MIAMI BEACH EMPLOYEES' RETIREMENT PLAN
PENSION BOARD MEETING
Tuesday, April 14, 2009
10:00 a.m.
CITY HALL
PENSION OFFICE CONFERENCE ROOM
REGULAR AGENDA

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R-1	Deferred Items -	
	A. James Pestana Pension Offset	57
R-2	New Items -	
	A. Property Management billing explanation	60
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IN ACCORDANCE WITH THE AMERICANS WITH DISABILITY ACT OF 1990, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE PENSION OFFICE NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 673-7437 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE), FOR ASSISTANCE.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED A THIS MEETING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FLORIDA STATUTES 286.0105

THIS MEETING MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY A TELEPHONE CONFERENCE CALL. THE ABOVE LOCATION, WHICH IS ORDINARILY OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT. PERSONS WISHING TO ATTEND SHOULD APPEAR AT THE ACCESS POINT, WHERE TELEPHONIC ACCESS TO THE MEETING WILL BE PROVIDED.

Law Offices of

Koppel & Bates

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

DOUGLAS L. BATES
ERIC L. BERGER
WAYNE S. KOPPEL

817 SOUTH UNIVERSITY DRIVE, SUITE 100
PLANTATION, FLORIDA 33324
TEL 954 370 7878
FAX 954 370 7849
www.koppelandbates.com

February 18, 2009

Rick Rivera
Pension Administrator
Miami Beach Employee's Retirement Plan
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL. 33139

Re: Our Client : James Pestana
Our File No. : KB-09-4753

Dear Mr. Rivera :

As follow-up to our recent telephone conversation, please allow this letter to serve as formal notice that the undersigned has been retained to represent James Pestana with regard to his Pension Disability Claims with the City of Miami Beach. Please direct any/and all future correspondence to both Mr. Pestana and the undersigned.

Please also allow this letter to advise that I will be unable to attend the March 10, 2009 meeting as I have both obligations in Court, as well as, family medical health issues that prevent me from attending said meeting in person. However, I have cleared my schedule and I am available to attend the April 14, 2009 meeting and respectfully request that this matter be reset to be addressed at that time.

Please confirm that the matter has been rescheduled for the meeting in April. I look forward to receiving same.

Very truly yours,

LAW OFFICES OF KOPPEL & BATES

ERIC L. BERGER, ESQUIRE

ELB:puc
cc: James Pestana

MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Employee's Retirement Plan
Tel: (305) 673-7437; Fax: (305) 673-7297

February 25, 2009

Mr. James Pestana
1504 Eagle Mountain Rd.
Hiawassee, GA 30546

Re: Pension Offset

Dear Mr. Pestana,

This letter will confirm that beginning with your February 1, 2009 retirement check a pension offset in the amount of $1,245.21 was deducted from your retirement benefit. The total liability owed to the Fund as of February 25, 2009 is $42,225.83. The Pension Board has instructed me to request from you a payment schedule proposal for the balance owed, such proposal to be submitted by Tuesday, March 10, 2009. At the January 13th Pension Board meeting the Board resolved that no interest will be charged to you if the entire balance owed is paid within 6 months. Please note that the Fund uses an interest rate of 8.65%.

Please contact me with any questions or concerns.

Thank you,

Rick Rivera
Pension Administrator
Miami Beach Employees' Retirement Plan

James Pestana Pension Offset Calculation

Period Ending	Monthly Pension Benefit	W's Comp. Monthly Payment	Pension + WC Pmt.	W's Comp. Avg. Monthl Wage	Pension Offset Due	Pension Offset	Balance
12/31/02	$1,997.69	$ 1,754.57	$3,752.26	$ 2,631.99	$1,120.28		$1,120.28
01/31/03	$1,997.69	$ 1,754.57	$3,752.26	$ 2,631.99	$1,120.28		$2,240.55
02/28/03	$1,997.69	$ 1,754.57	$3,752.26	$ 2,631.99	$1,120.28		$3,360.83
03/31/03	$1,997.69	$ 1,754.57	$3,752.26	$ 2,631.99	$1,120.28		$4,481.10
04/30/03	$1,997.69	$ 1,754.57	$3,752.26	$ 2,631.99	$1,120.28		$5,601.38
05/31/03	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$5,883.80
06/30/03	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$6,166.22
07/31/03	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$6,448.64
08/31/03	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$6,731.06
09/30/03	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$7,013.48
10/31/03	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$7,295.90
11/30/03	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$7,578.32
12/31/03	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$7,860.74
01/31/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$8,143.16
02/28/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$8,425.58
03/31/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$8,708.00
04/30/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$8,990.42
05/31/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$9,272.84
06/30/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$9,555.26
07/31/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$9,837.68
08/31/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$10,120.10
09/30/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$10,402.52
10/31/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$10,684.94
11/30/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$10,967.36
12/31/04	$1,997.69	$ 916.72	$2,914.41	$ 2,631.99	$282.42		$11,249.78
01/31/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$11,541.83
02/28/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$11,833.88
03/31/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$12,125.93
04/30/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$12,417.98
05/31/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$12,710.04
06/30/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$13,002.09
07/31/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$13,294.14
08/31/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$13,586.19
09/30/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$13,878.24
10/31/05	$1,997.69	$926.35	$2,924.04	$ 2,631.99	$292.05		$14,170.30
11/30/05	$1,997.69	$ 1,192.78	$3,190.47	$ 2,631.99	$558.49		$14,728.78
12/31/05	$1,997.69	$ 1,192.78	$3,190.47	$ 2,631.99	$558.49		$15,287.27
01/31/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$15,933.47
02/28/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$16,579.67
03/31/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$17,225.87
04/30/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$17,872.07
05/31/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$18,518.27
06/30/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$19,164.47
07/31/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$19,810.67
08/31/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$20,456.87
09/30/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$21,103.07
10/31/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$21,749.27
11/30/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$22,395.47
12/31/06	$1,997.69	$1,280.50	$3,278.19	$ 2,631.99	$646.20		$23,041.67
01/31/07	$1,997.69	$1,389.89	$3,387.58	$ 2,631.99	$755.59		$23,797.26
02/28/07	$1,997.69	$1,389.89	$3,387.58	$ 2,631.99	$755.59		$24,552.85
03/31/07	$1,997.69	$1,389.89	$3,387.58	$ 2,631.99	$755.59		$25,308.44
04/30/07	$1,997.69	$1,389.89	$3,387.58	$ 2,631.99	$755.59		$26,064.03
05/31/07	$1,997.69	$1,389.89	$3,387.58	$ 2,631.99	$755.59		$26,819.63
06/30/07	$1,997.69	$1,389.89	$3,387.58	$ 2,631.99	$755.59		$27,575.22
07/31/07	$1,997.69	$1,389.89	$3,387.58	$ 2,631.99	$755.59		$28,330.81
08/31/07	$1,997.69	$1,389.89	$3,387.58	$ 2,631.99	$755.59		$29,086.40
09/30/07	$1,997.69	$1,355.49	$3,353.18	$ 2,631.99	$721.19		$29,807.59
10/31/07	$1,997.69	$1,355.49	$3,353.18	$ 2,631.99	$721.19		$30,528.79
11/30/07	$1,997.69	$1,355.49	$3,353.18	$ 2,631.99	$721.19		$31,249.98
12/31/07	$1,997.69	$1,355.49	$3,353.18	$ 2,631.99	$721.19		$31,971.17
01/31/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$32,780.08
02/28/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$33,588.99
03/31/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$34,397.91
04/30/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$35,206.82
05/31/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$36,015.73
06/30/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$36,824.64
07/31/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$37,633.55
08/31/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$38,442.47
09/30/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$39,251.38
10/31/08	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$40,060.29
11/30/2008	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$40,869.20
12/31/2008	$1,997.69	$ 1,443.21	$3,440.90	$ 2,631.99	$808.91		$41,678.11
01/31/2009	$1,997.69	$ 1,530.76	$ 3,528.45	$ 2,631.99	$896.46		$42,574.58
02/28/2009	$1,997.69	$ 1,530.76	$ 3,528.45	$ 2,631.99	$896.46	-$1,245.21	$42,225.83
03/31/2009	$1,997.69	$ 1,530.76	$ 3,528.45	$ 2,631.99	$896.46	-$1,245.21	$41,877.08

Martinez, Robert

From: Reisler, Maddy
Sent: Wednesday, March 11, 2009 4:24 PM
To: Martinez, Robert
Subject: Internal Billing Charges
Attachments: Prop Mgmt Charges Feb 2009 - Pension.xls

Robert,

Please see attached report showing the internal billing charges for the month of February, 2009.

Please accept my apologies, I was planning on notifying you of the adjustment for Oct 08 to Dec 08 on this invoice due to the updated square footage charged to the Pension Office. The charges for common area maintenance which is charged by square footage was revised from 455 square feet to 1351.

If you need anything further, please advise.

Thanks,

Maddy

MIAMI BEACH
Maddy Reisler, Office Associate V
PROPERTY MANAGEMENT
1245 Michigan Avenue, Miami Beach, FL 33139
Tel: 305-673-7000 Ext. 2999
Fax: 305-673-7963 maddyreisler@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community

Property Management History of Expenses

August	2007	$ 1,092.06
September	2007	$ 331.55
October	2007	$ 1,150.65
November	2007	$ 1,380.67
December	2007	$ 1,073.34
January	2008	$ 881.05
February	2008	$ 955.15
March	2008	$ 1,100.34
April	2008	$ 890.83
May	2008	$ 981.69
June	2008	$ 1,075.71
July	2008	$ 1,331.15
August	2008	$ 1,611.65
October	2008	$ 883.39
November	2008	$ 867.25
December	2008	$ 1,491.71
AVERAGE		**$ 1,068.64**

City Of Miami Beach											
Property Management Internal Billing Charges	Oct 08-Feb 09	Mar 09	Apr 09	May 09	Jun 09	July 09	Aug 09	Sep 09	FY 09 Total Estimated	FY 08 Total Actual	Variance FY 09 vs FY 08
Pension											
502 - Repairs & Maintenance											
Labor & Materials	1,772.08	354.42	354.42	354.42	354.42	354.42	354.42	354.42	4,252.99	2,099.51	2,153.48
Common Area Charges - 1,351 sq ft of total 65,600 - 2.06%	3,399.37	679.87	679.87	679.87	679.87	679.87	679.87	679.87	8,158.49	2,090.84	6,067.65
Contracts	1,543.97	308.79	308.79	308.79	308.79	308.79	308.79	308.79	3,705.53	7,799.75	-4,094.22
Electricity	2,511.28	502.26	502.26	502.26	502.26	502.26	502.26	502.26	6,027.07	1,954.40	4,072.67
Administration/Overhead - .97% of Budget	2,198.77	439.75	439.75	439.75	439.75	439.75	439.75	439.75	5,277.05	0.00	5,277.05
Total Projection FY 09	11,425.47	2,285.09	2,285.09	2,285.09	2,285.09	2,285.09	2,285.09	2,285.09	27,421.13	13,944.50	13,476.63

CITY OF MIAMI BEACH

MIAMI BEACH EMPLOYEES'
RETIREMENT PLAN
MIAMI BEACH, FLORIDA

REQUEST FOR PAYMENT

MAKE VOUCHER PAYABLE TO:

CITY OF MIAMI BEACH
PROPERTY MANAGEMENT DIVISION

DATE: March 10, 2009

REQUESTED BY
AND CERTIFIED _____
Pension Administrator

DESCRIPTION			EXPENSE	COST	TOTAL
Charges for repair work performed for General Pension					
For the month of:	Invoice #	Dated			
January 2008	11242	2/2/2009		$5,570.24	

INVOICE ATTACHED YES X
NO ___

LETTER ENCLOSED YES
NO ___

AUTHORIZED:

_____
Chairman of the Board of Trustees
MIAMI BEACH EMPLOYEES'RETIREMENT PLAN

CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL
(305) 673-7590

INVOICE 00011242

DATE	02/02/2009
ACCOUNT	007141
AMT DUE	5,570.24
DUE DATE	03/04/2009

REMOVE THIS PORTION

ATTN: RICK RIVERA
MBERP/GENERAL PENSION
1700 CONVENTION CENTER DR
MIAMI BEACH, FL 33139

DESCRIPTION	AMOUNT
PROP MGMT REPAIR WORK January 2009 Maintenance and Repair Charges for City of Miami Beach General & Unclassified Pension office. MONTH JANUARY 2009 AMOUNT 5570.24	5,570.24

ACCOUNT	007141	TOTAL DUE:	5,570.24

1. PLACE REMITTANCE STUB AND CHECK IN THIS ENVELOPE. 2. FOLD FLAP, MOISTEN, AND SEAL.

CITY OF MIAMI BEACH
FINANCE DEPARTMENT
1700 CONVENTION CENTER DRIVE
MIAMI BEACH , FL 33139

CITY OF MIAMI BEACH

MIAMI BEACH EMPLOYEES'
RETIREMENT PLAN
MIAMI BEACH, FLORIDA

REQUEST FOR PAYMENT

MAKE VOUCHER PAYABLE TO:

CITY OF MIAMI BEACH
PROPERTY MANAGEMENT DIVISION

DATE: April 14, 2009

REQUESTED BY
AND CERTIFIED _____
Pension Administrator

DESCRIPTION	EXPENSE	COST	TOTAL
Charges for repair work performed for General Pension For the month of: Invoice # Daled			
February 2009 00011621 3/5/09		$4,946.61	

INVOICE ATTACHED YES X
NO ____
LETTER ENCLOSED YES
NO ____

AUTHORIZED:

_____
Chairman of the Board of Truslees
MIAMI BEACH EMPLOYEES'RETIREMENT PLAN

CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL
(305) 673-7590

INVOICE 00011621

DATE	03/05/2009
ACCOUNT	007141
AMT DUE	4,946.61
DUE DATE	04/04/2009

REMOVE THIS PORTION

ATTN: RICK RIVERA
MBERP/GENERAL PENSION
1700 CONVENTION CENTER DR
MIAMI BEACH, FL 33139

DESCRIPTION	AMOUNT
PROP MGMT REPAIR WORK February 2009 Maintenance and Repair Charges for City of Miami Beach General & Unclassified Pensioin office. MONTH FEBRUARY 2009 AMOUNT 4946.61	4,946.61

ACCOUNT 007141 TOTAL DUE: 4,946.61

Goldstein Schechter Koch
CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

Debra A. Bachenheimer, CPA
Vincent Carrodeguas, CPA
Lawrence C. Elmer, CPA
Carlos F. Garcia, CPA
Zvi Gold, CPA
Michael B. Goldstein, CPA
Sanford B. Horwitz, CPA
Dana M. Kaufman, JD/CPA/CFE
Alan Kirzner, CPA
Jeffrey B. Koch, CPA/PFS
Diana Levi, CPA
Howard B. Lucas, CPA/ABV
Jerome T. Price, CPA
A. Gerald Reiss, CPA
Jack N. Rosenberg, CPA
Lawrence W. Rubenstein, CPA
Bernard J. Schinder, CPA/PFS
Saul H. Silverman, CPA
Gerald Teitelbaum, CPA
Roger J. Terrone, CPA
Joaquin R. Urquiola, CPA
Jeffrey L. Weiss, CPA

March 10, 2009

To Board of Trustees
Miami Beach Employees' Retirement Plan
1700 Convention Center Drive
Miami Beach, FL 33139

We have audited the financial statements of Miami Beach Employees' Retirement Plan (the "Plan") for the year ended September 30, 2008 and 2007, and have issued our report thereon dated March 10, 2009. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated July 8, 2008, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatements, we performed tests of Miami Beach Employees' Retirement Plan compliance with certain provisions of laws, regulations and contracts. However the objective of our tests was not to provide an opinion on compliance with such provisions.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to you in our meeting about planning matters in January 2009.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Miami Beach Employees' Retirement Plan are described in Note 2 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2008. We noted no transactions entered into by the Plan during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

4000 Hollywood Blvd. - Suite 215 South • Hollywood, FL 33021
Phone: (954) 989-7462 • *Fax:* (954) 962-1021
info@gskcpas.com • www.gskcpas.c

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. There were no sensitive estimates affecting the financial statements.

The disclosures in the financial statements are neutral, consistent, and clear. Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

> The disclosure of the Funded Status and Funding Progress of the Plan in Note 3 to the financial statements.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated March 10, 2009.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Plan's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Plan's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

This information is intended solely for the use of the Board of Trustees and management of Miami Beach Employees' Retirement Trust and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

Goldstein Schechter Koch Price Lucas Horwitz & Co., P.A.

Goldstein Schechter Koch
CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

Debra A. Bachenheimer, CPA
Vincent Corrodeguas, CPA
Lawrence C. Elmer, CPA
Carlos F. Garcia, CPA
Zvi Gold, CPA
Michael B. Goldstein, CPA
Sanford B. Horwitz, CPA
Dana M. Kaufman, JD/CPA/CFE
Alan Kirzner, CPA
Jeffrey B. Koch, CPA/PFS
Diana Levy, CPA
Howard B. Lucas, CPA/ABV
Jerome T. Price, CPA
A. Gerald Reiss, CPA
Jack N. Rosenberg, CPA
Lawrence A. Rubenstein, CPA
Bernard J. Schinder, CPA/PFS
Saul H. Silverman, CPA
Gerald Teitelbaum, CPA
Roger J. Terrone, CPA
Joaquin R. Urquiola, CPA
Jeffrey L. Weiss, CPA

Board of Trustees
Miami Beach Employees' Retirement Plan
1700 Convention Center Drive
Miami Beach, FL 33139

In planning and performing our audit of the financial statements of The Miami Beach Employees' Retirement Plan (the "Plan") as of and for the year ended September 30, 2008, in accordance with auditing standards generally accepted in the United States of America, we considered the Plan's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Plan's internal control. Accordingly, we do not express an opinion on the effectiveness of the Plan's internal control.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or a combination of control deficiencies, that adversely affects the plan's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the plan's financial statements that is more than inconsequential will not be prevented or detected by the plan's internal control.

A material weakness is a significant deficiency, or a combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the plan's internal control.

Our consideration of internal control was for the limited purpose described in the first paragraph and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control that we consider to be material weaknesses, as defined above. However, we identified the following deficiencies in internal control that we consider to be significant deficiencies.

Accurate Posting

Finding

During our audit procedures, we noted that detailed schedules supporting the general ledger accounts did not always agree to the general ledger. These differences were manually attributed to posting errors, which required that corrections be made.

4000 Hollywood Blvd • Suite 215 South • Hollywood FL 33021
(954) 989-7462 • Fax (954) 962-1021
info@gskcpas.com • www.gskcp

Goldstein Schechter Koch
CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

Debra A. Bachenheimer, CPA
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Saul H. Silverman, CPA
Gerald Teitelbaum, CPA
Roger J. Terrone, CPA
Joaquin R. Urquiola, CPA
Jeffrey L. Weiss, CPA

March 10, 2009

To Board of Trustees
Miami Beach Employees' Retirement Plan
1700 Convention Center Drive
Miami Beach, FL 33139

We have audited the financial statements of Miami Beach Employees' Retirement Plan (the "Plan") for the year ended September 30, 2008 and 2007, and have issued our report thereon dated March 10, 2009. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated July 8, 2008, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatements, we performed tests of Miami Beach Employees' Retirement Plan compliance with certain provisions of laws, regulations and contracts. However the objective of our tests was not to provide an opinion on compliance with such provisions.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to you in our meeting about planning matters in January 2009.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Miami Beach Employees' Retirement Plan are described in Note 2 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2008. We noted no transactions entered into by the Plan during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

4000 Hollywood Blvd - Suite 215 South • Hollywood, FL 33021
Phone (954) 989-7462 • Fax (954) 962-1021
info@gskcpas.com • www.gskcp

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. There were no sensitive estimates affecting the financial statements.

The disclosures in the financial statements are neutral, consistent, and clear. Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

> The disclosure of the Funded Status and Funding Progress of the Plan in Note 3 to the financial statements.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated March 10, 2009.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Plan's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Plan's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

This information is intended solely for the use of the Board of Trustees and management of Miami Beach Employees' Retirement Trust and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

Goldstein Schechter Koch Price Lucas Horwitz & Co., P.A.

MIAMIBEACH

Public Works Department
Property Management Division

MEMORANDUM

TO: Chairperson and Members of the City of Miami Beach Pension Board

FROM: Robert T. Halfhill
Property Management Director

DATE: April 14, 2009

SUBJECT: PURCHASE OF RETIREMENT CREDIT

In 2008, I applied, for and was approved, for the purchase of two (2) years credit in the Miami Beach Retirement System. This purchase was based on military service in the U.S. Marine Corps from 1977 – 1990. As reflected on my DD214 discharge certificate I was honorably discharged from the Marine Corps in August 1990.

On February 4, 2009 a letter was submitted to the Pension Board by Mr. Bruce Lamberto raising the question as to whether I was receiving a military pension. The comments provided by Mr. Lamberto were quoted inaccurately from several conversations.

Twenty years satisfactory service is required for retirement vesting in the military. As shown by the dates on my DD214, I did not have sufficient time for vesting and therefore would not have qualified for military retirement benefits at that time or at any future date.

In 1991 I was approved for disability compensation benefits from the Department of Veterans Administration (VA). The basis for the disability was injury to my ankle sustained on active duty and hypertension which was deemed aggravated during the period of active duty. The initial rating was 20% disability which qualified for compensation. This compensation is not a pension in that it is not based on salary, longevity or age. It is based on the severity of a disability.

In 1999 I developed Type 2 Diabetes Mellitus. An evaluation by a VA physician determined that this condition might have been related to duty overseas in Southeast Asia and was service connected. The disability rating was changed to 40% and the compensation rate was increased. Again, this disability compensation was not determined by salary, longevity or age but on the severity of the disability.

As described in Attachment (A) the Department of Veterans Affairs has two programs. One is the Disability Compensation and the other the Disability Pension. The disability compensation program description is defined by the Veterans Administration website as follows:

"Disability Compensation is a benefit paid to a veteran because of injuries or diseases that happened while on active duty, or were made worse by active military service. It is also paid to certain veterans disabled from VA health care. The benefits are tax-free."

The VA Pension program is described in Attachment (B). It is different from the disability compensation as defined by the Veterans Administration website as follows:

"The VA Pension is a benefit paid to wartime veterans who have limited or no income, and who are age 65 or older, ***or,*** *if under 65, who are permanently and totally disabled. You cannot receive a VA non-service connected pension and service-connected compensation at*

the same time."

My VA entitlement documents are attached. They clearly identify my benefit as Disability Compensation.

My original 2008 application to purchase two (2) years' retirement credit based on military service was proper in every respect. However, in the interest of clarity and transparency, I am providing a revised application for retirement credit based on my employment with the City of Hollywood, Florida during the period July 1992 – April 1997. Please find attached the required certification from the City of Hollywood substantiating that I do not quality, nor will I qualify in the future, for retirement pension benefits from that City.

If there are any questions concerning any of the information provided in this correspondence or the basis of my application for the purchase of retirement credits, I am readily available. Please call me at (954

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

RETIREMENT SYSYTEM FOR GENERAL EMPLOYEES
TEL: (305) 673-7437, FAX: (305) 673-7297

TO: All Employees

FROM: Rick Rivera, Pension Administrator, Miami Beach Employees' Retirement System

DATE: March 20, 2006

SUBJECT: 401(a) Plan Defined Contribution migration and two (2) year buyback procedures

401(a) Plan Defined Contribution Retirement System employees transferring to the Miami Beach Employees' Retirement Plan may purchase creditable service time for the period of their participation in the Defined Contribution Retirement System. Employees transferring from the Defined Contribution Retirement System (401(a) Plan) to the Miami Beach Employees' Retirement Plan will be required to pay into the Plan an amount equal to the sum of the required employer and employee contributions to the Classified Plan or the Unclassified Plan for each fiscal year of service purchased. Employees will have the opportunity to rollover their 401(a) and 457 balances. Payment for creditable service relating to employment during the 2005-2006 fiscal year, if received on or before May 1, 2006, shall be (20%) of the Employees' earnings and **interest will not be charged for this period** (2005-2006). Full payment for service time purchased must be made within six (6) months of meeting in person with a staff person from the Finance department to discuss pension plan options.

Employees who purchase creditable service for their time in the Defined Contribution Retirement System (401(a) Plan) will receive an accrued benefit equal to 3% per year of creditable service multiplied by the average of the two highest years of pensionable earnings for each year purchased. The maximum benefit will be 80%, attainable after 26.66 years of creditable service. Employees will become eligible to receive this lifetime benefit after vesting with five years of creditable service. Benefits are payable at age 55 and can be continued to a surviving spouse or domestic partner.

Employees under the newly created Miami Beach Employees' Retirement Plan with a minimum of five (5) years of creditable service will also be able to purchase up to two (2) years of full-time private sector, military, or government service performed prior to employment with the City as long as they are not receiving, or will not receive, a retirement benefit from that previous service. This purchase may be made any time prior to retirement. Members shall pay ten (10%) of his/her annual pensionable earnings including overtime if it is pensionable multiplied by years of service purchased (up to two (2) years). Payment shall be made in a single lump sum to the Plan within six (6) months following the date of the member's selection to purchase the additional service. Accrued annual leave and sick leave, 401(a) and 457 deferred compensation funds may be used to purchase additional creditable service time. Accrued sick leave may be used on a two (2) to one (1) ratio. Members must retain 120 hours of accrued sick leave after the purchase. Annual leave may be used on a one (1) to one (1) ratio. Previous members of the Defined Contribution Retirement System (401(a) Plan) transferring to the Miami Beach Employees' Retirement Plan will have to purchase all their creditable service time relating to that plan before they may be able to purchase additional military, government or private sector service. Eligible prior private sector service should be the same or very similar duties the employee is performing for the City at the time of their election to purchase additional service.

For those employees who choose to buyback two (2) years of service, a Sworn Statement to be filled out by the employee, and Past Employer Questionnaires and certification statements, will be available at the Pension Office beginning on March 20, 2006.

If you have any questions or need any additional information, please feel free to contact the Pension Office.

MIAMI BEACH EMPLOYEES' RETIREMENT PLAN
TWO YEAR SERVICE CREDIT PURCHASE FORM

SECTION A. To be completed by member: Date: 3-12-2009
ID# 17693

MEMBER NAME Robert T. Halfhill
MEMBER ADDRESS [illegible]
SS# [illegible] BIRTHDATE [illegible]
HOME PHONE [illegible] WORK PHONE 305 673-7631
CURRENT POSITION AND DUTIES Property Management Division Director

Any member with five or more years of creditable service will be able to purchase up to two years of creditable service under the pension plan for certain types of employment prior to the employee's date of hire by the City, However, an employee may not purchase such service credit if the employee has received or will be receiving a pension benefit for the same period of employment under another retirement plan as required by state law (section 112.65, Florida State Statutes). Eligible prior service includes military service in the United States armed forces or Coast Guard, full-time employment with another governmental entity, or full-time employment in the private sector performing the same or very similar duties to those the employee is performing for the City at the time of their election to purchase additional service. Employees electing to purchase such service must pay 10% of their annual rate of pensionable earnings multiplied by the number of years and fractions of a year purchased.

PRIOR SERVICE EMPLOYER City of Hollywood, Florida

ADDRESS OF PRIOR SERVICE EMPLOYER 2600 Hollywood BLVD
Hollywood, FL. 33020

PRIOR SERVICE POSITION AND DUTIES Assistant Public Works Director

DATES EMPLOYEED: FROM 7-31-1992 TO 4-25-1997

Please Check One:

____ I am receiving a pension benefit based on my previous employment.

____ I am not now receiving a pension benefit based on my previous employment, but I will receive a pension benefit in the future based on my previous employment.

_X_ I am not now and will not receive in the future a pension benefit based on my previous employment.

I hereby declare that all of the statements and answers contained herein are complete and true.
I authorize any employer identified above, as well as the Administrator of any pension plan maintained by such employer, to provide the City of Miami Beach Employees' Retirement System the information requested in Section B and any additional data that may be required.

Robert T. Halfhill
Member Signature

3-12-2009
Date

MADELINE REISLER
Notary Public - State of Florida
My Commission Expires May 8, 2009
Commission # DD 397731
Bonded By National Notary Assn.

WITNESSED BY:

STATE OF FLORIDA

On this, the 13 day of MARCH, 2009 before me, the undersigned Notary Public of the State of Florida, personally appeared
ROBERT T. HALFHILL

NOTARY PUBLIC
SEAL OF OFFICE:

WITNESS my hand and official seal.

Notary Public, State of Florida

✓ Personally known to me, or
___ Produced Identification: _____

___ DID take an oath, or ____ DID NOT take an oath.

My Commission Expires:
5/8/09

MIAMI BEACH EMPLOYEES RETIREMENT PLAN
EMPLOYER QUESTIONNAIRE AND CERTIFICATION FORM

Section B. To be completed by the prior service employer**

NAME OF PRIOR SERVICE EMPLOYER City of Hollywood, FL

ADDRESS 2600 Hollywood Boulevard, Hollywood, FL 33020

TELEPHONE NUMBER [illegible]

MEMBER NAME Robert T. Halfhill

CLASSIFCATION Assistant Public Works Director

SS# [redacted] BIRTH DATE [illegible]53

PLEASE CERTIFY THE MEMBER'S CLASSIFICATION AND DATES OF EMPLOYEMENT

DATES EMPLOYED: FROM 7-31-92 TO 4-25-97

EMPLOYER City of Hollywood EMPLOYEE Robert Halfhill

1. Is the member eligible to receive a benefit, now or in the future, from a qualified plan based on past service rendered in your system? ___YES X NO

2. Is the member eligible to receive a benefit from your system, now or in the future, from a qualified plan based on past service rendered in another system? ___YES X NO

   If yes, please list the system and year(s) below:
   System_____ FROM_____ TO_____

3. Are there any vested pension benefits in your system, of any kind, from which the employee can collect a pension in the future? ___YES X NO

4. Has the member closed his retirement account? X YES ___NO
   a. if no, please explain_____
   b. if applicable, when were the member's contributions withdrawn?
   ___/___/1997

I certify that the information given was taken from the official records of Robert Halfhill, former employee of the City of Hollywood

SIGNATURE S Rowley TITLE Pension Coordinator

PRINT NAME: G Rowley DATE 3/12/09

**If prior service employer is unavailable, please attach all supporting documents and forms for the Pension Board to review.

Please return completed form to:

Rick Rivera, Pension Administrator
City of Miami Beach Employees' Retirement System
1700 Convention Center Drive
Miami Beach, FL 33139

Rivera, Rick

From: growley@hollywoodfl.org
Sent: Wednesday, March 25, 2009 12:52 PM
To: Rivera, Rick
Subject: Re:

Hi Rick. No, he would not have been vested with less than 5 years. We really did not have records readily available so relied on his dates. However, I do not have a record of him ever being eligible for benefits. Hope this helps! Look forward to seeing you next month. Glenda

>>> "Rivera, Rick" <RickRivera@miamibeachfl.gov> 3/25/2009 12:37 PM >>>
Hi Glenda,

I hope you are doing well. I was wondering if you could help me with the attached document. Mr. Halfhill worked approximately 4.7 years with the City of Hollywood. I need to know if he was vested when he closed his retirement account. He is applying for a prior service buyback.

Thanks for your help.

Rick

MIAMIBEACH
Rick Rivera, *Pension Administrator*
MIAMI BEACH EMPLOYEES' RETIREMENT PLAN
1700 Convention Center Drive
Miami Beach, FL 33139
Direct: 305-673-7000 ext. 6573
Fax: 305-673-7297
rickrivera@miamibeachfl.gov

February 4, 2009

Rick Rivera
Pension Administrator
City of Miami Beach

Re: Two Year "Buy Back" of City Pension

Dear Mr. Rivera:

Last year, the Property Management Director, Mr. Robert Halfhill, told me he bought two years of City Pension under the provisions of the City's pension buy back program. At that same time, he also informed me that he was receiving "ten thousand dollars a year in military disability pension payments for an injury he sustained while on active duty in U.S. Marine Corps service." He specifically told me he was receiving the disability payments due to an injury caused by chromate primer paint that his skin was exposed to and would not heal.

Under the provisions of the City's pension buy back, I understood the provisions to state that an employee could not purchase pension time if he or she were receiving a pension of any kind for the same time period prior to purchasing the pension buy back.

Is Robert Halfhill eligible for the two year buy back provision under the circumstances outlined above?

Sincerely,

Bruce Lamberto
3420 N.E. 165TH ST.
North Miami Beach, FL. 33160
305.945.5459

MIAMI BEACH EMPLOYEES' RETIREMENT PLAN
TWO YEAR SERVICE CREDIT PURCHASE FORM

SECTION A. To be completed by member: Date: April 4, 2008

MEMBER NAME ROBERT HALFWILL ID #17693
MEMBER ADDRESS [illegible] Pembroke Pines FL 33029
SS# [illegible] BIRTHDATE 2-21 [illegible]
HOME PHONE _____ WORK PHONE 305 673 2984
CURRENT POSITION AND DUTIES DIRECTOR OF PROPERTY MANAGEMENT DIVISION RESPONSIBLE FOR THE ADMINISTRATION AND MANAGEMENT OF THE MAINTENANCE PROGRAM FOR ALL CITY BUILDINGS, FACILITIES AND STRUCTURES

Any member with five or more years of creditable service will be able to purchase up to two years of creditable service under the pension plan for certain types of employment prior to the employee's date of hire by the City, However, an employee may not purchase such service credit if the employee has received or will be receiving a pension benefit for the same period of employment under another retirement plan as required by state law (section 112.65, Florida State Statutes). Eligible prior service includes military service in the United States armed forces or Coast Guard, full-time employment with another governmental entity, or full-time employment in the private sector performing the same or very similar duties to those the employee is performing for the City at the time of their election to purchase additional service. Employees electing to purchase such service must pay 10% of their annual rate of pensionable earnings multiplied by the number of years and fractions of a year purchased.

PRIOR SERVICE EMPLOYER UNITED STATES MARINE CORPS

ADDRESS OF PRIOR SERVICE EMPLOYER _____

PRIOR SERVICE POSITION AND DUTIES MARINE OFFICER RESPONSIBLE FOR ADMINISTRATION, MANAGEMENT and PROGRAM Development

DATES EMPLOYEED: FROM 1977 TO 1990

RECEIVED
APR - 4 2008
BY: _____

Please Check One:

____ I am receiving a pension benefit based on my previous employment.

____ I am not now receiving a pension benefit based on my previous employment, but I will receive a pension benefit in the future based on my previous employment.

X I am not now and will not receive in the future a pension benefit based on my previous employment.

I hereby declare that all of the statements and answers contained herein are complete and true. I authorize any employer identified above, as well as the Administrator of any pension plan maintained by such employer, to provide the City of Miami Beach Employees' Retirement System the information requested in Section B and any additional data that may be required.

Robert T. Halfhill — 4/3/2008

Member Signature — Date

WITNESSED BY:

_____

_____

STATE OF FLORIDA

On this, the 4 day of April, 2008, before me, the undersigned Notary Public of the State of Florida, personally appeared Robert Halfhill

NOTARY PUBLIC SEAL OF OFFICE:

Notary Public State of Florida
Echo R Chandler
My Commission DD520045
Expires 05/08/2010

WITNESS my hand and official seal.

Notary Public, State of Florida

___ Personally known to me, or
___ Produced Identification: _____

✓ DID take an oath, or ____ DID NOT take an oath.

My Commission Expires:

5/8/2010

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES | THIS IS AN IMPORTANT RECORD SAFEGUARD IT | ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

DD FORM 1 JUL 79 214 — PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, first, middle)	2. DEPARTMENT, COMPONENT AND BRANCH	3. SOCIAL SECURITY NO.
HALFHILL, Robert T.	USMC-11	[redacted]

4a. GRADE, RATE OR RANK	4b. PAY GRADE	5. DATE OF BIRTH	6. PLACE OF ENTRY INTO ACTIVE DUTY
CAPT	03	530224	Pensacola, Florida

7. LAST DUTY ASSIGNMENT AND MAJOR COMMAND	8. STATION WHERE SEPARATED
MCSFCo Norfolk, MCSFBn, Lant, CINCLANTFLT Compound, Norfolk Va 23511	MCSFCo Norfolk RUC 53560

9. COMMAND TO WHICH TRANSFERRED	10. SGLI COVERAGE
N/A	AMOUNT $ 50 000 ☐ NONE

11. PRIMARY SPECIALTY NUMBER, TITLE AND YEARS AND MONTHS IN SPECIALTY (Additional specialty numbers and titles involving periods of one or more years)

1803 - AMTRAC OFFICER 12 yrs 06 mos

12. RECORD OF SERVICE	YEAR(s)	MON(s)	DAY(s)
a. Date Entered AD This Period	80	02	09
b. Separation Date This Period	90	08	16
c. Net Active Service This Period	10	06	08
d. Total Prior Active Service	01	11	26
e. Total Prior Inactive Service	02	07	12
f. Foreign Service	00	00	00
g. Sea Service	04	01	01
h. Effective Date of Pay Grade	82	10	01
i. Reserve Oblig. Term. Date	00	00	00

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)

NATIONAL DEFENSE SERVICE MEDAL — SEA SERVICE DEPLOYMENT RIBBON — NAVY ACHIEVEMENT MEDAL
VIETNAM SERVICE MEDAL — MARINE CORPS EXPEDITIONARY MEDAL
NAVY UNIT COMMENDATION — VIETNAM CROSS GALLANTRY W/DEVICE
VIETNAM CAMPAIGN MEDAL — NAVY "E" AWARD — LETTER OF APPRECIATION

14. MILITARY EDUCATION (Course Title, number weeks, and month and year completed)

MARINE CORPS LAW OF WAR CRS		8406
ADMIN OFFICERS CRS	06	8607
LAV LEADERS CRS	03	8709
DYNAMICS OF INTL TERRORISM	01	8904

15. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM	16. HIGH SCHOOL GRADUATE OR EQUIVALENT	17. DAYS ACCRUED LEAVE PAID
☒ YES ☐ NO	☒ YES ☐ NO	0.0

18. REMARKS

DISCHARGE PHYSICAL WAS PROVIDED WITHIN 90 DAYS PRIOR TO ECC.
DENTAL TREATMENT WAS PROVIDED WITHIN 90 DAYS TO ECC.

19. MAILING ADDRESS AFTER SEPARATION	20. MEMBER REQUESTS COPY 6 BE
3013 CHRISTINE STREET PENSACOLA, FLORIDA 32506	SENT TO BY DIR. OF VET AFFAIRS ☒ YES ☐ NO

21. SIGNATURE OF MEMBER BEING SEPARATED	22. TYPED NAME, GRADE, TITLE AND SIGNATURE OF OFFICIAL AUTHORIZED TO SIGN
[signature]	V. R. LEONE, MAJ, COMMANDING OFFICER

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

23. TYPE OF SEPARATION	24. CHARACTER OF SERVICE (Includes upgrades)	
DISCHARGE	HONORABLE	
25. SEPARATION AUTHORITY	26. SEPARATION CODE	27. REENLISTMENT CODE
MARCORSEPMAN PAR 3006	MBK-1	0000

28. NARRATIVE REASON FOR SEPARATION

SEPARATION OF MALE OFFICERS AFTER TWICE FAILING SELECTION FOR PROMOTION

29. DATES OF TIME LOST DURING THIS PERIOD	30. MEMBER REQUESTS COPY 4
NTL	[signature] INITIALS

N 0102-LF-000-2140 — MEMBER-4

Rivera, Rick

From: Stephen Cypen [scypen@cypen.com]
Sent: Monday, March 09, 2009 3:48 PM
To: Rivera, Rick
Cc: Stephen Cypen
Subject: FW:
Attachments: Email Attachment from Rick to McConachie for DROP.pdf; DROP Ordinance.doc; DROP Ordinance Memo.doc; 2006-3504 MBERP Ordinance Original.pdf

Please call me.

Stephen H. Cypen, Esq.
Cypen & Cypen
777 Arthur Godfrey Road, Suite 320
Miami Beach, Florida 33140
Telephone: 305.532.3200
Facsimile: 305.535.0050
scypen@cypen.com
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From: Gomez, Carla [mailto:CarlaGomez@miamibeachfl.gov]
Sent: Monday, March 09, 2009 3:20 PM
To: Stephen Cypen
Cc: Inguanzo, Ramiro
Subject:

Steve,

Ramiro Inguanzo, Human Resources Director, asked that I reach out to you for assistance with a number of questions we have regarding DROP eligibility for one of our employees who has retired, but may be offered a full-time regular position with the City within the next few weeks. Below, please find the relative details for this employee.

Richard McConachie was hired September 6, 1983 and retired from the City in the end of March 2008. His final position when he separated was Assistant Building Director. Upon separation, he was fully vested and of retirement age under Tier A of the Pension (DOB 4/3/1956) . On June 23, 2008, he was rehired as a contracted employee with a term not to

exceed 365 days. He is currently receiving his pension benefits, while serving as a contracted employee for the City.

The City is interested in offering him a full-time regular position as an Assistant Building Director within the next few weeks. We were advised by Legal that the original Miami Beach Employees Retirement Plan (MBERP) Ordinance contains language that would allow an employee who has separated from the City and is rehired by the City as a full-time employee following their separation to be eligible to participate in the DROP.

I spoke with Jim Linn, who provided the following opinion via email:

> **" As I read section 5.11(b) of the plan (Return to Active Service), a retiree who returns to City employment in a position covered by the MBERP would become a member of the plan, and his/her retirement benefits would cease. The member would then contribute to the plan and earn additional benefits for the period of reemployment. The member's service before and after reemployment would be considered for the purpose of determining entitlement to a normal service retirement benefit upon subsequent retirement. In my opinion, Mr. McConachie would become a member of the MBERP plan upon reemployment in a position covered by the plan. Then, by operation of the new DROP provision in conjunction with section 5.11(b), he would immediately be eligible to submit a DROP election form (since he would have attained the normal retirement date based on his age and service), and after 30 days could participate in the DROP for up to 3 years".**

However, on March 3, 2009, Rick Rivera provided Mr. McConachie with a differing opinion that stated:

> **"Richard, As previously advised, you are not eligible to DROP upon return to active service until you have been re-employed for 5 years (vested). At that time your accrued benefit of 15% of your highest 2 years is eligible for the DROP. Your previous retirement benefit will cease once you are re-hired and begin again once you are retired a second time. You are eligible for a COLA once you have been retired for 365 days. Attached is the pertinent section of the pension ordinance".**

Upon further discussions with Don Papy from Legal, Jim Linn and Ramiro Inguanzo, we all seem to believe that Mr. McConachie is eligible to participate in the DROP, should he rejoin the City as a full-time employee. In addition to this question, Mr. McConachie also posed a number of additional questions. Please see these questions found below with the response email that was provided to him. In order for Mr. McConachie to contemplate reactivating his employment with the City, can you please assist with clarification on DROP eligibility, as well as responses to his questions below? For reference, I have also attached the DROP ordinance, DROP Commission Memo and the 2006-3504 MBERP Original Ordinance.

> Gentlemen,
>
> Please find my responses below in BLUE. Please Note that it is my understanding that the responses reflected below are accurate however, I have been advised by our Legal Department that the ultimate binding authority is solely maintained by the Pension Board. It is recommended that you seek final clarification and a written opinion from this Board.

From: McConachie, Richard
Sent: Monday, February 23, 2009 11:48 AM
To: Rey, Alejandro
Cc: Inguanzo, Ramiro
Subject: Employment Questions

- Will I be required to contribute towards the pension for the difference of salary increase between old and new salary (10%) before I join the DROP, since I have already reached the maximum amount into the system? I am fully vested. Should you become a full-time employee and select to join the drop, you will be required to provide 30 days notification of your election to do so. During the time period when you are a full-time employee, but prior to your DROP participation/Retirement officially commences, you will be required to contribute to the MBERP. YES, this contribution will equal 10% of the difference of salary increase between your old (your final salary from when you retired from the City) and new salary (when you are rehired as a full-time City employee) for this time period.

- I have not found where it is stated that I must return to work and join the DROP program within one year of retirement. I retired March 31, 2008, and returned June 23, 2008 for a period not to exceed 365 days. MBERP Ordinance 2006-3504 Section 5.11 (b) provides for your return to active service and also permits your participation in the DROP; however the ordinance does not address any time limitations concerning separation period.

- Would the attorney for the MPERP have to be contacted to see that I would be able to stop pension and join the DROP? It appears that the pension ordinance does not cover my situation. If I stop my pension for the 30 days I would lose 1 month benefit. Can I give 30 day notice in my current employment to enter DROP? Can the DROP enrollment notification be timed so that I can maximize income? Section 5.10 (b) states "Should a Retirant, other than a disability Retirant restored to service in accordance with Section 5.04 (g), be employed by the City as an Employee, such **Member's retirement benefit shall cease** and the Member shall again become a Member of the Plan...." Therefore, once you rejoin with the City as a full-time employee, you will not be entitled to receive your pension benefit until you again separate your employment with the City.

- I have been told by Pension Administration that as of April 1, 2009, I will be entitled to a 2.5% COLA . Please verify that the COLA would be reflected on my pension benefit when I resume collecting any time after October 1, 2009. This item needs to be addressed to the Pension Board, as they are the only binding authority on this matter. I have been advised by Legal that you may have to wait to bring this item in front of the Board until you rejoin with the City as a full-time employee, however Pension would be better able to answer this.

- Regarding the pension, can I change option for death benefit when I retire at the end of the DROP? Yes

- When I become a full-time employee I will be paying employee rate for health and dental insurance not the retirement cost. Can I enroll in the life insurance benefit? Yes Is life insurance a benefit that can be dropped anytime? Yes

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

MIAMI**BEACH**
Carla Gomez, HR/LR Specialist
Human Resources Department
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305 673-7000, ext. 6713
Fax: 305-673-7529
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provided, in the event of the Member's subsequent termination of employment for reasons other than death or retirement, only creditable service rendered after reemployment shall be considered for the purpose of determining entitlement to a vested retirement benefit based on service rendered after reemployment. Upon subsequent retirement, the Member's retirement benefit shall be equal to the sum of the amounts computed on the basis of final average monthly earnings and creditable service with respect to each period of service as an Employee; provided that the retirement allowance shall not exceed the retirement allowance which would have been payable if creditable service had been one period of continuous service.

(b) Should a Retirant, other than a disability Retirant restored to service in accordance with Section 5.04(g), be employed by the City as an Employee, such Member's retirement benefit shall cease and the Member shall again become a Member of the Plan, but benefits payable with respect to the Member's earnings and creditable service after reemployment shall be based on the provisions applicable to a Member whose employment with the city commences on the date of reemployment. The Member shall contribute at the rate required, pursuant to Section 6.02, of Employees who become Members for the first time. An amount equal to the excess, if any, of the Member's Accumulated Employee Contributions at the time of his retirement over the amount of retirement benefits received shall be credited as Accumulated Employee Contributions as of the date of reemployment. Creditable service rendered before and after reemployment shall be considered for the purpose of determining entitlement to a normal or early service retirement allowance upon subsequent retirement. Upon subsequent retirement, the Member's retirement allowance shall be equal to the sum of the retirement allowance payable during the previous retirement, adjusted actuarially, if reemployment is prior to the normal retirement date, for the period from the date of reemployment to the date of subsequent retirement or normal retirement date, whichever occurs first, plus the amount computed as a retirement allowance on the basis of final average monthly earnings and creditable service for the period after the last date of reemployment; provided that the total retirement benefit shall not exceed the retirement allowance which would have been payable if all years of creditable service had been a continuous period. If an option had been elected and in effect at the time of reemployment, the option shall continue to be in effect after reemployment, with respect to the retirement benefit payable prior to reemployment.

(c) The return of a disability Retirant to employment with the City prior to the normal retirement date in accordance with Section 5.04(g) shall be governed by said Section 5.04(g). Return of such a person to employment with the City after the normal retirement date, as defined in Section 5.04, or after the date as of which he ceased to be entitled to a disability

2009 Educational Seminars

F.P.P.T.A. Upcoming Events

Annual Conference Boca Raton, FL	June 28-July 1, 2009
Trustees School Bonita Springs, FL	October 4-7, 2009

N.C.P.E.R.S. Upcoming Events

NCPERS Legislative Conference Washington, DC	February 2-4, 2009
Trustees Educational Seminar Beverly Hills, CA	May 1-2, 2009
Annual Conference & Exhibition Beverly Hills, CA	May 3-7, 2009

I.F.E.B.P. Upcoming Events

Certification of Achievement in Public Plan Policy Part I Carlsbad, CA	March 28-29, 2009
Investment Institute Nw Orleans, LA	April 27-29, 2009
Certificate of Achievement in Public Plan Policy Part I & II Chicago, IL	June 9-12, 2009
Certificate of Achievement in Public Plan Policy Part II Orlando, FL	November 7-8, 2009
55th Annual Employee Benefit Conference Orlando, FL	November 8-11, 2009

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