

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:

**November 11, 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, Nick Lavene and Norman Foster. Derrick Muse was absent.

A quorum being present, Board President Martin Gaal called the meeting to order at 11:05 a.m. Mr. Meagher led the Board and members in attendance in the Pledge of Allegiance and a moment of silence for fallen firefighters.

Also present,

**Pam Meyer
Louis Robein, Board Attorney
Paul Mitchell
Kenny Prevost, Retired Firefighter
Derrick Francis, Mayor's office
Darren Imbraguglio, Fire Operator
Nick Felton, President Local 632
Terrell Hampton, Retired Firefighter
Paul Hahn, Firefighter
Gary Savelle, Firefighter
Donald Shulz, Retired Firefighter**

COMMUNICATIONS

None

REVIEW AND ACCEPT MINUTES

Members were requested to approve the October 2015 and September 2015 Board minutes.

MOTION: Moved by Marchese and seconded by Gaal to approve the September 9, 2015 minutes with the correction to the motion on page 2, replacing Marchese with Gaal.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Marchese and seconded by Gaal to approve the October 2015.

Motion passed.

NO OBJECTIONS

REFUND OF CONTRIBUTIONS

Reice O'Keefe has resigned and is seeking a refund of contributions. Robert J. Pitre, Sr., Timothy Hughes and Gregory Davis require refund of contribution overpayments made while in DROP.

MOTION: Moved by Meagher and seconded by Lavene to authorize staff to make the appropriate refund of contributions.

Motion passed.

NO OBJECTIONS

CHANGE OF BENEFICIARY

Gilbert Thompson, Michael Ezidore, Henry Carroll, Gary Rogers, Joseph Koster, Jr., Joseph Scavo, Sr., Donald Durr, Gordon Rucker, Eddie Fuller, Michael Demots, George R. Ricks, Jr., Timothy P. O'Neal, William Ziegler, Leon Cryer, Harold J. Smith, Jr., and Albert Baldwin, Jr. have submitted beneficiary forms. Meyer noted that Therese Kehoe sent out notices again recently to approximately 85 members who do not have beneficiary forms on our AS400 file, lost as a result of flooding during Katrina. It is hopeful all members complete beneficiary forms.

DROP WITHDRAWAL Effective, October 31, 2015

None

NEW APPLICATIONS

Randy J. Cookmeyer: New Fund Fire Captain, Age 50 with 25 years of service is applying for

a Regular Service Pension effective retroactive to October 27, 2015.

MOTION: Moved by Meagher and seconded by Lavene to approve a pension benefit calculated as 2 ½% for the first 12 years of service and 3 1/3% for all years beyond 12 years of service.

Substitute motion,

MOTION: Moved by McConnell and seconded by Foster to approve a pension benefit calculated as 2 ½% for the first 12 years of service and all years of service until the member reaches 50 years of age and 3 1/3% for all years of service beyond age 50 and 12 years of service.

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

Vote on original motion.

Meagher, Marchese, Lavene and Gaal vote for the motion. McConnell and Foster vote against the motion. Motion passes.

R.S. 11:3376 DISABILITY APPLICATIONS

None

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

None

DROP APPLICATIONS: October 1, 2015

Victor J. Lacava: New Fund Fire District "Chief, age 50 with 24 years of service is applying to enter DROP.

MOTION: Moved by Meagher and seconded by Lavene to approve a DROP benefit application calculated at 2 ½% for the first 12 years of service and 3 1/3 % for all years of service and partial years after the first 12 years of service.

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. Lacava 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 and Foster voted for.

Substitute motion failed.

Vote on original motion.

Meagher, Marchese, Gaal and Lavene vote for. McConnell and Foster voted against.

Original Motion passed.

Gary M. Savelle: New Fund Fire Deputy Chief, age 52 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.

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. Savelle 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 and Foster voted for.

Substitute motion failed.

Vote on original motion.

Meagher, Marchese, Gaal and Lavene vote for. McConnell and Foster voted against.

Original Motion passed.

Kevin R. Williams: New Fund Fire Captain, age 52 with 15 years of service is applying to enter DROP.

MOTION: Moved by Meagher and seconded by Gaal to approve a DROP benefit application calculated at 2 ½% for the first 12 years of service and 3 1/3 % for all years of service and partial years after the first 12 years of service.

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. Williams 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 and Foster voted for.

Substitute motion failed.

Vote on original motion.

Meagher, Marchese, Gaal and Lavene vote for. McConnell and Foster voted against.

Original Motion passed.

Theodore A. Kreger, Jr.: New Fund Fire Operator, age 57 with 25 years of service is applying to enter DROP.

MOTION: Moved by Meagher and seconded by Marchese to approve a DROP benefit application calculated at 2 ½% for the first 12 years of service and 3 1/3 % for all years of service and partial years after the first 12 years of service.

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. Kreger 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 and Foster voted for. Substitute motion failed.

Vote on original motion.

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

REPORTS OF DEATHS

Pensioner:

William L. Roth: Mr. Roth died on October 8, 2015 at the age of 93 with no widow and no minor children. He entered the department on May 14, 1946 and retired after 28 years of service on January 19, 1974. He spent 41 years on pension.

Widow:

Francis L. Adams: Mrs. Adams died on October 13, 2015 at the age of 73. Her benefits began on June 1980 and continued for 35 years.

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

Motion passed.

NO OBJECTIONS

WIDOW'S APPLICATIONS

MOTION: Moved by Meagher 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 and pending applications.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Meagher and seconded by Marchese 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

Mrs. Judy Delucca (Gary): Mrs. Delucca is applying for a line of duty widow's benefit effective retroactive to November 1, 2015.

MOTION: Moved by Gaal and seconded by McConnell to approve a line of duty death benefit retroactive to November 1, 2015 for Mrs. Delucca.

Motion passed.

NO OBJECTIONS

Mrs. Deborah Mouchon (Dennis): Mrs. Mouchon is applying for a line of duty widow's benefit retroactive to September 1, 2015.

MOTION: Moved by Gaal and seconded by Marchese to approve a non-duty death benefit retroactive to September 1, 2015 for Mrs. Mouchon and notify her of her right to appeal the decision.

Motion passed.

NO OBJECTIONS

Mrs. Lisa Rodriguez (Merlin Vogel): Mrs. Rodriguez is applying for a non-duty death benefit effective retroactive to October 1, 2015.

MOTION: Moved by Meagher and seconded by Marchese to approve a non-duty death benefit retroactive to October 1, 2015 for Mrs. Rodriguez.

Motion passed.

NO OBJECTIONS

APPLICATIONS PENDING

Mark A. Zeagler: Mr. Zeagler applied for a 66 2/3% disability which was denied on September

9, 2105. He was offered the right to appeal the decision. No additional information has been received from him within the 60 day time period. The file will be closed.

OLD BUSINESS:

Recertification of Disability: All recertifications have been received.

NEW BUSINESS:

Expense Committee: Foster noted that expense items will be reviewed during the Special meeting on Monday November 16, 2015 beginning at 12:30 pm.

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)

Court hearing will be deferred until all parties can make the 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)

The settlement agreement provided that the City's intervention in those matters will be dismissed only if the millage passes. The Federal Court will not review the motion to dismiss filed by the pension fund until after the millage matter is resolved.

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

Litigation rescheduled to date not available at the time of this meeting.

**Mischler et al v State of Louisiana et al:
Tarranto et al v City of New Orleans**

The original Mischler lawsuit has been consolidated with Tarranto. The consolidation of Mischler and Tarranto may be subject to a writ with the Fourth Circuit Court of Appeal.

Longevity Litigation:

Hearing has been rescheduled to a date to be determined. The appeal of the contempt has been remanded back to the District Court. The Judge will consider the remand and appropriateness of the settlement agreement.

Settlement Agreement:

Mr. Robein also noted that Judge Giarrusso will be hearing the matters on the Alternative interpretation. The AIG litigation has also been settled as part of the settlement agreement. The AIG settlement will also pay the costs of mediation. It is also assumed that the remaining amount of the settlement will be delivered to the Fund as the insured.

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

Mr. Meagher indicated that the Board will schedule a special meeting on Monday November 16, 2015 to meet with Mr. Waltemath. The Expense Committee will meet at 12:30 to review expenses. The Waltemath matter will be address immediately thereafter.

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.

By: Thomas S. Neff

Date: 12/9/15