

Agenda
Tampa Fire & Police Pension Board
3001 North Boulevard Tampa, FL 33603 (813) 274-8550
Thursday, February 28, 2008 1:30 p.m.

Minutes

1. Approval of the minutes of January 24, 2008 board meeting.

Consent Agenda Items on the consent agenda shall be acted upon in one motion. If an item requires additional discussion, that item shall be removed from the consent agenda for discussion. [Items 2 – 5]

2. Ratification of pension benefits.
3. Approve payment to Ronald J. Cohen, P.A. for legal services rendered during January 2008 in the amounts of:
 - a. \$27.50 Retiree's litigation.
 - b. \$7,654.47 General counsel services.
 - c. \$17,202.23 Parker lawsuit.
4. Note receipt of investment performance report and investment summary for the month ended January 31, 2008 from Bowen, Hanes & Co. Market value of *investments* as of 1/31/2008 was \$1,592,702,091. Investment return as of 1/31/2008 was -5.1% so far this fiscal year to date 10/1/2007 – 1/31/2008.
5. Note receipt of financial statements prepared by Mark Lenker of Nobles, Decker, Lenker & Cardoso for the month ending 1/31/2008.

Medical/Disability Issues

6. Authorize referral to medical board composed of Dr. Fishalow, Dr. Kriz, and Dr. Wasylik as recommended by Medical Director for LOD disability applicant K. Howell, TPD. Note receipt of disability application, qualifying letter, notices of injury, pre-employment physical, police officer job description and disability process timeline.
7. Authorize referral to medical board composed of Dr. Fishalow, Dr. Kriz, and Dr. Wasylik as recommended by Medical Director for LOD disability applicant M. Spirk, TPD. Note receipt of disability application, qualifying letter, notice of injury, pre-employment physical, police officer job description and disability process timeline.
8. Initial hearing for LOD disability applicant Paul Sanzone, formerly of TFR. Note receipt of Medical Board reports, Medical Director's summary, disability application and qualifying letter, summary review outline prepared by Independent Medical Case Manager, injury report, post-offer pre-employment physical, firefighter job description and disability application process timeline.
9. Note receipt of memo dated 12/7/2007 received 12/11/2007 from Louise M. Dandridge, Occupational Health Nurse Supervisor regarding initial post-offer, pre-employment medical examination conducted by COMBI under F&P pension fund contract with Medical Director. TFR Occupational Health requests copy TFR new hires on or after October 2007 to establish baseline physical condition for use in subsequent annual physicals by TFR. Deferred from previous meeting.
 - a. Note receipt of email dated 2/20/2008 from L. Parker, President of IAFF Local 754 requesting that the board deny the request.

10. Disability issues (agenda item requested by trustee P. Lynch 2/7/2008). Note receipt of the following:
 - a. Printed article of 2/7/2008 Tampa Bay's 10 News story regarding LOD disability A. Bennewitz, formerly of TFR.
 - b. Letter received 2/11/2008 from A. Bennewitz with attachments from Chapter 663, Florida Statutes regarding certification and definitions.
 - c. Printed article of *Tampa Tribune* article dated 2/9/2008 in Pasco section regarding LOD disability G. Clegg, formerly of TFR.
 - d. Policy & Procedure 408 – Bi-ennial Re-evaluation of Disability Retirees.
 - e. Policy & Procedure 409 – Re-evaluation of Disability Retirees.
 - f. Contents page for Disability Application packages.
 - g. Retiree's Report of Continuing Disability currently in use for bi-ennial disability re-evaluations.
 - h. Retiree's Continuing Disability Qualifying Letter currently in use for bi-ennial disability re-evaluations.
11. Line of Duty disabilities working for other Fire Departments (agenda item requested by trustee M. Bogush 2/20/2008)

Old Business

12. 13th check designation of beneficiary.
 - a. Revised draft policy #425-A 13th Check Designation of Beneficiary to be distributed at meeting.
 - b. Revised draft 13th Check Designation of Beneficiary form to be distributed at meeting.
 - c. Draft cover letter of explanation and Q&A to be distributed at meeting.

New Business

13. Note receipt of listing of upcoming conferences. Disclosure of planned attendance, if any.
14. Potential forfeiture referrals to Sugarman & Susskind.
15. Most recent list of pay and benefits used to report to the State concerning qualifying for the state monies. (agenda item requested by trustee M. Bogush 2/20/2008)
 - a. Note receipt of excerpt from 2006 annual report to the state with definition of Total Calendar Year Police Department Payroll and Total Calendar Year Fire Department Payroll with CY 2005 and CY 2006 figures for comparison.
16. Request to address the board from retiree D. Ribaya dated 2/21/2008 regarding 13th check.
17. Chair's call for any new business items from trustees to be placed on next agenda.

[Brief recess for Public Comment cards to be turned in.]

18. Chair's report.
19. Attorney's report.
20. Plan Administration.
 - a. 2008 Board meeting schedule:
 - March 27, 2008
 - April 24, 2008
 - May 22, 2008
 - June 26, 2008
 - July 24, 2008
 - August 28, 2008
 - September 25, 2008
 - October 23, 2008
 - November 20, 2008 *early due to holidays
 - December 18, 2008 *early due to holidays
 - b. F&P pension office priorities, projects, deadlines.
 - c. Note receipt of graphic of disability applications in process.

Public Comments Limited to two (2) minutes per person and maximum of ten (10) persons.

Litigation

21. Motion for Taxable Costs in re: Case No. 03-9298, City of Tampa Retired Fire & Police Association, Inc., a Florida Corporation; and its Individual Members Bud Maxey, et al vs. Board of Trustees.
 - a. Note receipt of letter dated 2/7/2008 from P. Gonyea to F. Carrington regarding scheduling hearing on Trustees' Motion for Sanctions.
22. Parker Lawsuit, Case No. 07-007198, John N. Parker, for himself and all others similarly situated vs. the Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Tampa.

Note receipt of:

 - a. Final actuarial certification dated 2/14/2008 for fiscal year ending (fye) 9/30/2004 13th check for board approval.
 - b. Note receipt of letter dated 2/12/2008 to eligible retirees and eligible surviving spouses regarding fye 9/30/2004 13th check (reviewed by three attorneys: Cohen, Gonyea, Thomas). Note that fye 9/30/2004 13th checks in the estimated principal distribution amount of \$5,700 for retirees and \$2,850 for eligible surviving spouses were issued 2/15/2008 as approved by the board.
 - c. Note receipt of letter received 2/21/2008 from eligible surviving spouse A. Smith expressing gratitude for this 13th check.
 - d. Note receipt of letter received 2/21/2008 from retiree C. Carver regarding thanks for hard work for retirees, excellent job above and beyond, and appreciation for this 13th check.
 - e. Executive Session posting at the conclusion of today's regularly scheduled board meeting.

23. Executive Session to be held at the end of the regular board meeting [approximate start time between 3:00 p.m. or 3:30 p.m.]
- a. Board counsel request for advice concerning Parker lawsuit and explanation of legal requirements for the Closed / Executive Session, limited to litigation expenditure strategy and potential settlement discussions in Case No. 07-007198, John N. Parker, for himself and all others similarly situated vs. the Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Tampa.
 - b. Chairman's announcement that only current trustees, Mark Bogush, Sharon Fox, Marc Hamlin, Patrick Lynch, Mark McRae, Jimmy Meier, Cynthia Miller, John Moors, and Tracy Walker, Board Counsel R. Cohen, Co-counsel P. Gonyea, Plan Administrator J. D. Campbell, and a court reporter are authorized to attend the Closed/Executive Session.
 - c. A court reporter will be present to take a verbatim transcript of the Closed / Executive Session. The transcript will not become a public document until the conclusion of this litigation in its entirety.
 - d. Closed / Executive Session to be convened.
 - e. Meeting to be reopened to the public.
 - f. Board motions, if any.

Notice

Any person who desires to appeal any decision of the Board of Trustees with respect to any matter considered at this Board meeting will need a record of the proceedings and for this purpose, may need to ensure that a verbatim record of the proceedings is made which includes testimony and evidence upon which the appeal is based.

Persons needing a special accommodation to participate in this meeting should contact the F&P pension office at (813) 274-8550 or (888) 335-8550 – toll free, or the Florida Relay Service (800) 955-8770 for voice callers, or (800) 955-8771 for TDD callers. Please make your requests at least five (5) working days before this meeting.