



MINUTES FROM MEETING ON JULY 13, 2017

Chairman Smith called the meeting to order on Thursday, July 13, 2017 in the Sustainability Conference Room, 2nd floor, City Hall at 9:32 AM. There was a quorum.

Board Members

Jay L. Smith, Chairman
 Jose Vicente, Vice-Chairman
 Laurie Botts, Secretary
 Mathew Fleury, Trustee
 Christopher McCullion, Trustee

Others Present

Katrina Laudeman, Executive Director
 Matt Dickey, Deputy Executive Director
 Katie Zuccarini, Employee Benefits
 Bob Klausner, Board Attorney
 Bryan Schneider and Mark Guariglia, EnTrust Permal
 Kevin Leonard, NEPC
 Alex Karden, City Attorney
 Shannon Hetz, Police Advocate
 Steven McKillop, Police Advocate
 Randy Thames, FOP (10:22 AM)
 Jessica Realin
 Paulo Longo Jr., Attorney
 Geoffrey Bichler, Attorney
 Sara Miller, Court Reporter
 Michele Keane, Pension Coordinator

1. **PUBLIC COMMENT**

Chairman Smith asked if there was any public comment. There were six requests to speak. The individuals agreed to wait to speak until agenda item 4 is brought up for discussion.

2. **ENTRUST PERMAL PRESENTATION**

Chairman Smith introduced Mr. Bryan Schneider and Mr. Mark Guariglia of EnTrust Permal. Mr. Schneider gave an overview of EnTrust Permal and the current market environment. He updated the Board on EnTrust's Special Opportunity Funds II and III and spoke about Fund. Chairman Smith thanked Mr. Schneider and Mr. Guariglia for the presentation and they left the meeting at 10:07 AM. A recess was taken.

Meeting resumed at 10:12 AM.

3. **ASSET LIABILITY STUDY AND ALLOCATION DISCUSSION**

Mr. Kevin Leonard, of NEPC, stated that their research team is conducting its due diligence on EnTrust Permal's Special Opportunity IV Fund and he believes it will be recommended as an approved fund. He

discussed several asset mixes that the Board can discuss at the next meeting. (Mr. Thames entered the meeting at 10:22 AM.). A recess was taken at 10:27 AM.

Meeting resumed at 10:33 AM.

4. PUBLIC COMMENT

Chairman Smith called upon those who had completed public comment requests to speak. They were Mayra Alvear, on her own behalf, commented in support; Darren Vierday, on behalf of United States Representative Soto, commented in support; Ida Eskamani, on behalf of United States Representative Smith, commented in support; Nancy Rosado, on her own behalf, commented in support; and Barbara Poma, on her own behalf, commented in support.

5. DISABILITY HEARING – GERRY REALIN

Chairman Smith asked to have the record reflect that all Pension Board trustees are present and that there is a quorum. The Pension Board attorney, Mr. Bob Klausner, is also present to advise on any legal issues that may occur during the hearing.

Chairman Smith stated that this is the time set for hearing the disability application of Gerry Realin. He informed everyone the hearing is being recorded and will be conducted in an informal manner but consistent with constitutional requirements of due process and equal protection.

He noted that Mr. Realin was not present for the hearing. He asked to have Mrs. Realin and her attorneys stand and state their names. Officer Realin was represented by his attorneys, Mr. Paulo Longo and Mr. Geoffrey Bichler. He then asked the same of the Police advocates. Mr. Smith asked if anyone needed the process explained. They declined.

Mr. Longo made his opening statement.

Mr. McKillop made his opening statement.

Chairman Smith stated that Officer Realin's disability package, Independent Medical Examination and all medical documentation, including the letter from Dr. Figueroa stating Officer Realin's inability to attend the hearing, have all been accepted into evidence.

Mr. Longo presented his case stating the standard of competent substantial evidence and the preponderance of the evidence. He noted that all of the doctors are in agreement that Officer Realin is unfit to return to law enforcement. Chairman Smith asked the Board if they had any questions for Mrs. Realin. There were none. Mr. Longo rested.

Mr. McKillop passed out a document that summarized some inconsistencies in the evidence. He began to present his case. Mrs. Realin asked for a break at 11:03 AM.

Meeting resumed at 11:09 AM.

Chairman Smith noted that time would be allowed for the Board to examine Mr. McKillop's document after his presentation.

Mr. McKillop presented his case and rested.

Chairman Smith asked if everyone had seen the photographs that were emailed that morning as additional evidence. A hard copy was provided to trustee, Mr. Fleury. Chairman Smith noted that the photographs will be considered part of the evidence.

Mr. Longo made his closing arguments and asked the Board to make their decision based upon the evidence. Mr. Bichler added his comments.

Mr. McKillop made his closing arguments and asked the Board to consider the inconsistencies in the evidence and the permanency of the disability.

Chairman Smith declared the evidence phase of the hearing was now closed. With the exception that the Chief of Police or a designee may offer testimony that there is a possibility of a limited duty position.

Chairman Smith asked the trustees to consider Mr. McKillop's document. A recess was taken at 11:26 AM to review the additional evidence presented.

Meeting resumed at 11:45 AM.

Before entering into determination, Mr. Klausner spoke briefly about the legal standards binding the Pension Board.

Chairman Smith stated that the Board would now enter into the determination phase of the proceeding.

A MOTION THAT THIS IS A PERMANENT AND TOTAL DISABILITY was made by Chairman Smith and seconded by Mr. McCullion; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT THIS IS A LINE OF DUTY DISABILITY was made by Mr. Fleury and seconded by Ms. Botts; **MOTION CARRIED UNANIMOUSLY.**

Chairman Smith reopened the evidence and asked Mr. McKillop, as designee for the Chief of Police, if there is a limited duty position available with no reduction in pay or benefit, for Officer Realin. Mr. McKillop replied there is not.

A MOTION THAT THE BOARD GRANT A LINE OF DUTY DISABILITY TO GERRY REALIN was made by Chairman Smith and seconded by Mr. Vicente; **MOTION CARRIED UNANIMOUSLY.**

A recess was taken at 12:05 PM at which time Mrs. Realin, Mr. Longo, Mr. Bichler, Ms. Miller, Mr. Karden, Mr. McKillop left the meeting.

Meeting resumed at 12:18 PM.

6. **APPROVAL OF MINUTES OF JUNE 1, 2017 AND JUNE 8, 2017**

A MOTION TO APPROVE THE MINUTES OF JUNE 1 AND JUNE 8, 2017 was made by Mr. Fleury and seconded by Mr. Vicente; **MOTION CARRIED UNANIMOUSLY.**

7. **APPROVAL OF CONSENT AGENDA**

A MOTION TO APPROVE THE CONSENT AGENDA was made by Chairman Smith and seconded by Mr. Vicente; **MOTION CARRIED UNANIMOUSLY.**

8. **PENDING / OLD BUSINESS**

- a. **Disability Update** – Ms. Keane notified the Board that Officer Briscoe’s application has been reviewed and the results have been received. Chairman Smith set the hearing for the September 14th meeting.

Mr. Thames stated Officer Cheryl Middleton has submitted her application but needs additional time to collect information for her notebook. He requested an extension until September 30, which was granted by Chairman Smith.

Mr. Thames noted that Officer Kenneth Brown’s application is being delayed while waiting for his wife to be appointed as his personal representative.

- b. **Securities Litigation Update** –Chairman Smith noted the table on the agenda.

9. **NEW BUSINESS**

- a. Chairman Smith noted he is receiving calls regarding healthcare changes for pensioners. Ms. Zuccarini stated that the Human Resources Department is working on a letter that will address the changes and it will be distributed to the group soon.

10. **ADJOURNMENT**

A MOTION TO ADJOURN was made by Mr. Vicente and seconded by Mr. Fleury. The meeting adjourned at 12:27 PM.

Respectfully submitted,

Michele Keane

Michele Keane
Pension Coordinator