

**CITY OF BRENTWOOD
POLICE AND FIREFIGHTERS' PENSION FUND
BOARD OF TRUSTEES MEETING MINUTES
NOVEMBER 12, 2013**

Police Chief Disbennett called the Pension Board meeting to order at 8:30 a.m.

ROLL CALL

Deputy Clerk Pittman proceeded with attendance.

Board Members Present: Police Chief Disbennett, Fire Chief Jury, Firefighter Niemeyer, Police Officer Retzlaff, Treasurer Reynders.

Absent: Alderman Wynn and Mayor Kelly

Others Present: City Clerk/Administrator Bola Akande, Deputy City Clerk Octavia Pittman, Legal Advisor Larry Sewell, Armstrong Teasdale, Alderman Patrick Toohey, Secretary Gina Jarvis, and Patti Hafner, ACG Consultants.

CONSIDERATION AND APPROVAL OF MINUTES

Pension Board Meeting September 24, 2013

Treasurer Reynders made a motion to approve the meeting minutes as amended. Motion seconded by Fire Fighter Niemeyer. Unanimous vote in favor taken; **MOTION PASSED.**

NEW BUSINESS

Market Update

Patti Haffner presented the investment report as of October 31, 2013. The value of the portfolio has increased 6.5% in the two months since the plan restructuring, as the equity markets continued their strong advance. She presented a performance report for this period, noting that their previous custodian was not able to supply performance history. As requested, she did provide history of performance for each of the new managers in order to provide the members with additional information on these new investment options. Ms. Haffner told the members to expect volatility in the markets going forward, given the strong equity market advance which increases the margin for error if uncertainties arise, as well as the potential impact of rising rates on the bond market.

Ms. Haffner noted the one remaining manager to be implemented to complete the approved restructuring (the AEW real estate fund) is awaiting a capital call, which should be forthcoming by end of the year. The cash for this investment will be raised from the S&P 500 Fund.

Plan Restructuring Update

Mr. Sewell presented the proposed ordinance revising the pension plan governing document which is the Fifth Amendment and Restatement of the pension plan document. The Board discussed making the following changes to the document presented by Mr. Sewell:

- Section 2.20 – remove “special police officers, special fire fighters” from the definition of categories of employees excluded from coverage.
- Section 6.1 – take out the reference to specific tax rates.

- Section 7.4 – provide that someone entitled to both a disability benefit and a normal retirement benefit must elect which benefit to receive.
- Section 7.5 – provide that someone entitled to both a disability benefit and a deferred vested retirement benefit must elect which benefit to receive.
- Section 7.6 – change the COLA provision to clarify that (i) the COLA only applies to the benefits of someone who terminates from the City after age 55 and the death benefits of a spouse of a participant who was receiving or entitled to receive normal retirement benefits at the time of his death, and (ii) that the twenty percent limit on increases applies to both the participant’s and spouse’s benefits in the aggregate.
- Section 8.1 – change to provide that (i) disability resulting injury while on a nonpaid leave of absence is not duty disability, and (ii) a participant who qualifies for both duty disability and normal or deferred retirement must elect whether to receive either a disability pension or a retirement pension.
- Section 8.2 – change to provide that a participant who qualifies for both disability and normal or deferred retirement must elect whether to receive either a disability pension or a retirement pension.
- Section 9.1 – change to provide that (i) death resulting injury while on a nonpaid leave of absence is not line of duty death, and (ii) a spouse who qualifies for both line of duty death benefits and the survivor benefits of a participant eligible for normal or deferred retirement must elect whether to receive either line of duty death benefits or the survivor retirement benefits.
- Section 9.3 – change to provide that a spouse who qualifies for both line of duty death benefits and the survivor benefits of a participant eligible for normal or deferred retirement must elect whether to receive either line of duty death benefits or the survivor retirement benefits.

Upon a motion made by Treasurer Reynders and seconded by Officer Retzlaff, the following resolutions were unanimously approved:

RESOLVED, that Attorney Sewell is directed to incorporate the changes described above into the proposed ordinance presented to the Board (hereinafter such proposed ordinance with these changes is hereby called the “Proposed Ordinance”); and

FURTHER RESOLVED, that the Proposed Ordinance is hereby approved; and

FURTHER RESOLVED, that City Clerk/Administrator Akande is hereby directed to present the Proposed Ordinance to the Board of Aldermen of the City of Brentwood for approval; and

FURTHER RESOLVED, that City Clerk/Administrator Akande, with assistance from Attorney Sewell, is authorized and directed to submit the Proposed Ordinance on behalf of the Board and the City of Brentwood following its approval by the Board of Aldermen, to the Internal Revenue Service for a determination that the adoption of the Proposed Resolution by the City of Brentwood does not adversely affect the qualifications of the City of Brentwood Police and Fire Fighters’ Pension Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

ADJOURNMENT

Police Officer Retzlaff made a motion to adjourn the meeting at 11:20 p.m. Motion seconded by Police Chief Disbennett. Unanimous vote in favor taken; **MOTION PASSED.**

Approved the 13th day of February, 2014.

Attest:

Gina Jarvis/Secretary