

## **MINUTES OF THE HOUSTON FIREFIGHTERS' RELIEF AND RETIREMENT FUND**

A meeting of the Houston Firefighters' Relief and Retirement Fund Board of Trustees convened at the Fund offices at 4225 Interwood North Parkway on Thursday, April 15, 2010, at 10:02 a.m.

Trustees present were Todd E. Clark (Chair), Harold W. McDonald (Vice Chair), Ted Downing (Secretary), Kevin Brolan, Gary M. Vincent, Francis "Frank" X. Maher, Craig T. Mason, Dr. Robert Stobaugh, Albertino Mays, and the Honorable Helen Huey. Others present were staff members Christopher Gonzales (Executive Director/Chief Investment Officer), Jonathan W. Needle (Chief Legal Officer) and Glenna Hicks (Deputy Director of Member Services).

The Chair called the meeting to order at 10:02 a.m.

The Board recited the Pledge of Allegiance and observed a moment of silence.

The Chair invited comments from the public.

William (Bill) Hausinger made comments related to a portion of a survivor's remaining monthly pension benefit for the month of death and requested Board consideration toward waiving the application for pension distribution for the final pension payment due to the eligible survivor. He then commented that Board Trustees should be permitted to attend all Committee meetings.

There was a motion by Albertino Mays, seconded by Kevin Brolan to approve the minutes of the Board meeting held on Thursday, March 18, 2010. The motion carried.

There was a motion by the Honorable Helen Huey, seconded by Harold W. McDonald to approve the minutes of the special Board meeting held on Friday, March 19, 2010. The motion carried.

There was a motion by Kevin Brolan, seconded by Harold W. McDonald to adopt the report of the Pension Benefits Committee meeting held on Thursday, April 8, 2010. The motion carried. The Report noted the following: Deferred Retirement Option Plan (DROP) applications to be effective May 1, 2010; Post Retirement Option Plan (PROP) applications to be effective May 1, 2010; an application for disability benefits under Sections 6(c) and 6(d), of the statute as shown on "PB3", was approved with a follow-up evaluation in one year. An application for survivor benefits under Sections 6 and 7, of the statute as shown on "PB4", was approved. The motion carried.

The Board noted Deferred Retirement Option Plan (DROP) information effective May 1, 2010.

There was a motion by Harold W. McDonald, seconded by Kevin Brolan to approve the minutes of the Investment Committee meeting held on Thursday, April 8, 2010. The motion carried.

There was a motion by Gary M. Vincent seconded by Harold W. McDonald to approve the minutes of the Legislative Committee meeting held on Thursday, April 8, 2010. The motion carried.

The Chairman noted Committee assignments effective April 15, 2010 changing Francis (Frank) X. Maher from an alternate member of the Pension Benefits Committee to a Member and adding Albertino Mays to be included as a new Member of the Committee.

The Board discussed the use of *Robert's Rules of Order* for Board and Committee meetings and determined that *Robert's Rules of Order* shall continue to be used as a procedural guideline for all Board and Committee meetings, as already stated in Fund policy.

The Board discussed the content and timing of the distribution of Board and Committee meeting minutes to the membership. The Board also discussed the policy and practice of noting trustee abstentions and the basis for such and documenting non-unanimous Trustee votes on motions that pass by noting the Trustee names of those voting against the motion. The Board discussed the possibility of tape recording certain Board meetings. Dr. Robert Stobaugh requested consideration of holding the monthly Board meetings on a different day of the week, but not Monday. Staff noted that although the regular Board meeting had long been held on Thursday, the statute only requires the regular monthly board meeting be held at a time and place designated by board resolution. Staff will research how to best give Trustees the opportunity to review the pre-adopted minutes prior to sending to the fire stations.

The Chief Legal Officer stated to the Board that since the new section 551.0415 of the Texas Open Meetings Act (TOMA) concerning reports during meetings on "items of community interest" applies by its terms only to the "governing body of a municipality," it did not appear applicable to the Board. He then noted that under *Government Code Chapter § 551.042*, when a member of the public or of the governmental body inquires about a subject for which prior notice has not been given as required by the TOMA, any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting, and that any response had to be limited to a short statement of specific factual information given in response to the inquiry without 'give and take', or to a recitation of existing policy.

The Chair announced that the Board was going into closed session pursuant to Government Code Section 551.071 to receive confidential advice of legal counsel regarding HealthSouth securities litigation in which the Fund is a plaintiff. The Board went into closed session at 10:59 a.m.

The Board resumed open session at 11:09 a.m.

The Deputy Director of Member Services outlined the Member benefits services survey results noting that approximately 400 retirees attended the 2009 retiree Christmas/Holiday party and 123 attendees completed the survey which was made up of open ended questions with space for additional comments. She noted that 92 percent of the comments were favorable with positive feedback. The Honorable Helen Huey suggested that the results of the survey be shared with the retiree membership in the next Red Line newsletter publication.

Trustees Frank Maher, a member of the City's Health Benefit Advisory Committee and Albertino Mays a member of the Association of Municipal Retirees gave an update on their public comments and the information gained from attending a City of Houston Council meeting pop-off session held on Tuesday, April 6, 2010 in regards to the increase in retiree health insurance premium rates. Mr. Maher commented that during his comments Council Member Jolanda Jones donated minutes of her own time to allow him time to conclude his statement about rate increases and about there being no voice to the City Council for the retired municipal employee. Mr. Mays commented that Council Member Wanda Adams requested more time from the Mayor to review the health insurance premium rate increase for retirees and was informed that the time for negotiations had passed and the new contract was already in effect. Mr. Maher noted his concern that the City's Health Benefits Advisory Committee was merely being informed of decisions being made by the City administration and was not being consulted for advice used in making critical decisions.

The Board recessed at 11:19 a.m.

The Board resumed at 11:50 a.m.

The Chair announced that the Board was going into closed session pursuant to Government Code Section 551.071 to receive confidential advice of legal counsel regarding potential waivers of privileges as to certain documents falling under a Public Information Act request. The Board went into closed session at 11:51 a.m.

The Board resumed open session at 12:15 p.m.

There was a motion by Kevin Brolan, seconded by Harold W. McDonald to waive any attorney-client privilege and any deliberative process privilege that might be otherwise claimed solely as to 10 particular documents, or any parts of them, that were responsive to a request for public information, in that it is recognized that there is no harm to the Fund by their release. The motion carried.

The Board reviewed the monthly reports of the Chair, Executive Director, Chief Legal Officer and the Deputy Director of Member Services.

There being no further business, the meeting adjourned at 12:18 p.m. on a motion by Kevin Brolan, seconded by Harold W. McDonald. The motion carried.

Respectfully submitted,

Ted Downing  
Secretary