

**The City of Mobile, Alabama**  
**Police and Firefighters Retirement Plan**  
**Regular Meeting**  
**October 24, 2012**

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, October 24, 2012 in the City Council Pre-Conference room on the first floor of the south tower in Government Plaza.

Present:

Deputy Police Chief James Barber, Chairman  
Retired Fire Service Captain Terry Lilley, Vice-Chairman  
Mr. Michael Druhan  
Ms. Joyce Collier  
Retired Police Sergeant Joe Connick  
Police Lieutenant Roy Hodge  
Fire Service Captain Bo McLarty  
Fire Service Captain James Connick  
Ms. Wanda Cochran, Counsel  
Ms. Mary Berg, Secretary  
Ms. Deborah Blackburn, Office Assistant III

Absent:

Ms. Barbara Malkove

Guests:

Mr. Bob Hubbard, Gray & Co.  
Fire Service Captain Bryan Lee, Mobile Fire Department  
Firefighter Michael Riley, Mobile Fire Department  
Firefighter Joshua Mosner, Mobile Fire Department  
Ms. Lynn Dykes, Court Reporter  
Mr. Jeff Perloff, Attorney  
Mr. Edward Lyons, Retired Fire Service Captain  
Mrs. Shelia Lyons  
Fire Service Driver Thomas Everett, Mobile Fire Department

The chairman, Deputy Chief Barber, called the meeting to order at 9:02 a.m.

The chairman turned the meeting over to Ms. Wanda Cochran to conduct the hearing regarding the continuance of the Service-Connected Disability retirement of Edward A. Lyons. Mr. Lyons was represented by Mr. Jeff Perloff, Attorney. Ms. Cochran requested that all documents related to the hearing be entered into the record by common consent. After reviewing the documents and hearing from Mr. Perloff the Board voted to go into executive session. When the Board returned from executive session, *Mr. Connick moved to discontinue Mr. Lyons disability benefits. The motion was seconded by Mr. Druhan, and the motion carried.*

The chairman presented the **minutes of the regular Board meeting of September 26, 2012.** *On a motion by Captain Connick, seconded by Terry Lilley, the minutes were approved as written and distributed.*

The chairman presented items 4 and 5 on the agenda for approval. *On a motion by Captain Connick, seconded by Lieutenant Hodge, the Board approved the following:*

Personnel Action Notice of DROP retirement effective November 1, 2012 submitted by **Fire Service Captain Donald R. Dobbs, Mobile Fire Department**. As of October 31, 2012 Captain Dobbs will be 52 years old and will have served 27.02 years. He has elected the 50% joint and survivor annuity option with the ‘pop-up’ feature; and

Personnel Action Notice of DROP retirement effective November 1, 2012 submitted by **Police Corporal Girard Rogers, Mobile Fire Department**. As of October 31, 2012 Corporal Rogers will be 61 years old and will have served 20.07 years. He has elected the 50% joint and survivor annuity option with the ‘pop-up’ feature.

The chairman presented items 6 through 8 on the agenda for approval. *On a motion by Lieutenant Hodge, seconded by Mr. Druhan, the Board approved the following:*

**Payment of Invoice No. 005279 dated September 30, 2012 in the amount of \$5,208.33 submitted by Gray & Company** for investment performance analysis for September 2012;

**Payment of Invoice dated October 1, 2012 in the amount of \$21,986.17, submitted by Century Capital Management LLC**, for professional equity investment services for the quarter ending September 30, 2012; and

**Payment of invoice dated October 16, 2012 in the amount of \$23,182.14 submitted by Allianz Global Investors** for professional international investment services for the quarter ending September 30, 2012.

The chairman presented a request from Mr. Lilley for travel reimbursement in the amount of **\$1,896.48 for attending the 2012 Public Safety Employees Pension & Benefits Conference (NCPERS) in New Orleans, LA, October 7-12, 2012**. *Mr. Druhan moved for approval. The motion was seconded by Lieutenant Hodge, and the motion carried with Mr. Lilley abstaining.*

The secretary provided each Board member with a list of the **requests for refund**. *On a motion by Captain Connick, seconded by Ms. Collier, the Board approved refunds totaling \$23,890.19 as follows:*

<i>Lucas F. Bolton</i>	<i>MPD</i>	<i>\$ 5,399.93</i>
<i>James B. McKinley</i>	<i>MPD</i>	<i>7,916.41</i>
<i>Ebony E. Monigan</i>	<i>MPD</i>	<i>460.89</i>
<i>Matthew E. Morrison</i>	<i>MPD</i>	<i>10,112.96</i>
<i>Total Refunds</i>		<i>\$23,890.19</i>

The chairman acknowledged the consultant, Mr. Bob Hubbard, and turned the meeting over to him. Mr. Hubbard presented the agenda for the educational session to be held on November 14, 2012 at the Renaissance Riverview Plaza Hotel. Mr. Hubbard went over the Flash Report which had been distributed to the Board and answered questions.

**Unfinished business:**

- Discussed the concerns regarding Board election terms that are in the current Act. A decision was made to carry this item in ‘Unfinished Business’ until a determination can be made about possible changes.

**New business:**

- The following resolution to correct Act 10 of the Amended and Restated Plan was adopted with *a motion for approval by Capt. Connick and a second by Ms. Collier. The motion carried.*

RESOLUTION CORRECTING ARTICLE 10  
OF THE AMENDED AND RESTATED PLAN

**Whereas**, Article 7 of Act 97-689, 1997 *Alabama Acts* 1395, designates the Board as the administrative authority for the retirement plan established for the benefit of the police officers and firefighters for the City of Mobile, Alabama (the “Plan”);

**Whereas**, pursuant to that authority the Board adopted an Amended and Restated Plan on March 23, 2011 which was approved by the City Council on July 3, 2012;

**Whereas**, the Board has determined that a paragraph was inadvertently omitted from the Amended and Restated Plan and wishes to correct same;

NOW, THEREFORE, BE IT RESOLVED by the City of Mobile Police and Firefighters’ Retirement Plan Board:

1. That Article 10, section 10.01 is hereby amended as follows:

“10.01 Nonalienation; Fund not Subject to Attachment. etc.

- (a) Except as required by any applicable law, no benefit under the plan shall in any manner be anticipated, assigned, or alienated, and any attempt to do so shall be void.
- (b) No portion of the plan shall, before or after its order for distribution, be seized or held or in anywise subject to garnishment or levy of execution or attachment issued out of or by any court of this state, or any other state, so far as any debt, damages, demand, claim, judgment or decree against any beneficiary in such funds, but shall be exempt therefrom.”

2. This Resolution shall be effective retroactive to July 3, 2012.

Done this 24<sup>th</sup> day of October 2012

\_\_\_\_\_  
James Barber, Chairman

ATTEST: \_\_\_\_\_  
Mary Berg Executive Secretary

*There being no further business to come before the Board, on a motion by Captain Connick, and seconded by Captain McLarty, the meeting adjourned at approximately 9:50 a.m.*

\_\_\_\_\_  
*James H. Barber, Chairman*

\_\_\_\_\_  
*Mary A. Berg, Secretary*