

**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 25, 2006 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 25, 2006 at 1:30 p.m. for a regular meeting with the following members present:

Marc Hamlin, Chairman	Jimmy Meier
Patrick Lynch, Vice Chairman	Cyndy Miller
Mark Bogush	John Moors
Dan Lombard	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 April 27, 2006 Regular Board Meeting. **It was moved by Mr. Lynch, seconded by Mr. Moors and by unanimous vote to approve the minutes of the April 27, 2006 regular 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 Mr. Lynch, seconded by Ms. Miller and by unanimous vote to approve the consent agenda, items 2-5.**

2. Ratified pension benefits.
3. Noted receipt of Bowen, Hanes & Co. Investment Performance report for the month ended April 30, 2006. Investment return so far this fiscal year +9.9%. Market value of *investments* as of 4/30/2006 \$1,448,473,890.
4. Approved payment to James B. Loper for legal services rendered during April 2006 in the amounts of:
  - a. \$1,191.35 General counsel services
  - b. \$17,545.43 Retiree's litigation
5. Noted receipt of letter dated 5/5/2006 from Comprehensive Occupational Medicine for Business & Industry (COMBI) regarding transition of Medical Director.

Financial Presentation by Mark Lenker of Nobles, Decker, Lenker & Cardoso

6. Noted receipt of financial statements prepared by Nobles, Decker, Lenker & Cardoso for the months ended:
  - a. March 31, 2006
  - b. April 30, 2006

Mr. Lenker reviewed the quarterly financial statements for the fund and reported that the fund balance as of 4/30/06 was \$1,452,685,248. Mr. Lenker 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 financial statements presented by Mr. Lenker.**

#### Medical Issues

7. Initial hearing for LOD disability applicant Kelly Gifford, TFR. Noted receipt of Medical Director's summary, Medical Board reports, disability application and addendum, qualifying letter, notice of injury(ies), pre-employment physical, job description and disability application timeline. Ms. Gifford was sworn in and responded to questions from the board. Board members also posed questions of the Medical Director Dr. Cynthia Lewis-Younger. Mr. Lynch and Ms. Miller asked Mr. Loper to review and recite Chapter 112.181 to the board. Mr. Loper reviewed and recited Chapter 112.181 and advised the board that an additional affidavit should be requested from the applicant as referenced in Chapter 112.181. **It was moved by Mr. Meier, seconded by Mr. Moors to continue Ms. Gifford's initial hearing until she complies with the affidavit as referenced in Chapter 112.181.** During discussion, Mr. Lynch stated that after reading through Ms. Gifford's disability application, he became aware of Ms. Gifford's concerns on how long the disability process is taking. Mr. Lynch acknowledged that ultimately it is the board's decision but he requested feed back from Ms. Gifford whether she would prefer the board to vote now to conclude the initial hearing, or to continue the initial hearing until she provides an affidavit. Mr. Hamlin asked Ms. Campbell to further explain to Ms. Gifford her potential options. Ms. Miller asked Ms. Campbell to explain to Ms. Gifford the difference between an initial hearing and a full hearing. Ms. Campbell explained to Ms. Gifford her options and reviewed the details of an initial hearing compared to a full hearing.

[a 5 minute recess was taken for Ms. Gifford to consider her options]

**Upon voting, the motion carried by a vote of 6-1 with Mr. Bogush, Mr. Lynch, Mr. Meier, Ms. Miller, Mr. Moors, and Mr. Walker in favor of the motion and Mr. Hamlin opposed to the motion.**

8. Authorized replacement by Dr. George Northrup in place of Dr. Steven Szabo on psychiatric medical board for disability applicant Muhammad Ali Al-Jumaily, TPD, as recommended by the Medical Director. **It was moved by Mr. Lynch, seconded by Ms. Miller and by unanimous vote to authorize the replacement of psychiatric medical board member Dr. George Northrup in place of Dr. Steven Szabo as recommended by the Medical Director for disability applicant Muhammad Ali Al-Jumaily, TPD.**

#### Old Business

9. Retiree's declaratory action. No action requested. For information purposes only due to pending litigation. Noted receipt of the following:
  - a. Letter dated 3/21/2006 from Tampa Retired Fire & Police Association (TFR&PA) to retirees regarding litigation matters.
  - b. Newsletter dated 4/2006 from TFR&PA regarding litigation matters.

- c. Declaratory judgment issued 5/2/2006 by Judge Stoddard ruling in favor of the pension board on all counts in declaratory action and order denying plaintiff's motion for leave to amend to file fourth amended complaint.
- d. *Tampa Tribune* article dated 5/5/2006 titled "Judge: Pension Board Did Not Misappropriate Funds".
- e. Notice of Appeal to the Second District Court of Appeal prepared by F. Carrington dated 5/18/06 – distributed at meeting.

**It was moved by Ms. Miller, seconded by Mr. Lynch and by unanimous vote to receive and file item 9.**

New Business

10. 13<sup>th</sup> Check

- a. Noted receipt of letter dated 5/11/2006 from Board of Trustees to pensioners and surviving spouses eligible for 2006 13<sup>th</sup> check regarding 2006 13<sup>th</sup> check payment. **It was moved by Ms. Miller, seconded by Mr. Lynch and by unanimous vote to receive and file item 10a.**
- b. Request to address the board by retiree Robert Pennington regarding 13<sup>th</sup> check. Mr. Pennington read a statement to the board for the record regarding the 13<sup>th</sup> check.
- c. Request to address the board by retiree Larry Vincent regarding 13<sup>th</sup> check. Mr. Vincent read a statement to the board for the record regarding the 13<sup>th</sup> check.

[Mr. Lombard entered the meeting at 2:25 p.m.]

11. 13<sup>th</sup> check information from actuary – distributed at meeting. **It was moved by Mr. Lynch, seconded by Mr. Moors to receive and file item 11 and to approve the actuary's recommendation of the \$6,000 13<sup>th</sup> check amount for retirees and \$3,000 for eligible surviving spouses.** After a lengthy discussion, **the motion carried unanimously.**

12. Noted receipt of letter dated 5/4/2006 from retiree John Parker congratulating Board of Trustees, Plan Administrator and Board Counsel Loper on victory in declaratory action and professionalism. **It was moved by Ms. Miller, seconded by Mr. Lynch and by unanimous vote to receive and file item 12.**

[Mr. Meier left the meeting at 2:45 p.m.]

13. Rock Creek Center Committee Chair report. Noted receipt of fax dated 5/10/2006 terminating agreement for sale by Portrait Homes for remaining 23 acres of Rock Creek Center. Mr. Lynch reported that Portrait Homes terminated their agreement for the remaining 23 acres of Rock Creek Center due to remaining matters that have not been resolved. Mr. Lynch advised the board that Portrait Homes is still interested in the property, but would like to have the following completed: 1) move an existing occupied mobile home trailer from the property; and 2) successful closure of a road that is currently attracting illegal dumping. Mr. Lynch reported that Portrait Homes accepts full responsibility to having the road closed. Mr. Moors asked Mr. Lynch if the \$10,000 in earnest money been returned to Portrait Homes. Mr. Lynch confirmed that Portrait Homes has received their earnest money. **It was moved by Mr. Lynch, seconded by Mr. Walker and by unanimous vote to approve the Rock Creek Center attorney to draft a letter to notify the tenants to remove the**

**mobile home trailer and if needed, retain all necessary appropriate professional services with approval from the Rock Creek Center Chair and Plan Administrator.**

14. Noted receipt of listing of upcoming conferences. Disclosure of planned attendance, if any. Mr. Bogush disclosed that he plans to attend the FPPTA Conference, June 25-28, 2006. Ms. Campbell disclosed Ms. Bogush's attendance to the FPPTA Conference, June 25-28, 2006. Mr. Walker noted that he plans on attending the 14<sup>th</sup> Annual Guns & Hoses Conference, September 17-20, 2006. Mr. Walker advised the board that Mr. Jay Bowen would like to invite the board of trustees for a tour of the Bowen, Hanes & Company office with a date to be decided in the future. Mr. Moors requested that documentation be shown on the upcoming conference list reflecting trustee disclosures to avoid repeat disclosures at the board meetings. Ms. Campbell advised to Mr. Moors that Ms. Bogush would fulfill his request for disclosure documentation. **It was moved by Mr. Lynch, seconded by Mr. Walker and by unanimous vote to receive and file item 14.**

15. Plan Administration.

- a. 2006 schedule
- |                    |                                  |
|--------------------|----------------------------------|
| June 22, 2006      | 1:30 p.m.                        |
| July 27, 2006      | 1:30 p.m.                        |
| August 24, 2006    | 1:30 p.m.                        |
| September 28, 2006 | 1:30 p.m.                        |
| October 26, 2006   | 1:30 p.m.                        |
| November 16, 2006  | 1:30 p.m. *early due to holidays |
| December 14, 2006  | 1:30 p.m. *early due to holidays |
- b. After a lengthy discussion between the board, Ms. Campbell, and Mr. Loper, a Special Board Meeting / Executive Session was scheduled for Wednesday, June 14, 2006 at 1:30 p.m.

The meeting was adjourned at 3:00 pm.

**June 22, 2006 board meeting: It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to approve the minutes of the May 25, 2006 board meeting as written.**