

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Thursday, July 27, 2023

9:00 AM

Special Meeting

Main Library - Council Chambers

Pension Advisory Committee

Roll Call

Present 7 - Chair Nathan Hightower, Committee Member Christopher Kakalow, Committee Member David Sowers, Committee Member Gregory Record, Committee Member Lina Teixeira, Committee Member Brian Aungst Sr., and Committee Member Mark Bunker

Also Present – David Margolis – City Attorney, Jessica Harmeson - Human Resources Division Manager, and Nicole Sprague – Deputy City Clerk

1. Call To Order

The meeting was called to order at 9:00 a.m.

2. Approval of Minutes

2.1 Approve minutes of April 24th, 2023 Pension Advisory Committee meeting as submitted in written summation.

Member Bunker moved to approve the minutes of the April 24, 2023 Pension Advisory Committee as submitted in written summation. The motion was duly seconded and carried unanimously.

2.2 Approve minutes of May 11th, 2023 Pension Advisory Committee meeting as submitted in written summation.

Member Teixeira moved to approve the minutes of the May 11, 2023 Pension Advisory Committee as submitted in written summation. The motion was duly seconded and carried unanimously.

3. Citizens to be Heard Regarding Items Not on the Agenda: None.

4. New Business Items

4.1 Approve the new hires for acceptance into the Pension Plan as listed.

Name, Job Classification, & Department	Pension Eligibility Date
Zouhier Taouil, Skilled Tradesworker General Services	02/27/2023
Damien Durham, Fleet Mechanic, General Services	02/27/2023
Claudia Goettsche, Crime Analyst, Police	02/27/2023
Louis Alker, Senior Accountant, Solid Waste	02/27/2023
James Fields, Custodial Worker, Police	02/27/2023
Dillon Berry, Fire Medic, Fire	03/13/2023
William Ramsey, Fire, MedicFire	03/13/2023
Owen Humphreys, Fire Medic, Fire	03/13/2023
Nicolas Mora, Fire, MedicFire	03/13/2023
Amanda Benson, Fire, MedicFire	03/13/2023
Jasmin Ray, Senior Staff Assistant, Public Utilities	03/13/2023
Christopher Winder, Utilities Mechanic, Public Utilities	03/13/2023

James Jackson III, Solid Waste Worker, Solid Waste	03/13/2023
Frank Chavez, Beach Guard, Fire	03/13/2023
Kaitlyn Jones, Library Assistant, Library	03/13/2023
Amanda Santiago, Accounting Technician, Parks & Recreation	03/13/2023
Diana Rivera, Customer Service Representative, Finance/CS	03/27/2023
James Gray, Fleet Mechanic, General Services	03/27/2023
David Stoner III, Senior Business Systems Analyst, Information Technology	03/27/2023
Kenneth Craven, Network Analyst, Information Technology	03/27/2023
Timothy Dallaire, Parks Service Technician, Parks & Recreation	03/27/2023
Corey Hunter, Parks Service Technician, Parks & Recreation	03/27/2023
William Ambrose Streets & Sidwalks Technician Public Works	03/27/2023
Jovontee Frazier Stormwater Technician Public Works	03/27/2023
Zackery Skyrme Recreation Leader Parks & Recreation	03/11/2023
Brooke McLemore, Customer Service Representative, Finance/CS	04/10/2023
Larry Phillips, Customer Service Representative, Finance/CS	04/10/2023
Michael Slatkavitz, Warehouse Supervisor, General Services	04/10/2023
Destiny Jenkins, Network Analyst, Information Technology	04/10/2023
JoAnn Friedwald Sr., Staff Assistant, Library Department	04/10/2023
Gunner Clark, Sampling Technician, Public Utilities	04/10/2023
Thomas Murray, Gas Technician Apprentice, Gas	04/10/2023
Amber Brice, Cultural Affairs Coordinator, Office of Innovation	03/11/2023
Jonathon Kline, Police Telecommunicator, Police	02/25/2023
James Gray, Fleet Mechanic, General Services	03/27/2023

Member Sowers moved to recommend approval of the new hires for acceptance into the Pension Plan as listed. The motion was duly seconded and carried unanimously.

- 4.2** Approve the following request of employees Eryn Berg, Finance Department and Charles Eric Wilson, Sr, General Services Department, to vest their pension as provided by Section 2.419 of the Employees' Pension Plan.

Eryn Berg, Senior Procurement Analyst, Finance Department, was employed by the City on February 6, 2016, and her pension service credit is effective on that date. Ms. Berg terminated from City employment on May 25, 2023.

Charles Eric Wilson, Sr, Radio Division Manager, General Services Department, was employed by the City on April 15, 1996, and his pension service credit is effective on that date. Mr. Wilson terminated from City employment on May 24, 2023.

The Employees' Pension Plan provides that should an employee cease to be an employee of the City of Clearwater or change status from full-time to part-time after completing ten or more years of creditable service (pension participation), such employee shall acquire a vested interest in the retirement benefits. Vested pension payments commence on the first of the month following the month in which the employee normally would have been eligible for retirement.

Section 2.416 provides for normal retirement eligibility for non-hazardous duty employees hired prior to the effective date of this reinstatement (1/1/13), a member shall be eligible for retirement following the earlier of the date on which a participant has reached the age of fifty-five (55) years and completed twenty (20) years of credited service; the date on which a participant has reached age sixty-five (65) years and completed ten (10) years of credited service; or the date on which a member has completed thirty (30) years of service regardless of age. For non-hazardous duty employees hired on or after the effective date of this restatement, a member shall be eligible for retirement following the earlier of the date on which a participant has reached the age of sixty (60) years and completed twenty-five (25) years of credited service; or the date on which a participant has reached the age of sixty-five (65) years and completed ten (10) years of credited service. Ms. Berg will meet the non-hazardous duty criteria and begin collecting a pension in September of 2049. Mr. Wilson will meet the non-hazardous duty criteria and begin collecting a pension in May of 2026.

Section 2.416 provides for normal retirement eligibility for hazardous duty employees, a member shall be eligible for retirement following the earlier of the date on which the participant has completed twenty (20) years of credited service regardless of age, or the date on which the participant has reached fifty-five (55) years and completed ten (10) years of credited service.

Member Sowers moved to recommend approval of the following request of employees Eryn Berg, Finance Dept., and Charles Eric Wilson, Sr., General Services to vest their pension as provided by Section 2.419 of the Employees' Pension Plan. The motion was duly seconded and carried unanimously.

- 4.3** Approve the following request of Jeffrey Harris, Information Technology Department, Tim Hulburt, Solid Waste and Recycling Department, Robert McKnight, Solid Waste and Recycling Department, John "Jack" Sadowski, Public Utilities Department, Daniel Slaughter, Police Department, Patricia Sullivan, City Clerk's Office, and William Taggart, Police Department, for a regular pension as provided by Sections 2.416 and 2.424 of the Employees' Pension Plan.

Jeffrey Harris, Senior Systems Programmer, Information Technology Department, was employed by the City on November 12, 1996, and his pension service credit is effective on that date. His pension will be effective July 1, 2023. Based on an average salary of approximately \$91,600.36 over the past five years, the formula for computing regular pensions and Mr. Harris' selection of the Single Life Annuity, this pension benefit will be approximately \$66,900.72 annually.

Tim Hulburt, Solid Waste Worker, Solid Waste & Recycling Department, was employed by the City on April 29, 1996, and his pension service credit is effective on that date. His pension will be effective September 1, 2023. Based on

an average salary of approximately \$44,908.13 over the past five years, the formula for computing regular pensions and Mr. Hulburt's selection of the 50% Joint and Survivor Annuity, this pension benefit will be approximately \$29,946.48 annually.

Robert McKnight, Solid Waste Equipment Operator, Solid Waste & Recycling Department, was employed by the City on June 16, 2003, and his pension service credit is effective on that date. His pension will be effective July 1, 2023. Based on an average salary of approximately \$46,766.49 over the past five years, the formula for computing regular pensions and Mr. McKnight's selection of the Single Life Annuity, this pension benefit will be approximately \$25,775.16 annually.

John "Jack" Sadowski, Wstwr Trtmnt Plant Chief OP, Public Utilities Department, was employed by the City on March 5, 2007, and his pension service credit is effective on that date. His pension will be effective June 1, 2023. Based on an average salary of approximately \$63,768.49 over the past five years, the formula for computing regular pensions and Mr. Sadowski's selection of the 100% Joint and Survivor Annuity, this pension benefit will be approximately \$24,539.28 annually.

Daniel Slaughter, Police Chief, Police Department, was employed by the City on October 19, 1992, and his pension service credit is effective on that date. His pension will be effective June 1, 2023. Based on an average salary of approximately \$157,059.26 over the past five years, the formula for computing regular pensions and Mr. Slaughters' selection of the 100% Joint and Survivor Annuity, this pension benefit will be approximately \$128,997.12 annually.

Patricia Sullivan, Board Reporter, City Clerk's Office was employed by the City on December 13, 1993, and her pension service credit is effective on February 7, 1994. Her pension will be effective May 1, 2023. Based on an average salary of approximately \$48,407.74 over the past five years, the formula for computing regular pensions and Ms. Sullivan's selection of the Single Life Annuity, this pension benefit will be approximately \$38,893.56 annually.

William Taggart, Police Service Technician, Police Department, was employed by the City on September 16, 1991, and his pension service credit is effective on that date. His pension will be effective August 1, 2023. Based on an average salary of approximately \$55,686.44 over the past five years, the formula for computing regular pensions and Mr. Taggart's selection of the 100% Joint and Survivor Annuity, this pension benefit will be approximately \$42,379.92 annually.

Section 2.416 provides for normal retirement eligibility for non-hazardous duty employees hired prior to the effective date of this reinstatement (1/1/13), a member shall be eligible for retirement following the earlier of the date on which a participant has reached the age of fifty-five (55) years and completed twenty (20) years of credited service; the date on which a participant has reached age sixty-five (65) years and completed ten (10) years of credited service; or the

date on which a member has completed thirty (30) years of service regardless of age. For non-hazardous duty employees hired on or after the effective date of this restatement, a member shall be eligible for retirement following the earlier of the date on which a participant has reached the age of sixty (60) years and completed twenty-five (25) years of credited service; or the date on which a participant has reached the age of sixty-five (65) years and completed ten (10) years of credited service. Mr. Harris, Mr. Hulburt, Mr. McKnight, Mr. Sadowski, Ms. Sullivan, and Mr. Taggart have met the non-hazardous duty criteria. Section 2.416 provides for normal retirement eligibility for hazardous duty employees, a member shall be eligible for retirement following the earlier of the date on which the participant has completed twenty (20) years of credited service regardless of age, or the date on which the participant has reached fifty-five (55) years and completed ten (10) years of credited service. Mr. Slaughter has met the hazardous duty criteria.

Member Bunker moved to recommend approval of the following request of Jeffrey Harris, Information Technology, Tim Hulburt, Solid Waste and Recycling Department, Robert McKnight, Solid Waste and Recycling Department, John "Jack" Sadowski, Public Utilities Department, Daniel Slaughter, Police Department, Patricia Sullivan, City Clerk's Office, and William Taggard, Police Department, for a regular pension as provided by Sections 2.416 and 2.424 of the Employees' Pension Plan.

4.4 Informal hearing for Nicholas Giordano request for job-connected disability pension

The City Attorney reviewed Nicholas Giordano's application for a job-connected disability and hearing requirements as detailed by Code. He said this application is for a disability pension related to a cardiac issue. Florida law says that it is presumed that an officer who has been diagnosed with heart disease or hypertension, acquired the condition in the line of duty, unless evidence shows the condition is inherited. Nicholas Giordano was hired by the city as a Police Officer in January 2007 and separated from city employment in April 2023.

Member Bunker moved to accept into evidence the entire file, inclusive of the application, personnel file, interrogatories, medical records, and the Independent Medical Exam (IME). The motion was duly seconded and carried unanimously.

Attorney Paolo Longo, representing Nicholas Giordano, said Mr. Giordano's condition checks all the boxes pursuant to the disability pension plan and in state statute. The medical records are succinctly outlined in the Independent Medical Examiner's (IME) report. His heart disease is a disabling condition that prevents him from providing useful and effective service as a police

officer and it is continuous and permanent. He has reached maximum medical improvement. Heart disease is presumed to be work related per Florida Statute. Mr. Giordano has an open worker's compensation claim for the same condition. He said there are no legal exclusions and Mr. Giordano medically separated from employment in April 2023. He requested that the committee approve the job-connected disability pension application.

Member Kakalow moved that Nicholas Giordano met the requirements for a job-related disability pension as he was disabled by reason of injury suffered in the line of duty, such disability is likely to be continuous and permanent from a cause other than those listed as general disability exclusions, and he is unable, by reason of a medically determinable physical impairment, to render useful and efficient service as a police officer. The motion was duly seconded and failed with the following vote:

Ayes: 3 - Kakalow, Sowers, Record

Nays: 4- Aungst, Bunker, Hightower, Teixeira

Discussion ensued regarding differing medical opinions related to Brugada Syndrome and if it was a contributing factor to Mr. Giordano's condition. It was said the onset of symptoms occurred during a vacation, not during a time of high stress or vigorous physical activity. A comment was made that there are medical records indicating Brugada Syndrome is not the issue and the IME agrees with that opinion.

The City Attorney said if the committee is looking for additional evidence or sworn testimony, then it would be appropriate to set this case for a formal hearing.

There was consensus to schedule this application for a formal hearing.

5. Old Business Items: None.

6. Director's Report: None.

7. Board Members to be Heard

Member Sowers raised an issue, which is not on today's agenda, with city administration's interpretation of the pension ordinance and how it relates to extra duty or off duty work performed by firefighters. He would like the code to be amended to allow firefighter's extra duty income to be pensionable. The bargaining contract cannot be changed because of the way the city's ordinance is worded. Extra duty income was factored as part of pensionable income prior to 2019.

The City Attorney said there have been different perspectives between city administration and the firefighter's union on the interpretation of the current collective bargaining agreement. There are restrictions in Florida law for what service is pensionable for certain classes of employees. He said state law prohibits police officer's extra duty pay to be pensionable. There is no such restriction for firefighters, it is left up to local government to make that decision. The city could choose to amend the code to allow extra duty employment pensionable. He said an amendment to the bargaining contract would be required to incorporate this change which would require the firefighter's union to request the city to bargain over it mid contract. The Committee may make a recommendation to Council to amend the code to allow the extra duty income to be pensionable, but it has no legal effect. He suggested an agenda item on a future agenda if the Committee would like to discuss the issue.

8. Adjourn

The meeting adjourned at 9:34 a.m.

Chair, Pension Advisory Committee

Attest:

Board Reporter