

NEW ORLEANS FIRE FIGHTER'S PENSION AND RELIEF FUND

Martin Gaal
Board President

Tommy F. Meagher, III.
Secretary-Treasurer

SUBJECT:

Board of Trustees Regular Meeting
Fire Fighter's Pension & Relief Fund

TIME, DATE AND PLACE:

9 am, October 2, 2013
3520 General DeGaulle
Suite 3001
New Orleans, Louisiana 70130

Board President Martin Gaal called the meeting to order. The following members of the Board of Trustees were present: Martin Gaal, Tommy Meagher, Angelo Marchese, Nick Lavene, Scott Jacobs and Tim McConnell.

Absent: Norman Foster

Total as follows: Six (6) members present, one (1) member absent. A quorum being present, the meeting was called to order at 9:10.

Also present,

Louis Robeln, Board attorney
Maria Cangemi, Board attorney
Robert Tarza, Board attorney
Pam Meyer
Paul Mitchell
Jesse Evans, NOMERS
Derrick Francis, Mayor's office
Enelda Younis, OIG
Braxton Fore, Firefighter
John Foley, Firefighter
D. Patrick, Firefighter

Nick Felton, Firefighter
Mike Colongus, Firefighter
Donnie Pierec, Fnx 8 camera man
Dean DiSalvo, Firefighter
Andrew Vancore, Advocate- New Orleans
Larry Bethea, Firefighter
Richard Connors, Firefighter
Kenny Prevost, Firefighter
Robert McCoy, Firefighter
Richard Hampton, Firefighter
Joc Ballman, Firefighter

REVIEW AND ACCEPT MINUTES

Mr. Mitchell noted that Louie Robien provided wording clarification to the motion regarding continuing the mandamus litigation as well as an adjustment to the wording regarding the status of the fiduciary coverage. The amended language was read to the Board and posted to the minutes on file.

MOTION: Moved by Gaal and seconded by Marchese to approve the September 2013 minutes as amended.

Motion passed.

NO OBJECTIONS

COMMUNICATIONS

Mr. Meagher acknowledged the receipt of thank you cards from the family of Dr. Frank Incaprera, who lost his wife.

Mr. Robien noted that the Board should consider adopting procedures which document the composition of a quorum of the Board. Current policy is based on a ten member Board. The current Board is comprised of seven members. Discussion followed the necessary attendance for a quorum and conduct Board business.

Mr. Meagher then noted that certain legal and disability retirement issues on the agenda require attention at the beginning of the meeting.

MOTION: Moved by Marchese and seconded by Gaal to take items out of order on the agenda.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Gaal and seconded by Marchese to go into executive session to discuss legal matters.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Gaal and seconded by Marchese to end the executive session on legal matters.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Gaal and seconded by Marchese to authorize Mr. Phillip Preis, attorney, to represent Mr. Richard Hampton in his fiduciary capacity as former Secretary Treasurer of the Fund in testimony in response to the subpoena issued by a governmental agency and to notify the fiduciary insurance carrier of the same.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Gaal and seconded by Lavene to approve the hiring of the Erksen Krenteli Laporte, LLP accounting firm and Barlett Ary Law firm, LLC to handle the BP claim at Hilton Garden Inn. Fees for the engagement will amount to 5% for accounting services and 12% for legal services. The Secretary Treasurer is authorized to sign all documents on behalf of the Board.

Motion passed.

NO OBJECTIONS

APPLICATIONS PENDING

MOTION: Moved by Gaal and seconded by McConnell to go into executive session to review medical documentation and reserve privacy rights to members for Service Connected Disability Pension applications.

Motion passed.

NO OBJECTIONS

Nick Lavene entered the meeting at 10:00 am.

MOTION: Moved by Jacobs and seconded by Gaal to come out of executive session to review medical documentation and reserve privacy rights to members for Service Connected Disability Pension applications.

Motion passed.

NO OBJECTIONS

MOTION: Moved by McConnell and seconded by Gaal to appoint a new Disability Pension Review Committee to be chaired by the Secretary Treasurer and comprised of Lavene and Gaal.

Motion passed.

NO OBJECTIONS

Mr. Gary Ballier- appeal for the 66 2/3% disability pension.

MOTION: Moved by Lavene and seconded by Gaal to request additional medical information from the applicant's medical providers evidencing that the applicant is totally and permanently disabled from any gainful employment.

Motion passed.

NO OBJECTIONS

REFUND OF CONTRIBUTIONS

Christopher Hinson has resigned from the department. Mr. McConnell noted that the former

employee would be eligible to transfer his time with the department for credit in another Fire Department system. Fund staff indicated that Mr. Hinson was made aware of this fact. Mr. Hinson did not indicate his new employer.

MOTION: Moved by Lavene and second by Marchese to approve the refund of contributions to Mr. Hinson.

Motion passed.

NO OBJECTIONS

CHANGE OF BENEFICIARY

Christon L. Johnson and Cynthia Young

DROP WITHDRAWAL

None

NEW APPLICATIONS

None

DROP APPLICATIONS

None

REPORTS OF DEATHS

Pensioners:

Michael T. O'Brien: Died on September 14, 2013 at age 66 with no widow and no minor children. Joined the department on September 23, 1966 and retired with 25 years of service on November 8, 1991. He spent 21 years on pension.

Kathy F. Wilkerson: Died on August 31, 2013 at age 57. Joined the department on September 8, 1992 and resigned on August 16, 1998. Pension contributions remain on file.

MOTION: Moved by Lavene and seconded by Gaal to remove the above noted member from the rolls.

Motion passed.

NO OBJECTIONS

Widow:

None

WIDOW'S APPLICATIONS

None

OLD BUSINESS

Fletcher: A presentation will be held at the Louisiana Municipal Building, 700 N. 10th Street, Baton Rouge, LA 70821 at 10 am on October 11, 2013 on the Fletcher litigation. This presentation will also be attended by new Board members from MERS and FRS. Mr. Preis, attorney representing the Fund will lead the discussion. Six Board members and Mr. Mitchell indicated that they will attend the session.

Mr. Meagher indicated that he will coordinate travel plans for this event.

NEW BUSINESS

John Underwood: This firefighter joined the department in January of 2009 and has not had any employee contributions withheld from his paycheck. The NOFD headquarters personnel are calculating the amounts owed to the pension fund. Terms of repayment were discussed. Mr. Mitchell agreed to notify Mr. McConnell about a suitable repayment term after discussions with Mr. Conefry. Ms. Meyer also notified the Board that the Fund is reviewing the membership rolls to ascertain all current firefighters are properly remitting employee contributions. The Board will be notified of any discrepancies.

Mileage to and from Board meetings – Mr. Gaal inquired about the appropriateness to charge the Fund for mileage to and from Board meetings and Board related activities. Mr. Mitchell noted that the current expense policy provides for reimbursement of mileage for Board related matters. Mr. Gaal noted that he intends to get reimbursed for mileage to and from his home in Picayune, MS for business meetings.

New Location: Mr. Meagher and Mr. Gaal noted that they have received several inquiries

regarding moving the retirement office to the East Bank. Such a location would be more convenient for members to conduct business. He suggested that the Board form a committee whose task would be to locate a new office site. Mr. Felton noted that the Fund currently shares lease space with the Union and both have shared office space for over 30 years if not longer. He anticipates that the sharing of office space would continue. Mr. Felton nominated Mr. David Watkins to serve on the committee.

Discussion followed on the objectives of the Committee. Mr. Jacobs noted that the Committee's goal should be to establish criteria for a new office. Such criteria would include square footage, location, cost, etc. Such criteria would be ideally placed in an RFP to which the Fund could get responses.

Website: Fund staff has met with the Board's website manager to begin development of a more user friendly Pension Fund website. Ideally the website will provide members to access to Board activity including and not limited to meeting dates and times, group emails, monthly minutes and eliminate the need for monthly statement mail outs.

Pension Fund automobile: Mr. Meagher noted that the Board's automobile is not being used on a daily basis. The automobile is insured. Staff will review the insurance policy to determine the appropriate level of coverage for the auto based on the current mileage used. The coverage should include use of personal automobiles when on Pension fund business.

LATEC/Planning conference: Mr. Meagher provided the members with a schedule indicating that last summer's planning conference total costs were \$12,030.00 lower than prior year's. In addition Ms. Melancon requested approval for hotel expenses incurred during the 2013 planning conference.

MOTION: Moved by Gaal and seconded by Lavene to approve hotel charges incurred by Ms. Melancon in connection with the planning conference.

Motion passed.

NO OBJECTIONS

Secretary-Treasurer salary: Mr. Gaal noted that the Personnel committee approved a motion to provide a salary to the Secretary Treasurer which should be approved by the Board.

MOTION: Moved by McConnell and seconded by Lavene to pay an annual salary to the Secretary Treasurer of \$65,000 retroactive to September 3, 2013 with the recommendation that the Board seek professional management of the Fund.

Motion passed.

Meagher abstained

LEGAL:

Mandamus litigation: Mandamus Suit/Reconventional Demands – “NOFF Pension and Relief Fund v City of New Orleans et al”, CDC No. 2012-7061

Mr. Robein, Board attorney, was on hand to discuss this litigation. He indicated that the City amended its legal filing on the Reconventional Demand to include Tim McConnell and filed a motion for new trial. Discussion on the specifics of this motion followed. Mr. Robein noted that the motion for new trial was denied.

With respect to the Mandamus Suit he expects that a decision will occur before the end of the year from the Louisiana Court of Appeals.

Longevity litigation: “New Orleans Firefighters et al v City of New Orleans”, CDC No. 81-11108.

Mr. Robein provided the Board with an update on the longevity litigation. He noted that the City is reviewing calculations provided by his firm and the Fund. He expects to meet with the Judge once the City’s review is complete.

MOTION: Moved by Gaal and seconded by Lavene to go into executive session to discuss matters relating to Longevity.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Gaal and seconded by Lavene to end the executive session to discuss the Longevity litigation.

Motion passed.

NO OBJECTIONS

MOTION: Moved by McConnell and seconded by Jacobs to open negotiations with the City to collect the appropriate ARC amounts owed as determined by the Fund’s actuary for the calendar year 2013. The negotiations can include a cooperative endeavor agreement which would cover all amounts outstanding and due firefighters including amounts outstanding from the mandamus, retro pay, longevity and any other balances. Should negotiations fail, legal counsel is authorized to pursue mandamus efforts for the 2013 ARC before the end of the 2013 calendar year.

TIMELY FILING OF APPLICATIONS:

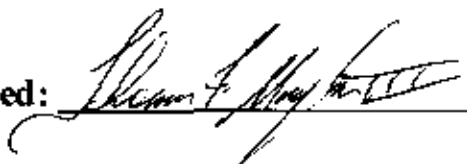
All Members applying for Pension, DROP or PLOP must do so 45 days in advance of the scheduled retirement date. All medical documentation for disability applications must be in the administrative office 45 days prior to the scheduled retirement date. Failure to comply with the Fund's rules will cause a delay in the Board taking action and will probably force an extension beyond the member's desired retirement date.

The administrative office will continue to process all paperwork in a friendly, orderly, and timely fashion. We thank all applying members for their continued cooperation. This will enable the Administrative Office and the Board of Trustees to perform their jobs more efficiently.

Members who have recently changed their address or marital status and have not updated their beneficiary form should do so at this time. Please contact the Pension Office during the hours of 10:00 am to 2:00 pm for beneficiary verifications. Your cooperation is appreciated.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:30 pm. The next regular meeting of the Board of Trustees is November 6, 2013.

Approved:  11/15/13