

MINUTES OF POLICE PENSION BOARD MEETING ON OCTOBER 28, 2010

Chairman Smith called the Police Pension Board Meeting to order on October 28, 2010, 9:05 a.m., in City Hall, second floor, conference room R. J. Smith, T. Blanca, W. Long and R. Thames were in attendance and there was a quorum. New trustee to the Board as of November 1, 2010, Laurie J. Botts was also present but didn't vote.

1. **DISABILITY HEARING OF KIM GARCIA**

Chairman Smith asked the applicant's attorney, Randy Brown if there was any problem proceeding with only four trustees. R. Brown said no.

Chairman Smith advised that this was the time set for the Disability Hearing of Kim Marie Garcia. Randy Brown represented the applicant. K. Garcia was sworn in. S. Hetz made a statement questioning the hearing being held since K. Garcia is retired. R. Brown read from the transcript of the minutes of May 21, 2010 permitting K. Garcia to have a disability hearing after retirement due to her circumstances.

The disability notebook, IME and affidavit from the Department Advocate, Shannon Hetz, Memorandum from the Chief of Police, transcript and supplemental medical documents were submitted into evidence. Chairman Smith asked R. Brown and S. Hetz to give their opening statements which they waived. K. Garcia testified. There were no questions from the Trustees. Chairman Smith advised that the evidence phase was now closed and asked if any trustees had questions. No questions were asked of the applicant. R. Brown gave a closing statement. S. Hetz made a statement that there wasn't any evidence that K. Garcia could not do the limited duty position by answering phones, interviews, etc. However, as K. Garcia was already retired the Chief could not recall her. R. Brown had a rebuttal statement. The Board took a five minute break.

Chairman Smith advised that the Trustees will now go into the determination phase of the hearing. **A MOTION THAT K. GARCIA HAS A PERMANENT AND TOTAL DISABILITY** was made by R. Thames and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT THIS IS A LINE OF DUTY DISABILITY was made by T. Blanca and seconded by R. Thames; **MOTION CARRIED UNANIMOUSLY.**

S. Hetz advised that as previously mentioned, the Chief does have a limited duty position available without a reduction in pay or benefits.

A MOTION THAT A LINE OF DUTY DISABILITY PENSION WILL BE GRANTED TO KIM GARCIA EFFECTIVE NOVEMBER 1, 2010 AND A FINAL ORDER WILL BE PREPARED, was made by J. Smith and seconded by R. Thames; **MOTION CARRIED UNANIMOUSLY.**

The Board took a five minute break.

Chairman Smith advised that at the next meeting we will have five trustees and we will elect the fifth member at that time and elect officers.

3. PENDING

a. STATUS OF DISABILITY APPLICANTS

S. Burlon gave an update on all applicants.

APPLICANT	DATE OF APPLICATION	BOOK & CD SUBMITTED	IME APPT	IME RECEIVED	Injury	HEARING OR OTHER INFO
Darren Braddy	12/10/09	1/30/09	3/3/09	3/11/09	9/30/07	Hearing held on 5/21/10. Permanent Light duty position given. Evidence portion to be reopened as of 7/28/10. Supp IME ordered on 8/10 by Board. Received 9/15/10
Kimberly Brewster	4/27/09	9/22/09	11/10/09	12/09/09	7/21/07	Hearing held on 5/21/10. Permanent Light duty position given. Evidence portion to be reopened as of 7/28/10. Supp IME ordered on 8/10 by Board. Received 9/15/10
William Gipson Subsequent Disability App	6/28/07	6/28/07	2/10/09	3/12/09	Psychological	4/13/09 R. Cohen hired. Retired on 7/1/10. Waiting on R. Cohen to advise when hearing should be scheduled. Additional evidence has been received from R. Brown.
Brett Licciardello	10/26/09	1/21/10	2/16/10	3/11/10	5/5/09	Letter from Chief sent 3/11/10 regarding permanent light duty position. Supp IME ordered by Board on 8/10/10. Board received on 9/15/10.
Audrey White Harris	10/22/09	3/29/10	6/24/10	7/28/10	11/06/08	Resigned 3/1/10. Deposition to be done by R. Brown of IME physician on 11/5/2010.
Gary Wilkins	10/14/09	11/24/09	1/12/10	2/4/10	9/3/08	Light duty position offered by Chief on 3/11/10. Hearing held on 8/10/10. Additional Supp IME ordered on 8/10/10. Received on 9/15/10.

A MOTION TO HAVE WILLIAM GIPSON GO FOR ANOTHER IME WITH THE SAME DOCTOR AND TO BE SURE THAT THE IME PHYSICIAN HAS THE ENTIRE PACKAGE WHEN SEEING HIM was made by J. Smith and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

Discussion ensued. The Board Attorney will prepare a letter and supplemental IME questionnaire that will have to be filled out and notarized from the IME physicians that recently completed this on D. Braddy; K. Brewster; B. Licciardello and G. Wilkins.

b. **FORFEITURE OF RETIREMENT BENEFITS OF AMY BRETCHES**

S. Kaufman reviewed the Notice of Proposed Agency Action on the Amy Bretches case. If she wants to contest the hearing she must advise the Board by November 30, 2010 in writing. If she does not respond, the Proposed Hearing will take place at the regularly scheduled meeting on December 9, 2010 at 9:00 a.m. If she requests a hearing it will be stayed until her appeal is completed. However, her monthly pension of her contributions will stop as of July 30, 2011.

A MOTION TO ADOPT THE PROPOSED AGENCY ACTION ON THE AMY BRETCHES CASE, TO HAVE THE CHAIRMAN SIGN IT AND STAFF TO SEND IT CERTIFIED MAIL TO HER HOME AND WHERE SHE IS CURRENTLY INCARCERATED; was made by R. Thames and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

c. **APPROVAL OF MINUTES OF AUGUST 10, 2010**

A MOTION TO APPROVE THE MINUTES OF AUGUST 10, 2010 was made by T. Blanca and seconded by R. Thames; **MOTION CARRIED UNANIMOUSLY.**

d. **CONSENT AGENDA**

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED was made by J. Smith and seconded by R. Thames; **MOTION CARRIED UNANIMOUSLY.**

<u>Name</u>	<u>Date of Retirement</u>
Carl Smith (deceased) \$4, 626.43 monthly Widow- 75%=\$3,469.82 monthly	August 1, 2010
Eduardo Lopez \$4,335.52 monthly	September 1, 2010
Christina Rouse \$5,779.96 monthly	September 1, 2010
James Ohern \$4,097.91	October 1, 2010
Andrea Boren \$4,213.72	October 1, 2010

2. **5 YEAR ACTUARIAL EXPERIENCE STUDY**

Rocky Joyner and Jeff Williams of the Segal Company presented their Actuarial Experience Study from October 1, 2004 through September 30, 2009.

There are four components to the study: economic assumptions; demographic assumptions; actuarial method of funding and smoothing method.

Segal recommended the following changes: 1) changing the inflation component to 3.75% from 4%.; 2) on the investment return- lowering the investment return assumption from 8% to 7.75%; 3) removing the age-based component of the salary scale solely on years of service; 4) lower payroll growth rate assumption from 4% to 3.75% in conjunction with the decrease in the inflation assumption; 4) change the demographic table from the 1994 Group Annuity Mortality table to the RP-2000 Combined Healthy Mortality Table for healthy lives and disabled annuitants; 5) change smoothing method to a five-year smoothed value of assets from four-years.

The Board discussed the investment assumption rate and decided to leave the assumption rate at 8% based on the Board's investment consultant's estimated long term returns for the asset allocation that was recently implemented.

A MOTION TO ACCEPT THE EXPERIENCE STUDY AS PRESENTED AND ADOPT THE RECOMMENDED CHANGES EXCEPT FOR THE ASSUMPTION RATE WHICH WILL REMAIN AT EIGHT PERCENT was made by J. Smith and seconded by T. Blanca; **MOTION CARRIED UNANIMOUSLY.**

4. **NEW BUSINESS/GENERAL APPEARANCE**

a. **SUDAN/IRAN DIVESTITURE-REQUIRED BY STATE LAW**

C. McCullion advised the trustees that NEPC has reviewed the Sudan/Iran accounts with all our managers and we are in compliance as of September 30, 2010.

The meeting adjourned at 12 p.m.

Respectfully submitted,

Rochelle (Shelly) Burlon

Rochelle (Shelly) L. Burlon
Pension Coordinator