

Chairman Ron Glass called the Firefighters' Pension Board Meeting on May 11, 2010 to order at 2:00 p.m., in the 4th floor, marlin conference room. There was a quorum.

Members Present

Ronald A. Glass, Chairman
Michael Droege, Secretary
Mario Garcia, Trustee
Rebecca Sutton, Trustee

Others Present

C. McCullion, Executive Director
A. Green, Department Advocate
J. Loper, Board Attorney
K. Zuccarini, Employee Benefits
S. Burlon, Pension Coordinator

1. APPROVAL OF MINUTES

A MOTION TO APPROVE THE MINUTES OF THE APRIL 8 AND APRIL 15, 2010 MEETINGS was made by M. Droege and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

2. CONSENT AGENDA

None

3. PENDING/OLD BUSINESS

a. STATUS OF DISABILITY APPLICATIONS

John Tormos-Application submitted on February 2, 2010. Books for both injuries have been completed and turned in. His IME for the neck and back was scheduled for the beginning of this month. His IME for hypertension is scheduled for May 19th.

Steve Clelland – Notebooks completed and IME scheduled for May 6th.

Jeff Cervenka – Has not applied yet but is having a difficult time obtaining his physician's report. Discussion ensued. Staff will advise him to offer to pay Dr. Goll to complete the report and/or ask District Chief Mark Austin to ask the worker's comp office to try to get it for him.

b. HIGHER CLASS PAY UPDATE

J. Loper gave an update on the research he has done regarding this situation. The City has been taking pension contributions out of higher class pay for many years. Higher class pay is non-pensionable and is not to be included in the "average monthly salary".

A MOTION TO RATIFY THE ACTION TAKEN BY THE CHAIRMAN AND EXECUTIVE DIRECTOR ON APRIL 20, 2010 AS ADVISED BY THE BOARD ATTORNEY, TO STOP TAKING EMPLOYEE PENSION CONTRIBUTIONS FROM WORKING OUT OF CLASS PAY; TO STOP INCLUDING HIGHER CLASS PAY IN THE CALCULATIONS OF "AVERAGE MONTHLY SALARY"; AND TO ADVISE THE FIRE DEPARTMENT STAFF TO ENSURE PROPER USE OF THE NON-PENSIONABLE WORKING HIGHER CLASS PAY CODE, was made by R. Sutton and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

Discussion ensued.

A MOTION THAT IF THE PENSION BOARD IN THE FUTURE APPLIES ANY STATUTE OF LIMITATIONS TO RESOLVE THIS SITUATION, THAT THE STATUTE OF LIMITATIONS WILL BE TOLLED AS OF MARCH 12, 2010 AS IT RELATES TO HIGHER CLASS PAY CONTRIBUTIONS, was made by M. Droege and seconded by M. Garcia; **MOTION CARRIED UNANIMOUSLY.**

A decision regarding resolving the retirees' situation is tabled until our next meeting.

c. SHARE PROGRAM UPDATE

J. Loper reviewed the Share Program and the City's opinion regarding retirees not being entitled to receiving any portion.

A MOTION TO GO FORWARD WITH THE ORDINANCE AND FUNDING FOR ACTIVE EMPLOYEES ONLY AND TO CONTINUE RESOLVING THE ISSUE OF OTHER PARTICIPANTS IN THE PLAN was made by R. Sutton and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

A. Green will work with the outside attorney J. Linn and the City on the enactment of the ordinance. In the meantime, a meeting will be scheduled with C. McCullion, R. Sutton, J. Litchford, B. Brooks and M. Downs to resolve the situation on the other participants in the plan.

d. **HEART ACT AND STATE STATUTE CHANGES ORDINANCE**

Discussion ensued. Update to be furnished at the next meeting.

e. **KENNETH O. MITCHELL**

J. Loper will send Mr. Mitchell a letter advising him of a hearing to be held on July 15, 2010 and for him to furnish his documentation to the Pension Coordinator seven days prior to the meeting for review by the trustees.

M. Droege will try and locate the March 13, 1991 minutes for the trustees.

f. **FIFTH MEMBER**

A MOTION TO ELECT SHANNON RAYBON TO THE FIREFIGHTERS' PENSION BOARD AS THE FIFTH MEMBER FOR THE REMAINING TERM WHICH EXPIRES ON SEPTEMBER 30, 2010 was made by R. Glass and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

Meeting adjourned at 4:35 p.m.

Respectfully submitted,

Shelly Burlon

Rochelle (Shelly) L. Burlon, Pension Coordinator