

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, January 7, 2014
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, Tim McConnell and Norman Foster.

Absent: none

Total as follows: Seven (7) members present, no (0) member absent. A quorum being present, the meeting was called to order at 9:10. Marchese arrived at 9:15. Norman Foster arrived at 10:35

Also present,

Louis Robein, Board attorney
Paul Mitchell
Kenny Prevost, Firefighter
Jesse Evans, NOMERS
Richard Hampton, Firefighter
Nick Felton, Firefighter
Darryl Klumpp, firefighter

REVIEW AND ACCEPT MINUTES

Minutes for the December 2013 meeting were not available for review.

COMMUNICATIONS

Mr. Meagher noted that the LATEC Educational Conference is scheduled for February 26-28, 2013. All members and staff are invited to attend. Attendance is free to LATEC members and qualifies for educational credits. Board members and staff should inform Peggy of their desire to attend the conference.

MOTION: Moved by Gaal and seconded by Marchese to approve attendance of board members and staff to attend the LATEC conference for the period February 26-28, 2014.
Motion passed. **NO OBJECTIONS**

REFUND OF CONTRIBUTIONS

Mr. Randall Weber and Mr. Brian Buckley have requested a refund of their contributions.

MOTION: Moved by Gaal and seconded by Lavene to approve the refund of contributions to Mr. Weber and Buckley.
Motion passed. **NO OBJECTIONS**

CHANGE OF BENEFICIARY

None

DROP WITHDRAWAL

None

NEW APPLICATIONS

MOTION: Moved by Jacobs and seconded by Gaal 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 Jacobs 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

John Underwood: New Fund Firefighter, Age 34 with 5 years of service is submitting an application for a 50% Service Connected Disability Pension retroactive to January 7, 2014.

MOTION: Moved by Lavene and seconded by Meagher to approve a 50% Service Connected Disability Pension effective January 7, 2014.

Motion passed.

NO OBJECTIONS

Lance Smith: New Fund Fire Captain, Age 48 with 16 years of service is submitting an application for a 66 2/3% Service Connected Disability Pension effective January 7, 2014.

MOTION: Moved by Gaal and seconded by Marchese to approve a 50% Service Connected Disability Pension effective January 7, 2014, deny a 66 2/3% disability and inform the applicant of his right to appeal the decision.

Motion passed.

NO OBJECTIONS

William Dumas: New Fund Fire Captain, Age 55 with 33 years of service is submitting an application for a 50% Service Connected Disability Pension effective January 15, 2014.

MOTION: Moved by McConnell and seconded by Jacobs to approve a 50% Service Connected Disability Pension effective January 15, 2014.

Motion passed.

NO OBJECTIONS

DROP APPLICATIONS:

None

REPORTS OF DEATHS

Pensioners:

Henry Deist: Died on December 14, 2013 at age 87 with widow and no minor children. Joined the department on May 27, 1964 and retired with 21 years of service on July 1, 1967. He spent 46 years on pension.

Stephen Williams: Died on December 17, 2013 at age 65 with widow and no minor children. Joined the department on September 10, 1973 and retired on April 12, 2003 with 29 years of service. He spent 10 years on pension.

Micheal O'Neill: Died on December 11, 2013 at age 55 with widow and no minor children. Mr. O'Neill joined the department on June 24, 1984 with 22 years of service. He died while an active firefighter.

Widow:

Darryl Klumpp noted that Mr. Eddie Brunet's widow passed away this week only two months after her husband passed away. Her son did not think that his mother has completed the paperwork to receive benefits due her as a result of Mr. Brunet's death. It is possible the daughter will contact the office.

WIDOW'S APPLICATIONS

None

APPLICATIONS PENDING

Mr. Gary Ballier has an appeal pending for a 66 2/3% disability pension. He presented 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. We are currently reviewing that documentation and would like to defer this matter until the review is complete.

MOTION: Moved by Gaal and seconded by Marchese to defer action on this request until the February Board meeting.

Motion passed.

NO OBJECTIONS

OLD BUSINESS

Fletcher: Mr. Rob McMahon has requested that the Board provide correspondence to him indicating that Paul Mitchell will replace Richard Hampton for the following roles

- 1) Liquidation Committee member for FIA Leveraged Fund (in Official Liquidation)
- 2) Observer role to Liquidation Committee of Fletcher Income Arbitrage Fund (in Official Liquidation).

MOTION: Moved by Gaal and seconded by Jacobs to allow Paul Mitchell to represent the Board and replace Richard Hampton as a Liquidation Committee Member for FIA Leveraged Fund and Observer role to the Liquidation Committee of Fletcher Income Arbitrage Fund.

Motion passed.

NO OBJECTIONS

OIG audit: Mr. Mitchell noted that the OIG has not finalized its audit of our expense records. We have seen a draft. Staff is expected to visit this week to review our computer access to Credit Union records.

NEW BUSINESS:

David Bordes: Mr. Bordes has requested to change his original decision regarding pension benefits. Mr. Mitchell informed the Board that such a change would be contrary to board regulations and State Statutes. Mr. Robein confirmed the conclusion. Discussion followed on the contents of his file folder, date of retirement, and unfunded longevity benefits.

MOTION: Moved by Gaal and seconded by Lavene to deny Mr. Bordes request to change his original decision regarding pension benefits.

Motion passed.

NO OBJECTIONS

Mr. Mitchell agreed to inform Mr. Bordes in writing of the Board's decision not to approve his request.

Negotiations with the City: the next meeting is scheduled for January 7, 2014 at 2:00 pm.

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 noted that the City has signed a waiver of defense of time limits with respect to the filing of Mandamus litigation for 2013 payments.

IRS Qualification: (Notice to Introduce Retirement Bill): Mr. Robein provided the Board with a copy of a CODED Bill of section 3385.1 which relates to DROP. The changes outlined on the document represent changes mandated by the IRS in connection of their issuance of a determination letter as well as other cosmetic changes necessary to properly reflect current laws. Mr. Robein reviewed most of the document with members of the Board and requested that the Board authorize him to provide the document to State Legislative officials. Mr. Foster indicated that he would like some additional time to review the document and was opposed to making any changes to legislation beyond those mandated by the IRS without additional time to review the changes. Mr. Foster requested that the motion be deferred until Thursday’s meeting. Mr. Robein noted that he would not be available for the meeting but that any changes could be discussed with him and pension staff. He noted that the timing of the filing of the document was mandated by the IRS. He noted that Jeff Arnold, the sponsor of the bill, would be able to make changes after the bill is filed. Most members were comfortable with the fact that staff and counsel would continue to review the bill and that changes could be made after filing.

MOTION: Motion by Gaal and seconded by Meagher to allow the Robein law firm to file the proposed changes (including cosmetic changes) to the Plan document with the State Legislature to satisfy IRS requirements for a favorable tax determination as submitted and subject to minor adjustments as may be needed.

Motion passed.

Foster, McConnell & Jacobs OBJECTED

TIMELY FILING OF APPLICATIONS:

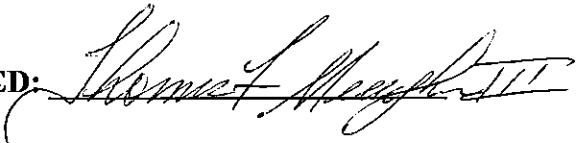
All Members applying for Pension, DROP or PLOP must do so 45 days in advance of the scheduled retirement date. All medical documentation for disability applications must be in the administrative office 45 days prior to the scheduled retirement date. Failure to comply with the Fund's rules will cause 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 February 5, 2014.

APPROVED:  DATE: 2/7/14