

# NEW ORLEANS FIRE FIGHTER'S PENSION AND RELIEF FUND

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**Martin Gaal**  
**Board President**

**Thomas F. Meagher, III.**  
**Secretary-Treasurer**

**SUBJECT:**

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

**TIME, DATE AND PLACE:**

**June 10, 2015**  
**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, Thomas Meagher, Angelo Marchese, Tim McConnell, Nick Lavene, Derrick Muse and Norman Foster.**

**Note:** This is Derrick Muse's first meeting. He was introduced at the Investment Board meeting earlier.

**Total as follows: Seven (7) members present. A quorum being present, the meeting was called to order at 11:00 am.**

**Also present,**

**Pam Meyer**  
**Louis Robein, Board Attorney**  
**Paul Mitchell**  
**Kenny Prevost, Retired Firefighter**  
**Chip Moore, Firefighter**  
**Derrick Francis, Mayor's office**  
**Brittany Major, Business Council**

## **COMMUNICATIONS**

Mr. Meagher noted that election notices were mailed with the statements to beneficiaries. Mr. McConnell will email the notice to all active members, Fund staff will mail notices to all engine houses and post the notice on the website.

**REVIEW AND ACCEPT MINUTES**

Mr. Meagher moved for adoption of the May Board minutes. McConnell provided corrections.

**MOTION:** Moved by Meagher and seconded by Gaal to approve the May minutes subject to adjustments noted.

Motion passed.

**NO OBJECTIONS**

**REFUND OF CONTRIBUTIONS**

Troy Day and the estate of Cory Smith require approval of contribution refunds.

**MOTION:** Moved by Meagher and seconded by Marchese to approve the refund of contributions to Mr. Day.

Motion passed.

**NO OBJECTIONS**

**MOTION:** Moved by Marchese and seconded by Gaal to approve the refund of contributions to the estate of Cory Smith.

Motion passed.

**NO OBJECTIONS**

**CHANGE OF BENEFICIARY**

Larry White, Martin Gaal, Thomas J. St. Germain, Jr. and Adam Campbell have made changes to their beneficiary forms.

**DROP WITHDRAWAL**

None

**NEW APPLICATIONS:**

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

Motion passed.

**NO OBJECTIONS**

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

Motion passed.

**NO OBJECTIONS**

**Leroy N. Williams:** Application for a 66 2/3% Service Connected Disability effective June 23, 2015. Mr. Williams is applying for a Disability benefit under section R.S. 11:3376 and electing to receive benefits pursuant to R.S. 11:3384.

Members reviewed the benefit calculation. Discussion followed.

**MOTION:** Moved by McConnell and seconded by Foster to deny a 66 2/3% disability retirement and to approve a 50% retirement benefit pursuant to R.S.11: 3376 (B) or to alternatively approve a regular retirement benefit calculated in accordance with R.S. 11:3384 calculated as 2 ½% for the first 12 years of service and 19.1 years at 3.334%.

Discussion followed on the appropriateness of the motion made by McConnell. Mr. Meagher noted that the motion for disability should be separate from the benefit motion and that members electing a disability have the option of a retirement benefit reflective of their years of service when that benefit amount is higher than the 50% of salary benefit calculation. Meagher noted that he could not support McConnell's motion. McConnell noted, and Foster concurred, that his motion was exactly like previous motions made by him during previous meetings. Meagher disagreed with that statement. Discussion followed on that matter. Mr. Robein noted that the Board should take two separate actions. One action should make a substantive determination that the member is disabled, which would require 2/3rds vote of the Board. A separate action should approve a request for the higher benefit under R.S. 11:3384. McConnell felt his motion was in accordance with the statutes, in that a member is eligible for a disability retirement at 50% of his salary or a regular retirement calculated in accordance with R.S. 11:3384, which does not grant a disability. He also noted, following questions on his experience regarding benefit calculations, that he has never prepared retirement calculations for any member during his employment at the Fund. McConnell also clarified that under his motion, the member would not receive a disability should he elect the higher benefit amount. Lavene noted that this motion treats this member differently from recent retirees. He felt that the motion was unfair. McConnell felt that his motion will follow the letter of the law. Meagher felt that the motion did not separate the disability from the benefit, and does not grant the member the benefit the Board granted to him in 2009 when the member entered DROP. After further discussion the Board moved to vote on the motion on the floor, which was moved by McConnell and seconded by Foster.

**Motion failed. Meagher, Marchese, Lavene and Gaal voted against the motion. McConnell, Muse and Foster voted for the motion.**

**MOTION:** Moved by Meagher and seconded by Gaal to deny a motion for a 66 2/3% disability and approve a 50% disability retirement benefit calculated in accordance with the benefit calculation in accordance with R.S. 11:3384 provided in the booklet and as historically applied by the Board which amounted to 3 1/3% for all years of service.

**Mr. Foster offered a substitute motion which was seconded by McConnell to deny a 66**

**2/3% disability motion and approve a 50% retirement benefit pursuant to R.S.11: 3376 (B) at one half of his monthly salary or to alternatively approve a regular retirement benefit calculated in accordance with R.S. 11:3384 calculated at 2 ½% for the first 12 years and 3.334 for the remaining years. The vote on the substitute motion failed. Meagher, Lavene, Gaal and Marchese voted against. Foster, McConnell and Muse voted for.**

**The vote on the original motion by Meagher and seconded by Gaal also failed. Meagher, Marchese, Lavene and Gaal voted for. Foster, McConnell and Muse voted against.**

Meagher left the Board meeting.

**DROP APPLICATIONS:**

None

**REPORTS OF DEATHS**

**Pensioners:**

**Norvin B. Galiano** died on May 9, 2015 at age 88, leaving a widow and no minor children. He retired on August 31, 1975 and spent 40 years on pension.

**Barry D'Angelo** died on May 12, 2015 at age 70, leaving a widow and no minor children. He entered the department on November 26, 1969 and retired with 37 years of service. He retired on June 13, 2006 and spent 9 years on pension.

**Widow:**

**Katherine F. Lagarde:** Mrs. Lagarde died on May 26, 2015 at age 77. Her benefits began on March 1, 2003.

**MOTION:** Moved by Foster and seconded by Marchese to remove the above noted deceased widow from the pension rolls.

Motion passed.

**NO OBJECTIONS**

**WIDOW'S APPLICATIONS**

Meyer noted that there were matters requiring legal discussion regarding a beneficiary of Corey Smith.

None

**APPLICATIONS PENDING**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**LEGAL:**

**City of New Orleans et al v NOFF Pension Fund et al, NO 2015-4138, Div. M. Civil District Court Orleans Parish (Petition for Declaratory Judgment/Old Fund Reserves)**

No change since last meeting.

**Firefighters Retirement System et al v CITGO Group Ltd et al, No 61960, Section 25 19<sup>th</sup> Judicial District Court EBR Parish (Petition of City of New Orleans to intervene to assert "subrogation" against recovery obtained by Pension Fund)**

The 5<sup>th</sup> Circuit has ruled against the plaintiffs. A memorandum from attorneys will be forwarded to Board members. An appeal will be discussed with legal counsel.

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

The City has appropriated the \$5 million and unilaterally elected to make the payments of \$750,000 per month per Mr. Foster. The Fund expects full payment. Mr. Robein will discuss the matter with Ms. Williams, City Attorney.

**Mischler et al v State of Louisiana et al:**

The original Mischler lawsuit has been consolidated with Tarranto.

**Tarranto et al v City of New Orleans**

The consolidation of Mischler and Taranto may be contested by appeal to the Fourth Circuit.

**Longevity Litigation:**

Judge Reese will hear arguments on the Firefighters' motion for contempt on June 11, 2015.

**Mediation:**

Mr. Robein advised the Trustees that "global" mediation to resolve all claims and counterclaims in all funding and longevity actions is set to begin on June 25, 2015 at the Sher Garner law offices.

**MOTION: Moved by Gaal and seconded by Lavene to enter executive session pursuant to R.S. 42:17 (A) (2) for discussion of strategy or negotiations with respect to actual litigation, where an open meeting would have a detrimental effect on the litigating position of NOFF in any judicial matters related to agenda item above; all pertinent notification has been provided.**

**Motion passed.**

**NO OBJECTIONS**

**MOTION: Moved by Lavene and seconded by Marchese to come out of executive session.**

**Motion passed.**

**NO OBJECTIONS**

**ADJOURNMENT**

There being no further business, the meeting adjourned.

**TIMELY FILING OF APPLICATIONS:**

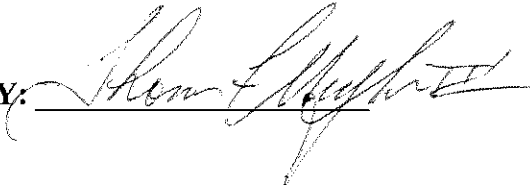
**All Members applying for Pension, DROP or PLOP must do so 45 days in advance of the scheduled retirement date. All medical documentation for disability applications must be in the administrative office 45 days prior to the scheduled retirement date. Failure to**

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. Please contact the Pension Office during the hours of 10:00 am to 2:00 pm for beneficiary verifications. Your cooperation is appreciated.

APPROVED BY:



DATE:

