronic pain.” Number four, in your opinion is there any further medical treatment which would be beneficial to the applicant? Dr. Obeidou marked “yes” and wrote “treatment for pancreatic cancer/review medication.” Number five “Mr. Fernandez is generally weak, dizzy from systematic illness.” Number six, was such incapacity caused by tuberculosis, heart disease or hypertension? Dr. Obeidou marked “no.” Number 7, additional remarks. She wrote “see report.” After some discussion, **Trustee Lugo moved to**

grant Mr. Guillermo Fernandez a Service Incurred Disability. Trustee Fernandez seconded the motion. Under discussion, Trustee Sharpe stated that it appeared Mr. Fernandez was under light duty for an accident at work and at one point, he was taken out of work. Trustee Sharpe asked when was the last time Mr. Fernandez worked. Mr. Fernandez replied that he worked until February of this year. Trustee Sharpe asked why he stopped working. Mr. Fernandez replied that he never recuperated from his fall but the Workers' Compensation doctors told him he had to go back to work. Mr. Fernandez added that he was unable to walk and will suffer from dizziness the rest of his life. He worked like that from October to February in the city. Mr. Hernandez stated that there is a letter dated April 30, 2019, from Dr. Byron. The last question states "provide any additional comments pertinent to Mr. Fernandez's ability to perform the essential functions of his job." Dr. Byron wrote "Mr. Fernandez is unable to return to work due to the severity of his illnesses." Mr. Schwedock added that on paragraph 8, Dr. Byron stated that "Mr. Fernandez feels ill most of the times and may be a risk to himself if he attempts to perform the essential procedures. The doctor added on question 9, that Mr. Fernandez is unable to perform any work at this time. This was in response to the letter form the city in April. In an earlier letter, the doctor stated that Mr. Fernandez was suffering from dizziness from a neurogenic condition. The neurogenic condition was as a result of the blow to the head. Trustee Sharpe stated that she asked to determine if Mr. Fernandez was unable to work due to his work related injury or a personal illness. If he is not able to work due to his work injury, she saw no problem on moving with the service incurred disability. The notes on the work related injury indicate that he is able to work with no restrictions. This is what is indicated by the Workers' Compensation doctor. Mr. Fernandez still has a Workers' Compensation claim that is open. After some discussion, Mr. Silver stated that it was the city's responsibility to advise the Pension Office of available jobs for those members applying for a disability retirement. Mr. Hernandez added that we emailed the Director of Human Resources stating that our office was in the process of scheduling Mr. Fernandez for an independent medical evaluation and we should have the physician's report prior to our July 26th board meeting, at which time the Board will be making a determination on his disability request. The email concluded with "as always, your presence is welcomed." A response was never received to this email. Mr. Schwedock repeated that he felt very comfortable based on the records he has and the records that are in front of the Board, that had this man not have his personal illness, we could have found him totally disabled based on the service incurred injury. Chairman Simmons mentioned that in the past, someone from the city would come in and present the city's opinion and findings. After some discussion, **a roll-call vote reflected Trustee Sharpe voting "no" on the motion and all others voting "yes."** **The motion passed 8 to 1.** Mr. Hernandez clarified that this was a

Service Incurred Disability due to an accident that occurred at work. Mr. Hernandez stated that an Accidental Disability will pay him approximately \$2,156 and allows for a 40% benefit after his death to his wife. Vice-Chair Moy thanked Mr. Fernandez for his service and wished him well. Some additional discussion took place. No other action was taken.

ADMINISTRATOR'S REPORT:

DROP Forms: Proposed DROP Application, Proposed BACKDROP Application and Proposed DROP Termination – Mr. Hernandez stated that we made some needed updates and edits to these forms, mostly formats. There were no changes to the language on the forms. **Trustee Taylor moved to approve the proposed forms. Trustee Graves seconded the motion. The motion was unanimously approved.** Trustee Lugo was not present when motion was taken.

Forty-Year Building Certificate – Mr. Hernandez stated that we have received the 40 year building certification. This includes electrical and structural. We will need to get recertification every ten years. Some discussion took place. **Trustee Taylor moved to accept the certification. Trustee Graves seconded the motion. The motion was unanimously approved.**

RFP candidates for building renovations - (Deferred at the May 31, 2019, Board Meeting) - Mr. Hernandez stated that at the request of the Board at our last meeting, we advertised again for an RFP. We placed an ad in the Miami Herald and Sun Sentinel as well as forwarded it to Ron Silver so he could pass it on to the VA. We received several requests but only one additional quote, which was Rainbow Paint, making it three quotes. There was discussion regarding penalties for not completing the work in time, warranty issues, disposal of trash and damages to the property. These details will be addressed with the company the Board engages. After some discussion, **Trustee Graves moved to engage Master Painting and work out all the details and comments the board had. If negotiations with Master Painting does not work out, Mr. Silver will try and negotiate with Rainbow Paint and if that does not work out, with PPI. Trustee Machin seconded the motion. The motion was unanimously approved.**

ATTORNEY'S REPORT:

Update on Ordinance No. 5434, passed on First Reading June 28th, Scheduled for Second Reading on July 25th - Vice-Chair Moy stated that the second reading was deferred to the first meeting in September. Mr. Hernandez stated that the changes proposed in this ordinance have an impact on the city. Cavanaugh Macdonald prepared that impact statement. Mr. Todd Green stated that the total impact on the Plan is about \$1.6 million in required contributions. This covers about 178 non bargaining members and about 13 attorneys. This increases the unfunded liability by \$12.2 million. Some discussion took place. Mr. Hernandez stated that when the valuation was presented in January 2019, the total cost was \$49.9 million. When we go before the commission in September, we will be asking for \$51.5 million. In addition, there is a resolution to allow executives in the Plan. If that resolution passes it will increase the normal cost to \$52 or \$53 million. **Trustee Taylor moved to approve the impact statement. Trustee Machin seconded the motion. The motion was unanimously approved.**

CAVANAUGH MACDONALD'S REPORT PRESENTED BY MR. TODD GREEN:

Actuarial cost for Mario Nunez to join the GESE Plan - (Deferred at the May 31, 2019, Board Meeting) - Mr. Hernandez requested to defer this item until further notice. **Trustee Taylor moved to defer. Trustee Lugo seconded the motion. The motion was unanimously approved.**

FOR DISCUSSION:

Administrative Rules presented by Mr. Jose Fernandez - Mr. Hernandez stated that the Administrative Rules have not been updated since 2004. A summary of all changes was distributed and was available online. After some discussion, **Trustee Taylor moved to bring back the Administrative Rules to the next feasible meeting. Vice-Chair Moy seconded the motion. The motion was unanimously approved.**

GESE Logo Shirts – (Item not in agenda.) - Mr. Hernandez asked if the Board would like polo shirts with the GESE logo. Some board members have expressed the desire to have a polo with the logo representing the GESE Trust. Mr. Silver responded that in light of what the city looks at when we go for budget approval, he did not think it was a proper line for the budget; however, if each individual member or if the union wants to purchase it, he would not object. Vice-Chair Moy stated that if Mr. Hernandez sent him the logo and sizes of every member, he felt comfortable with his union purchasing them. No action was taken.

Mr. Hernandez informed the Board that he will be on vacation the following weeks but will be available via telephone if needed.

Trustee Taylor moved to adjourn. Trustee Machin seconded the motion. The motion was unanimously approved.

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JULY 26, 2019

MOTIONS

1. Motion to approve the May 31, 2019, minutes.

Moved by Trustee Graves

Seconded by Trustee Fernandez

Discussion and Motion on page 2

2. Motion to approve the Grand Total for Exhibit A in the amount of \$273,195.36 with 13 refunds and rollover checks.

Moved by Trustee Taylor

Seconded by Trustee Fernandez

Discussion and Motion on page 2

3. Motion to approve the Grand Total for Exhibit B in the amount of \$54,287.67 with 6 retirement checks and 8 demises.

Moved by Trustee Lugo

Seconded by Trustee Taylor

Discussion and Motion on page 2

JULY 26, 2019
MOTIONS

4. Motion to grant Mr. Guillermo Fernandez a Service Incurred Disability.

Moved by Trustee Lugo

Seconded by Trustee Fernandez

Discussion and Motion on pages 3 - 5

5. Motion to approve the Proposed DROP Application, Proposed BACKDROP Application and Proposed DROP Termination.

Moved by Trustee Taylor

Seconded by Trustee Graves

Discussion and Motion on page 5

6. Motion to accept the Forty-Year Building Certificate.

Moved by Trustee Taylor

Seconded by Trustee Graves

Discussion and Motion on page 5

7. Motion to engage Master Painting and work out all the details and comments the board had. If negotiations with Master Painting does not work out, Mr. Silver will try and negotiate with Rainbow Paint and if that does not work out, with PPI.

Moved by Trustee Graves

Seconded by Trustee Machin

Discussion and Motion on page 5

JULY 26, 2019
MOTIONS

8. Motion to approve the impact statement.

Moved by Trustee Taylor
Seconded by Trustee Machin

Discussion and Motion on page 6

9. Motion to defer discussion on the Actuarial cost for Mario Nunez to join the GESE Plan.

Moved by Trustee Taylor
Seconded by Trustee Lugo

Discussion and Motion on page 6

10. Motion to bring back the Administrative Rules to the next feasible meeting.

Moved by Trustee Taylor
Seconded by Vice-Chair Moy

Discussion and Motion on page 6

11. Motion to adjourn.

Moved by Trustee Taylor
Seconded by Trustee Machin

Discussion and Motion on page 7

EXHIBIT "A"
FOR BOARD MEETING
REFUNDS/ROLLOVER, ORDINARY DEATH BENEFIT, AND ACCRUED LEAVE BALANCE
SUMMARY LIST
JULY 26, 2019

REFUNDS & ROLLOVERS

PGOLD #	TYPE	EMPL. #	DATE CHECK ISSUED	NET AMOUNT	CHECK NO.	UNION
13949	REF	41310	07/12/2019	\$16,115.44	813702	AFSCME
10633	REF	29282	07/12/2019	\$4,810.94	813701	AFSCME
16681	ROLL	44486	07/12/2019	\$8,700.68	813700	AFSCME
16778	REF	40362	07/05/2019	\$2,710.04	813658	AFSCME
9720	ROLL	28630	06/28/2019	\$22,087.66	813657	UNCLASS
15559	REF	40668	06/28/2019	\$6,371.04	813656	AFSCME
10241	REF	29046	06/28/2019	\$54,552.97	813655	AFSCME
						M/C
16427	REF	44230	06/14/2019	\$6,341.64	813654	CLASSIFIED
15517	REF	40514	06/14/2019	\$11,403.70	813652	AFSCME
13402	ROLL	40842	06/14/2019	\$17,338.71	813651	AFSCME
14894	REF	41953	06/14/2019	\$38,556.34	813650	AFSCME
13822	REF	41216	05/31/2019	\$21,067.66	813610	AFSCME
10971	ROLL	29156	05/31/2019	<u>\$63,138.54</u>	813609	AFSCME
			SUB-TOTAL	<u>\$273,195.36</u>		

CHECKS WERE ISSUED PRIOR TO BOARD MEETING. (REF = REFUND OF CONTRIBUTION) (ROLL = ROLLOVER) (TR= TRANSFER TO FIPO) (ORD.REF=ORD DEATH)

ORDINARY DEATH

PGOLD #	EMPL. #	DATE OF DEATH
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ACCRUED LEAVE BALANCE

PGOLD #	TYPE	EMPL. #	DATE CHECK ISSUED	NET AMOUNT	CHECK NO.	UNION
			SUB-TOTAL	<u>\$ -</u>		
			GRAND-TOTAL	<u>\$273,195.36</u>		

ROLLOVER/REFUND CHECK WAS ISSUED PRIOR TO BOARD MEETING.
AS OF JULY 17, 2019

EXHIBIT "B"
RETIREMENTS AND DEATHS
SUMMARY LIST

JULY 26, 2019

RETIREMENTS

PGOLD #	NAME	EMPL. #	DATE CHECK ISSUED	NET AMOUNT	CHECK#	RETIREMENT TYPE	UNION
5555	C. L. M.	20415	07/15/2019	\$ 12,990.30	ACH	4YRS FWD DROP	AFSCME
5245	J. T.	23823	06/14/2019	\$ 8,163.10	ACH	4YRS FWD DROP	AFSCME
5171	A. L. H.	18466	06/14/2019	\$ 17,111.09	ACH	4YRS FWD DROP	AFSCME
5482	D. J. F.	23991	06/14/2019	\$ 12,660.49	ACH	4YRS FWD DROP	AFSCME
10971	R. L. L.	29156	06/14/2019	\$ 2,159.93	ACH	SERVICE	AFSCME
8204	D. N. L.	26771	06/14/2019	\$ 1,202.76	ACH	SERVICE	COUNCIL 79
GRAND TOTAL				<u>\$ 54,287.67</u>			

DEATHS

PGOLD #	NAME	DATE OF DEATH	RETIREE	BENEFICIARY
6751	G. H. S.	07/03/2019		X
2082	W. D.	06/26/2019	X	
3751	E. E.	05/27/2019	X	
3757	C. L. E.	05/18/2019	X	
6777	A. L. W. B.	05/16/2019		X
2511	E. C.	05/15/2019	X	
3559	D. S.	05/15/2019	X	
3459	A. R. S.	05/14/2019	X	

CHECKS WERE ISSUED PRIOR TO BOARD MEETING.

AS OF JULY 16, 2019