
MINUTES OF THE PROCEEDINGS
REGULAR MEETING
OF THE
RETIREMENT BOARD OF THE POLICEMEN'S
ANNUITY & BENEFIT FUND
HELD
THURSDAY – FEBRUARY 25, 2016

The regular meeting of the Retirement Board of the Policemen's Annuity and Benefit Fund was held February 25, 2016, at 9:00 A.M. at the office of the Fund, 221 N. LaSalle Street, Room 1626, Chicago, Illinois for the consideration of applications and bills, and for other such matters that came before the Board. The contents of this meeting were transcribed by Esquire Communications, Ltd. Court Reporters and are made a part of the record.

PRESENT: Trustees Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

ABSENT: Summers 1.

PRESIDING: President and Trustee Kenneth Hauser

Trustee Hauser called the meeting to order.

The first order of business was review and approval of the minutes of the investment committee meeting held February 22, 2016.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board approve the minutes as presented.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Next was the approval of the Minutes of the last regular meeting of the Retirement Board held January 28, 2016.

It was moved by Trustee Maloney, seconded by Trustee Hamburger that the Board approve the minutes from the regular meeting held January 28, 2016, with noted amendments on pages 7 and 9, concerning vote roll calls.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Trustee Hauser requested adoption of Board orders as submitted by the Board's legal counsel. In the matter of **Michael Selke**, the Board found that Officer Selke's disability resulting from an act of duty incident has ceased and his disability benefits will therefore cease on February 29, 2016. Officer Selke is directed to return to the CPD for assignment.

It was moved by Trustee Wright, seconded by Trustee Avila that the Board adopt the order on Michael Selke as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

In the matter of **Shannon Spalding's** application for a duty disability benefit, the Board's Order denies officer Spaulding's duty disability benefit application and awards an ordinary disability benefit until further order of the Board.

It was moved by Trustee Brown, seconded by Trustee Hamburger that the Board adopt the order on Shannon Spalding as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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The President turned the meeting over to the recording secretary, Trustee Maloney.

The Board Recording Secretary conducted the agenda as follows:

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1 - 5 Incurred Expenses for the Month of February 2016.

It was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board approve the Obligations as detailed on pages 1 through 5.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

6 - 13 Refunds of Contributions; Withdrawal of Service, Widow's Annuity Accumulations, Revised Widow's Annuity Accumulations and Exempt Rank.

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the Refunds as detailed on pages 6 through 13.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

14 Payment to Heirs of Deceased Annuitants

It was moved by Trustee Hauser, seconded by Trustee Lappe that the Board approve the Payment to Heirs of Deceased Annuitants as detailed on page 14.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

15 Refund of Automatic Increase Contributions – less than 20 years of service

It was moved by Trustee Lappe, seconded by Trustee Avila that the Board approve the Refund as detailed on page 15.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

16 Refund of Automatic Increase Contributions – Revised

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the Refund as detailed on page 16.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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PAGE NO. REFERENCE

17 - 22 Annuities [Summary pg. 23]

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the Annuities as detailed on pages 17 through 22.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

24 - 30 Annuities -Revised

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve the Revised Annuities as detailed on pages 24 through 30.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

31 Annuities to Widows [Summary pg. 32]

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the Annuities to Widows as detailed on page 31.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

33 Annuities to Widows - Revised

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the revised Annuities to Widows as detailed on page 33.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

34 Annuities to Children

It was moved by Trustee Avila, seconded by Trustee Lappe that the Board approve the Annuities to Children as detailed on page 34.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

35 Ordinary Disability Benefit Claims

 a) **Velazquez, Maria V.**

Based on the medical reports, it was moved by Trustee Wright, seconded by Trustee Lappe that the Board move to grant Officer Velazquez an ordinary disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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35 Ordinary Disability Benefit Claims, continued

b) Ward, Helena

Based on the medical reports, it was moved by Trustee Lappe, seconded by Trustee Wright that the Board move to grant Officer Ward an ordinary disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

36 Occupational/Duty Disability Benefit Claims

c) Nelson, Jerald L.

Based on the medical reports, it was moved by Trustee Wright, seconded by Trustee Lappe that the Board move to grant the officer, subject to a full evidentiary hearing, an ordinary disability benefit without prejudice with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if deemed warranted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Alesia, Michael J.

Reporting revised Benefit

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve the revised disability benefit as listed for Michael Alesia.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

37 - 38 Payment of Death Benefits [Summary pg. 39]

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the Death Benefits as detailed on pages 37 and 38.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

MISCELLANEOUS

40 REQUESTS FOR PENSION CREDIT FOR PRIOR COOK COUNTY
SERVICE UNDER 5-214 (C)

Documentation verified, it was moved by Trustee Hamburger, seconded by Trustee Avila that the Board approve the prior Cook County service petitions as amended and detailed on page 40.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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41 REQUESTS FOR PENSION CREDIT FOR CERTAIN PRIOR LAW ENFORCEMENT
SERVICE UNDER 5-214.2

*Application of **Vernard Ross** was reviewed, it was moved by Trustee Hamburger, seconded by Trustee Avila that the Board deny the prior law enforcement service petition, due to deadline provisions as detailed on page 41.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

42 REQUESTS FOR PENSION CREDIT FOR PRIOR MILITARY
SERVICE UNDER 5-214.3

Documentation verified, it was moved by Trustee Wright, seconded by Trustee Avila that the Board approve the prior military service petitions as detailed on page 42.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

General Agenda completed.

An item not on the schedule is a request of Karen Wojcikowski to waive a due process hearing and return to active duty. This officer was previously awarded a duty disability benefit at 50% of salary. A recent exam with her attending physician indicates she is fit to return to duty. She agrees with her physician and wishes to return to active duty.

Based on the medical documentation and waiver of hearing, it was moved by Trustee Wright, seconded by Trustee Hamburger that the Board terminate officer Karen Wojcikowski's disability benefits effective March 31, 2016, in order for her to return to service with the Chicago Police Department.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

A request was made to adopt a Board order as submitted by the Board's legal counsel in the matter of **Darrick E. Scott**. This was a member who made application for prior service under the 'portability' provision of the Pension Code, after the statutory deadline, therefore, denied by the Board.

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board adopt the order on Darrick Scott as submitted.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Wright, seconded by Trustee Avila that the Board go into executive session pursuant to 2 (c)(11) to discuss cases and possible litigation.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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It was moved by Trustee Avila, seconded by Trustee Brown that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

HEARINGS

43 REQUEST FOR PENSION CREDIT

Hagen, Richard E.

Officer Richard Hagen declined to appear. After reviewing his request, it was determined that the Board has no jurisdiction to rehear his application for prior service credit. Therefore Board's counsel will forward communication to Officer Hagen that the prior order was final and no additional extension of time is permitted by the Illinois Statutes.

44 FELONY CONVICTION

Hall, Allen D.

Allen D. Hall appeared, with counsel, before the Board on his felony conviction and his eligibility to continue to receive his annuity. After accepting all documents submitted into the record, hearing testimony and reviewing all records and documents submitted, *it was moved by Trustee Wright, seconded by Trustee Lappe that the Board terminate Allen D. Hall's annuity effective April 2015, when such annuity was suspended.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

DUTY DISABILITY STATUS REVIEW

45 **Dovin, George**

George Dovin appeared before the Board, without counsel, on a status review of his disability. Board counsel reviewed with Officer Dovin the procedures of an administrative hearing, along with his right to have an attorney present. Officer Dovin agreed to proceed without counsel. Testimony was taken from Officer Dovin, the Board physician Dr. Orris, and Sgt. Janet Kemper of the Medical Section of the CPD. Review of the documents submitted was completed.

It was moved by Trustee Maloney, seconded by Trustee Wright that the Board go into executive session.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board exit the executive session.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

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It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board terminate Officer Dovin's duty disability benefits effective March 31, 2016 and direct him to reinstate to active duty with the CPD.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

46

Foley, Kathleen

Kathleen Foley appeared without counsel before the Board on a disability status review. Board counsel reviewed with Officer Foley the procedures of an administrative hearing, along with her right to have an attorney present. Officer Foley agreed to proceed without counsel. *After hearing testimony and reviewing the records and documents supplied it was moved by Trustee Hamburger, seconded by Trustee Avila that the Board go into executive session.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Brown, seconded by Trustee Lappe that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Officer Foley was called back in before the Board. Additional testimony was taken. *It was moved by Trustee Hamburger, seconded by Trustee Wright that Officer Foley's benefits continue and the Board authorize a functional capacity evaluation, and return before the Board in May 2016.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

47

Whiteside, Perry

Counsel for Officer Whiteside appeared before the Board on the scheduled disability status hearing. Officer Whiteside is requesting a continuance because he awaits a cervical fusion and additional medical reports.

It was moved by Trustee Lappe, seconded by Trustee Wright, that the Board grant a continuance for Perry Whiteside to the April 2016, Board meeting.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Avila, seconded by Trustee Wright that the Board go into executive session pursuant to 2 (c)(11).

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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It was moved by Trustee Avila, seconded by Trustee Wright that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

DUTY / OCCUPATIONAL DISABILITY CLAIMS

48

Lefebvre, Todd L.

Todd L. Lefebvre appeared before the Board, with counsel, on his claim for a duty disability benefit. After hearing testimony from claimant and reviewing the documents submitted *it was moved by Trustee Lappe, seconded by Trustee Wright, that the Board grant a duty disability benefit to Todd Lefebvre for the period April 13, 2015 through the date of his return to duty with the CPD, January 13, 2016.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Lappe, seconded by Trustee Maloney that the Board grant the duty award at 75% of salary as defined in the Statute.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Nieves, Lourdes M. (Heart)

Lourdes M. Nieves appeared before the Board, without counsel, on her claim for an occupational disease disability benefit. After reviewing with Officer Nieves the procedures of an administrative hearing and brief testimony, it was determined that Officer Nieves was concerned that she had not provided to the Board members all of her medical reports. Therefore, Officer Nieves requested a continuance to more fully prepare for a future hearing.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board grant Officer Nieves a continuance on her claim for an occupational disease disability benefit.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Rodriguez, Jr., Francisco

Counsel for Francisco Rodriguez appeared before the Board on this duty disability claim. Recent communication from the physician attending to Officer Rodriguez indicates the officer could attempt to return to work and qualify with his weapon. Therefore counsel and the Board's attorney requested a continuance in order for Officer Rodriguez, who is currently not receiving any disability benefits, be returned to active duty, and conduct a hearing for benefits for the finite period in which he was medically unable to work.

It was moved by Trustee Wright, seconded by Trustee Maloney, that the Board grant a continuance for Francisco Rodriguez to April 2016, Board meeting.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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48 DUTY / OCCUPATIONAL DISABILITY CLAIMS, Continued

Stoppa, Sandra R.

Sandra Stoppa appeared before the Board, with counsel, on her claim for a duty disability benefit. After hearing testimony from claimant, her attending physician Dr. Robin Kroll, and reviewing the documents submitted *it was moved by Trustee Wright, seconded by Trustee Brown, that the Board grant a duty disability benefit to Sandra Stoppa.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board grant the duty award at 75% of salary as defined in the Statute.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

The Executive Director reviewed with the Board the following matters.

- Discussion was held concerning Public Act 96-1495; ILCS 5-168(g) thereof, which, in part, indicates that in lieu of levying all or a portion of the tax required under such Section, the City may deposit with the City Treasurer no later than March 1 of that year for the benefit of the fund, an amount that together with the taxes levied is not less than the amount of the City contribution. If such deposit is not received, than the Board can request from the State Comptroller to intercept the PPRT funds for the benefit of the City for the benefit of satisfying the requirement. Trustee Brown indicated that the Budget Director will be sending a letter to notify to the Fund no later than March 1 that such funds were deposited with the Treasurer. In the event such deposit does not occur, the Board requested that the Board's attorney draft a letter to the State Comptroller notifying the State of the shortfall.
- As a follow-up to a request from Trustee Maloney at the Board's previous meeting, the Executive Director reported that she has communicated with the City's Benefit Management Office concerning health insurance for 'exempt rank' members age 55 or over with 20-plus years of service. As previously communicated by the Benefits Management Office, such exempt members can participate in the healthcare benefit, but at a 2% charge of the retired officer's annuity amount. No further information has been submitted from the City concerning this matter.
- The Fund has an IT Administrator that manages IT matters for the Fund. However, the current Firewall needs replacement and the IT Administrator has requested assistance in upgrading and the Firewall and performing testing on such Firewall. Different providers have been contacted to complete the upgrade. One firm would provide a representative to assist with the installation of upgrades; charging a daily rate, no contract or written agreement. The other firm supplied a statement of work and a lengthy document representing a relationship agreement stipulating services, akin to a service contract, which would require Board approval and legal review. Through discussion and review it was determined to research more vendors to provide support services for the appropriate scope of work needed by the Fund.

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- The Executive Director reviewed with the Board a refund claim of a former prior police officer (**Neeley**) who was a member of this fund for approximately 15 years and was over the age of 50 at resignation. This member terminated her service as a police officer and she has been provided, through litigation, employment with the Chicago Fire Department as a firefighter contributing to the Fire Fund and is currently in training at the Fire Academy. This member has requested a refund of her contributions from this Fund. She cannot transfer the service to the Fire Fund because the litigation has awarded her prior service to the Fire Fund that overlaps her police service. Illinois Statutes prohibit a refund to a member over the age of 50, with more than 10 years of service, at resignation. Through discussion it was agreed that this is a unique situation, with a court decision involved, that a refund of her contributions should be granted, once the Fund receives appropriate paperwork and signatures from the member.
- There is interest from Trustees to attend the annual NCPERS conference in May this year.

It was moved by Trustee Maloney, seconded by Trustee Wright that the Board approve attendance for any Trustee at the annual National Conference of Public Employees Retirement Systems May 15-19, 2016.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

Trustee Maloney requested Board's permission to attend two conferences; one is with Institutional Investor in April 2016; and the other is a Board meeting, which he was invited to attend.

It was moved by Trustee Lappe, seconded by Trustee Wright that the Board approve attendance by Trustee Maloney at the Institutional Investor conference and Board meeting held in April 2016.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board go into executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Maloney, seconded by Trustee Avila that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

President Hauser requested a motion concerning the real estate (rental) contract for the Fund's office space.

It was moved by Trustee Wright, seconded by Trustee Brown that the Board approve the lease agreement/contract for the offices of the Fund.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

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It was then moved by Trustee Wright, seconded by Trustee Brown, that the Board approve retaining the architect firm of MSRA to assist the Fund with tenant improvements provided in the lease.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Avila, seconded by Trustee Wright that the Board go into executive session pursuant to 2 (c)(11); and request that the Board's physician remain present for this executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

It was moved by Trustee Avila, seconded by Trustee Maloney that the Board exit the executive session.

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

*Per the Board's physician's recommendation, it was moved by Trustee Wright, seconded by Trustee Brown that the Board approve a FCE on disability member **Andre Howard**.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Wright 7.

Absent: Summers 1.

Against: 0.

EXECUTIVE DIRECTOR'S REPORT CONCLUDED

All business concluded for this date, February 25, 2016, it was moved by Trustee Wright, seconded by Trustee Maloney that this meeting be adjourned.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.