

**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, September 27, 2007 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, September 27, 2007 at 1:30 p.m. for a regular meeting with the following members present:

Tracy Walker, Chairman
Patrick Lynch, Vice-Chairman
John Moors, Secretary
Mark Bogush

Sharon Fox
Marc Hamlin
Dan Lombard
Jimmy Meier
Cynthia Miller

Also present were Mr. Ron Cohen, Board Counsel, Mr. Patrick Gonyea, Co-counsel, Mr. Mark Lenker, CPA, Dr. Bruce Bohnker, Medical Director and Dr. Cynthia Lewis-Younger, Medical Director, and active and retired plan members.

Minutes

1. Approval of the minutes of August 23, 2007 regular board meeting. **It was moved by Mr. Lynch, seconded by Ms. Miller and by unanimous vote to approve the minutes of the August 23, 2007 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 – 16] **It was moved by Mr. Lynch, seconded by Ms. Miller and by unanimous vote to approve the consent agenda, items 2 – 16.**

2. Ratified pension benefits.
3. Noted receipt of Bowen, Hanes & Co. investment performance report for the month ended 8/31/2007. Market value of *investments* as of 8/31/2007 was \$1,628,510,025.36. Investment performance so far this fiscal year as of 8/31/2007 was +18.2%.
4. Noted receipt of financial statements for the month ended 7/31/2007 prepared by Mark Lenker of Nobles, Decker, Lenker & Cardoso. Market value of *assets* as of 7/31/2007 was \$1,628,165,773.
5. Noted receipt of state premium tax money received spreadsheet reflecting receipts from 1981 – 2007. A total of \$5,929,521.00 received in August 2007, an increase of 4.32% over the prior year.
6. Noted that 2007 Pre-Retirement Workshops held on Wednesday 8/29/2007 at 2:00 pm and Thursday, 8/30/2007 at 10:00 am at the Tampa Convention Center in Rooms 22-23 were successfully held with approximately 75 attendees each day.
7. Approved payment to Ronald J. Cohen, P.A. for legal services rendered during August 2007 in the amounts of:

14. Admitted the following Admit Tampa Police Department members to pension fund effective 9/6/07 contingent upon: 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and 2) passing a complete medical examination:

Christopher L	Audet
Steven D	Barber
George E	Boyd
Roger A	Brown
Daniel F	College
William S	Gulley
David J	Hassett
Austin C	Hill
Joana A	Landrem
Richard	Mercado
Robert W	Perkins
Kenneth N	Petrillo
Aida C	Roias
Robert E	Salmon

15. Admitted the following Admit Tampa Fire Rescue members to pension fund effective 10/1/2007 contingent upon: 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and 2) passing a complete medical examination:

Bell	Alfred	M
Garrido	Keoni	L
Goodson	Latrell	D
Hazelbaker	Cory	L
Keaton Jr.	James	
Mees	Kellon	A
Randolph	Jaisen	J
Rivera Jr.	Hector	R
Santos-Martinez	Angelo	A
Windom	Terah	T

16. Approved annual fiduciary liability insurance renewal with Traveler's Insurance. 2007/2008 premium \$89,952.62 (*note: deductible was required by Traveler's to be increased from \$50,000 to \$100,000). Prior year's annualized premium was \$91,571.

[Mr. Hamlin entered the meeting at 1:40 p.m.]

Medical Disability

17. Continuation of initial hearing for disability applicant Muhammad Ali Al-Jumaily, formerly of TPD.
- Noted receipt of letter dated 8/22/2007 from disability applicant Muhammad Ali Al-Jumaily requesting finding of non line of duty (NLD) disability at this time.

- b. Noted receipt of minutes of 3/22/07 board meeting (#12) reflecting initial hearing and board vote: 1) unanimous board vote that Mr. Al-Jumaily is disabled from the regular and continuous duties of a police officer; and 2) lack of five affirmative votes on second issue of whether the disability was incurred in the service (LOD) or not in the service (NLD).
- c. Noted receipt of disability motions from red board folders.
- d. Noted receipt of Medical Director's summary, Medical Board reports, disability application, qualifying letter, notice of injury(ies), summary review outline, pre-employment physical, job description, and disability application timeline.

Mr. Al-Jumaily was sworn in and responded to questions from the board. After discussion, **it was moved by Mr. Lynch, seconded by Mr. Meier that the board finds that Mr. Al-Jumaily's disability was incurred not in the service (non-line of duty).** There was discussion regarding the applicant's ability to request a full hearing before the board at a future date for a line of duty disability, and Mr. Lynch explained in his opinion, the record was not clear enough to support a line of duty finding at this time and would like to see additional evidence. **Upon voting, motion carried by a vote of 6 – 3 with Mr. Bogush, Ms. Fox, Mr. Hamlin, Mr. Lynch, Mr. Meier, and Mr. Walker in favor of the motion, and Mr. Lombard, Ms. Miller and Mr. Moors opposed to the motion. It was moved by Mr. Lynch, seconded by Mr. Meier that the board grant Mr. Al-Jumaily a non-line of duty disability pension effective the last day on payroll as per policy. Upon voting, motion carried by a vote of 7 – 2, with Mr. Bogush, Ms. Fox, Mr. Hamlin, Mr. Lombard, Mr. Lynch, Mr. Meier and Mr. Walker in favor of the motion, and Ms. Miller and Mr. Moors opposed to the motion.**

18. Initial hearing for LOD disability applicant Bobby Lane, TFR. Noted receipt of Medical Director's summary, Medical Board reports, disability application, qualifying letter, notice of injury(ies), summary review outline, pre-employment physical, job description, and disability application timeline. Mr. Lombard disclosed that he works at the same fire station as Mr. Lane but not on the same shift, and that he had discussed the process and procedures with Mr. Lane but not the specific facts of the case. Mr. Walker also disclosed that he had discussed the process and procedures with Mr. Lane but not the specific facts of the case. Mr. Lane was sworn in. Board members posed questions of the Medical Director, and after discussion, **it was moved by Mr. Lynch, seconded by Mr. Lombard and by unanimous vote that the board finds that Mr. Lane is permanently incapacitated from the regular and continuous duties of a firefighter. It was moved by Mr. Lynch, seconded by Ms. Fox and by unanimous vote that the board find that the cardiac disability was incurred in the service based upon the heart and lung presumption. It was moved by Mr. Lynch, seconded by Mr. Lombard and by unanimous vote that the board grant Mr. Lane a line of duty disability pension for cardiac disability effective with the last day on payroll as per policy.**

Old Business

19. Motion for Taxable Costs status in Case No. 03-9298, City of Tampa Retired Fire & Police Association, Inc., a Florida Corporation; and its Individual Members Bud Maxey, et al vs. Board of Trustees.
- a. Noted receipt of Defendant's Memorandum In Opposition to Plaintiff's Motion to Disqualify Hon. Ralph C. Stoddard filed 8/20/2007 by P. Gonyea of Vernis & Bowling. (received 8/23/2007)

- b. Noted receipt of Order on Plaintiff's Motion to Disqualify Hon. Ralph C. Stoddard signed 8/24/2007 by Judge Stoddard. Motion to Disqualify denied as legally insufficient and untimely filed. (received 8/27/07)
- c. Noted receipt of draft letter dated 8/28/2007 from F. Carrington to R. Cohen proposing settlement. (received 8/29/07)
- d. Noted receipt of letter dated 8/29/2007 from F. Carrington to R. Cohen proposing \$60,000 settlement and requesting 15 minutes to appear personally before the entire Board of Trustees to discuss this offer. (received 8/31/2007)
- e. Noted receipt of fax dated 9/6/2007 from R. Cohen transmitting Notice of Continued Hearing for Tuesday, October 30, 2007 at 1:30 p.m. on Trustees' Motion to Award Costs filed 8/31/2007. (received 9/6/2007)
- f. F. Carrington request for 15 minutes to address the board to discuss settlement offer.
- g. Noted receipt of Executive Session posting, during or after today's Board meeting, should the board choose to convene in Executive Session to discuss Carrington & Carrington settlement proposal.

Mr. Cohen advised that he had been informed by Mr. Carrington's office that Mr. Carrington would be unable to attend today's board meeting to address the board as Mr. Carrington had requested. Mr. Cohen advised that he had called Mr. Carrington to advise that the settlement offer was not complete and requested additional information, but there had been no response. Mr. Cohen advised that in his opinion and Mr. Gonyea's opinion, an Executive Session would not be needed today as both feel that the offer is not a full and complete settlement offer. **It was moved by Mr. Lynch, seconded by Mr. Moors and by unanimous vote to receive and file items 19a-e.** Mr. Gonyea was complimented on the Memorandum that he prepared (item 19a on today's agenda) as it was very well prepared.

20. Parker lawsuit.

- a. Noted receipt of letter dated 9/5/2007 from P. Gonyea of Vernis & Bowling transmitting Notice of Case Management Conference filed 8/31/2007 by attorney Wayne Lee Thomas to be held on Wednesday, November 7, 2007 at 10:30 a.m. (received 9/5/07) Mr. Cohen advised that he and Mr. Gonyea would be meeting in October with opposing counsel to discuss deadlines and scheduling issues prior to the November 7, 2007 case management conference before the judge.
- b. Noted receipt of Executive Session posting for 9/27/2007 at the conclusion of the regular board meeting, approximately 2:15 to 2:45 p.m. start time. Mr. Cohen advised that as per Chapter 286.011(8), Florida Statutes, he desires advice from the board on litigation expenditure strategy and possible settlement negotiations in Executive Session after today's board meeting. **It was moved by Mr. Lynch, seconded by Ms. Miller and by unanimous vote to receive and file item 20.**

New Business

- 21. Noted receipt of draft policy & procedure 815A – Pension Board Chairman Responsibilities & Authority, codifying past practice and precedent. (requested by T. Walker 8/23/2007 p.m.). Mr. Cohen asked if the intent in P&P 815A was to preclude the Chairman from commissioning actuarial studies or formal written legal opinions that are between \$2,000 and \$10,000. There was discussion regarding the board's desire to make those types of decisions as a board, and Mr. Hamlin provided input as previous Chair. Ms. Fox recommended that a parenthetical phrase on the first page be deleted to make the emergency meeting or executive session scheduling more broad in scope. Mr.

Cohen recommended that a sentence be added that P&P 815A is not intended to affect the authority granted under P&P 815. **It was moved by Mr. Lynch, seconded by Ms. Fox and by unanimous vote to approve P&P 815A with the changes just discussed.**

22. Noted receipt of request to address the board by retiree D. Ribaya regarding 13th check (request received 9/14/07). Mr. Ribaya distributed three documents to the board at the meeting: a three page document labeled "Presentation September 27, 2007", a letter dated 9/25/2007 signed by A. Suarez, and a memo dated 4/4/2001 from the Plan Administrator to the board, unions and City regarding local bill 24. Ms. Miller disclosed that subsequent to the last board meeting she has met with Mr. Ribaya and Mr. Sinardi at their request on the 13th check issue, that she has listened to them, and accepted information from them, the content of which was not materially different from the information being distributed by Mr. Ribaya to the board today. Mr. Walker disclosed that he has also talked to Mr. Ribaya and Mr. Sinardi on this matter on several occasions. Mr. Ribaya reviewed the handouts and read portions aloud to the board.
23. Noted receipt of listing of upcoming conferences. Disclosure of planned attendance, if any. Mr. Moors wished to undisclosed the October FPPTA conference, and Ms. Fox disclosed the October Division of Retirement conference and January FPPTA conference. Mr. Lynch disclosed the FPPTA Wall Street conference. Mr. Walker recommended that since elections were to be held for firefighter trustee, that the board authorize attendance at the October Division of Retirement conference should a new trustee be elected. **It was moved by Ms. Miller, seconded by Mr. Lynch and by unanimous vote to receive and file.**
24. Chair's call for any new business items to be placed on next agenda. There were none.

[Brief recess for Public Comment cards to be turned in.]

25. Plan Administration.
- a. 2007 schedule
 - 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. Ms. Campbell advised that the pension office is entering an extraordinarily busy and hectic time of year, having recently concluded the pre-retirement workshops, the current typical surge in retirements and DROP entries by 9/30/07, fiscal year end, trustee election, COLA and open enrollment for health insurance, and that she and the staff look forward to the challenge of competing priorities.
 - c. Mr. Hamlin complimented the Plan Administrator on the professionalism and responsiveness in the pre-retirement workshops and DROP entrants and pension estimates, based upon positive feedback he has been receiving from plan members over the past several weeks. The Chairman requested that he put it in writing for performance evaluation purposes. Mr. Lynch also wished to extend both a complaint (in jest) and compliment, advising that his Sergeant was informed that he couldn't get out of his DROP contract, but complimented staff on communicating it professionally and the helpfulness in the retirement appointment.

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

Mr. Sinardi wished to address the board regarding agenda item 22, advising that his association has spend hundreds of hours and thousands of dollars researching this issue, and he believes that this 13th check is due and should be paid. Mr. Sinardi thanked the board for all of the public records and information they have been provided, including the 13th check notebook. Mr. Sinardi advised that he has talked to numerous people, including attorneys, and that everybody he has talked to believes that this 13th check should be paid. Mr. Hamlin asked Mr. Sinardi if James Loper was one of the attorneys that he has talked to and believes that the 13th check should be paid, and Mr. Sinardi responded yes.

The meeting was adjourned at 2:15 p.m.

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.

At the October 25, 2007 board meeting, it was moved by Mr. Lynch, seconded by Ms. Miller and by unanimous vote to approve the minutes of the September 27, 2007 regular board meeting as written.