

**Agenda**  
**Tampa Fire & Police Pension Board**  
**3001 North Boulevard Tampa, FL 33603 (813) 274-8550**  
**Thursday, May 28, 2009 1:30 p.m.**

Minutes

1. Approval of the minutes of the April 23, 2009 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 – 6]

2. Ratification of pension benefits.
3. Note receipt of investment performance report for the month ended 4/30/2009. Market value of *investments* as of 4/30/2009 was \$1,104,541,873.12. Investment return as of 4/30/2009 has been -18.1% so far this fiscal year.
4. Approve payment to Counsel R. Cohen for legal services rendered during April 2009 in the amounts of:
  - a. \$10,985.94 General Counsel
  - b. \$1,595.00 Parker lawsuit
  - c. \$89.25 Pena lawsuit
5. Admit Tampa Police Department members to pension fund effective 5/4/2009 contingent upon: 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and 2) passing a complete medical examination:
  - Joshua M. Baar
  - Reynold A. DeSouza
  - Logos I. Farrow
  - Stephen A. Gady
  - Todd J. Gasparino
  - Jessica J. Hammond
  - Derrek J. Johnson
  - Jeffrey A. Kocab
  - Whitney M. McCormick
  - Joshua C. O'Nolan
  - Nyles L. Rice
  - Scott A. Savitt
  - Anthony T. Spatola
  - Eugene T. Swisher
  - Irene Thomas
6. Admit Tampa Fire Rescue members to pension fund effective 5/18/2009 contingent upon: 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and 2) passing a complete medical examination:
  - Sophia M. Cardenas
  - Casey M. Carter
  - David R. Curfman
  - Robert J. Dubose

Jeremy L. Hobson  
Christopher J. McRae  
Ryan G. Newell  
Brian P. Noonan  
Deven M. Rosario  
Kerwin M. Stokes Jr.

### Medical Disability

7. Initial hearing for LOD disability applicant Aimee Higgins Peters, TPD. Note receipt of bate-stamped disability application, qualifying letter, notices of injury, pre-employment physical, police officer job description, disability process timeline, summary review outline by independent medical case manager, sample letter to Medical Board, Medical Board reports, and Medical Director's summary.
8. Initial hearing for LOD disability applicant George Saponari, TPD. Note receipt of bate-stamped disability application, qualifying letter, notices of injury, pre-employment physical, police officer job description, disability process timeline, summary review outline by independent medical case manager, sample letter to Medical Board, section 112.18 Florida Statutes presumption language, Medical Board reports, and Medical Director's summary.

### Actuarial Issues

9. Actuarial Valuation presentation by Jennifer Beattie of Buck Consultants
  - a. Note receipt of actuarial valuation for the fiscal year ended 9/30/2008.
  - b. Adopt contribution rates for the fiscal year beginning 10/1/2009 as calculated by the actuary.
  - c. Note receipt of draft letter to active and contributing members regarding contribution rate, if adopted by Board.
10. Note receipt of letter dated 5/5/2009 from Buck Consultants regarding fiscal year ending 9/30/2008 13<sup>th</sup> check.
  - a. Note receipt of draft letter to plan participants regarding no 13<sup>th</sup> check distribution for fiscal year ending 9/30/2008 in June 2009 due to investment loss.

### Financial Statement presentation by Mark Lenker of Nobles, Decker, Lenker & Cardoso

11. Note receipt of financial statements for the months ended:
  - a. January 31, 2009
  - b. February 28, 2009
  - c. March 31, 2009
  - d. April 30, 2009. Market value of *assets* as of 4/30/2009 was \$1,108,624,176.

### Old Business

12. Bi-ennial (every other year) Pension Verification Questionnaires (PVQ) completed. 100% compliance achieved.

New Business

13. Committee #2 Report
  - a. Approval of Committee 2 minutes of May 12, 2009.
14. Forfeited pensioner James L. Ferguson, pension forfeited 6/10/2004. Note receipt of the following:
  - a. Letter dated 5/8/2009 received 5/11/2009 from forfeited pensioner James L. Ferguson regarding consideration of reinstatement of forfeited pension benefits.
  - b. Email dated 5/12/2009 from Forfeiture Special Counsel Sugarman & Susskind.
  - c. Fax dated 5/13/2009 from J. L. Ferguson.
  - d. Email dated 5/20/2009 from Forfeiture Special Counsel Sugarman & Susskind.
  - e. Memo dated 5/18/2009 from Forfeiture Special Counsel Sugarman & Susskind.
15. Note receipt of listing of upcoming conferences. Disclosure of planned attendance, if any.
16. 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.]
17. Chair's report.
18. Attorney's report.
19. Plan Administration.
  - a. 2009 Board meeting schedule:  
June 25, 2009  
July 23, 2009  
August 27, 2009  
September 24, 2009  
October 22, 2009  
November 19, 2009 \*early due to holidays  
December 17, 2009 \*early due to holidays
  - b. F&P pension office priorities, projects, deadlines.

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

Litigation

20. 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 the following:
  - a. Letter dated 4/23/2009 to Wayne Lee Thomas transmitting opt outs received to date.
  - b. Letter dated 5/8/2009 to Wayne Lee Thomas transmitting opt outs received to date.
  - c. Letter dated 5/19/2009 to Wayne Lee Thomas transmitting opt outs received to date.

- d. Posting for Executive Session to be held at the end of today's regular board meeting.
21. Pena Lawsuit, Case No. 08-013997, Fred Pena, 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. Order Disqualifying James B. Loper, Esq. As Counsel of Record signed by the Judge 4/9/2009 received 4/15/2009.
    - b. Notice of Appearance by Jack L. Townsend and transmittal letter dated 4/9/2009 received 4/15/2009.
    - c. Letter dated 5/5/2009 from Board Counsel Cohen to Jack L. Townsend regarding Motions for Sanctions.
  22. Executive Session to be held at the end of the regular board meeting [approximate start time between 3:00 p.m. and 4:00 p.m., duration approximately one hour to one and a half hours]
    - 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, PJ Gray, 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 at (800) 955-8770 – toll free, or dial 711 from any phone (regular phone/land line or cell phone) for the Florida Relay Service. Please make your requests at least five (5) working days before this meeting.