

KEY BISCAYNE POLICE OFFICERS' & FIREFIGHTERS' RETIREMENT PLAN

Village Council Chambers
560 Crandon Blvd., Key Biscayne, FL 33149
REGULAR MEETING OF JANUARY 28, 2010

1. Call to Order - Secretary Servando M. Parapar called the meeting of the Key Biscayne Police Officers' & Firefighters' Retirement Plan to order at 5:31 P.M.

Roll Call

Present

Servando M. Parapar
Jose L. Monteagudo
Sherry L. Reed
Steve Liedman

Absent

Michael Haring

OTHERS PRESENT: Kara Humphreys and Blake Myton from SunTrust, Alison S. Bieler, Esq., from Cypen & Cypen, Attorneys for the Fund and Joan L. Wall, Administrator.

2. Additions/Deletions to Agenda. Village Council had appointed Steve Liedman on January 26, 2010 to replace Dr. Robert L. Maggs, whose term as trustee had expired. Mr. Liedman was welcomed to the board. Attorney Bieler brought Mr. Liedman up to date with what had transpired in the last year.

An invoice from the Professional Indemnity Agency for the renewal premium for the Fiduciary Liability Insurance policy in the amount of \$4,271.29 was received after the agenda was posted. Sherry Reed moved to add this invoice to those under agenda item 5. Servando Parapar seconded the motion. The motion carried unanimously.

3. Appointment of Fifth Trustee 10/1/09 to 9/30/11 (continued from 11/19/09). Jose Monteagudo moved to appoint Servando Parapar. Steve Liedman seconded the motion. The motion carried with three votes, with Servando Parapar not voting.

4. Approval of Minutes for November 19, 2009. Secretary Parapar presented the minutes from the previous meeting for approval. Sherry Reed moved to approve. Jose Monteagudo seconded the motion. The motion carried unanimously.

5. Approval of Invoices. Secretary Parapar presented the invoices listed on the agenda in addition to the one from Professional Indemnity Agency for approval and payment. Steve Liedman moved to approve the invoices originally listed on the

agenda. Jose Monteagudo seconded the motion. The motion carried unanimously, authorizing payment of the following:

Gabriel Roeder Smith & Co., Invoices #110143 and 110447, dated 12/11/09 & 1/11/10	\$3,194.00
Joan L. Wall, Admin., 11/13/09 – 1/17/10; 54 ¼ hrs, plus expenses	\$2,771.81
Holland & Knight, Invoices #2434360, 2447027 & 2458666, dated 9/24, 10/24 & 11/21/09	\$2,150.00

Servando Parapar moved to approve payment of the invoice from Professional Indemnity Agency, Inc. in the amount of \$4,271.29. Sherry Reed seconded the motion. The motion carried unanimously.

6. Review/Approve – DROP Retirement monthly benefit of \$1,684.57 for F/F John N. Montgomery effective November 1, 2009. Jose Monteagudo moved to approve. Sherry Reed seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

7. a) G. Robert DeLoach, Jr., Esq. from Ledbetter & Associates – Report of preliminary damage analysis in re: Merrill Lynch (continued from 11/19/09). Attorney Bieler reported that just this week the firm had contacted Cypen & Cypen advising they are not going to be representing the board in this matter. Attorney Bieler stated Cypen & Cypen would be looking for another firm to handle any possible litigation and the board can hold a special meeting if necessary to engage the services of another firm.

7. b) Gabriel Roeder Smith’s August 14, 2009 Five Year Projection, per their letter of January 14, 2009 (continued from 3/26, 5/28, 7/23, 9/24 and 11/19/09). After discussion the trustees decided to take no further action at this time.

NEW BUSINESS

8. a) SunTrust

- **Blake Myton – Performance Review.** Global equity markets ended 2009 on a solid note, delivering positive results in the fourth quarter. Higher quality companies outperformed lower quality for the first time in the recovery. Bond returns were flat, except for corporate and high-yield bonds. Markets continue to show optimism, encouraged by better company results. Economic reports reflect a global recovery and that stimulus measures are working, while inflation remains restrained. Budget deficits across state and federal governments globally are a continuing concern. Mr. Myton announced that Ridgeworth Emerging Growth is a new investment vehicle for SunTrust. SunTrust feels that financials will continue to struggle in 2010. They also favor large and mid cap

stocks, rather than small capital stocks and anticipate some opportunities in BBB grade bonds.

- **Kara Humphreys – Administrative Items.** Ms. Humphreys stated the current agreement was with Trusco, which is now SunTrust. An amendment to the Investment Advisory Agreement was reviewed and approved by Attorney Bieler. Steve Liedman moved to authorize Servando Parapar sign on behalf of the board. Sherry Reed seconded the motion. The motion carried unanimously.

8. b) FPPTA, Trustees' School, February 7th – 10th, 2010, Hyatt Regency, Jacksonville Riverfront, Jacksonville, Florida.

9. Trustees' Concerns – Steve Liedman stated he would work on getting the Village Council to locate a liaison to attend meetings of the board as he had done in the past when he was on the council.

10. REPORTS

- **Attorney**
 - **12/21/09 Memorandum regarding Florida Public Records Act Amendments regarding Social Security Numbers.** Attorney Bieler recommended the board adopt the change. Jose Monteagudo moved to change all the currently used forms to reflect the new wording. Steve Liedman seconded the motion. The motion carried unanimously to include the following language on all forms. "Your social security number is requested for purposes of determining eligibility for retirement benefits as a plan member, retiree or beneficiary; for processing of retirement benefits; for verification of retirement benefits; for income reporting; or for other notice of disclosures related to retirement benefits. Your social security number will be used solely for one or more of these purposes. The collection and use of your social security number is authorized by Section 119.071(5)(2)(2)(a)(II), Florida Statutes".
 - **12/28/09 Memorandum regarding IRS Updates Safe Harbor Explanation For Eligible Rollover Distributions.** These forms replaced those currently in use.
 - Attorney Bieler reported Robert Friedman, Esq., had provided an ordinance per the board's previous request. She would advise the board after her review.
- **Administrator** – The accounting for the auditors was complete. The data the actuary requested would be completed as soon as possible.
- **Other** – Also included in the agenda packages were the following items;
 - Commission recapture activity through 12/15/09
 - SunTrust 3rd Quarter Report
 - Securities & Corporate Governance Litigation Reports dated 11/30/09 and 1/15/10

- Class action proceeds received from Enron on 1/17/10 in the amount of \$445.40 were deposited into the fund.

11. Input from Active/Retired Members – None.

12. Next Meeting Date/Adjournment. Secretary Parapar announced the next regular meeting was scheduled for Thursday, March 25, 2010. There being no further business before the board, Steve Liedman moved to adjourn at 6:50 P.M. Jose Monteagudo seconded the motion. The motion carried unanimously.

Respectfully submitted,

Servando Parapar, Secretary