

**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
OF THE  
TAMPA FIREFIGHTERS & POLICE OFFICERS PENSION BOARD  
3001 North Boulevard  
Tampa, FL 33603 (813) 274-8550  
Thursday, March 24, 2005 1:30 p.m.**

The Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Tampa met in the Pension Office Conference Room on Thursday, March 24, 2005 at 1:30 p.m. for a regular meeting with the following members present:

Marc Hamlin, Chairman  
Ron Ibarra, Secretary  
Dan Lombard  
Patrick Lynch

Jimmy Meier  
Cynthia Miller  
Tracy Walker

Also present were James B. Loper - Board Counsel, Mark Lenker – External CPA, Dr. Cynthia Lewis-Younger - Medical Director, and active and retired plan members.

Minutes

1. Approval of minutes of February 24, 2005 Regular Board Meeting. **It was moved by Mr. Lynch, seconded by Mr. Ibarra and by unanimous vote to approve the minutes of the February 24, 2005 board meeting as written with the addition of the phrase “if the sale does not close” to the motion on #7.**

**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 – 11]

**It was moved by Ms. Miller, seconded by Mr. Lynch to approve the Consent Agenda Items 2-11.**

During discussion, it was noted that 9 of the police new hires listed are coming in as recruits and will have a future admission date as opposed to the 4/4/2005 admission date listed in #3, and those names were listed separately. Mr. Loper noted on the ratification of pension benefits in #2 that Mr. Suarez had been in the press as appealing his separation from service, and recommended that the board not approve pension benefits for a member whose separation is being appealed in some form, the same treatment as a member withdrawing pension contributions—no action until the separation has been deemed lawful, as per Section 22 of the pension contract and a 1994 legal opinion. It was noted that Mr. Suarez first applied for longevity pension benefits, at which point there were no appeals in process and the initial benefit was computed and distributed, then a grievance was filed, which was denied at the first level, and the deadline to appeal the grievance to the second level has now expired. **Upon voting, motion carried by unanimous vote.**

2. Ratified pension benefits.
3. Admitted Tampa Police Department members to pension fund effective 4/4/2005 contingent upon:
  - 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and
  - 2) passing a complete medical examination:

	DOB	Age
Joshua W. Chabalowski	10/08/1974	30
Scott D. Conrad	05/07/1977	27

Eric B. Defelice	02/15/1978	27
Stephen P. Drabiniak	02/16/1981	24
Richard P. Fridge	09/11/1974	30
Kevin R. Kidd	05/07/1955	49
Brian C. Lawton	12/25/1974	30
Deveka M. Myles	01/17/1980	25
Mark D. Pennington	07/24/1963	41
James S. Skinner	05/03/1968	36
Patrick B. Voit	09/15/1971	33

It was noted that the following 9 new hires are recruits and will have a future admission date, not 4/4/2005:

Alberto Burgos	09/11/1977	27
Kristina M. Duran	06/23/1980	24
Jerome S. Graham	02/02/1977	28
Mark D. McCann	03/19/1967	38
Sarita Penaloza	12/11/1981	23
Anna M. Richardson	07/12/1971	33
Rodney Rivera	01/28/1969	36
Kanyon S. Rodriguez	01/18/1969	36
Edward Rojas	12/26/1976	28

4. Admitted Tampa Fire Rescue members to pension fund effective 4/4/2005 contingent upon: 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and 2) passing a complete medical examination:

	DOB	Age
auf dem Kampe, Christoph	03/27/77	28
Benetatos, Peter	04/05/75	29
Buchanan, Brandon	11/28/81	23
Cannon, John	07/30/60	44
Hamilton, Jonathan	03/08/84	21
Hanson, Oren	11/02/81	23
Hicks, Geoffrey	06/25/82	22
Poertner, William	03/19/73	32
Quatrino, Daniel	10/11/80	24
Rametta, Todd	03/17/80	25
Russell, Thomas	09/13/75	29
Thomas, Cory	09/28/80	24

5. Approved payment to James B. Loper for legal services rendered during February 2005 in the amounts of:

- a. \$3,043.24 for general counsel services
- b. \$15,391.65 for retiree's litigation

6. Approved payment to Womble, Carlyle for legal services rendered in connection with Rock Creek Center during February 2005 in the amount of \$180.00.

7. Noted receipt of Thomson Financial independent performance measurement report for the quarter ended 12/31/2004.
8. Noted receipt of financial statements prepared by Nobles, Decker, Lenker & Cardoso for the month ended 1/31/2005. Market value of *assets* as of 1/31/2005 \$1,244,666,913.
9. Noted receipt of Bowen, Hanes & Co. investment management report for the month ended 2/28/2005, investment return of +12.3% for this fiscal year, total market value of *investments* as of 2/28/2005 \$1,279,527,065.
10. Noted receipt of the following policies and procedures adopted at the 2/24/2005 board meeting.
  - a. Revised Table of Contents reflecting 2/24/2005 adoption dates
  - b. P&P 306 – Portal to Portal Pension Coverage
  - c. P&P 307 – Definition of “In the Service” Pension Coverage
  - d. P&P 312 – Authorized Extra Duty Service
11. Noted receipt of 2005 pension verification questionnaire mailed 3/17/2005.

#### Medical Issues

12. Authorized referral to Medical Board composed of Dr. Fishalow, Dr. Kriz and Dr. Wasyluk as recommended by Medical Director for Mildred Henderson, TPD LOD Disability applicant. Noted receipt of disability application, qualifying letter, notice of injury, and pre-employment physical. **It was moved by Ms. Miller, seconded by Mr. Meier and by unanimous vote to authorize referral to Medical Board composed of Dr. Fishalow, Dr. Kriz and Dr. Wasyluk as recommended by Medical Director for Mildred Henderson, TPD LOD disability applicant.**
13. Disability re-evaluations
  - a. D. Dunn – Noted receipt of report of Medical Director dated 3/11/2005 after physical examination and consultation with Occupational Therapist on 2/22/2005. Noted receipt of Retiree’s Report of Continuing Disability and Medical Records Review by Medical Director. Dr. Lewis-Younger responded to questions as Medical Director. **It was moved by Ms. Miller, seconded by Mr. Meier and by unanimous vote to receive and file item 13a and to take no further action.**
  - b. H. Lacey – Noted receipt of Medical Director’s summary dated 2/28/2005, Medical Board Reports, Retiree’s Report of Continuing Disability, Continuing Disability Qualifying Letter, Medical Records Review by Medical Director, and rebuttal prepared by Mr. Lacey. Dr. Lewis-Younger responded to questions as Medical Director. After discussion, **it was moved by Mr. Meier, seconded by Mr. Ibarra to receive and file item 13b and to take no further action. Upon voting, motion carried by a vote of 6 – 1 with Mr. Hamlin, Mr. Ibarra, Mr. Lombard, Mr. Meier, Ms. Miller, and Mr. Walker in favor of the motion and Mr. Lynch opposed to the motion.**

14. K. Jones, TPD

- a. Physical exam by Medical Director on 2/9/05, not immediately relieved of duty.
- b. Has appointment with Dr. Mary Stedman on 4/15/05 for independent medical examination/fitness for duty.
- c. Status of additional medical records collection: 9/10 of most recent 2 years of medical records received as of 3/8/05, 0 undisclosed.

**It was moved by Mr. Lynch, seconded by Mr. Ibarra and by unanimous vote to receive and file item 14.**

Old Business

15. Retiree's declaratory action. No action requested. For information purposes only due to pending litigation. Noted receipt of the following:

- a. Fax dated 2/17/2005 from F. Carrington re: name of person on Board of Trustees with most knowledge about facts and circumstances of issues in declaratory action.
- b. Fax dated 2/18/2005 from T. Carrington regarding withdrawal of subpoena and request to cancel UMC hearing.
- c. Letter dated 2/18/2005 from J. B. Loper to T. Carrington regarding conditions for cancellation of UMC hearing.
- d. Letter dated 2/22/2005 from J. B. Loper to court regarding court order granting Trustees' and Loper's Motion to Quash Subpoena and Motion for Protective Order granted by court.
- e. Letter dated 2/24/2005 from J. B. Loper to F. Carrington regarding Trustees' Second Set of Interrogatories now overdue.
- f. Uniform Motion of Calendar (UMC) Notice of Hearing scheduled by J. B. Loper.
- g. Letter dated 2/25/2005 from J. B. Loper to court with Trustees' Motion to Compel Plaintiff to Answer Trustees' Second Set of Interrogatories and UMC hearing.
- h. Fax dated 3/1/2005 from R. Cohen to F. Carrington regarding scheduling of deposition of R. Cohen by F. Carrington.
- i. Letter dated 3/2/2005 from J. B. Loper transmitting 2/28/2005 letter from T. Carrington to court regarding UMC hearing and 3/1/2005 fax from F. Carrington to J. B. Loper regarding delay in response to second set of interrogatories.
- j. Fax dated 3/3/2005 from F. Carrington to J. B. Loper regarding notice to compel Board of Trustees' answers to Expert Interrogatories.
- k. Letter dated 3/3/2005 from J. B. Loper to F. Carrington regarding incomplete responses to Trustees' Second Set of Interrogatories.
- l. Fax dated 3/3/2005 from J. B. Loper transmitting 3/3/2005 fax from F. Carrington with answers to Trustees' Second Set of Interrogatories.
- m. Letter dated 3/4/2005 from J. B. Loper transmitting court order granting Trustees' and Loper's Motion to Quash Subpoena and Motion for Protective Order.
- n. Letter dated 3/4/2005 from J. B. Loper to F. Carrington regarding Trustees' Answers to Interrogatories and Expert Interrogatories.
- o. Letter dated 3/4/2005 from J. B. Loper to F. Carrington regarding scheduling depositions and available/unavailable dates in March and April 2005.
- p. Letter dated 3/4/2005 from J. B. Loper to court filing interrogatories and responses.
- q. Fax dated 3/8/2005 from J. B. Loper transmitting 3/8/2005 fax from T. Carrington, Notice of Service and copy of Plaintiff's Supplemental Answers to Trustees' Second Set of Interrogatories.

- r. Fax dated 3/9/2005 from J. B. Loper to court regarding scheduling hearing for Trustees' First Motion for Partial Summary Judgment.
- s. Fax dated 3/9/2005 from J. B. Loper regarding hearing on Trustees' First Motion for Partial Summary Judgment.
- t. Letter dated 3/9/2005 from J. B. Loper to court regarding cancellation of UMC hearing.
- u. Letter dated 3/9/2005 from J. B. Loper to R. Ibarra transmitting Plaintiffs' Supplemental Answers to Interrogatories and attachments listing R. Ibarra as witness and subject matter that Plaintiffs expect testimony.
- v. Letter dated 3/9/2005 from J. B. Loper to B. Bryant transmitting Plaintiffs' Supplemental Answers to Interrogatories and attachments.
- w. Letter dated 3/9/2005 from J. B. Loper to F. Carrington regarding scheduling deposition of J. Fernandez and multiple possible dates.
- x. Letter dated 3/10/2005 from J. B. Loper to court regarding Notice of Service Trustees' First Set of Interrogatories to Plaintiffs B. Maxey, L. Vincent, L. Milana, and B. Pennington.
- y. Letter dated 3/11/2005 from J. B. Loper to F. Carrington noting that Plaintiff's Supplemental Responses/Answers not "under oath" as per Florida Rules of Civil Procedure and document missing from response.
- z. Letter dated 3/14/2005 from J. B. Loper to F. Carrington regarding scheduling depositions of B. Maxey, L. Vincent, L. Milana and D. Keene and potential dates.
- aa. Letter dated 3/14/2005 from J. B. Loper regarding Notice of Unavailability of Counsel mailed by F. Carrington.
- bb. Letter dated 3/14/2005 from J. B. Loper regarding Amended Notice of Hearing for Plaintiffs' Motion to Dismiss Counter-Claim for Tortious Interference with a Contract and Motion for Sanctions filed by F. Carrington.
- cc. Letter dated 3/14/2005 from J. B. Loper to court transmitting Trustees' First Motion for Partial Summary Judgment, affidavits and exhibits.
- dd. Letter dated 3/15/2005 from J. B. Loper to court regarding Notice of Filing Affidavits.
- ee. Letter dated 3/15/2005 from J. B. Loper transmitting letter regarding affidavit.
- ff. Letter dated 3/15/2005 from J. B. Loper regarding Plaintiffs' Trial Witness List.
- gg. Letter dated 3/15/2005 from J. B. Loper to court transmitting Trustees' Notice of Taking Deposition and Request to Produce and Copy of Subpoena for Deposition of Fred Williams, actuary.
- hh. Letter dated 3/15/2005 from J. B. Loper to F. Williams regarding subpoena and payment for 3 hours.
- ii. Letter dated 3/15/2005 from J. B. Loper transmitting Plaintiffs' Second Request for Production to Board of Trustees, Plaintiff's Second Request for Admissions, Plaintiffs' Second Set of Interrogatories, and Plaintiffs' Second Set of Expert Witness Interrogatories.
- jj. Letter dated 3/16/2005 from J. B. Loper to court regarding Notices of Taking deposition and Request to Produce and copies of subpoenas for B. Maxey, L. Vincent, L. Milana, and D. Keene.

**It was moved by Ms. Miller, seconded by Mr. Ibarra and by unanimous vote to receive and file items 15a-15jj.**

16. Committee #2 report – remarriage after retirement and website. Noted receipt of minutes of Committee #2 meeting held 2/25/2005 at 1:00 p.m. Mr. Lynch reported on behalf of Committee #2, noting that the meeting was well attended and involved substantial discussion and questions and

answers, and that the information is to be forwarded to the City and Unions, as previously directed by the board.

- a. Request to appear before the board by retiree Bobby Buggica regarding remarriage after retirement. Mr. Buggica thanked the board for their efforts to date and for commissioning the actuarial study.

**It was moved by Mr. Lynch, seconded by Mr. Ibarra and by unanimous vote to receive and file item 16.**

17. Rock Creek Center Committee report. Noted receipt of minutes of Rock Creek Center Committee meeting held 3/8/05 at 1:00 p.m. Mr. Lynch reported as Rock Creek Center Committee chair, noting that the contract for the sale of the entire property has been received and is being signed today. **It was moved by Ms. Miller, seconded by Mr. Lynch and by unanimous vote to receive and file item 17.**
18. Investment Committee report. Noted receipt of minutes of Investment Committee meeting held 3/11/05 at 1:00 p.m. Mr. Hamlin reported as Chair of the Investment Committee and recommended that the board direct a letter to the City and Unions requesting this contract change the next time the pension contract is opened. **It was moved by Mr. Lynch, seconded by Mr. Ibarra and by unanimous vote to receive and file item 18.**

[agenda items 19 and 20 taken out of order due to arrival of Mr. James]

#### New Business

20. Request to address the board by Larry Vincent regarding Asset/Liability Study prepared by Mellon. Noted receipt of letter dated 2/25/2005 from L. Vincent. Mr. Vincent read a statement to the board and requested answers to some of his questions in writing. There was discussion regarding the pending litigation and that based upon the advice of counsel there will be no further action or discussion on this matter until the conclusion of the litigation. **It was moved by Ms. Miller, seconded by Mr. Lombard and by unanimous vote to receive and file item 20 and to take no further action.**
19. Request to address the board by Roy A. James, Prudential Financial.
  - a. Noted receipt of letter dated 2/28/2005 from Mr. James requesting to appear before the board.
  - b. Noted receipt of letter dated 3/11/05 to Mr. James from Chairman regarding clarifications. Mr. James made a brief presentation to the board, noting that in his opinion the plan's retention of only one money manager is outdated, pointing out that most plans have a multiple money manager strategy with specialist managers in each area. Ms. Miller referred Mr. James to the Investment Committee minutes and discussion in #17, and Mr. Lynch provided Mr. James with the Thomson Financial independent performance measurement report, the latest Bowen, Hanes & Co. report, the Investment Committee meeting minutes, and Ms. Campbell provided a copy of the most recent compendium pension contract. **It was moved by Ms. Miller, seconded by Mr. Ibarra and by unanimous vote to receive and file item 19.**

[agenda items 19 and 20 taken out of order due to arrival of Mr. James]

21. Request to address the board by David Keene regarding 11/22/1994 presentation to the board regarding fragility of the PRAA and 1988 legal opinion regarding pension contract. Noted receipt of email dated 3/15/2005 from Mr. Keene.
- Noted receipt of pages 2 and 3 of 11/22/1994 minutes of meeting of Board of Trustees.
  - Noted receipt of legal opinion 1988-19 regarding requirements in amending the fire and police pension contract.

Mr. Keene handed out a one page document that he had prepared and read it to the board. There was no discussion as this matter is in litigation. **It was moved by Ms. Miller, seconded by Mr. Lombard and by unanimous vote to receive and file item 21.**

22. Noted receipt of line of duty disability application and qualifying letter submitted 3/9/2005 by retiree Raymond Sheridan.
- Noted receipt of Retirement Election Form dated 5/27/2004.
  - Noted receipt of P&P 411 – Election of Remedies.
  - Noted receipt of P&P 430 – Disability Application Deadline

**It was moved by Mr. Ibarra, seconded by Mr. Lombard and by unanimous vote to direct board counsel to respond to Mr. Sheridan that the disability application will not be processed further as there is no standing based upon the pension contract, retirement election signed by Mr. Sheridan, policies and procedures, case law, and past practice and precedent.**

23. Noted receipt of listing of upcoming conferences. Disclosure of planned attendance, if any. Mr. Meier noted that he plans to attend the Starts & Stripes conference April 3-5, 2005. **It was moved by Mr. Lynch, seconded by Ms. Miller and by unanimous vote to receive and file item 23.**

24. Plan Administration.

- 2005 schedule

April 28, 2005	1:30 p.m.
May 26, 2005	1:30 p.m.
June 23, 2005	1:30 p.m.
July 28, 2005	1:30 p.m.
August 25, 2005	1:30 p.m.
September 22, 2005	1:30 p.m.
October 27, 2005	1:30 p.m.
November 17, 2005	1:30 p.m.
December 15, 2005	1:30 p.m.
- Noted receipt of graphic display of disability applications currently in process.
- Update on involuntary cash-out rollovers / automatic rollovers from DROP – to be in place for December 2005 rollovers.

**It was moved by Mr. Ibarra, seconded by Mr. Lynch and by unanimous vote to receive and file item 24.**

- Mr. Loper recommended that consideration be given to developing an on-line version of the disability application that applicants could complete on-line rather than filling in the blanks on a paper form or attaching typed answers.

The meeting was adjourned at 2:20 pm.

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.

**April 28, 2005 board meeting: It was moved by Mr. Lynch, seconded by Ms. Miller and by unanimous vote to approve the minutes of the March 24, 2005 board meeting as written.**