

NEW ORLEANS FIRE FIGHTER'S PENSION AND RELIEF FUND

**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:

**September 9, 2015
3520 General DeGaulle
Suite 3001
New Orleans, Louisiana 70130**

The following members of the Board of Trustees were present: Martin Gaal, Thomas Meagher, Angelo Marchese, Tim McConnell, Derrick Muse, Nick Lavene and Norman Foster.

A quorum being present, Board President Martin Gaal called the meeting to order at 9:05 a.m.

Also present,

**Pam Meyer
Louis Robein, Board Attorney
Paul Mitchell
Kenny Prevost, Retired Firefighter
Derrick Francis, Mayor's office**

COMMUNICATIONS

Mr. Gaal informed the Board that Gary Delucca is under hospice care. He requested that the members keep him in their prayers.

REVIEW AND ACCEPT MINUTES

Mr. Meagher moved for adoption of the July 8, 2015 Regular Board minutes. McConnell noted that corrections were submitted in writing.

MOTION: Moved by Marchese and seconded by Gaal to approve adoption of the July 8, 2015 Regular Board minutes with the changes submitted by McConnell.
Motion passed. NO OBJECTIONS

Mr. Meagher noted that minutes of the Special meeting on July 24, 2015, regular minutes of August 13, 2015 and regular minutes of August 27, 2015 require approval. Mr. Muse noted that he should be listed as attending the meeting of July 24, 2015. McConnell noted that he had no changes to the minutes of the regular Board meeting on August 13, 2015.

McConnell noted that the June regular Board minutes require some correction particularly on pages 3 & 4. Discussion followed on the proposed corrections with no action being taken until McConnell forwarded the changes to Mitchell in writing.

Mr. Robein noted that oath of office documentation for Mr. Muse should be completed and filed with the appropriate State agency.

MOTION: Moved by Meagher and seconded by McConnell to approve the minutes of the July 24, 2015 meeting with correction adding Mr. Muse as attending.
Motion passed. NO OBJECTIONS

MOTION: Moved by Meagher and seconded by McConnell to approve the minutes of the August 13, 2015 regular Board meeting.
Motion passed. NO OBJECTIONS

MOTION: Moved by Meagher and seconded by Lavene to approve the minutes of the August 24, 2015 Board meeting held immediately after the election results were completed.
Motion passed. NO OBJECTIONS

REFUND OF CONTRIBUTIONS

Mr. Wade E. Henderson, Jason Washington and Dustin Mahler are requesting a refund of contributions. Ms. Meyer noted that Mr. Henderson is vested and can receive benefits beginning at age 50. Mr. Henderson has provided the Fund with a signed document acknowledging this waiver of future benefits absent a return to service.

Discussion followed on RS 11:3365 which governs refund of contributions. McConnell noted that the Fund may consider changing RS 11:3365(C) to require 5 years of employment after a return to duty before a member can repay the amount he withdrew.

MOTION: Moved by Meagher and seconded by Lavene to approve the refund of contributions to Mr. Henderson.

Motion passed.

NO OBJECTIONS

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

Motion passed.

NO OBJECTIONS

MOTION: Moved by Meagher and seconded by Lavene to approve the refund of contributions to Mr. Washington.

Motion passed.

NO OBJECTIONS

CHANGE OF BENEFICIARY

Frank X. Resendez, Erick Frederick and Marco Iverson submitted changes to their respective beneficiary forms.

DROP WITHDRAWAL

None

R.S. 11:3376 DISABILITY APPLICATIONS

MOTION: Moved by Meagher and seconded by Marchese 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 Muse 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

Mark A Zeagler:: New Fund Fire Fighter, age 46 with 6 years of service, applying for a 66 2/3% Service Connected Disability Pension effective October 1, 2015.

MOTION: Moved by Meagher and seconded by Lavene to approve a 50% Service Connected Disability retirement benefit effective October 1, 2015 pursuant to R.S.11: 3376 and to deny the 66 2/3% disability and notify the member of his right to appeal.

Motion passed.

NO OBJECTIONS

ALTERNATIVE ELECTION AS PER R.S.11:3376 F (2)

None

DROP APPLICATIONS: September 1, 2015

Timothy T. Hughes: New Fund Fire Operator, age 55 with 30 years of service is applying to enter DROP.

MOTION: Moved by Meagher and seconded by Gaal to approve a DROP benefit application calculated at 3 1/3 % for all years of service up to 100% of salary.

McConnell offered a substitute motion,

MOTION: Moved by McConnell and seconded by Foster to approve a DROP benefit calculated at 2 ½% for the first 12 years of service and for all years of service until Mr. Hughes reaches age 50 and 3 1/3% for all years of service beyond age 50 and 12 years of service. If the member has 30 years of service the member will be credited with 3 1/3% for each year of service beyond 12 years of service.

Meagher, Marchese, Gaal and Lavene vote against. McConnell, Muse and Foster voted for. Substitute Motion failed.

Vote on original motion.

Meagher, Marchese, Gaal and Lavene vote for. McConnell, Muse and Foster voted against. Original Motion passed

REPORTS OF DEATHS

Pensioners:

John A Renaud: Mr. Renaud died on August 2, 2015 at age 77, leaving a widow and one handicapped son. He entered the department on July 14, 1962 and retired after 26 years of service on August 16, 1988. He spent 27 years on pension.

Stephen K McCombs: Mr. McCombs died on August 18, 2015 at age 68 leaving widow and no minor children. He entered the department on March 29, 1971, retired on April 3, 2001 with 30 years of service. He spent 14 years on pension.

Widow:

Mrs. Marie Carrero: Mrs. Carrero died on August 22, 2015 at age 86. Her benefits began on January 1, 2015 and continued for 8 months.

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

Motion passed.

NO OBJECTIONS

WIDOW'S APPLICATIONS

Mrs. Gina Gonsoulin (William)- Application for a Non-Duty Death Benefit effective retroactive to September 1, 2015.

MOTION: Moved by Meagher and seconded by Marchese to approve a non-duty death benefit for Mrs. Gina Gonsoulin effective September 1, 2015.

Motion passed.

NO OBJECTIONS

Mrs. Rebecca Fontana (Bruce)- Application for a Non-Duty Death Benefit effective retroactive to August 1, 2015.

MOTION: Moved by Meagher and seconded by McConnell to approve a non-duty death benefit for Mrs. Fontana effective August 1, 2015.

Motion passed.

NO OBJECTIONS

Mrs. Bernadine Renaud (John)- Application for a Line of Duty Death Benefit effective retroactive to September 1, 2015. Applications for a child benefit effective September 1, 2015.

MOTION: Moved by Meagher and seconded by Marchese 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 Gaal 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

MOTION: Moved by Gaal and seconded by Marchese to approve a line of duty death benefit for Mrs. Renaud effective September 1, 2015.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Gaal and seconded by Meagher to approve a dependent child death benefit per RS 11:3378 A(g) for Paul Renaud, the son of Mr. Renaud, effective September 1, 2015.

Motion passed.

NO OBJECTIONS

Mrs. Jolene McCombs (Steven)- Application for a Non-Duty Death Benefit effective retroactive to September 1, 2015.

MOTION: Moved by Lavene and seconded by Gaal to approve a non-duty death benefit for Mrs. McCombs effective September 1, 2015.

Motion passed.

NO OBJECTIONS

APPLICATIONS PENDING

None

OLD BUSINESS:

None

NEW BUSINESS:

Interest on DROP and PLOP: Based on information provided in the Actuarial report, interest on DROP and PLOP accounts will be 0% for the 12 month period July 1, 2015 to June 30, 2016.

MOTION: Moved by Meagher and seconded by Gaal to approve the interest rate of 0 % on DROP and PLOP for the 12 month period July 1, 2015 to June 30, 2016.

Motion passed.

NO OBJECTIONS

Recertification of Disability update: Meyer noted that only 1 recertification remains outstanding. The member is scheduled to see the doctor on September 17, 2015.

LEGAL:

MOTION: Moved by Meagher 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. Nick Felton will remain for the executive session.

Motion passed.

NO OBJECTIONS

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

Motion passed.

NO OBJECTIONS

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 19th Judicial District Court EBR Parish (Petition of City of New Orleans to intervene to assert "subrogation" against recovery obtained by Pension Fund)

A motion to ratify the appointment of Board council to join as co-council in the RBS litigation and the Supreme Court writ re Citco is necessary.

MOTION: Moved by Meagher and seconded by Lavene to approve the appointment of Board legal counsel to act as co-council in the RBS litigation.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Meagher and seconded by Lavene to approve the appointment of Board legal counsel to act as co-council in Supreme Court writ application.

Motion passed.

NO OBJECTIONS

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

Litigation reopened. Court date set for October 6, 2015.

Mischler et al v State of Louisiana et al:

The original Mischler lawsuit has been consolidated with Tarranto.

Taranto et al v City of New Orleans

The consolidation of Mischler and Tarranto may be subject to a writ with the Fourth Circuit Court of Appeal.

Longevity Litigation:

The Louisiana Supreme Court stayed the house arrest orders of Judge Reese until further rulings by the Court.

Mediation:

Meetings continue with respect to mediation. A motion to ratify the Fund's continued participation in mediation required.

MOTION: Moved by Meagher and seconded by Lavene to allow representatives of the Board to continue mediation meetings regarding longevity matters.

Motion passed.

NO OBJECTIONS

ADJOURNMENT

There being no further business, benefit calculations were deferred to a later date. The meeting adjourned at 11:05 am.

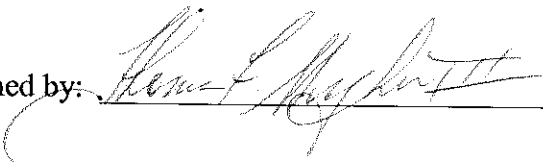
TIMELY FILING OF APPLICATIONS:

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.

Signed by:



DATE:

12/2/15