

SUNRISE POLICE OFFICERS' RETIREMENT PLAN
13790 N.W. 4th Street, Suite 105
Sunrise, FL 33325
November 04, 2024
9:00 A.M.

Call to Order

On behalf of the Board, Mr. Dave Williams called the meeting to order at 9:00 A.M.

Roll Call

Present were Mr. Darwin Arroyo, Mr. Timothy McGovern, Ms. Elizabeth Rivera and Mr. Alfredo Montano.

Absent & Excused

None

Others Present

Mrs. Richelle Levy – Lorum Law; Ms. Susan Nabors – City of Sunrise, Mrs. Patty Ostrander – Administrative Assistant, Mr. Dave Williams – Plan Administrator, Mr. Pete Eckert, Mr. John Puleo and Mr. Mark Krumenacker – Retired Sunrise Police Officers and Fifth Member applicants and Ms. Linda Short -Fifth Member applicant (arrived at 9:23 A.M.).

Public Discussion

None

New Business

Consideration and or appointment of Fifth Member – Mr. Williams explained that we had three candidates (introduced all three members) submit their interest in this position. Mr. Williams explained that we had another candidate submit after the closing of business on October 30, 2024. Mr. Williams reminded the Board of Trustees that there was a consensus to open this position up only to City of Sunrise General Employee members as well as Police Retirees. This last submission is neither one of those, so that was not enclosed in the initial packet, but is available today if the Board wishes to consider it.

Per Mr. McGovern's suggestion, all three candidates (Mr. Pete Eckert, Mr. John Puleo and Mr. Mark Krumenacker) introduced themselves. Ms. Short was not present for this.

Mr. McGovern confirmed with Mrs. Levy that in the event this Board does not agree, and a Fifth member is not appointed today, no action can be taken without a quorum of three.

Mr. Arroyo thanked the retirees for their interest and attending this meeting. Mr. Arroyo stated that since he knows Mr. Krumenacker, he feels he would do a great job. Mr. Arroyo also stated that Mr. Puleo comes with a lot of experience. He stated that any one of these retirees would be an asset to the Board and he leans toward Mr. Krumenacker because he knows him personally and thinks he would be an asset to the Board.

Mr. Montano stated that he is new and learning how everything works. He stated that the Board agreed to open the nominations to City of Sunrise general employees and retirees, and he agreed to this. He stated that in reading Chapter 185 and 112 and educating himself, he is questioning if we advertised this correctly. Mr. Montano decided to do his own research and questioned the breakdown of the Board. Mrs. Levy corrected Mr. Montano and explained the Board composition. Mrs. Levy stated that she is aware of plans that have police officers or firefighters on their board in addition to the elected trustees. Mr. Montano asked how this is possible if the Florida Statue says you can't. Mrs. Levy stated that Florida statutes provide that the City appointed members must be city residents and that cannot be deviated. The Attorney General has taken the position that police officers are public officials because they have arrest power for

the purpose of dual office holding and while she does not agree, regardless of it can be an ex-officio position if provided for in the ordinance. This does not apply to Fire because they are not public officials. Mrs. Levy stated that it appears that the city has been taking the position that the city violated state law for the past 30 years and this is not true. If the City ordinance says the city appointees will be Police Officers that is considered an ex-officio. Regardless, the city may change the ordinance. Mrs. Levy stated that all Board members are fiduciaries only to the plan. Mrs. Levy stated that the trustees are administrators of the Ordinance, the Board cannot change the benefits for this Plan. The only entity that can do that is the City and certain benefit changes can only be done through negotiations with the Union. The Trustees are just administering what the City Ordinance says. Other than a very specific gain resulting in a conflict of interest, you as a Board are required to vote on everything that is presented. Mr. Montano asked what kind of decisions the trustees can make, and Mrs. Levy responded with examples. Mr. Montano stated that the letters going back and forth haven't been resolved and there is a difference of opinion. Mrs. Levy stated that the Public Records Requests have been completed. The letter from the City Manager questioning what the Board has been done has been responded to and when the City Manager was at the last meeting, asked the Board to consider reevaluating some of the expenses but acknowledged that nothing was inappropriate or illegal. Mr. Montano brought up the expenses spent on the training program and asked Mrs. Levy if she was in agreement with the City Manager's office and she said she did not, he said exactly that is his point. Mrs. Levy said let me explain, she does not have to agree, it is not her choice, it is the Boards choice. Mrs. Levy stated that the city manager was saying no other plan in the state has a program that allows members of the Plan to express an interest in the plan and become educated and this is inaccurate, including the Sunrise Fire Board which has that exact plan where they allow members who meet a certain criterion be a training trustee. Mrs. Levy stated that state law requires that this is an independent entity. As far as she knows he didn't say that to the Fire Board who had been doing the training for a long time. Mr. Montano said that he would like to advertise for the fifth member position to anyone, not just city employees and retirees. Mr. Williams stated that Mrs. Levy made it perfectly clear that they wanted to pick a fifth member, establish a full board, then review the City manager's request and that is why we are having the meeting now. Mr. Montano said he wants to sit down with two police officers on the Board and discuss the city manager's requests and Mrs. Levy reinformed him again that he cannot because that will violate Sunshine law. Mr. Montano wants to discuss the city manager's letter without a fifth member. Mr. Montano said that there are personal relations, and they exist with retirees, and you cannot deny it. It is different if he gets a business owner from somewhere who has no dogs in this fight, and he does not know anyone. Mr. Williams said that everyone on the Board must act on the best interest of the Plan. All decisions based on their fiduciary duty to the plan, and what the person's ties and relationships have nothing to do with it. Mr. Arroyo also disagreed with Mr. Montano and said that he is not going to make any decisions on anything without a fifth member. Mrs. Levy reminded the Board that the State and the Ordinance require a five-person board. Mrs. Levy stated that if we can't get a fifth member, then obviously we have to proceed with business because we are also required to have quarterly meetings.

Ms. Rivera stated that she agrees that we have a fifth member and full board to make these decisions on the city manager's issues. She feels that everyone who submitted an application are all great. Ms. Rivera questioned who received the Sunrise employee's letter. Mr. Williams clarified that two letters went out, one to Police Retirees and one to all General Employees in the City via email. Mr. Williams said that we got the emails from the City Clerks office and the letter went out immediately. Ms. Rivera said that she understands where Alfredo is coming from, having someone with some financial background and is impartial would be great. She is open to reviewing all of them. She does not know if there is enough information to make a decision, because some submitted letters and others a resume. Ms. Rivera mentioned opening the position up for another week. Mr. Montano said he would like to open this up to the community. Mr. Williams stated that this was posted on the Pension website, not sure if it was posted on the city website. Mrs. Nabors expressed concern that this meeting was not posted on the city

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website. Mr. Ostrander confirmed they were notified. Mrs. Levy stated (for the new trustees) that we are required by law to notify the City Clerk and post a meeting on our door of each meeting. Mrs. Nabors stated that she had just verified that the meeting was posted downstairs by the city clerk.

Mr. Arroyo stated that he does not want someone off the street with no experience as the Fifth Member. He feels that his future and his family's future will be in jeopardy. Ms. Rivera stated that she agrees with this statement.

Mr. McGovern thanked the applicants for attending the meeting. Mr. McGovern said that we have our professionals, and he feels we should move forward and make a decision.

Motion to move forward and select a Fifth Member today by Mr. Arroyo, seconded by Mr. McGovern. Motion failed 2-2. Mr. McGovern stated that this will be added to the agenda for the next quarterly meeting.

Mr. Montano would like to advertise this open position for anyone to apply.

Mr. McGovern stated that if we do elect a fifth member at the next meeting, they will not be sworn in and will be unable to vote. Mr. Williams stated that was the reason we had this meeting so the fifth member can be selected, sworn in and decisions can be made at the quarterly meeting.

Old Business

None

Open Board Discussion

None

Adjournment

Motion to adjourn at 10:07 A.M. by Mr. Arroyo, seconded by Mr. McGovern. Motion passed 4-0.