

LAW OFFICES

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January 7, 2020

Greg Harrison
City Manager
City of Pompano Beach
100 W. Atlantic Blvd. 4th floor
Pompano Beach, FL 33060

Re: Ground Zero Service-Incurred Disability – Amendment to §34.057 – Ed Wolff
Pompano Beach Police & Firefighters' Retirement System

Dear Greg:

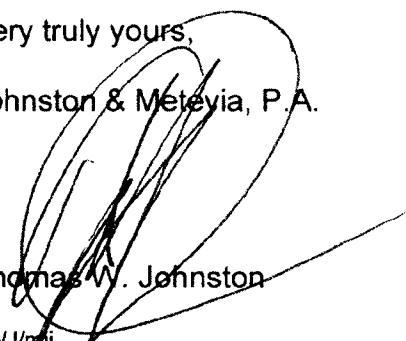
First of all I want to extend our best wishes to you for a happy, healthy and prosperous 2020. It does not seem like we already started the third decade in this new century.

I thought I would ask about the progress being made putting this matter on the City Commission agenda for consideration? I am mindful of Mr. Wolff's present health, and his sense of urgency that this matter can move ahead to the Commission in light of the issues I contained in my letter of December 10, 2019.

Thank you for your consideration and I look forward to hearing from you.

Very truly yours,

Johnston & Metevia, P.A.



Thomas W. Johnston

TWJ/njj

Enclosures: Letter of 12/10/2019
Actuarial Impact Statement

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December 10, 2019

Mark E. Berman, Esquire
City Attorney
City of Pompano Beach
100 W. Atlantic Blvd. 4th floor
Pompano Beach, FL 33060

Re: Ground Zero Service-Incurred Disability – Amendment to §34.057
Pompano Beach Police & Firefighters' Retirement System

Dear Mr. Berman:

Enclosed please find a copy of §34.057 entitled *Disability*, with section A which currently exists, and section B, which is the new paragraph entitled *9/11 Service Incurred Disability*.

As I told when we spoke yesterday, and I thank you for the opportunity to discuss this with you and the generous amount of time you gave me, there were three individuals sent from Pompano/BSO to the World Trade Center site after that terrible tragedy at Ground Zero.

There were two firefighters and Mr. Wolff who went with his search dog. To date, neither firefighter has any symptoms known to me since that time, but Mr. Wolff certainly has. Mr. Wolff has received a normal retirement from the City's Retirement System, and would like the Board to consider converting that into a 9/11 Service Incurred Disability.

With this suggested additional language change to the ordinance, there will be only three (3) persons who qualify for the language in section B, as there were only three employees who were sent to Ground Zero and who worked there. It will be a "closed class" involving only three (3) potential individuals, and no one else.

This will allow him to qualify for certain favorable tax treatment on the payment of his disability, without cost to the fund, and together will help him participate in the "World Trade Center Federal Victim Compensation Fund."

The draft language of the proposed ordinance change is enclosed, together with the Pompano Beach Police & Firefighters' Retirement System Actuarial Impact Statement signed by Lawrence Watts, Jr., the Board's Actuary.

As I indicated to you, I am handling this matter on a pro bono basis. I am very happy to do this for Mr. Wolff since we share a common bond, with us both having been Pompano Beach police officers at one point in our lives.

Ed's health is not good, and I would like the City Commission to consider this proposal, and pass the appropriate ordinance, and then the Board will have the authority and jurisdiction to consider Mr. Wolff's application to change from a normal retirement to this new category.

As I told you, and as the Actuary verifies, there is no extra cost to the Plan, neither to BSO nor the City, but is a great benefit to this wonderful hero, Mr. Wolff, who served our community so valiantly.

I noticed in the City's most recent publication, there was a ceremony honoring and commemorating the 9/11 event, participated in by our City Commission, and I think this ordinance change would be most fitting for the Commission to consider and pass.

Your review, attention and cooperation is greatly appreciated, and I am available any time to answer any questions or further communicate with you. As I indicated to you, I have an appointment scheduled next week with City Manager Greg Harrison to review it with him, so it does not come to him as a surprise, and I will be pleased to meet with the Mayor and Commissioners as we put this matter forward.

In my opinion, this is about as grand a humanitarian gesture and a professional "thank you" to Mr. Wolff that I can imagine, and I am sure it would be appreciated by the citizenry of Pompano Beach.

I will keep you advised after our meeting with the City Manager. Our goal is to have this matter placed on a regular City Commission agenda as soon as possible so Mr. Wolff may qualify for the "World Trade Center Federal Victim Compensation Fund" program. Again, I appreciate the time you spent with me yesterday.

Very truly yours,

Johnston & Metevia, P.A.

**This letter is being sent
unsigned in Mr. Johnston's
absence to avoid delay.**

Thomas W. Johnston

TWJ/mjj

File No. 03-34

Cc: Paul O'Connell, Chairman, Police & Firefighters' Retirement System
Greg Harrison, City Manager
The Honorable Rex Hardin, Mayor
The Honorable Andrea McGee, District 1
The Honorable Rhonda Eaton, District 2
The Honorable Tom McMahon, District 3
The Honorable Beverly Perkins, District 4
The Honorable Barry Moss, District 5
Ed Wolff

Enclosure: §34.057 language
Actuarial Impact Statement