

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, November 6, 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, Norman FASTER and Tim McCannell.

Absent: none

Total as follows: Seven (7) members present, no (0) member absent. A quorum being present, the meeting was called to order at 9:04.

Also present,

**Louis Rohein, Board attorney
Robert Tarza, Board attorney
Pom Meyer
Paul Mitchell
Richard Connors, Firefighter
Kenny Prevost, Firefighter
Jesse Evans, NOMERS
Richard Hampton, Firefighter
Keith Noya, Firefighter
Terry Hampton, Firefighter
Niek Felton, Firefighter**

REVIEW AND ACCEPT MINUTES

MOTION: Moved by Gaal and seconded by Lavenc to apprave the October 2013 minutes.
Motian passed. **NO OBJECTIONS**

COMMUNICATIONS

Mr. Meagher noted that the LATEC mnnthly meeting is scheduled for Thursday night at Morton's Steakhouse. All Board members are invited to attend. Members wishing to attend should notify Peggy McIncon. Mr. Scott Jacobs requested to add his email address to the mailing list for future LATEC meetings.

Mr. Meagher indicated that he would like to attend a State Firefighter's pension board meeting. He indicated that the meeting falls on a work date and will seek permission for leave.

Pam Meyer noted that all members on disability are required to confirm their disability for five years following retirement. All disability forms for 2013 have been received.

REFUND OF CONTRIBUTIONS

None

CHANGE OF BENEFICIARY

Michael Broyard, Jr.

Rickey P. Stukes, Sr.

DROP WITHDRAWAL

None

NEW APPLICATIONS

Mr. Foster noted that this would be the first opportunity for the current Board to approve applications for retirement. He suggested that Mr. Robien provide the Board with an over view of the procedures, process and pertinent law that Board members must abide by in making retirement decisions, particularly disability retirements. Mr. Robien complied.

MOTION: Moved by Gaal and seconded by Jacobs 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

MOTION: Moved by Lavene 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

Phillip J. Pier, Jr.: New Fund Fire Operator, Age 56 with 34 years of service is submitting an application for a 50% Service Connected Disability Pension effective December 1, 2013.

MOTION: Moved by Gaal and seconded by Marchese to approve a 50% Service Connected Disability Pension effective December 1, 2013.

Motion passed.

NO OBJECTIONS

Albert J. McGovern: New Fund Fire Captain, Age 57 with 35 years of service is submitting an application for a 50% Service Connected Disability Pension effective November 12, 2013.

MOTION: Moved by Lavene and seconded by Marchese to approve a 50% Service Connected Disability Pension effective November 12, 2013.

Motion passed.

NO OBJECTIONS

Richard Hirstius: New Fund Fire Captain, Age 57 with 19 years of service is submitting an application for a 50% Service Connected Disability Pension effective November 6, 2013.

MOTION: Moved by Marchese and seconded by Gaal to approve a 50% Service Connected Disability Pension effective November 6, 2013.

Motion passed.

NO OBJECTIONS

Mr. Meagher noted that Mr. Phil Pries, Fletcher attorney was available by phone to discuss the SEC matters at 10 a.m. The Board elected to receive Mr. Pries' call this morning through executive session. In addition, Mr. Robert Tacza, attorney, was on hand to discuss the Hilton Garden Inn (HGI) property. The Board hired an outside firm to prepare a claim seeking damages resulting from the BP oil spill as it related to the HGI property. Mr. Tacza is seeking to provide the Board with information regarding that claim. This item was not on the agenda and requires executive session.

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

Motion passed.

NO OBJECTIONS

MOTION: Moved by Marchese and seconded by Gaal to add HGI to the agenda.

Motion passed.

NO OBJECTIONS

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

Motion passed.

NO OBJECTIONS

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

Motion passed.

NO OBJECTIONS

MOTION: Moved by Gaal and seconded by Jacobs to approve the payment to HRI of our 60% share of \$5,000 to assist in providing financial information about the HGI property in preparation of the BP damage claim.

Motion passed.

NO OBJECTIONS

DROP APPLICATIONS

None

REPORTS OF DEATHS

Pensioners:

Arthur C. Hosli: Died on October 10, 2013 at age 66 with widow and no minor children. Joined the department on March 9, 1969 and retired with 7 years of service on June 20, 1991. He spent 21 years on pension.

Robert J. Sauter: Died on October 12, 2013 at age 79 with no widow and no minor children. Joined the department on July 29, 1957 and retired on May 17, 1983 with 26 years of service.

Widows:

Priseilla Miller: Died at age 71 on August 9, 2013. Benefits began on December 1, 2007.

Una McCrossen: Died at age 91 on August 27, 2013. Benefits began on November 1, 1991.

Patsy Ranagoz: Died at age 80 on August 1, 2010. Benefits began on August 1, 2010.

MOTION: Moved by Lavene and seconded by Marchese to remove the above noted deceased members and beneficiaries from the rolls.

Motion passed.

NO OBJECTIONS

WIDOW'S APPLICATIONS

None

APPLICATIONS PENDING

Mr. Gary Ballier has appeal pending for the 66 2/3% disability pension. He has until November 25, 2013 to present additional medical documentation stating he will not be able to hold any meaningful or gainful employment in order to be eligible for the 66 2/3 disability. He has not provided any information to date.

OLD BUSINESS

None

John Underwood: This firefighter joined the department in January of 2009 and has not had any employee contributions withheld from his paycheck. Mr. Underwood has provided a check to the Fund in the amount of \$9,408.00. This amount was determined by Fire headquarters.. The balance calculated does not include a 6% contribution on worker's compensation payments made to Mr. Underwood. Fire headquarters estimates that Mr. Underwood's underpayment would be higher if employee contributions are calculated on worker's compensation payments. The Fund administration is reviewing other payments to determine whether employee contributions are due from worker's compensation payments. Mr. Underwood is aware that his payment is an estimate and subject to adjustment.

New Locatinn: Mr. Meagher and Mr. Gaal noted that the New Locatinn Committee met last week. Persons attending the meeting were Gaal, Marchese, Mitchell, P. Melancon, Donald Schultz, firefighter and Paul Hahn, firefighter. Mr. Gaal also noted that he has visited a couple of properties in the Lakeview area and felt that they were a bit expensive.

Nick Felton asked whether the meeting time and date was posted. Mr. Mitchell indicated no. Mitchell felt there was no legal requirement to post the meeting because a quorum of trustees was not attending the meeting. Mr. Felton also asked why Mr. Watkins was not invited. Mr. Gaal indicated that he did not have Mr. Watkins contact information. Mr. Felton noted that based on the minutes of the last meeting the focus of the Committee was to develop a rfp. Its mission did not include searching for new properties or hiring personnel such as real estate agents. Terry Hampton noted that as a broker he would be willing to handle any purchase of property and donate the sales commission back to the Fund. Nick Felton also asked if the Pension Fund intended to include the Union office in its plans. Mr. Lavene and Mr. Gaal indicated that there were no plans to not include the union in its office space search. Mr. Felton indicated he felt the current Board's actions indicated otherwise and noted that the group has shared office space for over 30 years. He hoped to attend all future meetings. Mr. Mitchell will be responsible for posting the meeting dates for all future meetings. Ms. Melancon will be responsible for personally contacting all committee members and interested parties for future Building Committee meetings. Mr. Gaal noted that any interested party should provide Ms. Melancon with contact information.

Mr. Felton also noted that the Board minutes did not list members of the committee other than David Watkins. Mr. Gaal moved to establish the committee.

MOTION: Moved by Meagher and seconded by Lavene to appoint Gaal, Jacobs, Marchese, Watkins, Schultz and Hahn to the New Location Committee.

Discussion followed on the ability to prepare an rfp by the end of the month. Mr. Mitchell indicated that such a task would be difficult. Board members felt timeliness was important due to the fact that the current lease was up for renewal in March 2014. Mitchell also noted that current monthly rental is \$2,500 per month all inclusive, i.e. cleaning, utilities, and bathroom supplies.

Website: Fund staff has met with two of the Board's website managers 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. Independent bids are being gathered.

Pension Fund automobile: Mr. Meagher noted that the Board's automobile is not being used on a daily basis. He requested that the Fund sell the automobile via Craig's list. Mr. Meagher will advertise the vehicle at market value. McConnell and Foster note that the City uses a firm to sell its surplus property at a 12% commission. Use of Craig's list appears to be able to generate the most return.

MOTION: Moved by Gaal and seconded by Jacobs to sell the Fund's automobile.
Motion passed. NO OBJECTIONS

Pam Mcyer noted that she has obtained insurance quotes for hired and non-owned vehicles. Coverage will be added to the Fund's general liability policy. Norman Foster noted that rentals used in the course of Fund business should purchase the additional automotive coverage.

NEW BUSINESS:

Robert Campbell: Member requests to transfer time out of the Fund's system to the State Firefighter Retirement System. Total value of the transferred time is \$13,702.14.

MOTION: Moved by Lavene and seconded by Marchese to approve the transfer of time for Mr. Campbell.
Motion passed. NO OBJECTIONS

Donald Williams: Mr. William paid \$6,640.40 in pension contributions while in DROP. This

amount should be refunded to him.

MOTION: Moved by Gaal and seconded by Lavene to make a refund to Mr. Williams of contributions paid while in DRDP.

Motion passed.

NO OBJECTIONS

Wayne Regis: Mr. Regis bought back time in the Fire Fighters' system to transfer to NOMERS.

MOTION: Moved by Marchese and seconded by Gaal to approve the buyback of time and transfer to the New Orleans Employees Retirement System.

Negotiations with the City: Mr. Meagher noted that he and Mr. Gaal and members of the Union did attend a meeting with City officials regarding the Budget appropriation and longevity payments. Negotiations are ongoing. Mr. Robein noted that a new meeting date is being worked out. He has had discussions with the City attorney regarding waiving their defense of timeliness as long as negotiations continue. Additional conversations on the negotiations are deemed confidential.

LEGAL:

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

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

IRS letter of Determination: Mr. Robein noted that his office is in negotiations with the IRS on proposed adjustments to the Fund's policies which if passed by the legislature would allow the Fund to receive it Determination letter. Mr. Robein will prepare the appropriate changes required for legislative approval and present to the Board when complete.

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 December 9, 2013.

APPROVED:  Date: 12/30/13