

**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, February 28, 2008 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, February 28, 2008 at 1:30 p.m. for a regular meeting with the following members present:

Patrick Lynch, Chairman	Sharon Fox
Tracy Walker, Vice-Chairman	Marc Hamlin
John Moors, Secretary	Jimmy Meier
Mark Bogush	Cynthia Miller

Also present were Mr. Ron Cohen, Board Counsel, Mr. Patrick Gonyea, Co-counsel, Mr. Mark Lenker, CPA, and active and retired plan members.

Minutes

1. Approval of the minutes of January 24, 2008 board meeting. Ms. Campbell noted that the Chair, Vice Chair titles needed to be reversed. **It was moved by Mr. Moors, seconded by Mr. Walker and by unanimous vote to approve the minutes of the 1/24/2008 regular board meeting with the noted title correction.**

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. Walker and by unanimous vote to approve the consent agenda, items 2 – 5.**

2. Ratified pension benefits.
3. Approved payment to Ronald J. Cohen, P.A. for legal services rendered during January 2008 in the amounts of:
 - a. \$27.50 Retiree's litigation.
 - b. \$7,654.47 General counsel services.
 - c. \$17,202.23 Parker lawsuit.
4. Noted receipt of investment performance report and investment summary for the month ended January 31, 2008 from Bowen, Hanes & Co. Market value of *investments* as of 1/31/2008 was \$1,592,702,091. Investment return as of 1/31/2008 was -5.1% so far this fiscal year to date 10/1/2007 – 1/31/2008.
5. Noted receipt of financial statements prepared by Mark Lenker of Nobles, Decker, Lenker & Cardoso for the month ending 1/31/2008.

Medical/Disability Issues

6. Authorized referral to medical board composed of Dr. Fishalow, Dr. Kriz, and Dr. Wasylik as recommended by Medical Director for LOD disability applicant K. Howell, TPD. Noted receipt of disability application, qualifying letter, notices of injury, pre-employment physical, police officer job description and disability process timeline. **It was moved by Ms. Miller, seconded by Ms. Fox and by unanimous vote to authorize referral to medical board composed of Dr. Fishalow, Dr. Kriz, and Dr. Wasylik as recommended by Medical Director for LOD disability applicant K. Howell, TPD.**
7. Authorized referral to medical board composed of Dr. Fishalow, Dr. Kriz, and Dr. Wasylik as recommended by Medical Director for LOD disability applicant M. Spirk, TPD. Noted receipt of disability application, qualifying letter, notice of injury, pre-employment physical, police officer job description and disability process timeline. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to authorize referral to medical board composed of Dr. Fishalow, Dr. Kriz, and Dr. Wasylik as recommended by Medical Director for LOD disability applicant M. Spirk, TPD.**
8. Initial hearing for LOD disability applicant Paul Sanzone, formerly of TFR. Noted receipt of Medical Board reports, Medical Director's summary, disability application and qualifying letter, summary review outline prepared by Independent Medical Case Manager, injury report, post-offer pre-employment physical, firefighter job description and disability application process timeline. Mr. Sanzone was sworn in. The Medical Director responded to questions from the board. **It was moved by Mr. Bogush, seconded by Mr. Moors and by unanimous vote that the board finds that there is a disability which permanently incapacitates Mr. Sanzone physically from the regular and continuous duties as a firefighter. It was moved by Mr. Bogush, seconded by Mr. Moors and by unanimous vote that the board finds that the disability was in incurred in the service (in the line of duty). It was moved by Mr. Bogush, seconded by Mr. Moors and by unanimous vote to grant a line of duty disability pension for back injuries effective close of business his last day on payroll as per policy.**
9. Noted receipt of memo dated 12/7/2007 received 12/11/2007 from Louise M. Dandridge, Occupational Health Nurse Supervisor, regarding initial post-offer, pre-employment medical examination conducted by COMBI under F&P pension fund contract with Medical Director. TFR Occupational Health requests copy TFR new hires on or after October 2007 to establish baseline physical condition for use in subsequent annual physicals by TFR. Deferred from previous meeting.
 - a. Noted receipt of email dated 2/20/2008 from L. Parker, President of IAFF Local 754 requesting that the board deny the request. **It was moved by Mr. Walker, seconded by Mr. Bogush to deny the Occupational Health request.** During discussion, Mr. Meier and Mr. Hamlin posed questions of Board Counsel Cohen asking if the employee chose to voluntarily provide the information themselves to Occupational Health that they could do so, and if there might be a problem denying access by Occupational Health. Board Counsel Cohen responded that there is a greater potential for trouble if granting access to those records and that it was legally safest to deny access. **Upon voting, motion carried by unanimous vote. It was moved by Mr. Moors, seconded by Mr. Walker and by unanimous vote to receive and file item 9.**

10. Disability issues (agenda item requested by trustee P. Lynch 2/7/2008). Noted receipt of the following:
 - a. Printed article of 2/7/2008 Tampa Bay's 10 News story regarding LOD disability A. Bennewitz, formerly of TFR.
 - b. Letter received 2/11/2008 from A. Bennewitz with attachments from Chapter 663, Florida Statutes regarding certification and definitions.
 - c. Printed article of *Tampa Tribune* article dated 2/9/2008 in Pasco section regarding LOD disability G. Clegg, formerly of TFR.
 - d. Policy & Procedure 408 – Bi-ennial Re-evaluation of Disability Retirees.
 - e. Policy & Procedure 409 – Re-evaluation of Disability Retirees.
 - f. Contents page for Disability Application packages.
 - g. Retiree's Report of Continuing Disability currently in use for bi-ennial disability re-evaluations.
 - h. Retiree's Continuing Disability Qualifying Letter currently in use for bi-ennial disability re-evaluations.
 - i. Draft proposed new policy 435 – Disability Pensioners Working Elsewhere As Certified Firefighters or Police Officers was distributed at the meeting.
 - j. Draft proposed new policy 436 – Complaints About Disability Pensioners' Physical Activities was distributed at the meeting.

Mr. Lynch advised that the pension office had been contacted by the media regarding Ms. Bennewitz's current employment, and that he as Chair handles media relations and was interviewed and the story aired, followed by the article on Mr. Clegg's employment. Mr. Cohen advised that the board has an obligation to look into these matters and conduct due diligence, one step of which could be obtaining records from their current employers, including a job description. Mr. Cohen advised that the primary questions are could either disability pensioner perform the regular and continuous duties of a Tampa firefighter, and by what process does the board wish to conduct due diligence in this matter? Mr. Cohen reviewed P&P 409 – Re-evaluation of Disability Retirees and proposed draft new policy 435 handed out today which may be an alternative process that could bring more rapid and efficient due diligence results and closure. Mr. Cohen noted that P&P 409 appears to be somewhat cumbersome and there is confusion between what is intended between P&P 408 and 409, advising that the policies need additional work. Ms. Miller recounted her recollection of how disability complaints have been handled in the past during her time on the board and recommended that the board stand on its existing policies and past practice for consistency rather than enacting new policies. Mr. Hamlin recalled a disability complaint during his time on the board and asked how that was handled. Ms. Campbell advised that an authorization to release medical records was obtained, medical records were gathered and provided to the Medical Director for review, noting that even using an abbreviated version of P&P 409, the process took eight months from initial complaint to board decision. Ms. Miller and Ms. Fox noted that draft P&P 435 and 436 were only handed out today and that the board needs more time to review. Ms. Miller recommended that the board follow existing past practice and precedent and consider amending P&P 409 prospectively. Ms. Fox expressed concern that P&P 435 may not address someone who happens to have certification and working in another fire department, but certification is not required for that job. Mr. Lynch explained that the intent of P&P 435 is to pose that very question immediately, are they working as a certified firefighter or police officer doing the duties of a certified firefighter or police officer, and if not, the inquiry could possibly be concluded much more rapidly than the lengthy

process set forth in 409. Mr. Walker explained that certification should not be the issue since someone can work as an instructor or inspector with certification without having to do the job duties of a combat firefighter or police officer. Mr. Cohen advised that the job description would assist in these questions—are they performing the regular and continuous duties of a certified firefighter or police officer or not? Mr. Bogush advised that people are granted disability pensions because they can no longer do perform the continuous and regular duties of a firefighter or police officer, and until the board has evidence that a pensioner is doing such a thing, it should be a non-issue. Mr. Bogush advised that he has seen no evidence that either of these two individuals are doing so. Mr. Lynch asked Mr. Cohen if it would be appropriate to refer these policies to committee and bring back to the board next month, and Mr. Cohen advised that from a legal standpoint it would be appropriate. Ms. Miller advised that she felt that it would be a disservice to these two members to have them wait another month for the board to take any action. **It was moved by Mr. Meier, seconded by Ms. Miller to refer Ms. Bennewitz and Mr. Clegg for disability re-evaluation according to the process set forth in P&P 409 and as statutes and contract language apply.** Mr. Walker advised that he hopes that this board does not knee jerk react to the media, and he is afraid that has been what has happened here. During discussion, Mr. Moors pointed out that there are really two separate issues, addressing the issue of these two disability pensioners now, and revisions to policies which should be deferred until a future meeting. Mr. Cohen pointed out that there are no allegations that anyone has done anything wrong here, neither the disability pensioners nor the board. Ms. Fox noted that someone could be working at Sears with certification, but not using the certification. Mr. Bogush advised that he would like to clear the table, to deal with the two issues separately, and to determine if the board even needs to invoke P&P 409 in these two cases or to vote to take no action due to lack of evidence. Mr. Bogush disagreed with putting these two into the lengthy process of 409. **Upon voting, motion carried by a vote of 7 – 1 with Ms. Fox, Mr. Hamlin, Mr. Lynch, Mr. Meier, Ms. Miller, Mr. Moors and Mr. Walker in favor of the motion and Mr. Bogush opposed to the motion. It was moved by Mr. Meier, seconded by Ms. Miller and by unanimous vote to defer item 10i draft P&P 435 and item 10j draft P&P 436 and possibly amendments to P&P 409 to a future meeting.**

Mr. Walker advised that someone could work for another agency as an inspector or investigator with certification, even though certification is not required and they do not do the combat firefighter or police officer duties. Mr. Walker noted that the time to have an effect on preventing disabilities is at the beginning of the application process, not after they are already out on disability, because this board can't control what people go out and do in their own lives. Mr. Hamlin pointed out that there has been a disability pensioner under the age of 46 that was re-evaluated as part of the random sample, and that even if the board had determined that the person was no longer disabled, they could not have been hired back as a police officer due to arrests and subsequent loss of certification. Ms. Campbell pointed out to the board that although there is presently criticism of the F&P pension disability process, that the overall percentage of disabilities within the plan has been trending down over the past decade attributable to the following: 1) DROP – once entering DROP, DROP participants are no longer eligible for disability benefits; 2) the disability application process is quite thorough, well documented, and the board does a great deal of due diligence; and 3) increase in the multiplier to 3.15% per year, making a longevity retirement more financially attractive. Mr. Hamlin noted that there is also a fourth reason contributing to the decline in disability applications—the new hire medical records

collection and screening process by the Medical Director. **It was moved by Mr. Moors, seconded by Ms. Fox and by unanimous vote to receive and file items 10a – j.**

11. Line of Duty disabilities working for other Fire Departments (agenda item requested by trustee M. Bogush 2/20/2008) Mr. Lynch noted that this agenda item had already been covered in discussion under item 10.

Old Business

12. 13th check designation of beneficiary.
 - a. Revised draft policy #425-A 13th Check Designation of Beneficiary to be distributed at meeting.
 - b. Revised draft 13th Check Designation of Beneficiary form to be distributed at meeting.
 - c. Draft cover letter of explanation and Q&A to be distributed at meeting.Board members posed questions of Board Counsel Cohen, and he responded that the two primary changes made to the draft policy were the addition of joint annuitant and trust information as requested at the last board meeting. Ms. Miller asked Board Counsel if he had reviewed the material handed out today on this agenda item, and he responded that he had reviewed them for accuracy. Ms. Fox requested that proposed policy amendments be prepared in redline format in the future for ease of reference, and Ms. Campbell agreed to do so. There were complaints of so much material being handed out on the day of the meeting, and Chairman Lynch advised that he and the Plan Administrator and Board Counsel had been working on several of the documents handed out today until approximately one hour before today's meeting. The consensus of the board was to minimize the amount of items handed out at a board meeting so that the board members have sufficient time to review in advance. Chairman Lynch, Board Counsel Cohen and the Plan Administrator so noted. **After discussion, it was moved by Mr. Walker, seconded by Mr. Meier and by unanimous vote to adopt the revised draft policy 425A, the draft 13th check designation of beneficiary form, the draft cover letter, and the draft questions and answers (Q&A).**

New Business

13. Noted receipt of listing of upcoming conferences. Disclosure of planned attendance, if any. Mr. Lynch disclosed that he planned to attend the 13th Annual Fire & Police Pension Funds Summit in April. Ms. Miller disclosed that she may attend the Florida Division of Retirement conference in May. Mr. Walker disclosed that the planned to attend the FPPTA conference in June. **It was moved by Mr. Walker, seconded by Mr. Hamlin and by unanimous vote to receive and file item 13.**
14. Potential forfeiture referrals to Sugarman & Susskind. Agenda item deferred from last meeting. Board Counsel Cohen responded to questions regarding forfeiture from the board. After discussion, no action taken at this time.
15. Most recent list of pay and benefits used to report to the State concerning qualifying for the state monies. (agenda item requested by trustee M. Bogush 2/20/2008)

- a. Noted receipt of excerpt from 2006 annual report to the state with definition of Total Calendar Year Police Department Payroll and Total Calendar Year Fire Department Payroll with CY 2005 and CY 2006 figures for comparison.

Mr. Bogush reminded the board that Mr. Sinardi brought before the board a concern over how the City of Tampa reports its payroll numbers for how the state money is divvied up. At that time, Ms. Miller and Ms. Campbell answered that the 175/185 money was based on the insurance premium revenue collected, and Mr. Cohen somewhat agreed with that. However, at a recent FPPTA conference that he attended, there was a panel of four attorneys and there was discussion on changing the way payroll is reported to include all benefits, including things like health insurance. Mr. Bogush noted that the attorneys didn't say that it would change the amount, but there are municipalities that are changing how they are reporting payroll. Mr. Bogush advised that he understood Ms. Campbell's explanation of a first and second payout and 6% of payroll limitation on the first payout, but it seems like if there is a change throughout state on how payroll is being reported, where can we find how the state doles out the money? Mr. Bogush noted that there is about \$9 million difference in what the fire department reports for budgeting payroll and benefits as compared to what the city reports for total payroll. Ms. Campbell advised that her understanding was that there has been no change in the statutes or the state directions on reporting of calendar year payroll. Mr. Cohen advised that he has continued to look into this issue, advising what is happening with his other clients since this issue was raised, noting that what is happening around state is that cities are changing the way they report payroll to include benefits. Mr. Cohen advised that he has been trying to find out if there is a problem with that since compensation as reported is not defined, but if total payroll changes significantly, the state requires an explanation why it changed. Mr. Cohen advised that he understands that other cities are changing the way they report the payroll and then explaining it to the state. Mr. Cohen stated that he does not know how that will be received at the state level, as it is not up to Ms. Shoemaker, it is up to the Department of Revenue. Mr. Cohen suggested that if we want to include other additional items of compensation, we may try to do so and explain why, but whether it will get kicked back or not, he does not know and has no way of knowing. Mr. Cohen noted that such a change may ultimately affect the amount, mostly affecting the amount between the first distribution and second supplemental distribution, but whether or not it would happen here, he does not know. Ms. Miller pointed out that Mr. Bogush's question is not being answered. Ms. Miller suggested that the board be provided with a copy of the applicable portion of state statute for the legal language. Ms. Fox advised that she was under impression based on statutory language that the state money was based on insurance policies written for addresses within the city limits or within a special fire control district. Ms. Campbell sought to clarify what the question is—what is included in the total calendar year payroll number, which she understood was the question posed for the agenda. Ms. Campbell advised that she had received the total CY 2007 payroll figures from the City after board packages went out and advised that the city figure includes "total wages" for all employees (sworn and civilian) including mustering out pay. Ms. Campbell asked if the question is different than the one just answered? Ms. Campbell advised that in the Division of Retirement conference notebook, the very first number in the calculation of a fire distribution is the total premium taxes collected by the Department of Revenue, which is not yet known for CY 2007, noting state fiscal year runs June 30 to June 30, with distributions theoretically in July that don't really happen until August or later. Ms. Miller recommended that a simple bullet point presentation be made for the next board meeting, and Mr. Cohen agreed to do so. Mr. Walker advised that he too had heard the same thing at a conference that other places

were going to start including every single benefit to significantly increase the total payroll number. Ms. Campbell reported that Ms. Shoemaker sent out an email that the Division of Retirement will not be issuing rules or definitions on this matter in response to numerous inquiries. Ms. Miller recommended that the board be provided with a copy of the respective portions of the statutes for fire and police, to get last year's calculation including how much insurance money was collected, and to have Ms. Campbell and Mr. Cohen take a look at what has been used as payroll in the past, and perhaps there is some communication that could be had with the city administration to see if additional items could be included in payroll. Ms. Miller requested that this information be available for the board next month and that the board can make a decision then. Ms. Campbell advised that she could probably substantiate and defend the addition of employer contributions during CY 2007, which would increase the fire payroll number by approximately \$921,000, advising that in her opinion the inclusion of employer contributions for the calendar year is certainly defensible, but not the inclusion of take home cars, radios, cell phones, etc. Mr. Bogush noted for fiscal year 2007, the fire department payroll figure reported was \$41 million and change, but according to the city website, the fire department's number was \$49 million, and an \$8 million dollar difference is significant to him. Ms. Miller noted that budget documents are different than financial statements--different situations. Mr. Bogush agreed to provide the TFR budget document information to Ms. Campbell. In summary, Mr. Cohen is to get the 175/185 statutory definitions that spell out state premium tax money, Mr. Cohen and Ms. Campbell are to review last year's calculation, possibly find out the calendar year 2007 insurance premium information from the Department of Revenue, if available, and report back to the board. Ms. Miller advised that if there are actual budget documents or financial statements that have other items that could reasonably be included to possibly give the authority to the Plan Administrator to do so and to refer to the city administration to open a dialogue and elevate if necessary. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to open a dialogue with the City and elevate if necessary to see if there are additional items that can be reported as payroll to the state.** Mr. Walker if everybody else in the state is starting to report higher numbers, shouldn't we increase ours to a higher number just to make sure that we don't lose ground or lose money and to keep a level playing field? **It was moved by Mr. Walker, seconded by Mr. Hamlin and by unanimous vote to receive and file item 15a.**

16. Request to address the board from retiree D. Ribaya dated 2/21/2008 regarding 13th check. Mr. Ribaya waived his request to address the board.

17. Chair's call for any new business items from trustees to be placed on next agenda. There were none.

[Public Comment cards were requested to be completed and turned in.]

18. Chair's report.

Chairman Lynch reported that he has completed the Plan Administrator's annual performance evaluation, that the results were outstanding, and recommended a 3% increase which is the maximum merit increase currently in use by the city. **It was moved by Ms. Fox, seconded by Mr. Hamlin to authorize a 3% merit increase for the Plan Administrator.** During discussion, Mr. Walker asked if a 3% increase was consistent with other City departments and Ms. Miller responded that she thinks the maximum merit increase is 2.5% for managers and directors. Ms.

Fox asked if the merit increase was in lieu of a general/cost of living increase or a separate merit increase, and Ms. Campbell responded that F&P merit increases have been separate from general increases. Mr. Lynch noted that the board is not absolutely bound by city policy, that the board uses them as guidelines, and that this board has in the past granted increases significantly higher than those granted by the city. Mr. Walker advised that in these lean economic times that he thinks the board should be consistent with the city. Mr. Hamlin noted that merit increases had not stopped in the police department, that police officers were receiving merit increases. Mr. Walker advised that merit increases had stopped in the fire department while the contract is still not settled. Ms. Miller noted that many managers and directors in the city have reached the top of their pay bands and that merit increases stop at that point, but Ms. Campbell is unclassified so she is not certain how that applies. Mr. Lynch advised that comparing to other pension plans around the state, particularly in size, the Plan Administrator is underpaid. Ms. Campbell advised that she would accept a 2.5% merit increase to be consistent with the city. **Mr. Hamlin withdrew his second to the motion because he felt that 3% was deserved. Ms. Miller seconded the amended motion to authorize a 2.5% merit increase for the Plan Administrator.** Mr. Bogush requested that future performance evaluations of the Plan Administrator be specifically listed separately on the agenda in the future rather than under the Chair's report, and the Chair agreed to do so. **Upon voting, motion carried by a vote of 7 – 1 with Ms. Fox, Mr. Hamlin, Mr. Lynch, Mr. Meier, Ms. Miller, Mr. Moors, Mr. Walker in favor of the motion and Mr. Bogush opposed to the motion.**

19. Attorney's report. Board Counsel Cohen had nothing to report at this time.

20. Plan Administration.

- a. 2008 Board meeting schedule:
 - March 27, 2008
 - April 24, 2008
 - May 22, 2008
 - June 26, 2008
 - July 24, 2008
 - August 28, 2008
 - September 25, 2008
 - October 23, 2008
 - November 20, 2008 *early due to holidays
 - December 18, 2008 *early due to holidays
- b. F&P pension office priorities, projects, deadlines. Ms. Campbell reported that the office has been dedicated to the 13th check so there was little else to report. Ms. Campbell advised that March is a heavy deadline month with the annual report to the state due March 15th, March payroll, etc. on top of the day to day operations and other projects and activities—always with the top priority of getting people paid on time.
- c. Noted receipt of graphic of disability applications in process. Mr. Hamlin asked if a qualifying letter was not complete if the disability applicant was referred back one step, and Ms. Campbell reviewed the graphic, explaining that is what is meant by the arrow drawn in referring back one step if the qualifying letter is incomplete. **It was moved by Mr. Hamlin, seconded by Mr. Meier and by unanimous vote to receive and file item 20.**

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

Mr. Ribaya addressed the board regarding agenda item 10 – Disability Issues. Mr. Ribaya asked why items 10i and 10j were discussed today when not specifically on the agenda and having missed the agenda cutoff one week prior to the board meeting, asking if the board waived its rules. Ms. Miller advised that the topic was in fact on the agenda and appropriate and that the board can accept information at the table during board meetings. Mr. Cohen concurred.

Mr. Mills addressed the board regarding agenda item 12 – 13th check designation of beneficiary. Mr. Mills thanked the board for the 13th check designation of beneficiary forms on behalf of his members.

Mr. Sinardi addressed the board regarding agenda item 15 – payroll figures reported to the state. Mr. Sinardi thanked the board for looking into this matter. Mr. Sinardi advised that he thinks that there might be additional money for the fund, but he doesn't know if so or how much. Mr. Sinardi advised that Temple Terrace where he resides is using the higher payroll figure this year and that Miami has been doing it for quite a while. Mr. Sinardi confirmed that the annual report to the state is due March 15th, and asked if the board could use the higher figure now. Ms. Campbell noted that the previous board direction was to bring this back to the board for the next meeting which would be after the report is submitted to the state. Ms. Miller advised that she will cover this topic after public comments. Mr. Sinardi thanked the board for looking into this, apologized for any confusion at the October meeting when he first mentioned this, advising that he understands it better now after hearing about it a lot, clarifying that it affects fire only, not police.

Ms. Miller recommended that Ms. Fox, who reports to the Finance Director, to work with Ms. Campbell, to inform Ms. Wise what we are looking at, and see if there is a way to discuss it informally before the next meeting, and Ms. Fox agreed to do so. Ms. Campbell reminded the board of the March 15th deadline and advised that she would like clear, specific and unambiguous board direction in this matter—is it to be reported as is consistent with past practice and precedent as provided by the city or is the board instructing otherwise, such as altering a number? Ms. Miller advised that if there is concurrence with Revenue & Finance as to what a payroll number could be, then to include it in this state report by March 15 and to report back to the board. Ms. Miller asked the source of the figures provided by the city, and Ms. Campbell advised it is provided by the Employee Benefits Manager. Ms. Miller recommended that the Finance Director and Human Resources Director be involved if necessary. Mr. Hamlin asked who would be responsible for making the decision, and Ms. Miller responded that she believes it would be a mutual decision of the Plan Administrator in consultation with Board Counsel Cohen on legal interpretation—if changing is appropriate legally--and concurrence of Revenue & Finance which Ms. Fox is to research—including the approval by the Finance Director--and Human Resources Director if necessary, with concurrence by the Chair as well. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to direct Ms. Campbell to work with Ms. Fox to coordinate an information exchange with the Director of Revenue & Finance and Human Resources, in coordination with Board Counsel, with the concurrence of the Chair to look at fire payroll for the annual report to the state.** Ms. Campbell noted that there could not be direct contact between two trustees outside of a noticed, posted Sunshine meeting. Mr. Hamlin advised he had the same question/concern.

Litigation

21. Motion for Taxable Costs in re: 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 letter dated 2/7/2008 from P. Gonyea to F. Carrington regarding scheduling hearing on Trustees' Motion for Sanctions. Mr. Gonyea reported that he had recently spoken with Mr. Carrington, who advised him that Carrington & Carrington requires a two and a half hour evidentiary hearing, and that the earliest possible date available on the Judge's calendar was April 8. **It was moved by Mr. Hamlin, seconded by Mr. Walker and by unanimous vote to receive and file item 21.**

22. Parker Lawsuit, Case No. 07-007198, John N. Parker, for himself and all others similarly situated vs. the Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Tampa. Noted receipt of:
 - a. Final actuarial certification received 2/14/2008 for fiscal year ending (fye) 9/30/2004 13th check for board approval.
 - b. Noted receipt of letter dated 2/12/2008 to eligible retirees and eligible surviving spouses regarding fye 9/30/2004 13th check (reviewed by three attorneys: Cohen, Gonyea, Thomas). Note that fye 9/30/2004 13th checks in the estimated principal distribution amount of \$5,700 for retirees and \$2,850 for eligible surviving spouses were issued 2/15/2008 as approved by the board.
 - c. Noted receipt of letter received 2/21/2008 from eligible surviving spouse A. Smith expressing gratitude for this 13th check.
 - d. Noted receipt of letter received 2/21/2008 from retiree C. Carver regarding thanks for hard work for retirees, excellent job above and beyond, and appreciation for this 13th check.
 - e. Executive Session posting at the conclusion of today's regularly scheduled board meeting. Mr. Lynch advised that he had received many favorable calls and comments from retirees in this matter.
It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to receive and file item 22a - e.

23. Executive Session to be held at the end of the regular board meeting [approximate start time between 3:00 p.m. or 3:30 p.m.]
 - a. Board counsel requested advice concerning Parker lawsuit and explanation of legal requirements for the Closed / Executive Session, limited to litigation expenditure strategy and potential settlement discussions in Case No. 07-007198, John N. Parker, for himself and all others similarly situated vs. the Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Tampa.
 - b. Chairman Lynch announced that only current trustees present, Mark Bogush, Sharon Fox, Marc Hamlin, Patrick Lynch, Jimmy Meier, Cynthia Miller, John Moors, and Tracy Walker, Board Counsel R. Cohen, Co-counsel P. Gonyea, Plan Administrator J. D. Campbell, and a court reporter, Melinda McKenna, are authorized to attend the Closed/Executive Session and that the session was expected to last approximately 45 minutes.

- c. A court reporter was present to take a verbatim transcript of the Closed / Executive Session. The transcript will not become a public document until the conclusion of this litigation in its entirety.

[a recess was taken 3:20 – 3:30 p.m.]

- d. Closed / Executive Session was convened at 3:30 p.m.
- e. Meeting was reopened to the public at 4:47 p.m.
- f. Board motions, if any. Those trustees present for the vote were: Mr. Bogush, Mr. Lynch, Ms. Miller, Mr. Moors, and Mr. Walker. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to direct counsel to continue discussions with Mr. Thomas as previously directed by the board.**

The meeting was adjourned at 4:48 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 March 27, 2008 board meeting, it was moved by Mr. Meier, seconded by Mr. Walker and by unanimous vote to approve the minutes of the February 28, 2008 board meeting as written.