

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, March 5, 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, Nick Lavene, Tim McConnell, Angelo Marchese, Scott Jacobs, and Norman Foster.

Absent: None

Total as follows: Seven (7) members present, no (0) members absent. A quorum being present, the meeting was called to order at 9:10.

Also present,

**Pam Meyer
Maria Cangemi, Board attorney
Paul Mitchell
Kenny Prevost, Firefighter
Jesse Evans, NOMERS
Richard Hampton, Firefighter
Nick Felton, Firefighter
Derrick Francis, Mayor's office**

REVIEW AND ACCEPT MINUTES

MOTION: Moved by Foster and seconded by Lavene to approve the minutes for the February 2014 meetings.

Motion passed.

NO OBJECTIONS

COMMUNICATIONS

Mr. Meagher indicated that he and several Board members attended the LATEC conference and found it very informative. The agenda was filled with several interesting and relevant topics.

Mr. Mitchell noted that the OIG has issued its report on the credit card review. Board members were provided a copy of the report via email.

REFUND OF CONTRIBUTIONS

None

CHANGE OF BENEFICIARY

None

DROP WITHDRAWAL

Michael Byrne

MOTION: Moved by Gaal and seconded by Marchese to approve the DROP withdrawal for Michael Byrne effective March 4, 2014.

Motion passed.

NO OBJECTIONS

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

Michael Byrne: New Fund Fire Operator, Age 59 with 23 years of service is submitting an application for a Service Connected Disability Pension retroactive to March 5, 2014.

MOTION: Moved by Gaal and seconded by McConnell to defer action on this request until additional medical information is available.

Motion passed.

NO OBJECTIONS

DROP APPLICATIONS:

Ross A. Hennessey- New Fund Fire Captain- Age 54-30 years of service.

MOTION: Moved by Gaal and seconded by Lavene to approve a DROP application for Mr. Hennessey effective February 1, 2014.

Motion passed.

NO OBJECTIONS

REPORTS OF DEATHS

Pensioners:

Dennis E. Cronan, Sr. : Died on February 3, 2014 at age 70 with no widow and no minor children. Joined the department on November 29, 1963 and retired with 24 years of service on October, 1987. He spent 26 years on pension.

John H. Kennedy: Died on February 8, 2014 at age 70 with widow and no minor children. Joined the department on November 1965 and retired with 24 years of service on October, 1985. He spent 28 years on pension.

Widows:

Mary A. Ritter: Died at age 93 on January 1, 2014. Benefits began on July 1, 2000. 13 years on benefits.

Lenamae Roth: Died at age 78 on January 31, 2014. Benefits began on January 20, 1996. 22 years on benefits.

Mrs. Rorlan R. Ripp: Died at age 79 on January 13, 2014, Benefits began on June 1, 1981. 32

years on benefits.

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

Motion passed.

NO OBJECTIONS

WIDOW'S APPLICATIONS

Mrs. John H. Kennedy: Application for a Non- Duty death benefits effective retroactive to March 1, 2014.

MOTION: Moved by Jacobs and seconded by Lavene to approve the application of Mrs. Kennedy effective March 1, 2013.

Motion passed.

NO OBJECTIONS

Mrs. Michael O'Neill: Application for a Line of Duty death benefits effective retroactive to December 1, 2013.

MOTION: Moved by Jacobs and seconded by Gaal to defer the application of Mrs. O'Neil effective December 1, 2013.

Motion passed.

NO OBJECTIONS

APPLICATIONS PENDING

Mr. Gary Ballier has an appeal pending for a 66 2/3% disability pension. No new information has been presented.

MOTION: Moved by Gaal and seconded by Lavene to remove item from the agenda for failure of the applicant to provide additional information regarding his disability.

Motion passed.

NO OBJECTIONS

OLD BUSINESS:

David Bordes: Mr. Bordes has provided information dropping his request to appeal the Board's denial of his application to change his retirement decision.

NEW BUSINESS:

Lakewood funding request: Cynthia Ricco was on hand to request \$270,000 in capital contributions which would allow the golf course to meet its obligations. She noted that the course received no funding towards its 2013 operating costs and only \$104,000 in January 2013 which was applied to the 2012 operating deficit. She estimated that cash needs exceed \$300,000 at this time. Ms. Ricco did not have sufficient support for her request. Discussion followed on the specifics of Ms. Ricco's needs. Board members were concerned about her ability to meet current payroll and payment of taxes. Mrs. Ricco agreed to accept \$50,000 and return next week with support for her total request.

MOTION: Moved by Gaal and seconded by Foster to approve \$50,000 capital contribution to Lakewood Golf.

Motion passed.

NO OBJECTION

LEGAL:

Ms. Maria Cangemi was on hand to provide the Board with an update on various matters being addressed by our legal counsel.

Mischler et al v. State of Louisiana et al

Over 130 members, who are "vested" with 12 years of service, have filed suit challenging the constitutionality of the 2013 legislation increasing the employee contribution from 6% to 10%. For the 20-year member, previously contributing zero will now contribute 3 1/3% each year for the next three years until the 10% max is reached in year three and thereafter.

The January trial date (on injunction request) was continued at the plaintiffs' request. The new trial date is April 10, 2014.

Plaintiffs sought a continuance to allow time to bring in the City, since the City (not the Fund) is doing the actual withholding and remitting. The Amended Petition has not yet served on any party. The Attorney General, so far, is not defending the constitutionality of the law; it only argues that the case should be tried in New Orleans and the only parties should be the Fund and the City, not the Attorney General or Governor.

Longevity/Annual Leave: The City continues to meet with the Trustees (Meagher and Gaal) and the Local Union (Felton and T. Hampton). The City has tentatively committed to pursuing legislation to authorize tax or other measures to raise a stream of revenue to Fund settlements of the Fund's claims (funding mandamus, actuarially required contribution, and the Longevity/Annual Leave back pay). The back pay figures are now confirmed. Board members have offered to testify before legislative committees to support efforts to formalize and implement cooperative endeavor agreements (as authorized by the Fund's statute) to resolve longevity/pension entitlements. The City wants to meet again in the next week or so.

IRS Determination/DROP: The current version of DROP bill, which if passed, would satisfy the IRS's conditional determination. Representative Arnold is the sponsor. The legislative staffer was very "hands-on" in drafting the bill.

Funding Mandamus: The City's writ application is pending. Both sides have fully briefed issues. We anticipate Supreme Court action by end of April (could be longer).

On a related note, the Reconventional demand against the former Elected Trustees (Richie, Bud, Terry, Nick, Dean and Darryl) was dismissed by Judge Giaruso. The appeal to Fourth Circuit is pending. No date for oral argument has been set.

TIMELY FILING OF APPLICATIONS:

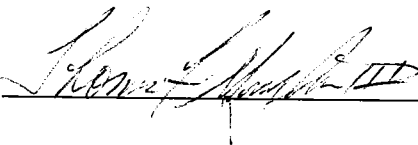
All Members applying for Pension, DROP or PLOP must do so 45 days in advance of the scheduled retirement date. All medical documentation for disability applications must be in the administrative office 45 days prior to the scheduled retirement date. Failure to comply with the Fund's rules will cause 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 11:30 am. The next regular meeting of the Board of Trustees is April 1, 2014.

APPROVED:  DATE: 4/2/14