

**The City of Mobile, Alabama**  
**Police and Firefighters Retirement Plan**  
**Regular Meeting**  
**January 27, 2010**

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 27, 2010 in the City Council Pre-Conference room on the first floor of the south tower of Government Plaza.

Present:

Police Lieutenant Mike Morgan, Chairman  
Ms. Barbara Malkove  
Retired Fire Service Captain Terry Lilley, Vice-Chairman  
Retired Police Sergeant Joe Connick  
Mr. Michael Druhan  
Fire Service Captain Bo McLarty  
Ms. Joyce Collier  
Ms. Wanda Cochran, Counsel  
Ms. Mary Berg, Secretary  
Ms. Debbie Blackburn, Office Assistant III

Absent:

Deputy Police Chief James Barber  
Fire Service Captain James Connick

Guests:

Fire Service Captain Bryan Lee, Mobile Fire Department  
Deputy Fire Service Chief Richard Brannon, Mobile Fire Department

The chairman, Lt. Mike Morgan, called the meeting to order at 9:00 a.m.

The chairman presented the **minutes of the regular Board meeting of December 16, 2009**. *Captain McLarty moved to approve the minutes, with a second by Ms. Malkove. However, during the discussion of the minutes, a question was raised about the Board going into executive session regarding a disability hearing. There were some concerns as to whether or not entering executive session was handled properly. Mr. Druhan motioned to reconsider the minutes of the meeting and Ms. Malkove seconded. Captain McLarty motioned to table the minutes until the February meeting, it was seconded by Mr. Druhan.*

The chairman presented items 3 and 4 on the agenda for approval. *Captain McLarty motioned for approval seconded by Ms. Malkove, the Board approved the following:*

Personnel Action Notice of DROP retirement effective February 1, 2010 submitted by **Fire Service Captain Joseph D. Owen** Mobile Fire Department. As of January 31, 2010 Captain Owen will be 58 years old and will have served 22.77 years. He has elected the 100% joint and survivor annuity with the 'pop-up' feature, and

Personnel Action Notice of DROP retirement effective February 1, 2010 submitted by **Fire Service Captain Michael W. Revere**, Mobile Fire Department. As of January 31, 2010 Captain Revere will be 51 years old and will have served 26.84 years. He has elected the 100% joint and survivor annuity with the 'pop-up' feature.

The chairman presented items 5 through 12 on the agenda for approval. *On a motion by Ms. Malkove, seconded by Captain McLarty, the Board approved the following:*

**Payment of Invoice No. 004243 dated December 31, 2009 in the amount of \$5,000.00 submitted by Gray & Company** for investment performance analysis ending December 31, 2009;

**Payment in the amount of \$15,380.00 to Levine Leichtman Capital Partners, Inc.** for capital call for management fees for the period January 15, 2010 through July 14, 2010;

**Payment in the amount of \$96.00 to Westbrook Real Estate,** for professional real estate management fees for the period October 1, 2009 through December 31, 2009;

**Payment in the amount of \$44,250.09 to Permal Capital Management** for call requested for current investment;

**Payment of Invoice dated January 10, 2010 in the amount of \$18,246.46 submitted by Evergreen Investments** for professional equity investment services for the quarter ending December 31, 2009;

**Payment in the amount of \$7,955.02 to Orleans Capital Management** for professional fixed income investment services for the quarter ending December 31, 2009;

**Payment of Invoice in the amount of \$390.00 submitted by National Association of Public Pension Attorneys (NAPPA)** for annual dues for year 2010; and

**Payment of Invoice dated January 7, 2010 in the amount of \$250.00 submitted by Springhill Physician Practices (Dr. Blessey),** for disability examination and report of Firefighter Derrick L. Marks.

The chairman presented an audit adjustment letter from Patricia Aldrich, City Comptroller, reporting the balance of \$7,530,092.00 is to be transferred to the Fund by March 31, 2010.

The secretary provided each Board member with a list of the **requests for refund**. *On a motion by Ms. Malkove, seconded by Captain McLarty, the Board approved refunds totaling \$45,160.77 as follows:*

<i>George C. Godwin</i>	<i>\$ 7,223.97</i>
<i>Rex C. Johnson</i>	<i>1,438.30</i>
<i>Daniel C. Pose</i>	<i>29,337.00</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>\$45,160.77</i>

The consultant, Ms. Gwelda Swilley-Burke, reported on the Fund via a conference call. Ms. Swilley-Burke reported on the changes at Advisory Research and went over flash report for the Fund. *Ms. Malkove moved to have Ms. Cochran draft a motion, regarding the changes at Advisory Research, for the signatures of the Board chairman and an Advisory Research representative. The motion was seconded by Ms. Collier, and it carried.*

#### **Unfinished business:**

- Membership in FPPTA was discussed again. *Mr. Lilley moved that Plan not join. The motion was seconded by Captain McLarty, and it carried.*

- The Board again took up the issue of Fire Service Captain William Carroll being able to pay back the unpaid Plan contributions that accumulated while he was on military. *Mr. Druhan motioned to approve, with a second by Mr. Lilley. After discussion by the Board, Mr. Druhan amended his original motion to add a time limit of 60 days for repayment. The amended motion was seconded by Mr. Lilley, and it carried.*
- As requested, Ms. Cochran responded to questions raised by Deputy Fire Service Chief Richard Brannon concerning the “Sunshine Law” at a previous meeting. Reading from the Alabama Open Meetings Act, Ms. Cochran re-assured the Board that it was not in violation of State law. One point Ms. Cochran made was that according to the Open Meetings Act the definition of a “meeting” is a “pre-arranged meeting of a quorum.” There was no quorum of Board members at any meeting in question.

**New Business:**

- Captain McLarty presented a request for information from the actuary. *Captain McLarty motioned to approve the request. It was seconded by Lt. Morgan, and the motion carried.*
- Captain Bryan Lee addressed the proper procedure for opening an executive session. *Because there were questions about procedures being followed during the December Board meeting, Mr. Lilley moved to have Ms. Cochran research the actions of that meeting, and develop a plan to correct the actions, if needed. The motion was seconded by Ms. Malkove, and it carried.*
- *There being no further business to come before the Board, on a motion Mr. Lilly, and seconded by Captain McLarty, the meeting adjourned at approximately 9:50 a.m.*

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*Michael Morgan, Chairman*

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*Mary A. Berg, Secretary*