

**PALM BAY POLICE AND FIREFIGHTERS' PENSION PLAN
BOARD OF TRUSTEES
Quarterly Meeting 22-09**

Held on the 5th of August, 2022 at Robert J. Conlan Professional Center, 1501 R. J. Conlan Blvd., NE, Suite 240, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

Timothy W. Lancaster, Chairperson, called the meeting to order at the hour of 9:04 a.m.

ROLL CALL:

CHAIRMAN:	Timothy W. Lancaster	Present
VICE CHAIRMAN:	Jason Dorey	Present
SECRETARY:	James W. Brock	Present
TRUSTEE, BRD APPT:	Anthony T. Sacco	Present
TRUSTEE, CITY COUNCIL:	Benjamin J. Kiszkiel	Present

Also, in attendance was Ms. Kathy Adams, Board Administrator, and Ms. Katie Taglia-Polak, Office Manager, Palm Bay Police and Firefighters' Pension Fund. Ms. Laura Clawson, HR Director, and Ms. Andrea Varela, HR Generalist, City of Palm Bay Human Resources Department, telephoned at 9:04 a.m. Ms. Clawson left the call at 9:08 a.m. and called back in at 10:25 a.m. Mr. Larry Cole, Performance Manager, Burgess Chambers and Associates, Mr. Blake Myton, First Vice President, Senior Client Strategist, arrived at 9:30 a.m. Ms. Karla Engard, Operations Manager, Burgess Chambers Associates, telephoned at 9:30 a.m. Mr. Robert D. Klausner, Board Attorney, Law Firm of Klausner, Kaufman, Jensen, and Levinson, arrived at 9:46 a.m. Police Officer Christopher Imel arrived at 9:53 a.m.

AGENDA REVISIONS:

Motion by Mr. Brock, seconded by Mr. Kiszkiel to change Old Business, item *1. DROP Returns for March 31, 2022 to read *1. DROP Returns for June 30, 2022, add to New Business, under *1. Warrants for Payment, Items r. Truist Commercial Checking Account-\$2,705.87-Reimbursement to the Truist Commercial Checking Account No. 1000196187347 for Auto Pay for Timothy W. Lancaster's VISA Card; s. Allspring Global Investments-\$12,469.64-Management Fees for Quarter, 04/01-6/30/2022, Invoice

13876337 (Police Fund Only); t. Allspring Global Investments-\$6,405.43-Management Fees for Quarter, 04/01-6/30/2022, Invoice 13876338 (Fire Fund Only); *12. Termination Refund/Rollover or Vested Termination, if Eligible, or Application for Early Retirement/ Vested-Police Officer Brittany Barreiros; and 13. Computer Experts Information Technology Contract Renewal. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

CONSENT AGENDA:

Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve the Consent Agenda as revised. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

ADOPTION OF MINUTES:

**Regular Minutes 22-08-This item was approved under Consent.

APPLICATION FOR THE 5TH TRUSTEE POSITION:

Timothy W. Lancaster-Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve the appointment of Mr. Lancaster to the 5th Trustee position and direct Ms. Adams to notify the city clerk for ministerial appointment by the council. Florida State Statutes require the motion to be made by the other four (4) trustees, so Mr. Lancaster did not vote. Motion carried with members voting as follows:

Mr. Dorey, Yea
Mr. Brock, Yea
Mr. Sacco, Yea
Mr. Kiszkiel, Yea

**TRUIST FINANCIAL CORPORATION AND STERLING CAPITAL MANAGEMENT,
LLC AT 9:30 A.M.:**

1. Mr. Blake Myton, First Vice President, Senior Client Strategist; Sterling Capital Management, LLC
 - a. Quarterly Report-Mr. Myton said it was the worst ever quarter for bonds. It was the worst for stocks since 1970. The Feds are fighting inflation. The country is economically better shape, but everyone is focused into raising rates and dealing

with concerns for a recession. The large cap value fund had a bad quarter and to expect a gradual improvement. The job report came out today and was strong. The June 30th quarter earnings for Truist was -9.51%. The market value was \$83,373,551.19. The Truist-Sterling conversion occurred July 1st, so this is the last Truist report for those funds. Mr. Cole will take over the evaluation of the mid-cap fund. Mr. Klausner arrived at 9:46 a.m. Mr. Myton said the last nine (9) months have hurt the Fund.

b. Recapture Letters for Sterling Capital-Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve the recapture letters to Sterling Capital. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

BURGESS CHAMBERS AND ASSOCIATES, INC. AT 9:45 A.M.:

1. Mr. Larry Cole, Performance Manager, and Karla Engard, Operations Manager
 - a. Quarterly Report-Mr. Cole said it was a bad quarter. Dealing with inflation, Ukraine and Russia, the supply chain, expect food chain issues. He said the PPI (producer price index) is the wholesale cost, the CPI (consumer price index) is what we pay. PPI is 35% above the CPI. Companies are eating the cost, but it could later impact inflation by pushing the cost to the consumer. Demand is higher than supply and that is the issue. Gas prices have declined but are still high. The job numbers are good. The market value of the total Fund is \$210,405,664. The return was -12.2%. He reviewed the asset allocation stating July was good. The Fund is in compliance. He is not recommending any rebalancing. He anticipates interest rates to go higher. The convertibles are over-weighted. It has become sort of a mid-cap universe. He still likes convertibles due to the upside/downside capture. The Fund is a well-diversified portfolio, but it was the first time in ten (10) years the Fund was not in the top percentile of their peer group.
 - b. Mid-cap Value Manager Search-Mr. Cole said the Ceredex mid-cap is under his discretion. He wants to bring in some small-mid cap value searches, perhaps in the next meeting. Mr. Lancaster said he met with Curt Wood with DRZ and directed him to Mr. Cole. Mr. Cole said he likes their product, they will be in the group, and said a due diligence will be done. He said he looks for best execution per the investment policy. He said infrastructure held up pretty well. The year 2008 was the last time where the market was down this low. The rolling five (5) years relative to the benchmark and peer group was good for five (5) years and was

above those marks, then dropped. He recommended staying the course with the focus on the long term and to not panic.

c. VIRTUS Small Cap Fund Proxy Vote-Mr. Klausner said to vote with the manager recommendations. Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve to vote with the recommendations of the manager for the VIRTUS proxy vote and for Ms. Adams to submit the vote electronically. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea. Mr. Cole, and Mr. Myton left the meeting at 10:25 a.m. and did not return. Ms. Engard ended her telephone call at 10:25 a.m.

REQUEST FOR CITY REINSTATEMENT BY POLICE OFFICER CHRISTOPHER IMEL AT 10:00 A.M.:

1. Mr. Robert Klausner, Klausner, Kaufman, Jensen and Levinson, and Police Officer Christopher Imel

a. Request for Reinstatement-Mr. Lancaster confirmed Ms. Clawson, HR Director was on the phone call. Mr. Klausner, as a duly appointed Notary in the State of Florida sworn in Police Officer Chris Imel and Ms. Laura Clawson, City of Palm Bay Human Resources Director. Mr. Klausner said it is a due process for Mr. Imel to present his case on his request on the Share Plan. And future accrual of benefits and impact of a break in service. He asked Mr. Imel to present his case and Ms. Clawson to do the same. Mr. Imel said he retired the end of February to work for the hospital medical examiner's office. He couldn't work there and called the police chief regarding going to the Brevard County Sheriff's office. The chief said to come back to Palm Bay. He had a meeting with the public safety director and left. He said Ms. Adams and Ms. Taglia-Polak told him to hold off, but he had torched his bridge. Mr. Sacco (Board Trustee) called about signing on. He is thankful to be back at the agency. He knows he forfeited his Share Plan. Mr. Klausner said he is eligible to accrue a new Share account. He wants to be brought back into the Plan at the same salary, as if he never left. The city was willing to rescind his resignation. The city can change it from retirement to resignation. Mr. Imel said sick and vacation payouts were paid to him and, per Ms. Clawson, he can pay those back. Mr. Klausner said there is a break in service. If that period of time was changed to a leave of absence without pay, he could buy the time if it were military leave. He said personnel issues are handled by the city; the pension is handled by the Plan. Questions come in when terminated, regardless of time, is

a break in service. They are a new hire when they come back. The reading of the Ordinance, by resigning, he had a break in service. If the early retirement was a deferred, then he lost the Share Plan. He now comes under the 85% Plan. By coming back, he has to re-vest. He has to work five (5) years to vest at 50%, so it takes eight (8) years to get to 85%. The Board has to determine if he was vested. Mr. Klausner said he still thinks he is a new hire in the new Plan. He is at 7%, Mr. Lancaster said he has 15%, about six (6) years to be eligible for entry into the DROP. Eight (8) at 2 ½%, not 3% per year. Under the second Plan, it is capped at 85%. He can DROP in three (3) years, twenty-five (25) years of service at 77% of final average salary, but he can't work any longer then six (6) years because he caps out. There was no service for three (3) months because he was gone. Mr. Klausner said if he went out on a leave of absence, he comes under the first Plan and caps at 100%, he has to be 52 with 25 years of service, if not, he's under the second Plan which caps at 85%. If the city changes his resignation to a leave of absence, then his Share Plan is back, and he pays back the money. He said the W-2 would not reflect this leave. If the city treats the leave of absence, he can get back his Share Plan, he reaches 25 years at 25 years plus three (3) months. If not, he is a rehire, then six (6) years as a new hire, then at six (6) years he can go in the DROP at 85%. Mr. Klausner said the real difference is the accrual rate and the prior Share Plan. The Board could vote when he left, he was vested and remains vested. Mr. Imel asked Ms. Clawson if the language could be done as a leave of absence with the chief's OK. Mr. Imel said he already agreed to relinquish his rank. Ms. Clawson said it is a city manager decision and she did not know if she will ethically do it. If it is a leave of absence, he would have to repay full payouts, not just the difference for retirement. Mr. Klausner said in the event the personnel status is resigned, then would he be considered fully vested. It requires a formal letter from the city manager stating his personnel leave and status with the city. Motion by Mr. Brock, seconded by Mr. Kiszkiel, conditional upon resolution, Mr. Imel be considered vested. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea. Ms. Clawson said she would schedule a meeting with the city manager for discussion.

The Board recessed at 11:08 a.m. Mr. Klausner said he would provide an administrative order to be part of the minutes, signed at the same time by the chairman, secretary and filed with the clerk of the Board. Mr. Klausner and Mr. Imel

left the meeting at 11:08 a.m. and did not return. Ms. Clawson ended her telephone call at 11:08 a.m. The meeting reconvened at 11:30 a.m. Discussion continued with New Business, 4. Office Business, b. below.

*1. DROP Returns for June 30, 2022-Gross returns for June 30, 2022 was -12.10 percent and -12.24 percent, net of fees. This item was approved under consent.

2. Consideration of Special Meeting for Pension Assistant Job Interviews-Ms. Taglia-Polak said four (4) individuals were still interested in the position. Motion by Mr. Brock, seconded by Mr. Kiszkiel to hold a special meeting on Thursday, August 11th beginning at 10:15 a.m. with interviews thirty (30) minutes apart. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

3. State Funding for Police Officers-This item is pending. The money should arrive in mid-August.

4. State Funding for Firefighters-This item is pending. If there is a supplemental check it usually arrives in September or October. Motion by Mr. Brock, seconded by Mr. Kiszkiel to authorize an Impact Study for both the Police and Firefighter state funding to determine how much will be available for the Share Plans and to authorize the expenses incurred for both studies. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

5. Compliance Section 112.644 for Police, Fire, and General-Ms. Adams said she received the Section 112.644 reports from Foster and Foster, Inc. Copies will be posted on the Plan's website.

NEW BUSINESS:

*1. Warrants for Payment

*a. Salem Trust-\$20,364.66-Account Management Fee for 04/01-06/30/2022, Fee A/C Number M69930-This item was approved under Consent

*b. SSI Investment Management-\$14,908.00-Management Fee 04/01-06/30/2022, Invoice 002022-0174 (Police Fund Only)-This item was approved under Consent

- *c. SSI Investment Management-\$14,474.00-Management Fee 04/01-06/30/2022, Invoice 002022-0175 (Fire Fund Only)-This item was approved under Consent
- *d. Eagle Asset Investment Management-\$1,192.07-Management Fees for Billing Period 04/01-06/30/2022, Invoice 041004814230 (Police Fund Only)-This item was approved under Consent
- *e. Eagle Asset Investment Management-\$441.26-Management Fees for Billing Period 04/01-06/30/2022, Invoice 943764882993 (Fire Fund Only)-This item was approved under Consent
- *f. Polen Capital Management-\$16,677.49-Management Fees for Quarter, 04/01-6/30/2022 (Police Fund Only)-This item was approved under Consent
- *g. Polen Capital Management-\$7,393.05-Management Fees for Quarter, 04/01-6/30/2022 (Fire Fund Only)-This item was approved under Consent
- *h. Advent Capital-\$15,012.31-Investment Management Fees for Quarter End 06/30/2022, (Police Fund Only)-This item was approved under Consent
- *i. Advent Capital-\$14,569.92-Investment Management Fees for Quarter End 06/30/2022, (Fire Fund Only)-This item was approved under Consent
- *j. JP Morgan-\$29,318.42-Investment Management Fees for Quarter End 06/30/2022, Invoice 20220630-1788-A (Police Fund Only)-This item was approved under Consent
- *k. JP Morgan-\$29,318.42-Investment Management Fees for Quarter End 06/30/2022, 20220630-57655-A (Fire Fund Only)-This item was approved under Consent
- *l. Burgess Chambers and Associates-\$21,040.56-Performance Monitoring and Advisory Fee for 06/30/2022, Invoice 22-378-This item was approved under Consent-This item was approved under Consent
- *m. Truist Financial-\$66,583.80-Investment Management Fees for Quarter End 04/01-06/30/2022, Invoice 214021-This item was approved under Consent
- *n. Truist Commercial Checking Account-\$476.61-Reimbursement to the Truist Commercial Checking Account No. 1000196187347 for Auto Pay for Jason Dorey's VISA Card-This item was approved under Consent
- *o. Truist Commercial Checking Account-\$567.00-Reimbursement to the Truist Commercial Checking Account No. 1000196187347 for Auto Pay for Anthony Sacco's VISA Card-This item was approved under Consent
- *p. Truist Commercial Checking Account-\$543.43-Reimbursement to the Truist Commercial Checking Account No. 1000196187347 for Auto Pay for Mary K.

Taglia-Polak's VISA Card-This item was approved under Consent

*q. Truist Commercial Checking Account-\$723.37-Reimbursement to the Truist Commercial Checking Account No. 1000196187347 for Auto Pay for Patricia Lindsay's VISA Card-This item was approved under Consent

*r. Truist Commercial Checking Account-\$2,705.87-Reimbursement to the Truist Commercial Checking Account No. 1000196187347 for Auto Pay for Timothy W. Lancaster's VISA Card-This item was approved under Consent

*s. Allspring Global Investments-\$12,469.64-Management Fees for Quarter, 04/01-6/30/2022, Invoice 13876337 (Police Fund Only) -This item was approved under Consent

*t. Allspring Global Investments-\$6,405.43-Management Fees for Quarter, 04/01-6/30/2022, Invoice 13876338 (Fire Fund Only)-This item was approved under Consent

*2. New Plan Member Applications; Member Beneficiary Changes; Pre-Retirement\Death Benefit Option Selection Forms; Member Retirement Beneficiary Forms; and DROP Beneficiary Designations-New member beneficiary forms were received and approved for Police Officers Joleene James, Todd Hodgdon, Abigail Leiva, Craig Parsons, Kevin Watkins, and Frank Young. A member beneficiary form was received and approved for Police Officer Roger G. Damon. Share Plan beneficiary forms were received and approved for Police Officers Edward Bermudez, Joleene James, Anthony Sacco, Roger Damon, Todd Hodgdon, Abigail Leiva, Craig Parsons, Kevin Watkins, Frank Young, Jeffrey Spears, and for Firefighters Stephen Guerre, Russel Clark, Jr., and Christine Santiago. These items were approved under Consent.

3. Board Business-Ms. Adams reimbursed the Fund for Ms. Adams' Sprint invoice for \$144.54 from June 21-July 20. Office Depot changed their name to ODP Business Solutions, LLC. Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve the revision of the recurring warrant to reflect the name change. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea. Ms. Adams read a notice from Paychex stating they were changing their agreement and to delete the current language about W-2 forms. They will provide and file them with appropriate agencies. For clients receiving hardcopies, they reserve the right to provide them electronically only upon fifteen (15) days' notice and it will be our responsibility to provide them to employees. We agree to have an active administrator to obtain them electronically and each employee shall have their own electronic account.

Paychex will not be liable. Ms. Taglia-Polak is on the account with Ms. Lindsay now processing timecards and Paychex notices. Ms. Taglia-Polak will be responsible for making sure employees are set up with an on-line Paycheck account and verify they have received year-end W-2's. The Fund received a class action check for \$31.21 from Truist Bank for MF Global Holding Class Action. Ms. Lindsay sent it to Salem for deposit. Mr. Lancaster reimbursed the Fund \$272.54 and Mr. Kiszkiel reimbursed the Fund \$25.31 for personal expenses the hotel billed to Mr. Lancaster's VISA card in error for the hotel stay at the FPPTA Conference. A procedure was in place where terminated members that left and received a refund would be removed from the PensionGold program after five years to keep old files from bogging down the program. That process was not maintained. It will be reimplemented with Ms. Taglia-Polak being responsible for it and preparing written procedures. Every year the oldest files from five (5) years back would be deleted by LRS.

4. Office Business

- a. Equipment Upgrades and Purchases, Sprint T-Mobile Phone-Mr. Lancaster said he will be getting a new phone. Ms. Taglia-Polak will split out the individual trustees' phones to be billed on their individual corporate VISA cards and will notify Ms. Janes, Board Accountant. The discussion continued with the quarterly reports above.
- b. Summary Plan Descriptions and Annual Employee Benefit Statements-The booklets and statements were mailed on July 13th.
- c. Annual Affidavits to Members-The affidavits were mailed on July 26th.
- d. Light Fixture and Caulking-This project was completed on July 16th and 28th.
- e. Review of Pre-Audit Meeting-The conference call was held on July 22nd.
- f. Cost-of-Living Allowances and Pro-rated Amounts-Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve the cost-of-living allowances and the pro-rated amounts. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.
- g. Employee VISA Invoice Review for July-The FPPTA hotel charges appeared on Ms. Taglia-Polak's and Ms. Lindsay's VISA card. Mr. Kiszkiel's VISA card was returned due to a wrong address and is being remailed.
- h. Review and Approve 2022-2023 Educational Events-Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve the 2022-23 Educational Events and for Employees to attend those marked. Motion carried with members voting as follows:

Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

i. Upcoming Events-Educational Opportunities-Ms. Taglia-Polak reviewed the upcoming events and who was planning to attend.

5. Consideration of Changing the October Board Meeting-September 30th or October 14th-Motion by Mr. Brock, seconded by Mr. Kiszkiel to change the Friday, October 7th Board meeting to Friday, October 14th. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

6. Letter of Engagement, Lark Janes, CPA LLC for Professional Accounting Services-Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve Ms. Janes letter of engagement for professional accounting services along with the recurring warrant. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

7. Letter of Engagement, Mauldin and Jenkins, CPA for Profession Auditing Services-Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve Mauldin and Jenkins letter of engagement for professional auditing services. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

8. Annual Review Samantha L. Bertolini, Records Management Liaison Officer-Ms. Bertolini will email her evaluation to each trustee and contact each to schedule her review.

9. Proposed Board Meeting Schedule 2022-2023-Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve the 2022-2023 Board meeting schedule. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea

10. Application for Disability, Police Officer Joseph V. Moreno-The Veteran's Association sent another form to be completed.

11. Entry into DROP, Police Officer Mariano Augello-Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve Police Officer's Mariano Augello entry into the DROP. Motion

PALM BAY POLICE AND FIREFIGHTERS' PENSION PLAN

IN RE APPEAL OF CHRIS IMEL

**FINAL ADMINISTRATIVE ORDER GRANTING VESTED STATUS AND
DETERMINING FUTURE MEMBERSHIP STATUS**

This Matter came before the Board of Trustees on August 5, 2022, upon proper written notice, of the appeal of Chris Imel, police officer, concerning his status as a reinstated member.

Then Lieutenant Imel applied for early retirement, with a deferred start date in February 2022. After a break in service of approximately three (3) months, he returned to the Palm Bay Police Department as a police officer. At his own request, Imel was treated as if he had resigned. He withdrew his application for deferred early retirement. In his reinstatement, Imel waived any rights in his former rank of lieutenant.

Upon his reinstatement, Imel was enrolled in the 2019 tier of the retirement plan (Tier Two). This would result in a maximum accrual of benefits of 85% of final average compensation. One question arising from his reinstatement was whether Officer Imel was required to vest again in the plan. Section 55.10 of the City Code is silent on the question of vesting upon reinstatement. At the time of his separation, Officer Imel had more than 22 years of service. Nothing in Section 55.10 or Section 55.02 defining credited service requires a second period of vesting. As such, it is within the sound

discretion of the Board of Trustees to determine the application of the vesting provision. After careful consideration, the Board determined that he should be treated as continuously vested.

By withdrawing his application for early retirement, Imel created a break in service as defined in Section 55.02. The only circumstance which could have preserved Imel's continuous service would have been a leave of absence. That did not occur; instead, his separation was treated as a resignation and subsequent reinstatement.

Officer Imel will be eligible to retire (including entering DROP) upon the aggregate of 25 years of service. As a member of Tier Two of the Plan, Imel will accrue service following his reinstatement at 2.5% per year to a maximum accrual of 85%. At that point he can enter the Deferred Retirement Option Plan (DROP) or separate from service with a normal retirement.

If the City reclassifies Officer Imel's prior resignation as a leave of absence without pay, he will remain a member Tier One and eligible to retire or enter DROP at 25 years of service and subject to the 100% maximum accrual. The resolution of this issue is a personnel matter solely within the control of the City.

As a consequence of withdrawing his early retirement application, Officer Imel forfeited his Share Plan accrual as provided in Code Section 55.29 C (3). He is eligible to accrue a new share beginning with the date of his

reinstatement. If the event his resignation is reclassified by the City as a leave of absence without pay, Imel's Share account shall be reinstated.

Following an explanation of the above facts and Code interpretation, Imel agreed with the explanation set forth in this order. In summary, the Board orders as follows:

- A. In the event Imel's resignation is not altered, he is a reinstated member with his prior service calculated based upon his Tier One membership and reinstated service based on Tier Two.
- B. By withdrawing his early service retirement, his Share plan is forfeited.
- C. The Board has determined that Imel is a vested member of the Plan now enrolled in Tier Two and subject to the multiplier of 2.5% and maximum accrual of 85%.
- D. Imel will be eligible for retirement or DROP upon the completion of 25 years of paid, credited service, which excludes the period of his break in service.
- E. In the event Imel's resignation is converted to an unpaid leave of absence, he will be deemed a continuous member of Tier One and his Share Plan will be restored.

DONE AND ORDERED at Palm Bay, Brevard County, Florida this _____day of August 2022.

carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

*12. Termination Refund/Rollover or Vested Termination, if Eligible, or Application for Early Retirement/Vested-Police Officer Brittany Barreiros-This item was approved under Consent

13. Computer Experts Information Technology Contract Renewal-Motion by Mr. Brock, seconded by Mr. Kiszkiel to approve Computer Experts Information Technology Contract. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.

INPUT FROM ACTIVE AND RETIRED PLAN MEMBERS:

There was no input from any active or retired plan members.

INPUT FROM THE PUBLIC:

There was no input from the public.

ADJOURNMENT:

Motion by Mr. Brock, seconded by Mr. Kiszkiel to adjourn the meeting at 11:44 a.m. Motion carried with members voting as follows: Mr. Dorey, Yea; Mr. Brock, Yea; Mr. Sacco, Yea; Mr. Kiszkiel, Yea; and Mr. Lancaster, Yea.



Timothy W. Lancaster, Chairperson

ATTEST:



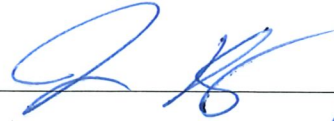
James W. Brock, Secretary

Jason Dorey, Vice Chairperson

Attachment: Administrative Order-Re Appeal Chris Imel



Chairman



~~Secretary~~ Vice Chairman

Filed with the Board Administrator/Clerk of the Board this 5th day
of August 2022.



Board Administrator/ Clerk of the Board

NOTICE OF APPELLATE RIGHTS

This is a final administrative order, if you wish to seek judicial review of this order you must file a petition for Writ of Common Law Certiorari in the Circuit Court within 30 calendar days of the date this order is filed with the Board Administrator/Clerk of the Board or no opportunity for judicial review will be available.