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July 12, 2024

VIA EMAIL: TMoss@Sunrisefl.gov

Thomas Moss, City Attorney
Mark Lubelski, City Manager
City of Sunrise Florida
10770 West Oakland Park Boulevard
Sunrise, Florida 33351

Re: City of Sunrise Police Officers' Retirement Plan

Dear Mr. Tom,

I have been asked to respond to your letter dated July 5, 2024 and directed to Mr. Dave Williams, Plan Administrator of the City of Sunrise Police Officers' Retirement Plan. The purpose of your letter is to notify the Board of Trustees of its non-compliance with the City's numerous records requests. This is astonishing since there has been no refusal or unjustified delay in producing records. To the contrary, every request by the City Manager has had a response from the Plan Administrator within days, and in most cases within HOURS of receipt of the request. All requests were responded to in good faith, and any upload to the Drop Box of the over 75 documents requested that were inadvertently not uploaded correctly was immediately rectified.

I am at a loss to understand the basis for this inflammatory and adversarial position. The City Manager and Plan Administrator have been in contact by email throughout this process and at no time was any correspondence not addressed, Your threat of legal action for non-compliance after the numerous communications between the records custodian and the City Manager and over 75 documents provided thus far, smacks of a predatory records requests. I assume that is not the intent of the City but I will assume that the City Manager has kept the commission apprised of his requests and the responses. The following is to address your statements under your heading of Public Records Requests, with the responses in bold:

On April 29, 2024, the City requested, by email to the Plan Administrator, "Copy of all Administrative Rules, Administrative Policies, and any other board programs or board direction adopted by the Board by motion or consensus for the last 5 years." After the Plan Administrator failed to comply, a second request was emailed on May 14, 2024, in the same manner as the first.

To date, one document has been provided in response to this request: the Plan's Operating Rules and Procedures adopted as of February 2014. According to the Plan Administrator's response, no other administrative rule, policy, board program or board direction has been adopted by the Board by motion or consensus over the last five years. Although, according to the Board and the Plan administrator, no such records exist, the City is aware of other documents that are responsive to the request and that have not been produced.

Any and all rules are adopted and codified within the Operating Rules and Procedures. A copy of the February 2024 Operating Rules and Procedures were provided in May 2024. Any additional rules or rules from the last five years have also been posted separately to the Drop Box. They are also posted on the pension website but for the Manager's convenience here are the hyperlinks:

http://www.sunrisepolicepension.com/docs/announcements/TrusteeEmeritus_20231113.pdf

http://www.sunrisepolicepension.com/docs/announcements/TrusteeInTraining_AdminRule_20240212_final.pdf

On April 30, 2024, a separate request for public records was transmitted by email to the Plan Administrator requesting "All backup documentation and invoices for the last 2 calendar years 2022 and 2023. To clarify this record request – please provide all invoices, bills, timecards, receipts, actuarial reports, travel documents, leases, contracts and any other documents that were used to support an administration related payment from the Board for the last 2 years."

On May 7, 2024, a portion of the requested documents (seventy-six (76)), from the various public records requests were received; however, many records were still noticeably missing from the response. On May 14, 2024, the City Manager made a second request to the Plan Administrator for the remaining records. The Plan Administrator responded to the requests as follows:

Mr. Lubelski: I have attached item-I requested. Further, I have provided a snapshot of the plan's expenses, admin and investment. Anthony Bulzone (copied herein) tracks all this data each month and can provide what is needed. He has ALL the custodian records as well. We do not track non-investment related expenditures separately, so a report cannot be provided.

The documents requested on that date were already in the possession of the City Finance Department. Information on the non-investment related expenditures are contained within those documents. Public Records Law does not require that the record custodian create a document, however they have done so in the spirit of cooperation with the city and it has been put in DROPBOX.

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12. Requests to create new records, answer questions about the records, or reformat

existing records

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In other words, Ch. 119, F.S., provides a right of access to inspect and copy an agency's

existing public records; it does not mandate that an agency create new records in order to

accommodate a request for information from the agency.

You note that on May 22, 2024, the City Manager received seven (7) additional records responsive to his request and that the he City is aware of the following items that would be responsive to its request, which have not been produced; please see the Plan Administrator's responses below, in boldface:

#1 - American Express Bills for June, July, August, and December 2022.

The bills for June, July and August 2022 were posted to Drop Box 05-2024. If you are still having difficulty locating them, we point you specifically to see Warrant # 2450, 2461 and 2468. We do not have an American Express Bill for December 2022.

#2 - American Express Bills for January and March 2023.

These bills for January and March 2023 were posted to Drop Box on 05-2024. If you are still having difficulty locating them, we point you specifically to Warrants # 2520 and 2513.

#3 - All invoices, bills, and receipts for all expenses paid on American Express Credit Cards for all Trustees and the Plan Administrator from January 1, 2022 through December 31, 2023. This should include the detailed receipts for all charges during this period.

All invoices, bills, and receipts for all expenses paid on American Express Credit Cards for all Trustees and the Plan Administrator from January 1, 2022 through December 31, 2023 that we have on file or we were able to download, are posted to DROPBOX. These contain any and all Google Charges, Microsoft, Ricoh, Staples, Comcast, Stamps.com, and FPPTA. If there are any further specific invoices you may still have questions about, please let us know.

#4 - All Comcast Cable Detailed Bills from January 1, 2022 through December 31, 2023.

This is contained in request #3.

#5 - All timecards for Patty O from January 1, 2022 through December 31, 2023.

No such documents exist.

#6 - All documents/invoices/bills that substantiate the Plan Administrator monthly payment in the amount of \$5,641.30 and the additional supplemental payments in the amount of \$2,500.00.

The most recent invoice has been posted and is Warrant 2583. Warrants 2470 & 2559 had already been posted.

#7 - All actuarial reports and associated invoices from January 1, 2022 through December 31, 2023.

The associated invoices are with the warrants which had already been posted with the exception of Warrant 2592 that was paid in 2024 and now also in the Drop Box. We can point you specifically see warrants 2410, 2425, 2432, 2451, 2480, 2502, 2521, 2543, 2568. Any and all actuary reports for 2022 and 2023 were previously provided to the City but additionally have now been posted.

8 - All travel documents, including receipts, from January 1, 2022 through December 31, 2023.

The warrants already provided will contain the receipts but additionally any travel files have been posted in Drop Box.

#9 - All leases (stamps.com, sublease with Dave Williams and/or Precision Pension Administration, etc.) from January 1, 2022 through December 31, 2023.

There is no lease for stamps.com, written or contracted to Dave Williams and/or Precision Pension Administration, etc. However there is an agreement which has been posted to DROPBOX from Stamps.com for the Plan. The sublease for Precision Pension Administration which was provided to you in May 2024 has also been posted to DROPBOX. Leases and agreements posted to Drop Box include the following: Ricoh, Office Lease, and Comcast.

#10 - FPL Bills from July and August 2022.

This too was also posted in May 2024. If you still cannot locate, please see Warrants 2458 and 2467.

11 - Bills and Expenses from June, July and August 2022 are missing from Drop Box – none provided.

This is incorrect as the expenses were provided in the Dropbox specifically Warrants 2444-2457 which were provided in May 2024. Warrant 2455 did not copy over correctly and has been reposted.

Letter dated 7/11/2024
Response to Thomas Moss, City Attorney

12 - Executed copy of Administrative Services Contract with the Lauderhill Police Officers Retirement System.

This request should be directed to the Lauderhill Police Officers Retirement System. However in the spirit of cooperation, the ONLY Agreement I have on file was posted on May 7, 2024.

13 - Warrant #s 2445, 2446, 2449, 2452 to 2457, 2459, 2460, 2462 to 2466, 2492, 2493, 2494, 2500, 2501, 2517, 2532, 2583, 2584, 2586.

This request was reviewed again and any warrants that did not upload correctly when done in May 2024 have been reposted.

Next you state that the Board of Trustees does not comply with section 185.05(8) (a) (1) requiring a detailed accounting report of expenses and somehow tie this in with the numerous record requests. This is a blatant false and quite surprising statement since the City Finance department receives the annual financial statements every year for purposes of completing the ACFR, and also each year receives the Budget created by the Board. Those documents fully satisfy the requirements of this provision and any statement, implied or otherwise that the Board does not comply should be retracted.

The Plan Administrator on behalf of the Board of Trustees has and will continue to comply with any and all records requests. We sincerely hope that the City has the same intent as the Board which is to maintain open communication and a good working relationship. If there are any additional requests or concerns, please provide them to me.

Sincerely,

Richelle Levy