



MINUTES FROM MEETING
OF
September 21, 2017

Chairman Zabin called the meeting to order at 9:08 AM in the Sustainability Conference Room, 2nd floor of City Hall and determined a quorum was present.

<u>Members</u>	<u>Also Present</u>
Douglas Zabin, Chairman	Katrina Laudeman, Executive Director
Eddie Torres, Vice Chair	Michelle McCrimmon, Deputy CFO
Jason Franklin, Secretary	Matt Dickey, Deputy Executive Director
Mario Garcia, Trustee	James Loper, Board Attorney
Christopher McCullion, Trustee	Natasha Williams, Department Advocate
	Timothy Longest, Firefighter
	Mike Clelland, Attorney
	Bryan Smith, Firefighter
	Ron Glass, Firefighter
	Robert Goldenberg, Firefighter
	Trevor Ewald, Firefighter
	Creed McClelland, Firefighter
	Mitch Hamilton, Firefighter
	Danny Smith, Firefighter (9:18 AM)
	Katie Zuccarini, Employee Benefits
	Michele Keane, Pension Coordinator

1) PUBLIC COMMENT

Chairman Zabin asked for public comment. There was none.

2) DISABILITY HEARING TIMOTHY LONGEST

Chairman Zabin stated this is the time set aside for Timothy Longest's disability hearing and turned the meeting over to Mr. Loper, Board Attorney for the Firefighters' Pension Board. Mr. Clelland and Ms. Williams waived having the process explained. Mr. Loper stated the five determinations the Board will be addressing. Mr. Loper noted the hearing is being recorded and will be conducted in an informal manner but consistent with constitutional requirements of due process and equal protection.

Mr. Longest was represented by Mr. Clelland. The Department was represented by Ms. Williams.

Mr. Clelland made his opening statement.

Mr. Loper stated that the application, the applicant's package, and the Independent Medical Exam (IME) are all part of the record accepted into evidence.

Ms. Williams waived her opening statement.

No testimony was presented.

Neither Mr. Clelland nor Ms. Williams made closing statements.

Mr. Loper stated the hearing is now at the decision stage and stated the first issue for the Board to consider.

A MOTION, BASED UPON THE EVIDENCE PRESENTED, THAT TIMOTHY LONGEST IS TOTALLY AND PERMANENTLY DISABLED was made by Chairman Zabin and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT THE DISABILITY IS A LINE OF DUTY DISABILITY was made by Chairman Zabin and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT THERE IS NOT A LIMITED DUTY POSITION AVAILABLE, PER MS. LITTLE'S EMAIL DATED AUGUST 9, 2017, was made by Chairman Zabin and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT THE LINE OF DUTY DISABILITY BE GRANTED EFFECTIVE OCTOBER 1, 2017 was made by Chairman Zabin and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

A MOTION THAT MR. LONGEST DOES NOT HAVE TWENTY YEARS OF SERVICE was made by Chairman Zabin and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

A short recess was taken at 9:13 AM at which time Mr. Longest and Mr. Clelland left the meeting. Meeting resumed at 9:19 AM.

APPROVAL OF MINUTES FROM AUGUST 16, 2017

A MOTION TO APPROVE THE MINUTES OF AUGUST 16, 2017 was made by Mr. Torres and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

3) APPROVAL OF CONSENT AGENDA – THERE WAS NONE

4) PENDING / OLD BUSINESS UPDATE

- a. Disability Update – Chairman Zabin stated that Mr. Smith’s Independent Medical Examination (IME) results have been received but were returned to Doctor Kakkar for some corrections to be made to the paperwork.

Chairman Smith noted some issues with Casey Preston’s application and packet and asked Mr. Loper to explain. Mr. Loper referred to his email dated September 17th in which he lists seven items that need further documentation. **A MOTION AUTHORIZING MR. LOPER TO SEND A LETTER TO MR. PRESTON AND HIS ATTORNEY, MR. HILL, REQUESTING FURTHER DOCUMENTATION TO COMPLETE HIS DISABILITY PACKET** was made by Chairman Zabin and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

- 5) **SECURITIES LITIGATION UPDATE** – Ms. Laudeman stated there is only one outstanding item.

- 6) **NEW BUSINESS** – The items were taken out of order in the interest of time.

- a. Michael Caraway – Mr. Loper recommended the Board investigate Mr. Caraway’s case as part of our fiduciary duty. Some discussion ensued. **A MOTION AUTHORIZING MR. LOPER TO PERFORM THE BOARD’S FIDUCIARY DUTY, CONTACT MR. CARAWAY AND BEGIN THE REVIEW PROCESS** was made by Mr. McCullion and seconded by Chairman Zabin; **MOTION CARRIED UNANIMOUSLY.**

- b. Comvest Update – Ms. Laudeman stated that the Board has allocated 5% to the private debt sector of the asset allocation . NEPC is working on an updated pacing plan to determine the amount to invest, and it will be presented at the next meeting.

- c. Policy for Claims and Disputes – Mr. Loper referred to his email dated August 4, 2017 suggesting the Board adopt a policy stating any claim for benefits must be filed before the Board of Trustees in the manner of a quasi-judicial hearing. **A MOTION AUTHORIZING MR. LOPER TO DEVELOP A POLICY FOR CLAIMS AND DISPUTES** was made by Chairman Zabin and seconded by Mr. Garcia; **MOTION CARRIED UNANIMOUSLY.**

- d. Review Policies & Procedures 006 – 010

Policy 006 – No changes.

Policy 007 – After some discussion, it was decided that Ms. Laudeman and Mr. Loper will rewrite this policy and the letters / forms to address surviving beneficiaries before and

after January 1, 2008 and “medical disability” listed in the second sentence of the objectives.

Policy 008 – Align sections 4C and 4E to the left. Section 4C - The Board tasked Mr. Loper with defining “works” in the last sentence. In section 4E, remove “if a pre-existing condition exclusion applies” and “no pre-existing condition is applicable and”. Section 4G, remove “paragraph 9” from the first sentence and replace it with “subsection 4F”.

Policy 009 – No changes.

Policy 010 – Section 3C – change #10 to #010.

- e. Ms. Laudeman stated the State Revenue check has been received and there is a significant shortfall of \$305,362.63. A letter will be sent to the members informing them of the additional contribution of 0.7416% that will be withheld from their paychecks per the memorandum of understanding between the City and bargaining unit. The first deduction will be from the October 13, 2017 paychecks to cover the shortfall.

7) ADJOURNMENT

A motion to adjourn the meeting was made by Chairman Zabin and seconded by Mr. Garcia. There being no further business, the meeting adjourned at 10:50 AM.

Respectfully submitted,

Michele Keane

Michele Keane
Pension Coordinator