

# **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:**

**March 9, 2017  
3520 General DeGaulle  
Suite 3001  
New Orleans, Louisiana 70130**

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

**Also present,  
Pam Meyer  
Paul Mitchell  
Kenny Prevost, retired firefighter  
Nicholas Felton, President Local 632  
Michele Conway, Mayor's office  
Beverly Garipey, Deputy Finance Director  
Louis Robein, Board attorney**

**A quorum being present, Secretary Treasurer Thomas Meagher called the meeting to order at 9:15 a.m. Meagher led the Board in a Pledge of Allegiance and moment of silence for fallen firefighters.**

## **COMMUNICATIONS**

**An investment Board meeting will be held on March 15, 2017**

**REVIEW AND ACCEPT MINUTES**

**MOTION:** Moved by Meagher and seconded by Marchese to approve the minutes of the February 8, 2017 Board meeting.

Motion passed. Lavene abstained.

**REFUND OF CONTRIBUTIONS**

None

**CHANGE OF BENEFICIARY**

David Condon and Derek Woods have submitted beneficiary forms.

**R.S. 11:3376 DISABILITY APPLICATIONS**

None

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

None

**DROP WITHDRAWALS**

None

**REGULAR RETIREMENT APPLICANTS:**

**Donnie Hart:** New Fund fire operator, age 58 with 35 years of creditable service is applying for a Regular Service Pension effective February 24, 2017.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a Regular Service Pension Benefit application for Donnie Hart effective February 24, 2017 in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

**NO OBJECTIONS**

**DROP APPLICATIONS:**

**Roy L. Simmons, Jr.** New Fund Fire Captain, age 51 with 30 years of creditable service is applying for DROP effective March 1, 2017.

**MOTION:** Moved by Meagher and seconded by Muse to approve a DROP application for Mr. Roy L. Simmons, Jr. effective March 1, 2017 with a regular retirement benefit in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

**NO OBJECTIONS**

**REPORTS OF DEATHS**

**Pensioners:**

**Paul Oestringer, Jr.:** died on February 19, 2017 at the age of 73, leaving a widow and no minor children after spending 22 years on pension. He joined the department on December 1, 1966 and retired on March 26, 1996 with 30 years of service.

**Robert R. Darcey:** Mr. Darcey died on January 24, 2017 at the age of 59, leaving a widow and no minor children. He entered the department on June 18, 1978 and retired on October 13, 1998, with 18 years of service. He spent 18 years on pension.

**Widows**

**Vivian Malloy:** died on February 22, 2017 at the age of 94. Her benefits began on January 1, 2003.

**MOTION:** Moved by Meagher and seconded by Marchese to remove the above noted members and widow from the rolls.

Motion passed.

**NO OBJECTIONS**

Norman introduced Ms. Beverly Gariepy as the next Finance Director.

Meagher requested that we move to items out of order until Mr. Gaal arrives. There was no objection to the request.

## **FINANCIAL INFORMATION**

Board members were provided with key financial revenue and disbursement figures for the New and Old system for February 2017.

### **OLD BUSINESS:**

**Update on request to access to firefighter payroll data from Finance.** Mitchell noted that this request would provide the same access to firefighter payroll information that NOMERS receives for its members from Finance. Foster noted that the pension accumulator information is available as far back as 1998. He noted that the City's controller will be able to provide the information.

**SEB information request update** The Fund has requested that McConnell provide SEB payment information to them. McConnell was provided with member waiver forms earlier this year. McConnell noted that he has not received a response from the City Attorney regarding his ability to release any SEB information. McConnell indicated that he would request a response from the City Attorney. McConnell had no objections to Robein contacting the City Attorney for a response to this request.

**Old Fund Appropriations:** Meagher noted that the Old Fund fund balance is estimated to be about \$150,000 at year end. With no reserve this could be a problem if the monthly appropriations are delayed for any reason. Norman indicated he will look into the matter.

### **NEW BUSINESS:**

**Audit questionnaire:** Board members were provided a copy of a questionnaire from our audit for completion. Mr. Robein led a review of the questionnaire during the meeting. Ms. Meyer agreed to collect the completed forms and submit them to the auditors.

### **LEGAL:**

Mr. Robein led the discussion on the following:

- Meagher and Robein noted that several active members have asked the Fund to consider giving active members the opportunity to revoke their DROP election as a result of the recent court decision. Active members have noted that they would not have entered DROP if they were subject to the calculations determined under the recent District Court's decision. The proposal being considered would undo the DROP completely and start DROP anew. That discussion will occur once Gaal arrives.

- The final judgment on the longevity matter was included in the packet. It provides for the continued payment of the longevity settlement and continues the Fund as an Administrator for the settlement. Robein's firm continues to locate heirs.
- The District Court upheld the Fund's position on SEB offsets. The City can appeal the decision. The legal firm has paid filing fees necessary for the appeal of the alternative interpretation case to move forward in the appellate courts. Robein expects the case to be heard by Labor Day.
- There has been no activity in the Mischler matter. Abatement period extends for three years after the last legal action.
- A hearing in the Lakewood matter granted the dismissal of discrimination claims. The retaliation claim remains. Claims against the Fund are not triable before a jury. The case is open for discovery. The lawyer for the plaintiff is a State legislator which could delay any action in the case during a legislative session.
- A motion to dismiss all claims against all trustees in the matters of the Old Fund reserves and the 2012 funding mandamus litigation is being processed by City attorneys, except for pending claim for alternative interpretation and SEB offsets.
- The Don Houston matter was heard by the appeals committee. A full record has been developed and will be discussed in executive session.
- Foster requested an update on the Fletcher matter. Mitchell noted that case will be heard in the Louisiana District Federal courts. Document gathering is taking place at this time by our attorney. All parties (defendants and plaintiffs) have prepared an order to keep our data confidential.

Norman Foster left the meeting. The Board took a recess. Martin Gaal arrived.

### **WIDOW'S 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 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. Elizabeth C. Darcey: is applying for a line of duty widow's death benefit effective February 1, 2017.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a Non-Duty Death Benefit retroactive to February 1, 2017 for Mrs. Darcey, deny the Line of Duty benefit and notify the applicant of her right to appeal the decision.

Motion passed.

NO OBJECTIONS

### **APPLICATIONS PENDING**

**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 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

Don Houston is appealing the decision of the Board and seeking a 50% line of duty disability benefit. Board members have reviewed the medical information and recommendation of the appeals committee.

**MOTION:** Moved by Meagher and seconded by Gaal to approve a 50% Line of Duty Disability Benefit retroactive to date of initial application.

Motion passed.

NO OBJECTIONS

**Rehires:** New employees, who are returning to the Fire department, should have their pension accrual status codified. Currently new hires with no prior fire department service earn an accrual rate at 2.5% for all years of service. Rehires have requested whether they accrue benefits in place at their original employment date, which is higher than the 2.5% accrual rate. McConnell agreed to discuss the matter with Civil Service and the City Attorney. Meagher requested that McConnell obtain a letter from the City attorney outlining the City's position.

**DROP revoke:** Meagher provided members with a copy of the DROP revoke proposal. Discussion followed on the terms of the proposal. McConnell noted that he would like to defer the matter until he has more time to read the document and meet with Norman Foster on the matter.

**ADJOURNMENT**

There being no further business the meeting adjourned.

**TIMELY FILING OF APPLICATIONS:**

**All Members applying for retirement, 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:** Thomas F. Meagher **DATE:** 4/10/17