

**MINUTES OF THE MEETING OF
THE POLICE PENSION AND RELIEF BOARD**

December 7, 2018

Members:

Lieutenant Kathleen Bancroft
Ret. Detective Kenneth Harris
Lieutenant John MacDonald
Commander Joseph Montoya
Laura Wachter, Deputy Manager of Safety

Investigating Committee:

Detective Jeffrey Baran (not present)
Technician Jeremy Casias (not present)
Detective Mark Crider (not present)
Sergeant Julie Wheaton

Non-Members In Attendance:

Robert McDermott, Assistant City Attorney
Dr. Alisa Koval, DHMC (not present)
Chantell Trujillo, Safety Human Resources
John Schnittgrund, President Police Retiree's Association
Dave Metzler

The meeting convened at 11:22 a.m.

Quorum of members are in attendance, and noted for minutes.

Review of October Minutes. Motion to approve minutes of the October 5, 2017 meeting by Lieutenant Bancroft. Commander Montoya seconded. VOTE: Passed by unanimous vote.

Executive Session re: Confidential medical information regarding return of sick leave.

MOTION: Motion to Enter Executive Session by Lieutenant Bancroft. Seconded by Commander Montoya. VOTE: Passed by unanimous vote. Executive Session began at 11:25 a.m. to discuss Aubree Thompson's case.

After discussion of confidential information/evidence regarding the return of sick leave, the board reconvened the public meeting at 11:35 a.m.

RECORD OF PROCEEDING December 7, 2017

ORIGINAL/RECURRING INJURIES

<u>NAME</u>	<u>HOURS</u>	<u>1st DAY OFF</u>
Aubree Thompson	136	04/18/2017

MOTION: A motion to **APPROVE** the return of 136 hours of sick leave to Aubree Thompson was made by Lieutenant Bancroft, seconded by Commander Montoya. **VOTE:** Passed by unanimous vote.

WIDOW PETITIONS:

The following widow petitions were presented for consideration.

Gwynn Moore's petition for widow benefits, related to Officer William Moore, P70179.

Cody Stevenson's petition for widow benefits, related to Technician Rick Stevenson, P73100.

Karen Phannenstiel's petition for widow benefits, related to Chief Rudolph Phannenstiel, P59009.

After discussion of each,

MOTION: Motion to **APPROVE** all three widow petitions made by Lieutenant Bancroft and seconded by Commander Montoya. **VOTE:** Passed by unanimous vote.

OTHER OLD BUSINESS:

The Board discussed in public session issues regarding the pension review.

1. **Collection efforts regarding pension overpayments.** Summary of past efforts and status was discussed. Two collection letters were sent out. A total of \$113,649.59 is outstanding. A total of \$106,000 is being paid back by members using board approved payment plans. \$35,318.92 was paid to members who have since deceased and do not have assigned beneficiaries. The board forgave \$1,580.00 for those owing \$100.00 or less.
2. **Referral of Outstanding unpaid balances to the City Attorney's Office for collection.** The names of those retirees who have not paid back the outstanding balances were identified in a handout. The Board is done making efforts to collect these amounts and feels the City Attorney's Office needs to take over the collection efforts. The Board requests CAO send one demand letter (without cost to the participants) as a "last chance" before costly collections litigation begins. The names, addresses, summary of past collection efforts, and other necessary information will be forwarded to the City Attorney's Office for collection.

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MOTION: A motion to send unpaid accounts to the City Attorney's office for collection made by Retired Detective Ken Harris. Seconded by Lieutenant MacDonald. Motion passed by unanimous vote.

3. **Notice to FPPA.** Deputy Manager of Safety Laura Wachter will communicate the motion to the FPPA.
4. **Pension Fund.** Ken Harris misspoke at the last meeting saying the pension fund was unfunded but the correct term is underfunded. Assistant City Attorney Rob McDermott stated there is a dedicated mill levy for tax money to be used by the City to use to pay its required annual payments into the old hire pension fund. The actuarial fund report was received. A copy of the report is attached to these minutes.
5. **Update re: Administrator's Job.** Still working on getting the Administrator job posting completed and posted.
6. **Cuthriel Settlement.** A claim was made and ultimately settled in 2011 regarding Timothy Cuthriel's pension. Asst. City Attorney Robert McDermott mentioned there was a signed agreement in the CAO files. No further detail discussed.

NEW BUSINESS:

The Board discussed in public session the following issues.

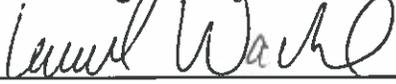
1. Everything discussed in the meeting should be discussed in the minutes. The meeting minutes need to be more detailed.
2. The following summary discussion by Asst. City Attorney Robert McDermott regarding Executive Sessions apply to the Board:
 - a. The Board needs to announce the general nature of what is being discussed. Either verbally or in the minutes. For clarity, such announcement should be in the minutes to preserve the record.
 - b. Two-thirds of the Board must vote to enter executive session.
 - c. The Board cannot go off of the announced topic during executive session.
 - d. Contracts that are not final are "deliberative" and are appropriate for Executive Sessions. The same with legal advice, or items of potential liability.
 - e. Asst. City Attorney Robert McDermott will circulate the Revised Municipal Code regarding executive sessions.

The next regularly scheduled meeting will be held on Thursday, February 1, 2018 at 11:15 a.m.

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MOTION: A motion to adjourn was made by Lieutenant Bancroft. Seconded by Retired Detective Harris. The motion carried unanimously.

The meeting was adjourned at 12:10 p.m.



Laura Wachter, Deputy Manager of Safety
Acting Chair, Police Pension and Relief Board

By signing below, the Secretary hereby certifies the above minutes were reviewed and approved by a majority vote of the Pension Board members at a regular meeting held on February 1, 2018.

ATTESTED TO: Chantell Trujillo
Chantell Trujillo
Acting Secretary