

**MINUTES OF THE REGULAR MEETING OF
THE CITY OF MIAMI FIRE FIGHTERS' AND POLICE OFFICERS' RETIREMENT TRUST**

December 15, 2021

Members Present

O. Cotera	-	Appointed by the City Commission
N. Enriquez	-	Elected by the Fire Fighters
M. Fernandez	-	Appointed by the City Commission
T. Gabriel	-	Appointed by the City Commission
S. MacDonald	-	Elected by the Police Officers (Virtually)
T. Roell	-	Appointed by the City Commission
R. Suarez	-	Elected by the Fire Fighters
A. Valdivia	-	Elected by the Police Officers (Virtually)

Also Present

R. Klausner	-	Legal Advisor
H. Merlak	-	Actuary
D. Winegardner	-	Actuary (Virtually)
G. Bikkesbakker	-	Investment Consultant

Members Absent

Vacant	-	Appointed by the City Manager
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Chairman O. Cotera called the meeting to order at 8:30 a.m. with a quorum being present.

REQUEST FOR DISABILITY RETIREMENT

E. Nunez - Fire : Step 3

E. Nunez's was represented by his sister, C. Nunez. The Board reviewed the disability application package containing the report from the Board's Medical Advisor, Dr. C. Lupu. The report read in pertinent as follows:

" ... Firefighter Lieut. Eric Nunez is a 37 year old male who suffered an aneurysmal brain bleed with devastating consequences.

1. In your medical opinion is there a permanent disability: Yes, the applicant had cerebrovascular accident 3 ½ years ago and the paralysis and the speech problems are permanent. 2. In your opinion, is such a permanent disability total in that said disability prevents applicant from performing all of the duties related to job classification: Yes, the applicant has profound deficits that make him unemployable.

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REQUEST FOR DISABILITY RETIREMENT(continued)

E. Nunez - Fire : Step 3 (continued)

3. Is such a permanent disability the natural and proximate result of an accident: Yes, the applicant suffered a cerebrovascular accident on 2/21/18 while on duty. 4. Is such permanent disability caused by tuberculosis, heart disease or hypertension: Yes, I agree with Dr. Robert Raskin who suspected a transient episode of hypertension that led to the aneurysmal bleed. The lack of previous history of hypertension weakens this statement, however it remains a plausible scenario. 5. What physical or mental limitations does the applicant have as a result of the permanent disability: The applicant has paralysis of the right side and cannot express himself. 6. In your opinion, is there any further medical treatment which would be beneficial for the applicant: No, the applicant will continue with physiotherapy, speech therapy to maintain the gains that he achieved."

Discussion followed the review. A motion was made by R. Suarez and seconded by T. Gabriel to grant E. Nunez a service-connected disability retirement. The motion was approved unanimously.

APPROVAL OF MINUTES

The minutes of the Regular Meeting of September 17, 2021, were reviewed. The minutes were approved by a motion from R. Suarez, a second from N. Enriquez and a unanimous vote.

The Board reviewed the minutes of the Investment Review meeting of November 19, 2021. T. Gabriel moved and was seconded by R. Suarez to approve the minutes. The motion passed unanimously.

RATIFICATION OF RETIREMENTS FOR THE PERIOD

The Board reviewed the list of retirements for the period. N. Enriquez moved and was seconded by A. Valdivia to approve the retirements. The motion was approved by a unanimous vote.

RATIFICATION OF PAYMENT

Payments for the period were reviewed. A motion was made by N. Enriquez and seconded by A. Valdivia to ratify payments presented. The motion was approved unanimously.

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COLA Fund Review 2022

COLA Committee Chair, O. Cotera, reported that the Committee had met with the Actuary earlier and had reviewed the COLA report which recommended increasing to the COLA Table from \$1,670 to \$1,852. The Chairman reported that the Committee had approved the recommendation and adopted a \$1,852 Table for calendar year 2022.

2022 Meeting Schedule

The Board reviewed the proposed schedule of Board meetings for calendar year 2022. The schedule was adopted by a motion by T. Gabriel a second from N. Enriquez and a unanimous vote.

ATTORNEY'S REPORT

Legal Counsel reported as follows:

Ordinance Language: reported that new language has not been brought to the City Commission for adoption. Counsel has been in communication with the City Attorney and is awaiting written acknowledgement that effective January 1, 2022, the FIPO office will provide benefits as granted by the new language.

COVID Legislature: Legal Counsel reported that the line of duty presumption for COVID19 death and disability as part of the Public Safety Officers Death and Disability Law was extended. Legal Counsel and Board discussed at length appropriate process for COVID related disability requests. Counsel advised that disability applications be done on a case-by-case basis. Presently there is pending legislation to amend Florida Statute Chapter 112 on presumptive illness will require vaccination. Given the uncertainty of the law, it was the Board's consensus to take the position that the burden of proof will be on the member. That proof may include, the cause of the exposure and vaccination status among other factors. Discussion continued. A motion was made by T. Roell and seconded by R. Suarez to direct Legal Counsel to prepare communication relating the Board's position and provide it to the Labor Unions for dissemination to the active members. Discussion resumed. The motion was amended for the communication to be disseminated to active members by the FIPO office. The amended motion was approved unanimously.

CONFERENCES DURING THE PERIOD

A motion was made by R. Suarez and seconded by N. Enriquez to approve attendance of any Trustee to conferences offered for the period. The motion was approved unanimously.

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Being no further business, the meeting was adjourned at 9:35 a.m. by a motion by T. Roell a second by T. Gabriel and a unanimous vote.


Ornel Cotera, Chairman

Attest:


Dania Orta, Administrator