

**The City of Mobile, Alabama
Police and Firefighters Retirement Plan
Regular Meeting
January 28, 2009**

The Board of Trustees for The City of Mobile, Alabama Police and Firefighters Retirement Plan met in regular session at 9:00 a.m. on Wednesday, January 28, 2009 in the Multi-Purpose room on the first floor of the north tower of Government Plaza.

Present:

Fire Service Captain Bryan Lee, Chairman
Police Lieutenant Mike Morgan, Vice Chairman
Retired Fire Service Captain Terry Lilley
Fire Service Captain James Connick
Retired Police Sergeant Joe Connick
Ms. Barbara Malkove
Mr. Michael Druhan
Deputy Police Chief James Barber
Ms. Wanda Cochran, Counsel
Ms. Mary Berg, Secretary
Ms. Debbie Blackburn, Office Assistant III

Absent:

Guests:

Fire Service Driver Vick Agnell, Mobile Fire-Rescue
Fire Service Captain Jason Browne, Mobile Fire-Rescue
Mr. Ronald P. Davis, Attorney, Vickers, Riis, Murray and Curran
Fire Chief Steve Dean, Mobile Fire-Rescue
Fire Service Driver Marshall Faust, Mobile Fire-Rescue
Fire Service Quartermaster Robert Gay, Mobile Fire-Rescue
Fire Service Driver Clay McClain, Mobile Fire-Rescue
Firefighter Richard McKenzie, Mobile Fire-Rescue
Deputy Fire Service Chief Don Meyers, Mobile Fire-Rescue
Asst. Fire Service Chief William Pappas, Mobile Fire-Rescue
Fire Service Driver D. Y. Smith, Mobile Fire-Rescue
Asst. Fire Service Marshall Sam Stephens, Mobile Fire-Rescue
Fire Service Captain LeAnn Tacon, Mobile Fire-Rescue
Fire Service Captain Steve Wallace, Mobile Fire-Rescue

The chairman, Captain Bryan Lee, called the meeting to order at 9:00 a.m.

The chairman presented the **minutes of the regular Board meeting of December 17, 2008**. *On a motion by Captain Connick, seconded by Mr. Druhan, the minutes were approved as written and distributed.*

The chairman presented items 3 through 5 on the agenda for approval. *Lieutenant Morgan motioned for approval. Deputy Chief Barber seconded the motion, and it carried.*

Personnel Action Notice submitted by **Police Sergeant Joseph D. Benson** of his intent to leave the Police Department and withdraw from the DROP to enter active retirement, effective January 31, 2009;

Personnel Action Notice submitted by **Fire Service Captain Roy D. Wallace** of his intent to leave the Fire Department and withdraw from the DROP to enter active retirement, effective January 31, 2009; and

Personnel Action Notice of DROP retirement effective February 1, 2009 submitted by **Police Sergeant Barbara J. Cochran**, Mobile Police Department. As of January 31, 2009 Sergeant Cochran will be 57 years old and will have served 22.51 years. She has elected the maximum option with no benefits payable to a survivor.

The chairman presented items 6 through 13 on the agenda for approval. *On a motion by Captain Connick, seconded by Deputy Chief Barber, the Board approved the following:*

Payment of Invoice No. 003913 dated December 30, 2008 in the amount of \$5,000.00 submitted by Gray & Company for investment performance analysis ending December 31, 2008;

Payment in the amount of \$139.00 to Westbrook Real Estate for professional real estate management fees for the period October 1, 2008 through December 31, 2008;

Payment of Invoice dated January 5, 2009 in the amount of \$11,184.00 submitted by Transamerica Investment Management, for professional smid cap income investment services for the quarter ending March 31, 2009;

Payment of invoice dated January 9, 2009 in the amount of \$13,121.64 submitted by Evergreen Investments for professional equity investment services for the quarter ending December 31, 2008;

Payment in the amount of \$10,159.00 to Levine Leichtman Capital Partners, Inc. for call requested for management fees;

Payment in the amount of \$60,000.00 to Levine Leichtman Capital Partners, Inc. for call requested for current investment;

Payment in the amount of \$35,000.00 to Permal Capital Management for call requested for current investment; and

Invoice in the amount of \$390.00 submitted by National Association of Public Pension Attorneys (NAPPA) for 2009 membership fees.

The chairman presented items 14 through 16 on the agenda for approval. *On a motion by Mr. Druhan, seconded by Deputy Chief Barber, the Board approved the following, with Ms. Malkove abstaining on Item No. 16:*

Request of Ms. Blackburn for reimbursement in the amount of \$178.44 for travel expenses incurred while attending the Certified Governmental Account Technician Program in Tuscaloosa, AL January 14, 2009;

Request of Ms. Blackburn in the amount of \$150.00 for registration fee to attend a class for the Certified Governmental Accounting Technician Program in Tuscaloosa, AL April 9, 2009; and

Request of Ms. Malkove in the amount of \$400.00 for registration fee to attend trustee class for the Florida Public Pension Trustees Association in St. Augustine, FL on February 1-4, 2009.

The chairman presented **Invoice No. 39375 dated December 31, 2008 in the amount of \$742.50 submitted by Ronald P. Davis** for legal services rendered through December 31, 2008. *Ms. Malkove moved to approve payment, it was seconded by Mr. Druhan, and motion carried.*

The chairman presented a **letter dated December 29, 2008 from Patricia Aldrich, City Comptroller, reporting the balance to be transferred to the fund by March 31, 2009 is \$3,262,026.** No action was necessary.

The secretary provided each Board member with a list of the **requests for refund.** *On a motion by Lt. Morgan, seconded by Deputy Chief Barber, the Board approved refunds totaling \$14,385.47 as follows:*

<i>George C. Godwin</i>	<i>\$7,223.97</i>
<i>Joshua M. Rhodes</i>	<i>5,617.31</i>
<i>Kenneth P. Mathews</i>	<i>1,544.19</i>
<i>Total Refunds</i>	<i>\$14,385.47</i>

The consultant, Ms. Gwelda Swilley-Burke, reported on the Fund via a conference call. Along with a comprehensive review of the Fund, Ms. Swilley-Burke provided some thoughts on the current financial environment

Unfinished business:

- Ms. Cochran reported that as long as there is no cost to the Plan, the Board could amend the Plan to allow Captain Amelia Brown to purchase the time during which she was not making contributions to the Plan. Ms. Cochran asked the Board to authorize her to draft the amendment and corresponding resolution. *Deputy Chief Barber motioned to authorize Ms. Cochran to draft the appropriate documents, and it was seconded by Lt. Morgan. Ms. Berg brought up a problem with the wording of the motion. Motion was amended to say “to authorize Ms. Cochran to draft an amendment to the Plan with corresponding resolution that such time could be purchased if the request to do so meets the criteria of: it is cost neutral to the Plan, the officer who opted out of the Plan was allowed back in only after another physical, and the officer never received a refund of any contributions made to the plan.” On Deputy Chief Barber’s motion, and Lt. Morgan’s second, the motion carried.*
- Mr. Ron Davis said his recommendation was not to pursue the Private Letter Ruling for Heart & Lung Disability Retirees. He believes that his original research is still good law and any further pursuit would cost \$20,000 or more.
- Ms. Cochran will e-mail a copy of the legislative letter to Board members and then send it to our legislative delegation.
- Board members pictures will be added to web site as soon as possible.
- The organization that has done an evaluation of the Fund requested a special meeting to present their findings. *Mr. Druhan motioned to have them send us a written report before scheduling a meeting, Ms. Malkove seconded the motion. The motion carried with Mr. Lilley voting no.*

- Fire Service Chief Steve Dean has requested that the DROP be changed from 3-year duration to 5 years. *Mr. Lilley motioned not to accept the change. Captain Connick seconded the motion and it carried.*

New Business:

- The chairman presented a letter from the cities of Philadelphia, Phoenix, and Atlanta addressed to the Secretary of Treasury requesting a pension bailout. *Mr. Lilley moved to add our letterhead to the letter and send to the appropriate State and Federal legislative delegates. The motion was seconded by Captain Connick, and it carried.*
- Fire Service Captain, and President of Firefighters' Local 1349, LeAnn Tacon addressed the Board concerning combining the "old Plan" and the "new Plan" into one Plan, and submitted the following letter:

January 28, 2009

To Members of the Police and Firefighters Pension Board:

The members of Mobile Firefighters' Local 1349 would like to know the status of possibly combining the 2 pensions in to one (newer to old), and would like to be kept informed of the progression of this process. The majority of our members are in the newer pension and would like to see that all avenues are pursued to possibly form one pension for all. We know this has been an ongoing process. We know you are all working diligently on this matter and we understand you each have a responsibility to be a fiduciary of the pension.

It has been discussed on numerous occasions to find a possible outside "funding source" to assist with this, so please continue pursuing a solution so that all may have the opportunity to retire in a timely manner so they may enjoy their pension and not still be on the front lines at age 55 or older trying to protect the citizens of Mobile.

Thank you,

LeAnn Tacon
President Local 1349

- Fire Service Captain Jason Browne spoke concerning the combining of the two Plans.

There being no further business to come before the Board, on a motion by Mr. Druhan, and seconded by Captain Connick, the meeting adjourned at approximately 10:24 a.m.

Bryan T. Lee, Chairman

Mary A. Berg, Secretary