



Legislation Text

File #: 19-0006, **Version:** 1

Resolution to Approve Distributions from the City's Police and Firemen's Relief Fund (\$100,000.00)
The attached resolution seeks approval of four \$25,000 distributions (\$100,000 total) from the Police and Firemen's Relief Fund ("Fund") for the benefit of the spouses or orphans of the following police officers and firefighter: Police Lieutenant Lyle Sartori, Police Officer Jason Zogaib, Police Officer Vada Murray, and Driver/Operator, Daniel Armitage.

The Fund was created by the City in 1926, and proceeds were to be used for the benefit of "the widows and orphans of firemen and policemen." The original language establishing the Fund provided that distributions from the Fund may be made "upon recommendation by the [Police Chief and Fire Chief] to the [City] Council and its action thereon." From 1926 until approximately 1972, the Fund was funded through proceeds from the sale of unclaimed personal property in the City. Although the City no longer funds the Fund, the City continues to act as Trustee and is required by law to administer the Fund as a trust for the benefit of "the widows and orphans of firemen and policemen."

The City made the first distribution in recent memory from the fund (\$50,000) in approximately November of 2006 when Firefighter Amy Schnearle-Pennywitt died in the line-of-duty on January 13, 2006. Since that time, the City has taken an active interest in ensuring that distributions from the Fund happen in a standardized fashion and for the benefit of the stated Fund beneficiaries. Also, since that time, three active sworn police officers and one active sworn firefighter have passed. The City, pursuant to the recommendation of Interim Police Chief, Robert Pfannes, and Fire Chief, Mike Kennedy, wishes to make distributions in the amount of \$25,000 for the benefit of each of the active officers that have passed since 2006.

The City also has classified the Fund as a special revenue fund for budgetary purposes. After legal and auditor review, the consensus is that the Fund should be reclassified as a private-purpose trust fund for accounting and budgetary purposes, which does not require a budget appropriation under State law.

Finally, the City is looking at means to modernize the Fund's terminology to make clear that both surviving male and female spouses are eligible beneficiaries, not simply "widows."

Budget/Fiscal Impact: There is currently \$763,379.05 in the Fund. The last payment from the Fund was in 2006 for the benefit of Firefighter Amy Schnearle-Pennywitt's family, who died in the line of duty.

Interim Chief Pfannes and Chief Kennedy have both recommended the proposed distributions in accordance with the Fund's requirements.

Prepared By: Betsy Blake, Senior Assistant City Attorney

Reviewed By: Robert Pfannes, Interim Police Chief, and Mike Kennedy, Fire Chief

Approved By: Howard Lazarus, City Administrator

Whereas, The Police and Fireman's Relief Fund ("Fund") is a trust fund that the City maintains for the benefit of the "widows and orphans of the [City's] firemen and policemen";

Whereas, The City made the first distribution in recent memory from the fund (\$50,000) in approximately November of 2006 for the benefit of Firefighter Amy Schnearle-Pennywitt's family after she died in the line-of-duty on January 13, 2006;

Whereas, Since the City's distribution to firefighter Schnearle-Pennywitt, the City has taken an active interest in ensuring that distributions from the Fund happen in a standardized fashion and for the benefit of the stated Fund beneficiaries;

Whereas, Police Officer Jason Zogaib served the City with honor until he died, while not in the line of duty, on March 13, 2009, leaving behind his wife Lila and a young son and daughter;

Whereas, Police Officer Vada Murray served the City with honor for 20 years until he died, while not in the line of duty, on April 6, 2011, leaving behind his wife Sarah and three children;

Whereas, Driver / Operator Daniel Armitage served the City with honor until his death on January 5, 2012, while not in the line of duty, leaving behind his wife, Christine and three young sons;

Whereas, Lt. Lyle Sartori served the City honorably since August 31, 1992, died unexpectedly, while not in the line of duty, on November 7, 2018, leaving behind his wife, Senior Officer Jennifer Sartori (also a City police officer), and three children;

Whereas, The Police and Fire Chiefs both recommend the payment of \$25,000 to the spouse or orphan(s) of each of Officers Zogaib, Murray, Armitage, and Sartori (\$100,000 total), in accordance with this resolution, the Fund's terms, and applicable law;

Whereas, Such amounts are currently available in the Fund and are subject to disbursement; and

Whereas, As the Fund has been classified as special revenue fund but both the City Attorney and the City's auditor recommend that it be reclassified as a private-purpose trust fund for budgetary and accounting purposes, which does not require a budget appropriation under State law;

RESOLVED, That City Council approve the Police and Fire Chiefs' recommendation that the City disburse \$25,000 to the Beneficiary (as described below) for each of the following four deceased City Officers: Police Officer Jason Zogaib, Police Officer Vada Murray, Diver / Operator Daniel Armitage, and Police Lt. Lyle Sartori;

RESOLVED, That the "Beneficiary" of each such disbursement shall be the deceased Officer's spouse at the time of the Officer's death, if such spouse is living at the time that this resolution is passed. But, if the relevant Officer did not have a spouse at the time of his or her death or if such spouse is not living at the time this resolution is passed, the "Beneficiary" for such Officer shall be the Officer's children who are born and living at the time that this resolution is passed. If an Officer has more than one Beneficiary, the Beneficiaries shall receive the \$25,000 distribution in shares of equal value;

RESOLVED, That as a condition of any disbursement, the City may require the Beneficiary to provide

relevant information to enable the City to comply with applicable tax and accounting laws, and to sign a receipt and refunding agreement, as approved and required by the City Attorney;

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this resolution in accordance with the Fund's terms and relevant law; and

RESOLVED, That the Police and Firemen's Relief Fund be reclassified in the budget from a special revenue fund to a private-purpose trust fund, in accordance with the advice of the City Attorney and City auditor.

Sponsored by: Mayor Taylor