

CITY OF MARIETTA/BLW PENSION BOARD MEETING

**Wednesday, August 14, 2019
9:00 AM – Fourth Floor City Hall Conference Room**

MEETING MINUTES (UNOFFICIAL UNTIL APPROVED)

Members Present: Post 1: Bill Bruton Post 2: Joseph Goldstein
Post 3: Cheryl Richardson Post 4: Rich Buss
Post 5: Patina Brown Post 6: Bruce Bishop
Post 7: Keisha Register Post 8: Steve Kish
Post 9: Bobby Moss

Absent: N/A

Ex Officio Members: Davy Godfrey – Pension Board Secretary and Director, Human Resources & Risk Management
Sam Lady – Pension Board Treasurer and Finance Director
Tim Milligan – Fire Chief

Visitors / Guests Ian Janecek and Scott Arnwine – CBIZ (formerly Gavion)
Tony Kay – AndCo Consulting
Read Gignilliat and Patrick Lail – Elarbee Thompson
Elizabeth Jacobs – Benefits Manager

CALL TO ORDER:

Chairman Bobby Moss declared a quorum and called the meeting to order at 9:05am.

Chairman Moss asked for objection to move items 8 and 10 to become part of item 2 as the disability retirement recertifications and the lump sum payout issue both involve the attorneys. There was no objection.

LEGAL MATTERS:

Chairman Moss recognized Read Gignilliat, who advised the Board that the hearings for Shantel Bowens and Debbie Bailey are set for September 10, 2019, and that he would pass along any significant information to Secretary Godfrey. Chairman Moss then recognized Patrick Lail regarding the draft ordinance to change the pension plans relative to HB 196. The Board held discussion about the draft ordinance presented, as well as some alternate language proposed by Councilman Goldstein regarding removal of members.

A motion was made by Member Goldstein to approve the changes to the pension plans with the added language of the following in two places per plan: "...such member shall be deemed removed from his or her position as trustee by operation of State law (currently O.C.G.A. 47-1-17 and as later amended) and shall be removed without any further action, and the Council shall appoint a new member in accordance with this Section." Motion seconded by Member Kish.

*The motion carried by the following vote: **9-0-0***

RETIREMENT APPLICATIONS – Secretary Godfrey:

1. Mary A Landers - Effective 05/01/2019
Consolidated – Delayed
Single Life Option
Employed: 06/14/2007 – 01/04/2010 & 02/15/2010 – 04/30/2019
Total Credited Service: 11 Years 8 months
Monthly Benefit: \$768.20
Police Services Rep I

2. Jeff Wilbur – Effective 05/01/2019
Consolidated – Early Terminated Vested
Single Life Option
Employed: 11/30/1989 – 03/11/2003
Total Credited Service: 13 Years 3 months
Monthly Benefit: \$670.61
Mechanic I

3. Craig Fowler – Effective 05/01/2019
Consolidated – Early Terminated Vested
100% Join & Survivor
Survivor DOB: 04/01/1967
Employed: 09/03/1991 – 10/11/2004
Total Credited Service: 13 Years
Monthly Benefit: \$537.17
Police Officer

4. Mack Hopper – Effective 06/01/2019
Consolidated – Unreduced Early
Single Life Option
Employed: 09/27/1989 – 02/08/1997 & 04/07/2003 – 05/31/2019
Total Credited Service: 23 Years 5 months
Monthly Benefit: \$1463.63
Fleet Maintenance Coordinator

5. Monte Vavra – Effective 06/01/2019
Consolidated – Early Terminated Vested
Single Life Option
Employed: 11/20/2000 – 09/07/2007
Total Credited Service: 6 Years 9 months
Monthly Benefit: \$1089.68
Director of Finance

6. Angela Anthony – Effective 06/01/2019
Consolidated – Early Terminated Vested
Single Life Option
Employed: 07/11/1990 – 10/03/2001
Total Credited Service: 11 Years 2 months
Monthly Benefit: \$420.23
Police Support Technician

7. David Heberger – Effective 07/01/2019
Consolidated – Unreduced Early
Single Life Option
Employed: 11/27/2001 – 11/02/2005 & 05/21/2006 – 06/30/2019
Total Credited Service: 17 Years
Monthly Benefit: \$1098.66
Water & Sewer Dispatcher

A motion was made by Member Buss to approve the retirement applications and seconded by Member Goldstein.

The motion carried by the following vote: 9-0-0.

DISABILITY RETIREMENT RECERTIFICATION – Secretary Godfrey

Secretary Godfrey directed the members to the summary sheet and stated that he had a concern with one of them (Charles Herron), and that he doesn't appear to be under the care of a physician. He indicated that we asked for additional information, and directed the members to Herron's recertification form, the letter to the provider seeking additional information, and the provider's response.

Chairman Moss reminded the Board of the provisions that can cause termination of disability benefits, and Secretary Godfrey read to the Board an excerpt from Article VIII, Section 5 of the 4022 Plan: "A period of total disability ceases on the earliest to occur of the following: D. The date the employee ceases to be under the care of a physician."

Mr. Gignilliat advised the Board that the best option would be to send a letter to Mr. Herron requesting additional information based on the information that has been presented to the Board.

Member Brown mentioned a concern she had regarding consistency in the handling of the disability cases. Mr. Gignilliat indicated that the Board could have an internal process set up regarding how to handle initial applications, recertifications, and any associated hearings. Secretary Godfrey also advised that spelling it out in the plan would require an ordinance, and that, although the issue had been previously tabled, Read and Patrick had been working on some language.

A motion was made by Member Bruton to approve 15 of the 16 disability retirement recertifications (excluding Charles Herron) and seconded by Member Richardson.

The motion carried by the following vote: 9-0-0.

A motion was made by Member Brown to send a letter to Mr. Herron requesting additional information and seconded by Member Goldstein.

The motion carried by the following vote: 8-0-1 (Member Buss abstained).

PENSION VERIFICATION FORM UPDATE – Secretary Godfrey

Secretary Godfrey advised the Board that there were still several outstanding pension verification forms, and asked the Board for guidance regarding those who have not returned them. After much discussion regarding how these forms originated and how we are typically notified of deaths or address changes, the consensus was to continue to send them out every two years and, if we get down to a manageable number of forms to reach out to the individuals to verify their information. Additionally, to bring back the list of outstanding individuals with comments regarding how they were contacted. Secretary Godfrey confirmed that he will continue the practice and bring back the list of outstanding individuals to the next meeting.

Discussed.

NEW BUSINESS (incorporated as part of Legal Matters):

Chairman Moss opened by stating that he requested that the attorneys research the feasibility of allowing vested participants to receive their contribution refund in lieu of receiving a pension, as he's been asked by several people about it. He then recognized Patrick Lail to speak to the Board regarding the legality of doing so. He said that the actuarial present value of the employee's contribution *plus* the City's contribution would have to be done to avoid violating anti-alienation rules. Mr. Lail said the law protects participants by ensuring that all actions must be done on the premise of "knowing and voluntary." He said that waiving the entire pension of potentially hundreds of thousands of dollars in exchange for a much smaller amount would not satisfy the IRS rules, and could potentially put at risk the tax-advantaged status of the plan itself. The Board decided not to take up this matter at all, and considered the matter closed.

Discussed.

Patrick then said that there was something he forgot to say during the HB 196 item, and that is that he recommended that there could be a normal item on the regular quarterly meeting agenda to review member education. The consensus was to do this, and Secretary Godfrey said he would start with the November 2019 meeting.

MINUTES:

February 14, 2019, Regular Meeting

May 8, 2019, Regular Meeting and Executive Session

June 28, 2019, Regular Meeting and Executive Session

A motion was made by Member Kish to approve the minutes from the February 14, 2019, Regular Meeting, the May 8, 2019, Regular Meeting and Executive Session, and the June 28, 2019, Regular Meeting and Executive Session and seconded by Member Goldstein.

The motion carried by the following vote: 8-0-1 (Member Brown abstained).

GENERAL PENSION REPORT – CBIZ (formerly Gavion, LLC):

Chairman Moss recognized Ian Janecek and Scott Arnwine from CBIZ, who presented the General Pension Report for the 2nd quarter of calendar year 2019. They also had an executive summary through July that they presented. Discussion was held regarding the name change and what would need to be done. Ian stated that he would send the consent form to Secretary Godfrey.

SECURITIES MONITORING:

Ian also briefed the Board regarding the reconciliation process between the reports issued by KTMC and the status report from SunTrust regarding whether they are properly filing all claims associated with the City of Marietta. He stated he will continue to work with SunTrust on how they can prepare a report for the Pension Board regarding these actions.

Member Richardson departed at 10:32am.

SUPPLEMENTAL PENSION REPORT – AndCo Consulting:

Chairman Moss recognized Tony Kay from AndCo Consulting, who presented the Supplemental Pension Report for the 2nd quarter of calendar year 2019.

Chairman Moss recognized Secretary Godfrey for some announcements. He stated that 10 people will be attending the GAPPT Annual Conference at Lake Lanier in September, and that it is the largest participation yet. He also advised the Board that David Jenkins appealed the Board’s decision to the City Council.

FUTURE ESTABLISHED MEETINGS:

November 13, 2019, 9:00am: Regular Meeting

ADJOURNMENT:

A motion was made by Member Goldstein to adjourn the meeting and seconded by Member Brown.

The motion carried by the following vote: 8-0-0. Meeting was adjourned at 10:53am.

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APPROVED THIS _____ DAY OF _____, 2019

Bobby Moss, Pension Board Chairman

ATTEST:

Davy Godfrey, Pension Board Secretary