

**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, May 26, 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, May 26, 2005 at 1:30 p.m. for a regular meeting with the following members present:

Marc Hamlin, Chairman
Eric Hull, Vice Chairman
Ron Ibarra, Secretary
Dan Lombard

Patrick Lynch
Jimmy Meier
Cynthia Miller
John Moors
Tracy Walker

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

The Chairman extended condolences to trustee Patrick Lynch on the recent loss of his father.

Mr. Lynch presented Mr. Moors with a U. S. flag that was flown over the state capitol on the day that he became a U. S. citizen and the congratulations of the board.

Minutes

1. Approval of minutes of April 28, 2005 Regular Board Meeting. **It was moved by Mr. Lynch, seconded by Mr. Ibarra and by unanimous vote to approve the minutes of the April 28, 2005 board meeting as written.**

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] **It was moved by Ms. Miller, seconded by Mr. Moors and by unanimous vote to approve the consent agenda items 2 – 5.**

2. Ratified pension benefits.
3. Approved payment to James B. Loper for legal services rendered during April 2005 in the amounts of:
 - a. \$1,913.55 for general counsel services
 - b. \$21,445.97 for retiree's litigation
4. Approved payment to Womble, Carlyle for legal services rendered in connection with Rock Creek Center during April 2005 in the amount of \$42.54.
5. Noted receipt of Bowen, Hanes & Co. investment management report for the month ended 4/30/2005, investment return of +8.0% for this fiscal year, total market value of *investments* as of 4/30/2005 \$1,227,373,443.

Medical Issues

6. Initial hearing for LOD disability applicant H. Sampson, TFR. Noted receipt of Medical Board reports, Medical Director's summary, disability application, qualifying letter, notice of injury(ies), pre-employment physical, job description and disability application timeline. Mr. Sampson was sworn in and responded to questions from the board. After discussion, **it was moved by Mr. Meier, seconded by Mr. Walker that the board finds that Mr. Sampson does have a disability which precludes him from the regular and continuous duties of a firefighter. Upon voting, the motion carried by a vote of 8 – 1 with Mr. Hamlin, Mr. Ibarra, Mr. Lombard, Mr. Lynch, Mr. Meier, Ms. Miller, Mr. Moors and Mr. Walker in favor of the motion, and Mr. Hull opposed to the motion. It was moved by Mr. Meier, seconded by Mr. Walker and by unanimous vote that the disability was incurred in the line of duty. It was moved by Mr. Meier, seconded by Mr. Walker that Mr. Sampson be granted a line of duty disability pension for knee injuries effective at close of business today. Upon voting, the motion carried by a vote of 8 – 1 with Mr. Hamlin, Mr. Ibarra, Mr. Lombard, Mr. Lynch, Mr. Meier, Ms. Miller, Mr. Moors and Mr. Walker in favor of the motion, and Mr. Hull opposed to the motion.**
7. K. Jones, TPD. Noted receipt of Medical Director's summary and recommendation and report of Dr. Stedman. Dr. Lewis-Younger responded to questions from the board. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to receive and file the report of Dr. Stedman and to take no further action in this matter.**
8. E. Chillura, TFR. Noted receipt of Medical Records Review form and letter dated 5/19/2005 from Medical Director. Authorized referral to Dr. Stedman for fitness for duty evaluation. **It was moved by Mr. Lynch, seconded by Mr. Ibarra and by unanimous vote to authorize referral to Dr. Stedman for a fitness for duty evaluation.**

Financial Presentation

9. Presentation of quarterly financial statements by external CPA Mark Lenker of Nobles, Decker, Lenker & Cardoso. Noted receipt of the following financial statements as of:
 - a. 2/29/2005
 - b. 3/31/2005Mr. Lenker reviewed the quarterly financial statements for the board and reconciled the statements to the Bowen, Hanes & Company report for the same period. Mr. Lenker responded to questions from the board. As of 3/31/2005, the value of *assets* of the fund were \$1,264,440,327. **It was moved by Mr. Lynch, seconded by Mr. Ibarra and by unanimous vote to receive and file item 9.**

Old Business

10. Retiree's declaratory action. No action requested. For information purposes only due to pending litigation. Noted receipt of the following:
 - a. Letter dated 4/21/2005 from J. B. Loper regarding Notice of Service Trustees' Supplemental Answers to Plaintiffs' Second Set of Expert Witness Interrogatories.

- b. Letter dated 4/21/2005 from J. B. Loper transmitting various depositions to P. Gonyea of Vernis & Bowling.
- c. Letter dated 4/22/2005 from J. B. Loper to clerk of court transmitting Amendment to Trustees' List of Trial Witnesses.
- d. Letter dated 5/5/2005 from J. B. Loper to clerk of court transmitting Amended Notice of Hearing on Trustees' First Motion for Partial Summary Judgment.
- e. Letter dated 5/5/2005 from J. B. Loper transmitting fax from F. Carrington generally relating to additional discovery.
- f. Faxes dated 5/9/2005 from T. Carrington regarding depositions.
- g. Letter dated 5/16/2005 from J. B. Loper to clerk of court transmitting Second Amended Notice of Hearing on Trustees' First Motion for Partial Summary Judgment.
- h. Letter dated 5/16/2005 from J. B. Loper to clerk of court regarding Trustees' Motion for Judicial Notice and hearing thereon.
- i. Fax dated 5/17/2005 from T. Carrington regarding Plaintiffs' Motion to Continue Trial and notice of hearing thereon.
- j. Letter dated 5/17/2005 from J. B. Loper regarding Notice of Hearing on Friday, 5/20/2005 on various matters and request for Judicial Notice filed by Plaintiffs.
- k. Letter dated 5/18/2005 from J. B. Loper regarding subpoena for records of A. Rosenthal.
- l. Letter dated 5/18/2005 from J. B. Loper regarding affidavit of attempted service for subpoena for Ed Friend, unable to be served.
- m. Fax dated 5/19/2005 from J. B. Loper transmitting fax from T. Carrington regarding trial matters.
- n. Letter dated 5/19/2005 from J. B. Loper to T. Carrington regarding Coniglio file availability from Clerk of Court.

It was moved by Mr. Lynch, seconded by Mr. Ibarra and by unanimous vote to receive and file item 10 a – n.

Ms. Campbell reported that Mr. Carrington's first motion to continue the trial was heard by the judge on 5/3/2005, where it was denied. Mr. Carrington's second motion to continue the trial was heard on 5/20/2005 and was granted. The trial is now scheduled 10/17/2005 – 10/21/2005.

11. Request to address the board by retiree David Keene regarding allocated and unallocated PRAA. Noted receipt of email dated 5/18/2005. Mr. Keene made a brief statement of his understanding of the allocated and unallocated PRAA.
12. Noted receipt of Appellee's Answer Brief in the matter of Crook vs. Pension Fund regarding forfeiture of pension benefits. **It was moved by Mr. Ibarra, seconded by Mr. Lynch and by unanimous vote to receive and file item 12.**

New Business

13. 13th Check Determination for June 2005
 - a. Noted receipt of letter dated 5/18/2005 from J. Fernandez, actuary from Mellon regarding June 2005 13th check. **It was moved by Mr. Ibarra, seconded by Mr. Moors and by unanimous vote to receive and file item 13a.**
 - b. Noted receipt of draft letter dated 5/27/2005 to retirees regarding June 2005 13th check. **It was moved by Mr. Ibarra, seconded by Mr. Hull and by unanimous vote to approve the letter dated 5/27/2005 to be sent to retirees regarding the June 2005 13th check.**

14. Noted receipt of listing of upcoming conferences. Disclosure of planned attendance, if any. Mr. Lombard advised that he may attend the Public Funds Roundtable in June. Ms. Campbell advised that she planned to attend the FPPTA conference in June, and Mr. Hull, Mr. Meier and Mr. Moors advised that they planned to attend that conference as well. Mr. Ibarra advised that he may attend the real estate investing forum in July. **It was moved by Mr. Lynch, seconded by Mr. Ibarra and by unanimous vote to receive and file item 14.**
15. Plan Administration.
- a. 2005 schedule
 - 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.
 - b. Status of 2005 pension verification questionnaire
10 remain outstanding as of 5/20/2005, certified mail return receipt letters sent 5/17/2005
Ms. Campbell reported that as of today, 5/26/2005, only 4 pension verification questionnaires remain outstanding. **It was moved by Mr. Lynch, seconded by Ms. Miller and by unanimous vote to receive and file items 15a and b.**
 - c. Noted receipt of sample letter dated 5/19/2005 from Plan Administrator regarding selection of optional form of payment. **It was moved by Mr. Ibarra, seconded by Mr. Hull and by unanimous vote to approve the draft letter in item 15c and to place that information in formal policy format.**

The meeting was adjourned at 2:10 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.

June 23, 2005 board meeting: It was moved by Mr. Moors, seconded by Mr. Lombard and by unanimous vote to approve the minutes of the May 26, 2005 board meeting as written.