

**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, October 26, 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, October 26, 2006 at 1:30 p.m. for a regular meeting with the following members present:

Marc Hamlin, Chairman	Sharon Fox
Patrick Lynch, Vice-Chairman	Dan Lombard
Mark Bogush	Jimmy Meier

Also present were Ron Cohen – General Board Counsel, Dr. Cynthia Lewis-Young, Medical Director & Dr. Bruce Bohnker, Medical Director, Mr. Mark Lenker, CPA and active and retired plan members.

Mr. Hamlin congratulated trustee Mark Bogush who has been promoted to Captain, and trustee Pat Lynch who has been promoted to Corporal.

Presentation Presentation of plaque to James B. Loper for his years of dedicated service to the fund as General Board Counsel from 1988 – 2006. Mr. Loper was not present, and Mr. Hamlin read the plaque into the record.

Security Issues Statement by Chairman Marc Hamlin.

Mr. Hamlin announced that any disruption of a board meeting, whether verbal or up to and including physical violence, will not be tolerated. Anyone disrupting a meeting will be issued a trespass warning, will be asked to leave the building, and should they return to the building while the trespass warning is in effect, they will be arrested for trespassing. Mr. Hamlin noted that this will in no way inhibit any member from the ability to conduct pension business by phone, mail, or email, etc. as there are plan members who live out of the country who conduct business with the pension fund on a regular basis. Mr. Hamlin asked Mr. Sinardi and Mr. Vincent to pass on to their entire membership that disruptions will not be tolerated and trespass warnings will be issued.

Board consideration of reinstating off-duty police officer for board meetings due to safety concerns. Mr. Hamlin advised that an off-duty officer had been hired for today's meeting under Ms. Campbell's authority, a decision with which he concurred. Mr. Hamlin explained that prior practice of the board was to have an off-duty police officer in attendance at every board meeting, but that it was discontinued a few years ago as a cost savings measure. Mr. Lynch advised that when he came on the board, he was under the impression that since there were three police officers on the board who are duty bound to take action, that it was unnecessary to have an off-duty police officer present. However, Mr. Lynch noted that at the board meeting in which there was violence, it stalled the meeting for the entire board and its professionals while the police trustee(s) handled the situation, called TPD and explained the situation to the responding on-duty officer. Mr. Lynch noted that it didn't seem reasonable to waste the time and delay board meetings for situations like this. **It was moved by Mr. Lynch, seconded by Mr. Lombard to reinstate off-duty police officers for board meetings.** During discussion, Mr. Meier asked if it would be all board meetings or only those with controversial agenda items. Mr. Bogush advised that he felt that last month's

event was the exception, and that in the year he has been on the board, this is the first time something like this has happened. Mr. Meier suggested that the agenda be evaluated for potential controversy, and only at those times should the board hire an off-duty officer rather than for all meetings; although he did note that the agenda of the meeting when the violence took place appeared to be a relatively non-controversial agenda. Mr. Lynch advised that the problem he had with picking and choosing which board meeting to have an off-duty police officer was that no one could correctly and accurately predict the future, and what if the wrong call is made, noting that football games are staffed the same way regardless of which teams are playing, and administratively the same should apply here. Mr. Lynch asked about protecting staff and asked Mr. Cohen what the Board's liability was if someone on staff was injured due to the board's inaction. Mr. Cohen advised that the board would have liability only if there was a known hazard that the board ignored. Mr. Lombard advised that the City spends a great deal of money every year erring on the side of caution, and he recommended that the Board also err on the side of caution by having an off-duty police officer present. Ms. Fox advised that in all of the time that she has been on the board, both this time and last, that she has not felt in danger of bodily harm, that the violence was an isolated incident, and she felt that the warning provided by Mr. Hamlin should suffice. Ms. Campbell provided some historical information, noting that she was the one who recommended to the board that the off-duty police officer be discontinued as a cost savings and unnecessary, that it seemed that the practice started for the board's protection in controversial disability hearings years ago, well before her time. Ms. Campbell noted that as an employer, additional security steps for staff have been taken, such as the swipe card system to the secure employee area and the glass at the front desk; however, under OSHA, the employer has an obligation to provide a workplace free of violence for employees, and perhaps the off-duty police officer could be restarted as an additional safety measure and a visible deterrent. Ms. Campbell recommended that if the board decides to pick and choose which meeting to have an off-duty officer for, that she did not want the responsibility of making that decision—please either issue a standing order, or delegate the authority to decide to the Chairman or Vice Chairman. After call for the question, **motion failed to carry due to lack of five affirmative votes with Mr. Hamlin, Mr. Lombard and Mr. Lynch in favor of the motion, and Mr. Bogush, Ms. Fox and Mr. Meier opposed to the motion.** This agenda item will be carried forward to the next agenda due to lack of five affirmative votes.

Minutes

1. Approval of the following minutes:
 - a. September 14, 2006 Committee #2 meeting
 - b. September 28, 2006 Rock Creek Center Committee meeting
 - c. September 28, 2006 regular board meeting
 - d. September 28, 2006 General Board Counsel interviews/RFP**It was moved by Mr. Lynch, seconded by Ms. Fox and by unanimous vote to approve the minutes in 1a-d 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 – 8] Mr. Lynch had two questions about items on the consent agenda but did not wish to remove them from the consent agenda—simply to pose two questions. First question was the initials M.D. on a new hire, were those middle initials, or has the department hired a medical doctor? Ms. Campbell advised that they were middle initials. Mr. Lynch asked how the new hire paperwork was coming in as he has seen several communiqués from personnel to field training reminding new hires to turn in their pension paperwork. Ms. Campbell explained that the change in staffing in TPD personnel has introduced some difficulties;

however, she is confident that by working together, compliance can be achieved in a more timely basis. Ms. Campbell explained that J.J. Theil used to be the “go-to guy” if there was a new hire lagging in submitting paperwork, but upon his reassignment, F&P staff is working with the TPD personnel newly assigned to acclimate them to the process and assist in their training and understanding of the process. Ms. Campbell noted that any time there is a transition, there is a learning curve involved. **It was moved by Mr. Lynch, seconded by Mr. Bogush and by unanimous vote to approve the Consent Agenda items 2-8.**

2. Ratified pension benefits.
3. Noted receipt of \$344,307.96 in supplemental state premium tax monies on 10/2/2006, deposited immediately into the pension fund.
4. Approved payment to Ronald J. Cohen, P.A. for legal services rendered during September, 2006 in the amounts of:
 - a. \$2,457.50 General counsel services.
 - b. \$21,984.58 Retiree’s litigation.
5. Admitted Tampa Police Department members to pension fund effective 10/3/2006 contingent upon: 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and 2) passing a complete medical examination:

Flannigan, Lorraine M. D.
Frauenfeld, Vivian D.
Hill, Bryan
Lovett Jr., Gerald L.
Petersen, Ronald A.
Rios, Gabriel
Small, Dennis I.
Vargas, Luis E.

6. Admitted Tampa Police Department member to pension fund effective 10/9/2006 contingent upon:
 - 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and
 - 2) passing a complete medical examination:

Lance Baker

7. Admitted Tampa Fire Rescue members to pension fund effective 10/23/2006 contingent upon: 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and 2) passing a complete medical examination:

Bartimus, Zaylon J.
Burch, Brent C.
Cason, Matthew E.
Gummoe, Kyle C.
Hill, Jeffrey M.
Hoover, Eric D.

McCauley, Brent A.
Nelson, George P.
Ortiz, Edward E.
Rametta, Keith A.
Vanbebber, Jamie L.
Warriner, Christopher M.

8. Admitted Tampa Police Department members to pension fund effective 10/26/2006 contingent upon:
- 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and
 - 2) passing a complete medical examination:

John	Angelakopoulos
Thomas G.	Brooks
Justin T.	Brown
David. L.	Curtis
Robert C.	Fleege
Jason G.	Landrem
Kevin J.	McNiff
Antonio J.	Ortiz-Saldana
Terry C.	Sorrell
Daniel R.	Spears
Evan J.	Trefcer

Financial Presentation by Jay Bowen, Investment Manager – Bowen, Hanes & Co.

9. Noted receipt of investment performance report for the month ended September 30, 2006. Market value of *investments* as of 9/30/2006 \$1,427,393,584.30. Investment performance for the fiscal year ended 9/30/2006 9.3%.
- a. Noted investment performance for the month ended September 30, 2006 for the 13th check account. Yield 4.69% as of 9/30/2006. Invested in Wachovia Evergreen Institutional Treasury Money Market Fund.
 - b. Noted receipt of quarterly bond portfolio rating report and recommendation to continue holding those bonds.

Mr. Bowen noted that this is the 33rd year that Bowen, Hanes has managed the Tampa F&P pension fund. Mr. Bowen distributed a colored bar chart reflecting the fund's performance against the S&P 500, noting that the fund has systematically outperformed since inception. Mr. Bowen distributed an article detailing the recent demise of a large hedge fund and complimented the board on not becoming involved in the consultant-driven asset allocation programs pushing high-risk, volatile hedge funds. Mr. Bowen reviewed several holdings in the fund and provided the Bowen, Hanes & Co. view on the economy, both short term and long term, again emphasizing the board's significant commitment to equities over the long term, advising that BH&Co. believes that stocks will outperform bonds and cash again in the coming year. Mr. Bowen reviewed the BH&Co.'s top-down fundamental approach to investing. Mr. Bowen reviewed the foreign stock holdings, noting that there are currently 18 holdings in the portfolio which is within the 10% of the total portfolio restriction on foreign investments. Mr. Bowen also reviewed the real estate holdings that the fund participates in through common stocks of companies like St. Joe's and Florida East Coast Railroad. Mr. Bowen advised that corporate earnings are fantastic, in the double digits primarily,

but expects some moderation in corporate earnings as well as on the inflationary front. Mr. Bowen reviewed some of the econometrics that BH&Co. monitors as well as monetary, fiscal and tax policy. Mr. Bowen responded to questions from the board. **It was moved by Mr. Lynch, seconded by Ms. Fox and by unanimous vote to receive and file item 9a and the addendum handed out today by Mr. Bowen. It was moved by Mr. Lynch, seconded by Mr. Lombard and by unanimous vote to approve item 9b.**

Medical Disabilities

10. Bi-ennial disability re-evaluation project

- a. Noted receipt of Medical Director's Medical Records Review Forms and recommendations for no further evaluation for the following disability re-evaluations:

Ronald Carpenter	LOD	Police
Rhonda Curabba	LOD	Police
David Fernandez	LOD	Fire
Mark Francis	LOD	Fire
Greg McCarty	LOD	Fire
Malcolm Showalter	LOD	Police

It was moved by Mr. Lynch, seconded by Ms. Fox and by unanimous vote to receive and file item 10a and to take no further action.

- b. Recommended policy revisions to address due process issues to P&P 108, 409, and 801 for clarity – recommend deferral to future board meeting until after appellate brief has been filed (due shortly after this board meeting). **It was moved by Ms. Fox, seconded by Mr. Lynch and by unanimous vote to defer item 10b to a future board meeting.**

11. Discussion of any policy or process recommendations resulting from Medical Director workshop conducted today, 10/26/2006 from 12:00 noon – 1:30 p.m. **It was moved by Mr. Lynch, seconded by Ms. Fox and by unanimous vote to have the Medical Director, Plan Administrator and Board Attorney rework the Medical Board disability qualification letter to address the issue of impairment vs. disability as discussed in today's Medical Director workshop within the next couple of months.**

12. Discussion regarding benefits payable to eligible surviving spouse in recent death of active, vested firefighter J. Delbaugh. This is the first active, vested member death after implementation of 10 year certain benefit for all vested members. Recommendations to be made by attorney, actuary and administrator to Board of Trustees, research ongoing. (application for benefits has not yet been made, possibility of LOD death review). Mr. Hamlin extended his condolences to the firefighters and the family. Ms. Campbell reviewed two scenarios for the board to consider, which have been discussed at length with board counsel and the actuary. First and foremost, Ms. Delbaugh as an eligible surviving spouse under the Normal/Default benefit (Option 1) is entitled to an unreduced 10 year certain benefit; however, the start of the 10YC benefit was in question as there are circular references in the pension contract, particularly with the addition of Section 3(L) enacted by Ordinance 2003-22 for the final Chapter 99-01 compliance, which defines normal retirement as 10 years and age 46 –or– 20 years of service regardless of age. Mr. Cohen explained that Ms. Delbaugh is entitled immediately to at least the 65% eligible surviving spouse benefit since the pension contract treats Mr. Delbaugh as if he had retired on his date of death, and then entitled to 10YC at a point yet to be determined after further, thorough legal review. Ms. Campbell advised

that traditionally the board has received and accepted the most conservative recommendation initially, pending further review, which in this case would be scenario 1—paying Ms. Delbaugh the 65% benefit and then increasing it to the 10YC unreduced at Mr. Delbaugh's theoretical 20th year of credited service. Ms. Campbell noted that according to the actuary, scenarios 1 and 2 were actuarially equivalent and that scenario 1 seemed unnecessarily administratively burdensome. Scenario 2 was starting Ms. Delbaugh at the unreduced 10YC benefit initially for the 120 payments unreduced, then reducing the benefit to the 65% surviving spouse benefit until death or remarriage. There was discussion regarding putting a grieving surviving spouse through a period of uncertainty while the legal opinion is prepared, and taking the benevolent approach by paying the 10YC benefit unreduced immediately.

Mr. K. Alvarez disrupted the meeting with a profanity, and Mr. Hamlin asked Mr. Alvarez to leave the meeting, advising him that he has now been trespassed and will be issued a trespass warning by the off-duty police officer. Mr. Hamlin reminded Mr. Alvarez that at the beginning of today's meeting that he made it very clear that disruptions would not be tolerated.

It was moved by Mr. Meier, seconded by Mr. Lynch and by unanimous vote to begin paying Ms. Delbaugh Scenario 2, the unreduced 10YC benefit immediately contingent upon receiving the appropriate application and documentation and to include disclosure language that the matter is pending further thorough legal review. Mr. Cohen was asked when he could have his final legal opinion and research on this matter, and after discussion of the appellate brief due date of Monday, October 30 and the November meeting being held early due to the holidays, Mr. Cohen committed to having the legal opinion by the December board meeting.

Old Business

13. Retiree's declaratory action. No action requested due to pending litigation/appeal.
14. Rock Creek Center report. Sale of final 23 acres of remaining property closed 10/19/2006. Rock Creek Center is now completely sold. **It was moved by Mr. Lynch, seconded by Mr. Meier and by unanimous vote to receive and file item 14. It was moved by Mr. Lynch, seconded by Mr. Meier and by unanimous vote to prepare a plaque of appreciation for Mr. Hendren and to invite him to the November board meeting to receive it.**
15. Status report by Plan Administrator on optional forms of payment coverage project as requested by P. Lynch at 9/28/2006 board meeting and approved by board. Ms. Campbell advised that she had conducted several fire station visits and a police roll call to begin the project and adjust accordingly with each experience. Mr. Hamlin advised that he had received compliments on Ms. Campbell's presentation, that the officers said that she did a great job, was very informative and patient. Ms. Campbell advised that the feedback from the fire station visits was also very favorable, that the firefighters really appreciated the outreach, and a great deal was accomplished. Mr. Lynch echoed those sentiments as he had visited a fire station the evening prior and received positive feedback from both firefighters and police officers. Mr. Lombard also advised that everyone at his station was very appreciative of Ms. Campbell's visit and efforts.

New Business

Italics denote items deferred from September 28, 2006 board meeting.

16. *Request to address the board by retiree J. Mills regarding 13th check interest rate. (request received 9/18/2006 9:49 am)* Ms. Campbell advised that most of the questions in this agenda item were answered by the Bowen, Hanes agenda item 9a “Noted investment performance for the month ended September 30, 2006 for the 13th check account. Yield 4.69% as of 9/30/2006. Invested in Wachovia Evergreen Institutional Treasury Money Market Fund.” Ms. Campbell reported that in dollars, the 13th check custody account has earned a total of \$44,120.66 as of 9/30/2006. Ms. Campbell advised that Mr. Lenker would be presenting the fiscal year end financial reports at the November board meeting, including the DROP rate of return, DROP admin. fee, and 13th check annualized rate of return. Ms. Campbell reiterated that the plan is to apply the annualized rate of return on the 13th check custody account as calculated by Mr. Lenker to the 13th check amount from July 1, 2006 until the 13th check benefit is paid out at the successful conclusion of the litigation. Mr. Mills thanked the board and Ms. Campbell for answering his questions.
17. *Request to address the board by retiree J. Parker regarding criteria for subjects to be placed on the agenda and in the minutes of the committee and board meetings. (request received 9/19/2006 2:20 p.m.)* Mr. Parker read a statement into the record expressing concern that information is deliberately being withheld from trustees regarding the former board attorney and the substitution of counsel issue. Mr. Parker listed email and mail correspondence between Mr. Loper, Mr. Cohen, Mr. Gonyea, much of which was cc:d to the Plan Administrator and noted that this correspondence has not been listed on agendas or minutes. Mr. Parker expressed concern that the Board is operating without all of the information available, and that he believes that for the board to make informed decisions, they should have access to all of the information coming into this fund, whether it comes from a retiree, active member or any of the professionals employed by the Board. Mr. Hamlin noted that he had received most of these emails directly from Mr. Loper’s office, and Mr. Lynch noted that he too had received most of these emails. Mr. Lynch pointed out several items on Mr. Parker’s list which had in fact been on agendas and in minutes as they were approved by the board or acted upon by the board. Mr. Hamlin noted that most of this correspondence was directed to Mr. Cohen and Mr. Gonyea and that Mr. Cohen has kept the board advised of matters. Mr. Hamlin advised that he doesn’t think that the board needs to place every single thing that transpires in the pension office on the agenda because the board meetings would be weeks in length. Mr. Hamlin also noted that much of this correspondence from Mr. Loper was not authorized or directed by the board as he was no longer board counsel after his contract expired 6/30/2006. Mr. Parker advised that he was under the impression that Mr. Loper continued to represent the board until the courts officially replaced him. Mr. Hamlin reiterated that Mr. Loper’s contract expired 6/30/2006 and was not renewed. Mr. Hamlin advised that he trusts Mr. Cohen to keep the board apprised and has no issues with the pension office and agendas or minutes. **It was moved by Ms. Fox to receive and file item 17.**

During discussion, Mr. Bogush expressed frustration about being asked questions by members about what is going on with the pension, and finding out things from message boards and newsletters that he didn’t know about as a trustee. Mr. Bogush mentioned a recent letter from Fire Chief Jones to the Chairman about a write-up of a meeting held several months ago in which Mr. Hamlin participated that Mr. Bogush knew nothing about. Mr. Hamlin advised that he had spoken with Chief Jones and that the matter had been resolved, that there was no correction needed on the write-up. Mr. Hamlin

advised that as Chairman elected by the Board of Trustees, he is delegated certain responsibilities to conduct pension business on a day to day basis, matters which he believes don't need to come before the board, such as signing things. Mr. Hamlin advised that he didn't believe it was necessary to place that letter on the agenda because the matter was resolved. Mr. Hamlin advised that the police department had requested the meeting between the Medical Director, the departments, the City and the pension office since there were medical issues with new hires, that the fire department sent two representatives who participated very little, of which Chief Jones seemed unaware. Ms. Campbell reminded the board that the agenda item (Medical Director concerns – new hire medical records review, etc.) had come before this board at a public board meeting, that the board directed her to refer the correspondence to the departments and the City, and that the Police Department took the initiative to hold a meeting to discuss these issues with the Medical Director. Ms. Campbell noted that a question was raised by Chief Jones regarding an action item that one of the fire attendees was under the mistaken impression that Sarah Lang was to contact Thom Gonzalez on; however, Ms. Campbell had no notes or recollection of such an action item, Mr. Hamlin had no notes or recollection of such an item, and this was confirmed also directly by Sarah Lang and Assistant Chief Castor who attended the meeting.

Ms. Campbell advised that when Mr. Cohen took over as general board counsel on 7/1/2006 that the two of them had discussed how much paperwork would come before the board, whether each and every single email or correspondence between Mr. Cohen and Mr. Gonyea would come to the board, such as attempting to schedule a meeting between the two of them. Ms. Campbell and Mr. Cohen decided not to bury the board in paperwork with a copy of each and every single correspondence, whether email, fax or mail item between attorneys. Ms. Campbell also noted that the board had a discussion similar to this about five years ago when she asked as Plan Administrator if the board wanted to see each and every single piece of paper coming into the pension office, and that the board vote was “absolutely not”—the board delegated that responsibility to the Plan Administrator, and until the board directs otherwise, that is the direction that she will follow. **Motion was seconded by Mr. Lynch.** Mr. Bogush advised that he was not done with discussion yet.

Mr. Lynch pointed out again that some of the items on Mr. Parker's list had indeed been on the agendas and minutes, specifically committee meeting minutes which were approved by the board and signed, and his 7/12/2006 letter as Acting Chair had been ratified by the board at a public meeting and are on the agenda and minutes. Mr. Lynch advised that those were the only two items on the list that he was concerned with, that they had been dealt with properly before the board, and that while he was aware of and a recipient of much of the remaining correspondence, he didn't believe that it was necessary to bring every single email between attorneys to the board. Ms. Fox advised that she has neither the desire nor the time to micromanage the Plan Administrator or to second-guess the decisions of the Chairman. Ms. Fox stated that she believes that both do a very good job at what is a very difficult job. Ms. Fox advised that the Board's responsibility is to administer the fund, not to review and second-guess decisions and actions taken at every single level and should not be burdened with copies of every single email between attorneys and/or the Plan Administrator. Mr. Bogush stated that he wanted to know everything that happens in the fund.

Mr. Bogush advised that he had read in a newsletter from Mr. Vincent about some discussions held between Mr. Vincent and Mr. Hamlin and was disappointed to hear about it from a newsletter when he feels that it is very important and would like to know about it. Mr. Hamlin advised that an Executive Session would have to be called to discuss settlement negotiations. Mr. Hamlin reminded

Mr. Bogush that the board had delegated the specific authority to him as Chairman to discuss possible settlements, and if the four positions named by the board (Chairman, General Board Counsel, Insurance Company Assigned Counsel and Plan Administrator) agreed that a settlement offer was reasonable and viable to bring it to the full board for discussion in Executive Session. Mr. Bogush advised that he was not questioning the Chairman's authority, simply that he would like to hear about it from the Chairman instead of reading about it on a website. Mr. Hamlin reminded Mr. Bogush of the Sunshine Law and that settlement discussions are not held in open session, but rather in closed, Executive Session. Ms. Campbell asked Mr. Cohen if there was currently a legitimate, viable settlement proposal on the table for the Board's consideration in Executive Session, and Mr. Cohen responded that there was not. Mr. Cohen advised that he had discussed the conversation between Mr. Vincent and Mr. Hamlin with both Ms. Campbell and Mr. Gonyea, and that all four believed that the conversation did not constitute a legitimate, viable settlement offer. Mr. Meier advised Mr. Hamlin that if he didn't trust Mr. Hamlin's filtering of the minutiae for the board as Chairman, then he would vote him out as Chairman; however, he has the utmost confidence in Mr. Hamlin as Chairman. Mr. Meier advised that he understood Mr. Bogush's concerns; however, he does not agree with them, noting that as a Captain in the Fire Department, Mr. Bogush makes decisions daily appropriate to the rights and duties vested in him by his position that he does not share or discuss with subordinates or superiors. Mr. Meier reiterated his confidence in Mr. Hamlin as Chairman. Mr. Hamlin said that he also understood Mr. Bogush's desire to stay informed; however, due to the Sunshine Law he can't pick up the phone and call another trustee. Mr. Bogush expressed frustration that he gets more information from the retirees than he does from the pension office and Board. Both Mr. Hamlin and Mr. Lynch noted that neither retiree's association is constrained by the Sunshine Law as this board is. **After call for the question, motion carried by unanimous vote.**

[Recess 3:05 – 3:10 p.m.]

18. *Note receipt of request to address the board by retiree D. Ribaya regarding F&P policy on public records requests. (request received 9/21/2006 11:32 am) Noted receipt of board P&P 818 – Public Records Requests.* Mr. Ribaya read a statement into the record expressing concern over what he believes to be stonewalling by the pension office of his public records requests. He cited a specific example wherein he requested the 4 legal RFPs on 9/21/2006 (requested to have them within 24 hours) and was advised by one staff member that she would take his public records request but was uncertain precisely when the copies could be made and available for pickup. He related that later that day he called in and spoke with another staff member who informed him that she could not release the documents until they were released to the trustees per instructions from Ms. Campbell. Mr. Ribaya advised that he believes that information becomes public record the moment it comes through the door regardless of when they are released to the trustees, and so advised the staff member. The staff member advised that he would have to take up the matter with the Plan Administrator as the supervisor and that she was out of the office that day. Mr. Ribaya inquired why an employee has to check with the Plan Administrator to release documents that should be available to the public when asked for in a timely and appropriate manner? Mr. Ribaya questioned the policy on public records requests and asked that the board review the policy so that mistrust does not escalate.

Ms. Campbell referred to pension board P&P 818 Public Records Requests adopted by the board, noting that both the policy and public records law are that public records requests are to be fulfilled in a reasonable time for a reasonable fee, noting that such requests must be worked into the overall workload, timeline and priorities of the pension office. Ms. Campbell noted that as the supervisor, it

is her responsibility to set the priorities of the pension office, and that the employees report to her, and that there are times when other matters are absolute priorities, such as getting 1,600 retirees and beneficiaries paid. Ms. Campbell advised that quite frankly, staff has become gun-shy of the voluminous public records requests/demands in light of the litigation, member's tempers and now violence. Ms. Campbell advised that it is her responsibility to protect the employees of the pension office, and if they are the least bit uncertain on a matter or priority, they are to bring it to her as she is ultimately responsible, and the preference is to err on the side of caution. Ms. Campbell noted that when this public records request came in, the agenda and board packages were being prepared and that the responses to the legal RFP were part of that board package assembly. Ms. Campbell advised that board packages were not completed and available for distribution until Friday, September 22, 2006 and that the retiree association board packages are assembled after the trustee's packages. Ms. Campbell advised that while one staff member's explanation was not entirely correct, that the staff member's decision was correct, and the public records request copies were made available for pickup by Friday 9/22/2006 at 3:00 p.m. after the trustee's board packages had been completed (within 27 hours of the requested deadline instead of within 24 hours as requested). Ms. Campbell advised that had Mr. Ribaya been a little more patient, he could have picked up his retiree's association board package at the same time, which included the responses to the RFP at no charge as part of the board package, but instead he insisted on having the copies as soon as possible under a public records request. Ms. Campbell apologized for the confusion and incorrect information provided by staff, advising that she has since corrected the matter.

Ms. Campbell related another situation wherein the second 13th check letter was signed one day by the Chairman and the next day by the Vice Chairman, and that Mr. Ribaya came in to the office on another matter and saw the letter sitting on the desk and asked for a copy of it as a public records request. Ms. Campbell related that the paper was still warm from being signed by the Vice Chair and asked Mr. Ribaya if he could be patient and wait for the letter to be copied and mailed to all retirees at the same time later that day rather than taking an advance copy that was likely to pop up on email or a message board before it has been released officially to all retirees and eligible surviving spouses. Ms. Campbell related that Mr. Ribaya was insistent that, absolutely not, he was not willing to wait and demanded a copy under public records law, so she made him a copy and charged him 15 cents as per policy, when he could have had it for free the following day had he been a little more patient.

Ms. Campbell reiterated that the responses to the legal RFP were part of the board packages, and after board packages had been assembled and all originals used up and it was determined how many Xerox copies were needed to complete the board packages and retiree association packages, that the copier was then free to copy the public records request, noting that some of the responses to the RFP were in binders and had to be disassembled for copying--not a simple, easy straightforward copy job. Ms. Campbell noted that the public records request was available for Mr. Ribaya to pick up on Friday, 9/22/2006 at 3:00 p.m. once board packages had been completed and distributed.

Mr. Hamlin advised that the board and pension office have and will continue to comply with the public records law and recommended that a little tact and diplomacy on both sides could go a long way. Mr. Hamlin noted that Mr. Ribaya has contacted him before as Chairman and recommended that if he has an issue, that he contact the Chairman so that it can be resolved rather than letting it fester. **It was moved by Ms. Fox, seconded by Mr. Lynch and by unanimous vote to receive and file item 18.**

19. Noted receipt of summary of Pension Protection Act of 2006 – Provisions Affecting Governmental Employer Plans prepared by Sugarman & Susskind, P.A. See page 2 of summary labeled “Technical Analysis” pertaining to exclusion of health insurance premiums from taxable income up to \$3,000 from eligible retirement plans. [Noted: Mr. Lenker reviewed this legislation and provided an overview at the pre-retirement workshops].
- a. Request from retiree K. Ayers to look into pension legislation reform to help retirees as it pertains to health insurance premiums (request received 10/6/06 am).
- Mr. Lenker reviewed several key points in the legislation, particularly the health insurance premiums matter. Mr. Lenker noted that this portion of the legislation is effective 1/1/2007 and would allow retirees to pay up to \$3,000 in health insurance premiums on a pre-tax basis instead of post-tax. Mr. Lenker also noted that there is now the ability of a public safety officer retiree to withdraw, for example, DROP rollover money from deferred comp or an IRA at age 50 now without facing the 10% penalty/excise tax, noting that the previous age was 59 ½. Mr. Lenker pointed out that the legislation also allows a non-spousal rollover on a tax deferred basis, when formerly it had to be done after-tax if the designated beneficiary was not a lawfully wedded spouse. **It was moved by Mr. Lynch, seconded by Ms. Fox to receive and file item 19.** During discussion, Ms. Campbell noted that the \$3,000 pre-tax health insurance issue would fall under the City of Tampa’s Revenue and Finance division and MIS/ITS/T&I for programming changes needed to the City’s mainframe/pension master to accomplish this. Ms. Campbell introduced the City’s Chief Accountant Lee Huffstutler in the audience, advising that she had provided him a copy of this legislation shortly before the start of today’s board meeting. Ms. Campbell asked for his assistance in accomplishing the programming change, noting that the 1/1/2007 effective date may not be reachable. Upon voting, **motion carried by unanimous vote.**
20. Noted receipt of request to address the board by retiree S. Sinardi requesting adopting new policy to be explained. (request received 10/18/2006 4:41 p.m.) Mr. Sinardi noted that the board has a policy that anyone that wants to address the board must submit it a week ahead of time, and if you don’t, you have to wait until the next month. Mr. Sinardi asked the board to consider giving any retiree, or the two retiree’s associations and the two unions, the ability to speak on something that comes up in a board meeting without having to wait a month to get on the next agenda. Mr. Sinardi advised that for example, he has an association meeting this evening, as does Mr. Vincent’s group, and if there was a question that came up today, he would be unable to address the board to get an answer to take it to his general membership meeting tonight and would have to wait a month to get on the next agenda. Mr. Sinardi requested a limited time to speak at the end of the meeting similar to City Council wherein the audience has a time slot at the end to address anything. Mr. Sinardi requested that the board consider giving four groups--both retiree’s associations and both unions--each a standing five minute slot at the end of the meeting.

Ms. Campbell noted that there is a board policy that items not on the agenda will not be addressed at that board meeting and the board would need to rescind that policy. Ms. Campbell advised that her understanding of that policy was to give proper notice that a matter would be addressed at a public meeting, and that without advance notice, the board, and indeed interested parties, may be unable to have the information available to respond appropriately. Mr. Lynch advised that he wouldn’t mind giving the four groups a standing three minutes at the end of a meeting, so long as it was restricted to items that were actually on the agenda. Ms. Fox expressed concern over allowing certain people to speak and not others and the inherent unfairness to those not allowed to speak and asked Mr. Cohen to weigh in on the matter. Mr. Cohen expressed the same concern, noting that the board couldn’t

adopt rules or regulations that absolutely prohibited anyone other than those four groups from speaking. Mr. Cohen pointed out the issues of restraint on freedom of speech and the first amendment, and what happens if someone not in those four groups wants to speak? Mr. Cohen asked what if a rival union came in to speak, would they be allowed, noting that restricting it to the four groups presents problems. Mr. Cohen recommended that the board consider a safety valve instead of picking and choosing who gets to speak so that there isn't a first amendment problem. Mr. Lynch recommended that this matter be referred to committee and volunteered his committee, Committee #2 to look into this and get input from various affected parties and the board attorney and plan administrator. Mr. Meier noted that something new coming up at the end of the meeting if this scenario is adopted would have to be with no expectation of a viable response from the board because the board won't have any advance information. **It was moved by Mr. Lynch, seconded by Mr. Lombard and by unanimous vote to refer this matter to Committee #2.**

21. Noted receipt of listing of upcoming conferences. Disclosure of planned attendance, if any. Mr. Hamlin disclosed that he planned to conduct an on-site visit to Bowen, Hanes & Co. on November 1, 2006. Mr. Meier and Ms. Fox thanked Ms. Campbell for increasing the font size on the upcoming conference listing so that it is easier to read. Mr. Meier disclosed that he planned to attend the January Opal Financial pension conference. **It was moved by Ms. Fox, seconded by Mr. Meier and by unanimous vote to receive and file item 21.**

22. Plan Administration.

Under Plan Administration, Mr. Meier asked to address the trespass warning issued earlier and recommended that the board adopt a specific and consistent time expiration, such as 90 days for the first disruption and one year for the second infraction. Ms. Fox advised that she wasn't certain that the penalty should be the same for violence or threats of violence as for uttering a profanity disrupting a board meeting. Mr. Meier respectfully disagreed, advising that he believes the policy should be consistent for all. Mr. Bogush asked what the difference between violations was under criminal code, and Mr. Hamlin explained the difference between a verbal threat, such as a harassing phone call, and an in-person threat which could be conceivably carried out such as an armed assault. Mr. Hamlin recommended that the board reach consensus on this matter. Mr. Lynch recommended considering 30 days to 1 year at the discretion of the Chairman. Ms. Fox recommended 90 days for verbal disruptive behavior and one year for a physically violent incident. Ms. Campbell recommended consistency. **It was moved by Mr. Meier, seconded by Mr. Lynch and by unanimous vote that a 90 day trespass warning be issued to anyone disrupting a pension board meeting or disrupting the conduct of pension board and pension fund business at this building, and that the second violation be 1 year.**

a. 2006 schedule

November 16, 2006	1:30 p.m.	*early due to holidays
December 14, 2006	1:30 p.m.	*early due to holidays
January 25, 2007	1:30 p.m.	
February 22, 2007	1:30 p.m.	
March 22, 2007	1:30 p.m.	
April 26, 2007	1:30 p.m.	
May 24, 2007	1:30 p.m.	
June 28, 2007	1:30 p.m.	

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| July 26, 2007 | 1:30 p.m. |
| August 23, 2007 | 1:30 p.m. |
| September 27, 2007 | 1:30 p.m. |
| October 25, 2007 | 1:30 p.m. |
| November 15, 2007 | 1:30 p.m. *early due to holidays |
| December 13, 2007 | 1:30 p.m. *early due to holidays |
- b. Reminder that the November board meeting is when the external CPA presents final fiscal year end calculations, including DROP rate of return and DROP administrative fee. 13th check investment return will also be calculated and reported at the November board meeting.
 - c. Consideration of combining 13th check “quarterly statements” with COLA letters to be distributed after the November board meeting contingent upon board approval and contingent upon 13th check investment return calculation and COLA figures being available, finalized, and approved by the Board.

It was moved by Ms. Fox, seconded by Mr. Lynch and by unanimous vote to receive and file items 22a, b and c.

The meeting was adjourned at 3:35 p.m.

November 16, 2006 board meeting: It was moved by Mr. Lynch , seconded by Mr. Walker and by unanimous vote to approve the minutes of the October 26, 2006 board meeting as written.