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PERSONAL INJURY AND
WRONGFUL DEATH
LABOR AND EMPLOYMENT LAW
ESTATE PLANNING, WILLS
AND PROBATE ADMINISTRATION

September 19, 2011

Via U.S. Mail and e-mail to betty.richardson@leesburgflorida.gov

Betty M. Richardson
City Clerk of Leesburg
501 W. Meadow Street
Leesburg, Florida 34749-0630

Re: City of Leesburg Municipal Firemen's Retirement Plan
(City Commission's Appointment of Trustees)

Dear Betty:

As you know, I am General Counsel to the Board of Trustees of the City of Leesburg Municipal Firemen's Retirement Plan. Walter Roenbeck, Chairman of the Pension Board, has asked that I write you this letter.

Transmitted herewith is:

1. City of Leesburg Firefighters' Retirement Plan "Policy for Election of Board of Trustees" (2 pages), approved on 09.14.11.

Please review this policy, and in particular, paragraphs number 6, 11 and 12.

In sum, in November 2011, the City Commission needs to:

(a) Appoint a legal resident of the City of Leesburg to serve an initial one (1) year term (January 1, 2012 - December 31, 2012), of the seat currently held by Tim Sullivan.

(b) Appoint a legal resident of the City of Leesburg to serve a two (2) year term (January 1, 2012 - December 31, 2013), for the seat currently held by John Kriete.

A legal resident trustee may succeed himself or herself as a trustee.

If you have any questions concerning this matter, or wish to discuss any further, please call.

Very truly yours,

JAMES B. LOPER

JBL:mb
Enclosure

cc: Walter Roenbeck (w/ encl.) via e-mail to w.roenbeck@yahoo.com
Tim Sullivan (w/encl.) via e-mail to tim.sullivan@prudential.com
John Kriete (w/encl.) via e-mail to jkriete@entertainmentcoaches.com
Mark Jordan (w/encl.) via e-mail to vanjordan@comcast.net
Steven Allen (w/encl.) via e-mail to lt.sallen@yahoo.com
Jerry Boop (w/encl.) via e-mail to jerry.boop@leesburgflorida.gov
Sonja Vicchiollo (w/encl.) via e-mail to sonjav@comcast.net

CITY OF LEESBURG FIREFIGHTERS' RETIREMENT PLAN
POLICY FOR
ELECTION OF BOARD OF TRUSTEES

1. Section 6.2 (A), "Appointment of the Retirement Committee" of the Plan, provides for the election/selection of five (5) persons to serve on the Board of Trustees, a/k/a Retirement Committee.

2. Section 6.3 (B), "Authority of the Retirement Committee" of the Plan, in part, provides:

> "(1) The Retirement Committee shall have the authority to make such rules and regulations and to take such action as may be necessary to carry out the provisions of the plan…"

3. The purpose of this policy is to provide details concerning the election/selection of the five (5) persons compromising the Board of Trustees, a/k/a Retirement Committee.

4. The Board of Trustees shall consist of five (5) persons, two (2) of whom shall be active firefighters, two (2) of whom shall be legal residents of the City of Leesburg appointed by the City Commission, and the fifth (5th) trustee shall be a person selected by the other four (4) trustees and appointed as a ministerial act by the City Commission.

5. The firefighter trustees shall be elected from among the active members of the Fund in the fire department. Election shall be by a majority vote of those voting. If no candidate receives a majority vote of those voting, a run-off election between the top two (2) vote recipients shall be held at the earliest practical date. Employees shall be permitted to nominate themselves for office.

6. The two (2) resident trustees shall be legal residents of the City of Leesburg and shall be appointed by the City Commission in November or December, prior to the expiration of a trustee's term.

7. The fifth (5th) trustee shall be chosen for a two (2) year term every other year. The fifth (5th) trustee may or may not be a legal resident of the City of Leesburg, and may or may not be an employee of the City of Leesburg. The name of the person selected by an affirmative vote of at least three (3) of the other trustees shall be certified to the City Commission which shall, in accordance with state law, ratify the appointment of that person as a ministerial act.

8. Beginning in November, 2011, two (2) current employee members of the Plan (active firefighters) shall be elected by the vote of active firefighters participating in the plan.

9. The seat currently (2011) held by Walter Roenbeck shall be for an initial one (1) year term beginning January 1, 2012 and ending December 31, 2012. Thereafter, such seat shall be for two (2) year terms, beginning January 1, 2013, and every January 1 thereafter, in every odd numbered year.

10. The seat currently (2011) held by Steve Allen shall be for two (2) year terms, beginning January 1, 2012 and ending December 31, 2013, and beginning every January 1 thereafter, in every even numbered year.

11. Beginning in November, 2011, the City Commission shall appoint a legal resident of the City of Leesburg to serve an initial one (1) year term for the seat currently (2011) held by Tim Sullivan for the period beginning January 1, 2012 and ending December 31, 2012. Thereafter, such seat shall be for two (2) year terms, beginning January 1 thereafter, in every odd numbered year.

12. Beginning in November, 2011, the City Commission shall appoint a legal resident of the City of Leesburg to serve a two (2) year term for the seat currently (2011) held by John Kriete for the period beginning January 1, 2012 and ending December 31, 2013, and beginning every January 1 thereafter, in every even numbered year.

13. Beginning no later than March, 2012 and no later than March of every even numbered year thereafter, the previous four (4) trustees, with an affirmative vote of at least three (3) trustees, shall elect the fifth (5th) member. The term of the fifth (5th) trustee shall be for two (2) years beginning April 1, 2012 and ending March 31, 2014, and beginning each April 1 thereafter in even numbered years.

14. The Chairman shall be responsible for the scheduling of the election of the firefighter trustees, and shall be responsible for notifying the City Commission of the need to select a legal resident trustee.

15. Vacancies on the Board of Trustees of employee/firefighter members shall be filled by a special election to be conducted in the same manner as any other election. Vacancies among the legal resident trustees shall be filled by the City Commission. The person selected to fill a vacancy shall fulfill only the remaining term of the vacant office. In the event of a vacancy of the fifth (5th) trustee of the Board, the Board of Trustees shall appoint a successor in the same manner as the initial selection.

16. Each trustee shall serve until his/her replacement is elected or selected, even if the replacement election/selection does not take place until after the expiration of the term for which the trustee was originally elected or selected.