

NEW ORLEANS FIREFIGHTERS' PENSION AND RELIEF FUND

Martin Gaal
Board President

Thomas F. Meagher, III
Secretary-Treasurer

SUBJECT:

**Board of Trustees Regular Meeting
Firefighters' Pension & Relief Fund**

TIME, DATE AND PLACE:

**June 13, 2018
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, Norm White and Nick Lavene.

Also present

Pam Meyer

Louis Robein, Board Attorney

Kenny Prevost, retired firefighter

Paul Mitchell

Brandon Krsak, active firefighter

Bob Matory, retired firefighter

A quorum being present, Board President Martin Gaal called the meeting to order at 10:06 a.m.

COMMUNICATIONS

Mr. Meagher acknowledged receipt of a thank you letter from the Gerald Leone family.

REVIEW AND ACCEPT MINUTES

MOTION: Moved by Meagher and seconded by Marchese to approve the May 2018 Regular Board minutes with corrections.

Motion passed.

NO OBJECTIONS

REFUND OF CONTRIBUTIONS

None

CHANGE OF BENEFICIARY

None

MOTION: Moved by Meagher and seconded by Lavene to go into executive session to discuss medical records related to disability applications.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Meagher and seconded by Gaal to come out of executive session

Motion passed.

NO OBJECTIONS

R.S. 11:3376 DISABILITY APPLICATIONS

Darren M. Jones: a new Fund Firefighter, age 58 with 36 years of service is applying for a 50% Service Connected Disability Pension effective June 13, 2018.

MOTION: Moved by Meager and seconded by Lavene to approve the 50% service connected disability and to approve the alternative benefit election as per R.S.11:3376F(2) which provides for benefits to be calculated at 2 ½% for the first twelve years of service and all years of service until the member 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 the member has beyond 30 years of service the retirement benefit for each year or portion of a year shall be 3 1/3%.

Motion passed.

NO OBJECTIONS

Robert Matory:: a new Fund Fire Captain , age 57 with 37 years of service is applying for a 50% Service Connected Disability Pension effective June 13, 2018.

MOTION: Moved by Meager and seconded by Gaal to approve the 50% service connected disability and to approve the alternative benefit election as per R.S.11:3376F(2) which provides for benefits to be calculated at 2 ½% for the first twelve years of service and all years of service until the member 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 the member has beyond 30 years of service the retirement benefit for each year or portion of a year shall be 3 1/3%.

Motion passed.

NO OBJECTIONS

Marcus Grant: New Fund Firefighter, age 45 with 18 years of service is applying for a 50% Service connected disability effective June 13, 2018.

Ms. Meyer noted that the application is not complete for a number of reasons, but primarily due to the member not being examined by the Fund's doctor. No action should be taken on a disability until the file is sufficient to reach a decision. It is expected that the application be deferred until the next meeting.

Kevin M. Rogan: New Fund Fire Operator, age 40 with 16 years of service is applying for a 50% Service connected disability effective June 13, 2018.

Ms. Meyer noted that the application is not complete for a number of reasons, but primarily due to the member not being examined by the Fund's doctor. It is expected that the application be deferred until the next meeting.

Numa Jones: New Fund Firefighter, age 61 with 35 years of service is applying for a 50% Service connected disability effective June 13, 2018.

Ms. Meyer noted that the application is not complete for a number of reasons, but primarily due to the member not being examined by the Fund's doctor. It is expected that the application be deferred until the next meeting.

DROP WITHDRAWAL

None

REGULAR RETIREMENT APPLICANTS:

None

DROP APPLICATIONS

Terrance Morris: New Fund Fire District Chief, age 54 with 30 years of service is applying to enter the DROP.

MOTION: Moved by Meager and seconded by Marchese and to approve the DROP election which provides for benefits to be calculated at 2 ½% for the first twelve years of service and all years of service until the member 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 the member has beyond 30 years of service the retirement benefit for each year or portion of a year shall be 3 1/3%.

Motion passed.

NO OBJECTIONS

Reginald A. Green: New Fund Fire Captain, age 54 with 30 years of service is applying to enter the DROP.

MOTION: Moved by Meager and seconded by Marchese and to approve the DROP election which provides for benefits to be calculated at 2 ½% for the first twelve years of service and all years of service until the member 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 the member has beyond 30 years of service the retirement benefit for each year or portion of a year shall be 3 1/3%.

Motion passed.

NO OBJECTIONS

REPORTS OF DEATHS

Pensioners:

Ronald A. Ohlsen died on April 2, 2018 at the age of 97, leaving no widow and no minor children. He entered the department on April 23, 1953 and retired on July 1, 1973 after 20 years of service. He spent 44 years on pension.

Janes J. Chastain died on May 13, 2018 at the age of 75, leaving a widow and no minor children. He entered the department on November 29, 1963 and retired on February 11, 1981 after 17 years of service. He spent 37 years on pension.

Dennis Kammierczak died on May 16, 2018 at the age of 74, leaving a widow and no minor children. He entered the department on March 10, 1969 and retired on November 14, 1984 after 15 years of service. He spent 33 years on pension.

Widows:

Nellie L Partridge died on March 25, 2018 at the age of 95. Her benefits began on January 1, 1994. She spent 24 years on benefits.

Ethel M. Wild died on April 22, 2018 at the age of 92. Her benefits began on June 1, 2007. She received benefits for 10 years.

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

Motion passed.

NO OBJECTIONS

WIDOW'S APPLICATIONS

Mrs. Theresa Chastain (James) is applying for a Non- Duty Widow's benefit effective May 1, 2017.

MOTION: Moved by Meagher and seconded by Gaal to approve a Non Duty widow's benefit effective May 1, 2018 for Mrs. Chastain.

Motion passed.

NO OBJECTIONS

Mrs. Dorothy Leone (Gerald) is applying for a Line of Duty Widow's benefit effective May 1, 2017.

MOTION: Moved by Meagher and seconded by Marchese to approve a Line of Duty widow's benefit effective May 1, 2018 for Mrs. Leone.

Motion passed.

NO OBJECTIONS

Mrs. Lydia G. Kammierczak (Dennis) is applying for a Non Duty Widow's benefit effective June 1, 2018.

MOTION: Moved by Meagher and seconded by Gaal to approve the Non Duty widow's benefit effective April 1, 2017 for Mrs. Kammierczak.

Motion passed.

NO OBJECTIONS

Mrs. June Cureau (Lester) is applying for a Non- Duty Widow's benefit effective May 1, 2017.

MOTION: Moved by Meagher and seconded by Marchese to approve a Non Duty widow's benefit effective May 1, 2018 for Mrs. Cureau.

Motion passed.

NO OBJECTIONS

APPLICATIONS PENDING

Duaine P. Daniels: appealed the decision of the Board. We are waiting on additional medical information.

Mrs. W. Wayne Kerth has requested additional time to prepare her appeal in support of her Line of Duty widow's benefit.

Mrs. Johnny Leos : Her attorney has forwarded a request for appeal hearing.

Mrs. Terrence Gilbert: Is requesting additional time to gather medical information to support her appeal.

Mrs. Paul Huff is requesting an appeal of the Board's decision.

Mrs. Wilbur Cook: Sent a letter of appeal to the Board.

FINANCIAL INFORMATION

Board members were provided with key financial revenue and disbursement figures for the New and Old system for January and May 2018.

OLD BUSINESS:

SEB payment history request: No update.

Information for life insurance: No update

NEW BUSINESS:

Terence N. Morris: The Fund received \$92,069.40 from NOMERS for his service with the City.

MERS resolutions: In connection the staff's admission to the MERS plan, MERS is requesting that the Board adopt a resolution supporting the admission of staff members and forward the adopted resolution, participation agreement and membership documents to MERS. Mr. Mitchell read the attached resolution to the Board.

MOTION: Moved by Gaal and seconded by Marchese to adopt the Resolution supporting staff membership in MERS.

Motion passed

NO OBJECTIONS

Benefit adjustments for 30 year retirees: Mitchell noted that the June 2018 benefit payment will include additional amounts for all 30 year beneficiaries. The increase results from the March 21, 2018 court decision which provided that members with thirty years of service should have their benefits calculated using a 3 1/3% accrual rate for each year of service up to 100% of pensionable salary. Member's benefits were reduced effective January 1, 2017 following a lower court order to reduce benefits. The June 2018 benefit payment will include the adjusted benefit amount and repayment of the reductions enacted effective January 1, 2018.

Timeliness of appropriation requests: Mr. Meagher informed Mr. McConnell that the Fund has not received the monthly appropriations. McConnell noted that it was his fault that the appropriation was not processed but he would handle the matter today. Meagher noted that failure to complete the transfer will jeopardize timely benefit payment for the month.

Mr. Norman White, Finance Director, entered the meeting. Mr. White provided the audience with a brief history of his experience and background. Each member introduced themselves and welcomed Mr. White to the meeting.

DROP Revoke matters: Mr. Lavene noted that he has received a request to have the Board reconsider opening the DROP Revoke option again. He noted that because of the recent court ruling, members now have a clearer picture of where their benefits stand. This particular member did not think that changing his decision before the court ruling and appeal process was final would be prudent. Meagher asked that members consider the request but defer action at this meeting until further review is completed. He noted that the decision to reopen the revoke matter involves several parties and could take some time as well. It will also be necessary to discuss the options with affected members to determine if any of the affected members will use the opportunity if presented.

LEGAL:

Mr. Robein led the discussion on the following:

- The Lakewood matter will reschedule May depositions to August and will be discussed in executive session.
- There has been no action in the Mischler litigation matter.
- The mandamus matter has not been closed by the City. No action on this matter.

MOTION: Moved by Meagher and seconded by Gaal to go into executive session to discuss legal matters.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Meagher and seconded by Lavene 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 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. Murphy III Date: 7/11/18

**Resolution of the Board of Trustees of
the Firefighters' Pension and Relief Fund
of the City of New Orleans**

WHEREAS, the Board of Trustees of the New Orleans Firefighters' Pension & Relief Fund is authorized by La. R.S. 11:3363 (D) to "employ personnel . . . legal and technical assistants, and pay compensation for services rendered . . ." and has employed and continues to employ such employees;

WHEREAS, Act No. 110 of the 2018 Regular Session of the Louisiana Legislature amended La. R.S. 11:1372 (14)(a) to provide that a "participating employer" in the Municipal Employees' Retirement System of Louisiana shall mean, *inter alia*, the "Firefighters' Pension and Relief Fund in the City of New Orleans";

IT IS HEREBY DECLARED TO BE THE POLICY AND PURPOSE OF this Resolution to extend membership in and the benefits of the plan provisions of the Municipal Employees' Retirement System of Louisiana to the eligible employees of the Firefighters' Pension and Relief Fund of the City of New Orleans, to wit:

1. In pursuance of said policy, and for said purpose, the Board of Trustees of the New Orleans Firefighters' Pension and Relief Fund of the City of New Orleans is hereby authorized and directed to take such actions as may be required by law or applicable rule or regulation to achieve said policy and purpose, including, but not limited to, execution of a Membership Participation Agreement by and between the Board of Trustees of the Municipal Employees' Retirement System of Louisiana and the New Orleans Firefighters' Pension and Relief Fund.

2. This Resolution shall take effect and be in full force from and after its due passage and adoption.

3. Finally resolved that the Secretary-Treasurer of the Board of Trustees is hereby authorized on behalf of the Plan to execute and deliver such further documents and take whatever actions he deems necessary or appropriate in his sole discretion to see that the purpose and intent of the foregoing resolution is fully effectuated.

Thus, done this 13 day of June, 2018, New Orleans, Louisiana.



Thomas F. Meagher, III
Secretary/Treasurer