

**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, April 24, 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, April 24, 2008 at 1:30 p.m. for a regular meeting with the following members present:

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

Also present were Mr. Jay Bowen, Investment Manager, Mr. Ron Cohen, Board Counsel, Mr. Mark Lenker, CPA, Dr. Bruce Bohnker, Medical Director, and active and retired plan members.

Minutes

1. Approval of the minutes of March 27, 2008 board meeting. Ms. Campbell noted that on page 3, line 4 the word "Florida" before Supreme Court needed to be deleted. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to approve the minutes of the March 27, 2008 board meeting as amended.**

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] **It was moved by Ms. Miller, seconded by Mr. Walker to approve the consent agenda items 2 – 8.** Mr. Bogush advised that he would like to remove item 4 from the consent agenda for further discussion. **Ms. Miller revised the motion to approve the consent agenda items 2, 3, 5, 6, 7 and 8, Mr. Walker seconded the revised motion, and motion carried by unanimous vote.**

2. Ratified pension benefits.
3. Noted receipt of investment performance report and investment summary for the month ended March 31, 2008 from Bowen, Hanes & Co. Market value of *investments* as of 3/31/2008 was \$1,553,425,569.37. Investment return as of 3/31/2008 has been -6.6% so far this fiscal year to date 10/1/2007 – 3/31/2008.
 - a. Noted receipt of bond portfolio ratings and recommendation to hold.

[item 4 removed from consent agenda for further discussion]

5. Noted receipt of letter dated April 14, 2008 from J. Donofrio, Buck Consultants, regarding actuarial assumptions – no recommended changes to assumptions from previous valuation. Board affirmation per P&P 708 – Actuarial Assumptions.

6. Admitted Tampa Police Department members to pension fund effective 4/21/2008 contingent upon: 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and 2) passing a complete medical examination:
 - Anderson, Gregory M.
 - Brown, Jason, L.
 - Castro, Raul
 - Chaffin, Randall D.
 - Cooksey, Justin R.
 - Grange, Bradley W.
 - Martens, Justin T.
 - Powell, Lori A.
 - Van Treese, Scott A.
 - Watson, Rachael D.

7. Admitted Tampa Fire Rescue members to pension fund effective 3/31/2008 contingent upon: 1) furnishing a list of all medical providers and authorizations to obtain such medical records; and 2) passing a complete medical examination:
 - Burkett, Ryan E.
 - Deaton, Richard L.
 - Dingle, Bradley D.
 - Gray, Timothy J.
 - McClain, Logan D.
 - Rhoden, Conrad S.
 - Sloss, Douglas A.
 - Tripp, Gregory R.
 - Velar, Thomas C.
 - Wilder, Michael W.

8. Noted receipt of the following current statutes - *Please remove and replace in your Policies & Procedures manuals.*
 - a. 112, part VII – Actuarial Soundness and 112.3173 – forfeitures
 - b. 119
 - c. 175
 - d. 185
 - e. 286
 - f. 2008 Florida Commission on Ethics Guide

Mr. Bogush offered to wait until after Mr. Bowen's presentation to address item 4 to be sensitive to Mr. Bowen's time.

Investment Management Performance Presentation - Jay Bowen of Bowen, Hanes & Co.

Mr. Bowen referred to the addendum passed out today reflecting the fund's value of investments as of 4/23/2008, which is more current than the monthly report, noting that April has been a good month so far, with the fund down only -2.1% with a recovery of about \$74 million since the March 31 report and a market value of the fund at approximately \$1,627 billion at present . Mr. Bowen advised that BH&Co. is optimistic on the stock market and the economy and based on a variety of factors, expects a significant

rally in the last half of the calendar year, hopefully before the fiscal year end. Mr. Bowen stated that he believes that the question that we're hearing ad nauseum every day "Are we in a recession?" is not the right question—rather the question should be "Has the stock market already discounted the current economic slowdown?" Mr. Bowen advised that he believes that the stock market has already reached the bottom with the January lows and expects a multi-month trading range/base building period, which BH&Co. expects to generate a rally. Mr. Bowen explained that BH&Co. believes that the stock market has been showing classic signs of bottoming out, including negative economic reports or negative corporate earnings reports being met with flat to upward stock prices instead of decreases. Mr. Bowen stated that he believes that the downturn culminated with the Bear Stearns collapse, with the market down the morning of the announcement but the market ended the day flat once the market absorbed the news of the Fed taking extraordinary measures in the Bear Stearns situation. Mr. Bowen stated that he believes that the Fed may lower interest rates by another quarter of a percent at some point.

Mr. Bowen advised that the fund's international investments have been the best performing segment of the fund over 1, 3 and 5 years. Mr. Bowen reviewed some of the international holdings, noting that international has been a valuable addition to the portfolio. Mr. Bowen reviewed the fund's exposure and commitments to commodities, such as oil, energy and natural gas companies in Canada and Australia. Mr. Bowen advised that while he expects a flat domestic economy, the international economy is in a long term growth phase. Mr. Bowen recommended that the board not make any changes to its asset allocation, pointing out the BH&Co. belief that this is an excellent wealth accumulation period. Mr. Bowen advised that since this is an election year, there is policy uncertainty, but BH&Co. will watch very carefully on the tax, regulatory and trade front that could call uncertainty into the market recovery. Mr. Bowen extended an invitation to new trustees or any trustee that has not visited Bowen, Hanes & Co. in Atlanta to view the flat, streamlined, nimble and flexible operation, citing a recent specific example in which BH&Co. was able to take immediate advantage of an opportunity in the market within 30 minutes as opposed to larger companies that have investment committees that have to meet first.

Ms. Fox asked Mr. Bowen about the listing of bond ratings below "A" in agenda item 3a, citing several specific examples for which she would like an explanation. Mr. Bowen reviewed several of the bonds, such as SLM which was slated to be a private equity deal that fell through, and government policy changed on student loans, but BH&Co. thinks that the company will survive over time. Mr. Bowen advised that the lower bond rating reflects a confluence of events, but that he recommends holding the bonds because when a bond is down is not the time to sell, and BH&Co. thinks that there is a significant chance for a turnaround. Mr. Bowen reviewed Alltel which has an attractive coupon rate, but the bond rating is reflecting the competitive situation in the telecom industry, advising that it is now a private company which makes getting information on it more difficult than in the past. Mr. Bowen recommended that the board continue to hold as BH&Co. thinks it will be "money good" over time. Mr. Bowen reviewed several automaker bonds such as Ford and GMAC which are close to maturity, and BH&Co. expects them to reach par value at maturity. Mr. Bowen advised that he believes that the fundamentals of the companies with these bonds on the list are good, and even though the downgrade is probably temporary due to short term factors, that he recommends that the board hold them for the long term—again pointing out that the worst time to sell a bond is when it is down.

[item 4 taken out of order, removed from consent agenda for further discussion]

4. Approve payment to Counsel R. Cohen for legal services rendered during March 2008 in the amounts of:

- a. \$192.50 Retiree's Litigation/PRAA Appeal.
- b. \$12,321.50 Parker lawsuit.
- c. \$17,269.28 General counsel services.

Mr. Bogush noted that the general counsel services bill in item 4c seemed to be high and has a lot of public records request time on the bill and asked if there had been problems with public records. Mr. Cohen responded that there have been a number of issues and problems related to public records requests and that he is close to resolving most of the issues. Mr. Cohen advised that there have been public records requests for certain types of information in certain ways that we have not had previously which had to be addressed, among other issues. Mr. Cohen advised that staff has also expressed concerns about perceived harassment and intimidation tactics by the manner in which public records requests have been presented to staff. Mr. Cohen advised that there had been a number of conversations about ways in which to help the staff dealing with that so that we don't have that source of problems, so there have been ongoing problems. Mr. Cohen summarized two situations, the manner in which public records requests are presented to staff and ongoing issues such as requests for records which have already been provided, including multiple requests for the same information by the same person or organization, refusal to pay for public records requests, can the records be withheld until payment has been made, etc. Mr. Cohen advised that he too is concerned with the amount of bills, and there are a number of projects and research ongoing. Mr. Bogush asked if this would result in a policy change, and Mr. Cohen responded that it may. After discussion, **it was moved by Ms. Miller, seconded by Ms. Fox and by unanimous vote to approve items 4a-c.**

Medical/Disability Issues

9. Authorized referral to medical board composed of Dr. Brainard, Dr. Fishalow, and Dr. Wasylik as recommended by Medical Director for LOD disability applicant J. Armao, 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 to authorize referral to a medical board composed of Dr. Brainard, Dr. Fishalow and Dr. Wasylik.** Mr. Hamlin asked the medical director why one of the orthopedic doctors routinely used on a panel in a case like this was not listed, and Dr. Bohnker responded that referrals are being rotated among a pool of doctors. Mr. Bogush asked if an acceptable qualifying letter had been received addressing the areas of deficiency pointed out by staff to the qualifying letter doctor, and Ms. Campbell advised that an acceptable and responsive qualifying letter had been received after the agenda and board packages had already gone out. Upon voting **motion passed unanimously.**
10. Recommended amendments to disability policies. Noted receipt of the following:
 - a. Letter dated 3/20/2008 from Board Counsel Cohen regarding proposed revisions to Policies & Procedures (P&P) 408 and 409, and proposed draft new P&P 435 and 436.
 - b. Policy & Procedure 408 – Bi-ennial Re-evaluation of Disability Retirees – recommend deletion.
 - c. Policy & Procedure 409 – Re-evaluation of Disability Retirees – recommend amendments.
 - d. Policy & Procedure 435 – Disability Pensioners Working Elsewhere As Certified Firefighters or Police Officers draft - recommend adoption.
 - e. Policy & Procedure 436 – Complaints About Disability Pensioners' Physical Activities draft - recommend adoption.

Ms. Fox requested that agenda item 13 be discussed at the same time as the recommended policy revisions to incorporate the legal issues and recommendations surrounding the age 46 issue. Ms. Fox asked if there was an efficient way to address the 20 & out regardless of age vs. age 46 in the policies now. Mr. Cohen suggested that on the bi-ennial disability re-evaluations, that the wording be something to the effect of persons who are out on disability pensions are subject to re-evaluation up until the time at which they would have otherwise reached normal retirement had they not been disabled and continued to work for the City of Tampa as a firefighter or police officer. Mr. Cohen used the example if a firefighter started at age 22 and had 20 years of service at age 42, under a policy change, they would they keep being re-evaluated for disability only until age 42 when they reached 20 years of service. Mr. Cohen noted that change would then no longer be purely age driven.

Mr. Walker asked about the reference to age 50 in Mr. Cohen's letter, asking if someone is hired at 36, will they be subject to re-evaluation until age 50? Mr. Lynch pointed out that 10 year vesting for that person would be at age 46, which is the earliest that they could draw a benefit, so they would only be subject to re-evaluation until age 46. Mr. Cohen advised that there is a great deal of litigation on the ADEA, noting that over age 40 is a protected class, and the range of 40-50 is a little more complicated. Mr. Cohen related a Supreme Court case which said in effect that an employer can favor the relatively old over the relatively young. There was discussion regarding ADEA, ADA, OWBPA, and age discrimination and changing the age 46 in the disability re-evaluation policy to be the point at which a member could draw a pension benefit which is 1) 10 years of service and age 46—or—2) 20 years of service regardless of age. There was discussion about deferring this agenda item until the following month. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to receive and file item 10a and approve the policy and procedure recommendations in 10b-e with the direction to board counsel to update P&P 409 and any other appropriate affected disability policies changing the language from age 46 to normal retirement language as discussed.**

11. Disability re-evaluations in process. Noted receipt of status report of 20% random sample of disability re-evaluations, selection through double-blind process. Information so noted.
12. Noted receipt of letter received 3/27/2008 from A. Bennowitz regarding release of records and transmitting excerpts from 633, Florida Statutes related to Fire Prevention and Control, Retention of Firefighter Certification, Inspections, et al.
 - a. Noted receipt of blank copy of disability re-evaluation medical release for reference.

Mr. Lynch advised that Ms. Bennowitz took issue with the fact that the board is asking for all of her medical records as opposed to only those records related to the disability. Mr. Lynch advised that he discussed this issue with Mr. Cohen and he was in agreement that we need only the records related to the disability. Mr. Lynch requested that the board authorize amending the release form for A. Bennowitz and to amend the disability re-evaluation to reflect only records related to the disability. Mr. Meier requested that the board consider stating that the medical records are not public or released, but Mr. Walker and Mr. Lynch pointed out that the medical information becomes public when the board discusses the matter in the Sunshine at a board meeting. Ms. Campbell advised that when disabilities or disability re-evaluations come before the board, a Limited Waiver of Right of Confidentiality/Privacy and Authorization for Limited Disclosure of Medical Records is obtained from the member. Ms. Campbell advised that occasionally trustees

do come in to the pension office and ask to review medical records for disability cases or disability re-evaluations coming before the board (for which there is a limited waiver); however, if the board wants to restrict that, she recommended that the board restrict it for everyone going forward and amend the forms rather than creating one exception. Mr. Walker agreed with Ms. Campbell on restricting access, noting that today's environment is very different from a decade ago when much of this was put in place, especially confidentiality of medical records. Mr. Walker advised that he is not interested in seeing medical records not related to a disability, and Mr. Lynch pointed out that medical records not pertaining to the disability are screened by the Independent Medical Case Manager prior to the package coming before the board. Ms. Miller recommended that this issue be deferred to a future meeting. Mr. Cohen recommended that medical record collection be limited to those records pertaining to disability, noting that the Medical Director has the ability to request additional records if he feels it necessary. Ms. Miller asked the status of this disability re-evaluation and which process it is under. Ms. Campbell advised that the board direction was to use the disability re-evaluation as set forth in P&P 409 at that point in time, advising that both non-random, board-directed disability re-evaluations have been extremely cooperative and responsive. **It was moved by Ms. Miller seconded by Mr. Walker to direct staff to amend the medical authorization to release form as discussed in the case of A. Bennewitz and to direct board counsel to evaluate and amend the medical authorization to release forms for disability re-evaluations and to bring recommended revisions back to the board at a future meeting.** During discussion, Mr. Hamlin advised that he is supportive of reducing the scope of medical records collected in disability re-evaluation cases to encompass only the medical records pertaining to the disability, but is opposed to reducing the scope of medical records collected in disability applications. Ms. Fox expressed similar concerns that by limiting the scope of medical records collected that a disability applicant could in effect censor their records and only present records favorable to their case, and as such the board might not be able to perform appropriate due diligence. It was clarified that the limitation in scope to medical records pertaining only to the condition for which the disability pension was granted in disability re-evaluations, not disability applications. Mr. Hamlin asked the medical director if he felt that the medical records collected for disability re-evaluations as discussed today could provide the medical director with sufficient information to re-evaluate disabilities, and Dr. Bohnker responded that he felt that the medical records collection discussed today would provide the medical director with sufficient information to make a determination of continuing disability. **Upon voting, motion carried by unanimous vote.**

13. Noted receipt of letter dated 4/17/2008 from Board Counsel Cohen regarding possible age discrimination of P&P 409 Re-evaluation of Disability Retirees related to age 46 limit in response to Mr. Walker's question from last month. Agenda item was discussed previously in conjunction with agenda item 10. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to receive and file item 13.**

Old Business

14. 13th Check/DROP/Taxes/Special Tax Counsel
 - a. Noted receipt of memo dated 3/31/2008 from Chairman to potentially affected DROP participants. Mailed, posted on website and bulletin board.

- b. Noted receipt of letter dated 4/9/2008 from Ice Miller regarding 13th Check and rollover questions. Noted strongest possible recommendation that the Fund file a private letter ruling request with the IRS. Posted on website and bulletin board.
Mr. Lynch noted that in past 13th checks, there has been no qualified rollover, so no notice required, but noted that since the changes in the funding mechanism can produce significantly larger 13th checks, that Ice Miller recommended that the fund get a private letter ruling from the IRS. **It was moved by Ms. Fox, seconded by Ms. Miller and by unanimous vote to receive and file items 14a and b.**

15. Noted receipt of letter dated 4/16/2008 from Ice Miller regarding fee quotes for projects. Chair, Plan Administrator and Board Counsel recommend authorization to proceed. Noted receipt of email dated 4/15/2008 from Plan Administrator requesting fee quotes.
 - a. Private letter ruling from IRS regarding 13th check – estimated range \$10,000 - \$15,000.
 - b. Preparation and submission to IRS for determination letter within Cycle C, the fund's determination letter filing cycle – estimated range \$10,000 - \$20,000.
 - c. Review of all plan documents, policies, procedures and forms relating to 13th check, DROP, et al for federal tax compliance – estimated range \$10,000 - \$15,000.
Mr. Lenker pointed out that a private letter ruling was a very specific situation where you explain your exact facts and circumstances to the IRS and they make a private letter ruling based on and applying to only those facts and circumstances—a different process than a determination letter. Mr. Lenker noted that it is a fairly costly proposition and would be unique to this fund only but thinks it is a good idea. There was discussion regarding the different projects requested and quoted, and Ms. Miller pointed out that item 15b should be done anyway within the cycle. **It was moved by Ms. Miller, seconded by Ms. Fox and by unanimous vote to approve that Ice Miller conduct the projects as quoted above and outlined in their letter of 4/16/2008 for a not-to-exceed fee quote of \$50,000. It was moved by Ms. Fox, seconded by Mr. Hamlin and by unanimous vote to receive and file the letter from Ice Miller dated 4/16/2008.**

New Business

16. Noted receipt of memo dated 4/17/2008 from Plan Administrator to Board of Trustees regarding monthly pension advice statements. GE pension has reduced from monthly to quarterly and Accounting section would like to reduce F&P pension from monthly to quarterly. Ms. Fox reported that when she received her board package, she researched the matter asking in part what the impetus of the Accounting section was in this matter. Ms. Fox advised that the cost-savings concept was set forth by a well-meaning member of the GE pension plan who was being a good steward of City funds by proposing possible cost-savings for the City and GE plan, unaware that F&P pension bears the expense of postage, envelopes, etc. for F&P advice statements. Ms. Fox reported that the direct deposit notices are printed automatically by TI, then folded and stuffed by machine and postmarked by the mailroom, with minimal hands on contact. There was discussion regarding receiving and filing this item with no action, and Ms. Fox recommended that the board at least indicate its position formally. Ms. Campbell requested board direction in this matter above and beyond receive and file acknowledging that the board directs continuing monthly distribution. **It was moved by Ms. Fox, seconded by Mr. Meier and by unanimous vote for the Chairman to send a short memo to the City's Chief Accountant with this memo stating the board's direction to continue monthly statements.**

17. Policies & procedures – systematic review and recommended revisions or reaffirmations - 100 series. Note receipt of the following:
- a. 101 Board Meeting Dates And Times – recommend reaffirmation. **It was moved by Ms. Fox, seconded by Ms. Miller and by unanimous vote to reaffirm P&P 101.**
 - b. 102 Agenda Cutoff Date and Time – recommend reaffirmation. **It was moved by Ms. Fox, seconded by Mr. Meier to reaffirm P&P 102b.** Ms. Miller asked if there was a policy on when board packages were available for trustees, noting that it was only on rare occasions where board packages have not been available by Fridays, and Ms. Campbell responded that there was not at this time. Ms. Miller offered a friendly amendment that trustees have the packages available at the pension office by 4:00 p.m. Friday afternoon before a Thursday board meeting. Mr. Hamlin suggested adding the phrase unless a later day is agreed to by trustees, noting that sometimes a trustee may not be working on a Friday or over the weekend. Ms. Campbell asked for the flexibility to have board packages available for trustees by Monday before a Thursday board meeting in the event the weekend is needed to complete. Ms. Campbell reminded the board that in the past trustee board packages used to be available on Mondays for a Tuesday meeting, and when the board changed meeting days to Thursdays, the goal became to have board packages for trustees available by Friday, but at times, it has gone to a Monday if there are substantial competing priorities such as pension payroll being due at the same time. Ms. Miller expressed that her dilemma is that if she does not have her board package to review over the weekend, she may not be able to devote sufficient time to it, and suggested that perhaps agenda cutoff be moved back to Wednesday. Ms. Fox expressed concern that by selecting a specific day/date, what if that day is a holiday and why try to deliver on a Friday afternoon if that day is a holiday? Ms. Campbell asked what if board packages for trustees are available late Friday afternoon but a trustee is unavailable to give delivery or pickup instructions? Ms. Miller suggested that if board packages are available for trustees by late Friday afternoon, then she could stop by the pension office to pick it up on her way home. Ms. Fox expressed concern about the restriction which seems too hard and fast, knowing that things do not always go according to plan and that some flexibility is needed. Ms. Fox withdrew her motion. **It was moved by Ms. Miller, seconded by Mr. Meier to amend P&P 102 to reflect an agenda cutoff of Wednesday noon and that board packages for trustees will be available for pick up at the pension office by 4:00 p.m. on Fridays, except holidays. Upon voting, motion carried by a vote of 6– 2 with Mr. Bogush, Mr. Hamlin, Mr. McRae Mr. Meier, Ms. Miller, and Mr. Walker in favor of the motion, and Ms. Fox and Mr. Lynch opposed to the motion.**
 - c. 103 Non Agenda Items – recommend reaffirmation. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to reaffirm P&P 103.**
 - d. 104 Recording of Board Meetings – revisions recommended. Ms. Miller stated that she was aware that there was not a legal requirement to record board meetings, but since the board has been doing it, she doesn't see how it can change now. Mr. Lynch pointed out the primary change is that meetings are no longer audiotaped, rather they are being digitally recorded, so the policy language needs to be updated to reflect old analog or new digital recording. Ms. Miller recommended that the policy be amended to reflect only the (either analog or digital) phrase in parenthesis and remove the first proposed additional sentence. Mr. Hamlin advised that he didn't think board meetings should be recorded, and Mr. Lynch agreed. Ms. Miller asked what the last sentence regarding notice requirements was, and Mr. Cohen responded that even though the board is audio recording its board meetings, it does not mean that the board

does not have to put the statutory notice requirement on its agendas and notices. **It was moved by Ms. Miller, seconded by Mr. Walker to remove the first proposed sentence, keep the second sentence with the addition of (either analog or digital), keep the proposed addition of (either analog or digital) in the third sentence and keep the last sentence.** Mr. Bogush advised that he found recordings of board meetings helpful if for some reason a trustee is unable to attend a meeting that listening to the recording can be helpful. **Upon voting, motion carried by unanimous vote.**

- e. 105 Distribution of Minutes – recommend reaffirmation. **It was moved by Ms. Fox, seconded by Mr. Walker and by unanimous vote to reaffirm P&P 105.**
- f. 106 Release of Original Pension Documents – revisions recommended. Ms. Miller asked if there was off-site storage for pension records, and Ms. Campbell advised that the pension fund does not have its own off-site storage facility but uses the City of Tampa archives following the state records retention schedules. Mr. Cohen also advised that he was fine with removing the language for the board attorney checking out original documents as he saw no need and did not anticipate a situation where a copy would not be sufficient unless it was a highly unusual situation. Mr. Cohen advised that copies are acceptable under the evidence code, and Mr. Lynch noted that copies could be certified. **It was moved by Ms. Fox, seconded by Mr. Walker and by unanimous vote to approve revised P&P 106.**
- g. 107 Appearance Before Pension Board – revisions recommended. Mr. Lynch advised that the five minute recess has not been followed consistently particularly short meetings. Mr. Bogush asked if a recess would always be taken before public comments, and Ms. Campbell reminded the board that there have been times when no recess has been taken, sometimes when it is a very long agenda followed by an Executive Session, noting that the announcement has been made, but not necessarily a formal recess and if a brief recess has been taken, it has not always been five minutes. Mr. Lynch advised that the announcement for public comments would always be made. Mr. Bogush advised that he would like to see a recess of at least five minutes to give audience members an opportunity to think about what they want to say. **It was moved by Mr. Bogush, seconded by Ms. Fox and by unanimous vote to approve P&P 107 as amended leaving in “shall” be taken but changing five minutes to “brief”.**
- h. 108 Procedures for Hearings Before Board – revisions recommended – to be prepared at a future date by board counsel.
- i. 109 Disruption of Pension Board Meetings – revisions recommended. Ms. Campbell reminded the board that when this policy was originally adopted, it contemplated only board meetings, noting that there are many meetings that are not regular board meetings, such as committee meetings, Executive Sessions, workshops, retirement counseling meetings, staff meetings, etc. Ms. Campbell advised that based upon a recent review of security by the police department when vandalism was reported, that it was pointed out that the policy language should be changed to be more consistent with statutes, as well as a disruption might not necessarily come from a member, that it could be from a passerby, former non vested employee, or homeless person, etc. **It was moved by Ms. Fox, seconded by Mr. Hamlin to approve P&P 109 as amended.** Mr. Meier pointed out that the PBA office is now located immediately across the street, so there is nearby police presence if needed. Ms. Miller and Mr. Bogush asked several police related questions. Mr. Hamlin responded that the agent of the property has the authority to ask someone to leave the property and call the police, who then come in, but most times the matter has already been resolved before the police arrive. Mr. Lynch responded that there are police policies and procedures and case law that address trespass. Mr. Hamlin advised that the Florida law very strongly favors the property owner/agent, and gave several examples of City

Council or local social club disruptions where the police have been called in. **Upon voting, motion carried by unanimous vote.**

It was moved by Ms. Fox to approve 17a-i as recommended. Ms. Miller requested that the items be taken one by one. (Motions and discussions above in order a-i.)

Mr. Lynch reported that all of the policies and procedures are being systematically reviewed and would be brought before the board periodically. Ms. Miller requested that on agendas where there is an Executive Session or other presentation, that a large number of policy amendments not be placed on the same agenda.

18. Chair's call for any new business items from trustees to be placed on next agenda. There were none.
19. Noted receipt of listing of upcoming conferences. Disclosure of planned attendance, if any. Mr. McRae disclosed that he planned to attend the IFEBP CAPP conference in June. Ms. Campbell advised that she would like to attend the Connex pension conference in May. Mr. Bogush and Mr. Lynch disclosed that they planned to attend the FPPTA conference in June. **It was moved by Mr. Hamlin, seconded by Ms. Miller and by unanimous vote to receive and file item 19.**
20. Noted receipt of request to address the board dated 3/31/2008 from retiree R. Buggica regarding consideration of remarriage after retirement pension benefit enhancement. Mr. Buggica advised that the purpose of his presentation today was to request that the board do an actuarial study and to have the actuary do several calculations in several specific remarriage/age situations to use as guidelines since there is not a simple formula to follow because it would be based on actuarial equivalence. Mr. Hamlin noted that it would seem that this request is step two, that step one should be done first—getting the City and unions' agreement to collectively bargain this potential benefit change. Mr. Buggica advised that the fire union has promised him that they will bargain this. Ms. Miller noted that the fire union contract is currently at impasse and it was unlikely that this matter would be taken up while the contract is unresolved. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to send previous studies on this topic to the unions and city representatives, and that if the unions and city agree to take the matter up in bargaining, to update the actuarial studies and that the Chairman send this information with a cover memo with a copy to Mr. Buggica. It was moved by Mr. Hamlin, seconded by Ms. Fox and by unanimous vote to receive and file item 20.**

[Mr. Lynch noted for the record that Mr. McRae stepped out of the room briefly and was not present for the vote on this agenda item.]

21. Noted receipt of request to address the board dated 4/13/2008 from retiree L. Vincent regarding pending motion for sanctions. Mr. Vincent addressed the board seeking to clarify that his association had no prior knowledge of Mr. F. Carrington's request for the judge to recuse himself, advising that was a unilateral action taken by Mr. F. Carrington without his client's knowledge or approval.

[a brief recess was taken 3:40 pm to 3:45 pm]

22. Noted receipt of request to address the board dated 4/15/2008 from surviving spouse W. Rodriguez regarding beneficiary form for surviving spouses for 13th check. Mr. McRae disclosed that he had

talked to Ms. Rodriguez about this matter before the board meeting. Ms. Rodriguez advised that she is a surviving spouse of a retiree and that she would like the ability to designate a beneficiary for her 13th check spousal benefit if she passed away and distributed to the board several emails/letters from other surviving spouses making the same request. There was discussion regarding the pension contract and legal interpretation thereof. Mr. Cohen responded to questions from the board and sought to clarify the precise legal question(s) here. Ms. Miller asked if this change would require a plan change, and Mr. Cohen responded that it likely would. Ms. Miller suggested that this issue be added to the list of plan changes needed to be sent to the unions. Ms. Rodriguez was asked where she obtained the information that she was discussing today and she responded that she obtained the documents from Mr. Ribaya. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to direct board counsel Cohen to consult with the Plan Administrator and anyone else necessary on this issue, if it is possible, to present a form to the Board for approval, and if it not possible to make a recommendation to the board on how to proceed on this topic in the next round of plan changes. It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to receive and file the items handed out today under agenda item 22.**

23. Noted receipt of request to address the board dated 4/16/2008 from retiree D. Ribaya regarding 13th check program change. Mr. Ribaya addressed the board, posed questions regarding the 13th check program and changes to it over time of the board and plan administrator including beneficiary forms for retirees and surviving spouses among others. Mr. Ribaya became argumentative about public records requests and the plan administrator and was gavelled out of order. **It was moved by Ms. Miller, seconded by Mr. Walker and by unanimous vote to receive and file item 23.**

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

24. Chair's report. The board noted a handout distributed today from Buck Consultants advising that J. Donofrio has left the firm and that J. Beattie will reassume primary responsibility on the account. Mr. Lynch advised that actuarial projects continue to be worked on and the transition is expected to be smooth. **It was moved by Mr. Hamlin, seconded by Mr. Bogush and by unanimous vote to receive and file item 24.**
25. Attorney's report. Mr. Cohen reported that as a result of litigation and additional research and experience that there are several policies identified that need amendment, such as P&P 108 – hearings before the board and P&P 425 – 13th check and should be available for the board shortly.
26. Plan Administration.
- a. 2008 Board meeting schedule:
 - 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. Noted receipt of graphic of disability applications in process. **It was moved by Mr. Hamlin, seconded by Ms. Miller and by unanimous vote to receive and file item 26b.**
- c. F&P pension office priorities, projects, deadlines. Ms. Campbell reported that the April pension payroll deadline fell at the same time again as agendas and board packages, which included numerous polices & procedures, presenting a significant challenge. Ms. Campbell advised that the 13th check designation of beneficiary form for retirees continues to generate numerous phone calls and walk ins, which generally expand into more transactions such as direct deposit, health insurance, address change or other forms being filled out. Ms. Campbell noted that both departments have recently had new hire groups, advising that a single new hire involves about as much work and takes about as long as a disability application, all while the bi-ennial random sampling of disabilities was ongoing as well as processing of disability applications. Ms. Campbell commended staff for rising to the challenge and accomplishing the regular workload in addition to other demands.

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

Litigation

27. 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. Mr. Cohen reported that the motion for sanctions is still open with the time required for a hearing and the time to set a hearing in dispute.
28. 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. Note receipt of:
 - a. Joint Motion for Extension of Time in Which to File Class Certification Papers dated 3/20/2008.
 - b. Order Granting Extension signed by court 3/24/2008.
 - c. Order Denying Defendant's Motion to Dismiss Complaint signed by court 4/3/2008.
 - d. Answer and Affirmative Defenses filed 4/14/2008.Mr. Cohen advised that there had been another motion to extend the class certification and that talks are continuing with Mr. Thomas. **It was moved by Mr. Hamlin, seconded by Mr. Walker and by unanimous vote to receive and file item 28.**

Motion to adjourn was made by Ms. Miller. The meeting was adjourned at 4:15 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 May 22, 2008 board meeting, it was moved by Ms. Miller, seconded by Mr. McRae to approve the minutes of the April 24, 2008 board meeting. Ms. Campbell noted that a correction needed to be made to the motion on page 8, agenda item 17 b to reflect the motion made by Ms. Miller rather than by Ms. Fox as Ms. Fox withdrew her motion. Upon voting, motion carried by unanimous vote to approve the April 24, 2008 board meeting minutes as recommended for amendment.