
MINUTES OF THE PROCEEDINGS
REGULAR MEETING
OF THE
RETIREMENT BOARD OF THE POLICEMEN'S
ANNUITY & BENEFIT FUND
HELD
THURSDAY – MARCH 24, 2016

The regular meeting of the Retirement Board of the Policemen's Annuity and Benefit Fund was held March 24, 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, Summers, Wright 8.

ABSENT: 0.

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 March 22, 2016.

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

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

Next was the approval of the Minutes of the last regular meeting of the Retirement Board held February 25, 2016.

It was moved by Trustee Avila, seconded by Trustee Wright that the Board approve the minutes from the regular meeting held February 25, 2016, as presented.

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 **George Dovin**, the Board found that Officer Dovin's disability resulting from an act of duty incident has ceased and his disability benefits will therefore terminate on March 31, 2016. Officer Dovin is directed to return to the CPD for assignment.

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

ROLL CALL

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

Absent: Summers 1.

Against: 0.

In the matter of **Laura Nemeth's** application for a duty disability benefit, the Board's order denies Officer Nemeth's duty disability benefit application and finds that Officer Nemeth is currently determined to be disabled and is therefore entitled to an award of ordinary disability benefits.

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

ROLL CALL

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

Absent: Summers 1.

Against: 0.

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In the matter of **Albert Powe's** application for a duty disability benefit, the Board's Order denies officer Powe's duty disability benefit application and awards an ordinary disability benefit for the period March 8, 2015, through February 29, 2016.

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board adopt the order on Albert Powe as submitted.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

In the matter of **Vernard Ross'** application to purchase pension credit for prior law enforcement service, after considering the documents tendered by Officer Ross, the Board finds that pursuant to 40 ILCS 5/5-214.2, Officer Ross missed the deadline for requesting his prior service credit, and thus the Board's Order denies Officer Ross' request to purchase pension credit for the prior service.

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

ROLL CALL

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

Absent: Summers 1.

Against: 0.

The President turned the meeting over to the Recording Secretary, Trustee Maloney.

The Board Recording Secretary conducted the agenda as follows:

PAGE NO. REFERENCE

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

It was moved by Trustee Avila, seconded by Trustee Wright 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 - 11 Refunds of Contributions; Withdrawal of Service, Widow's Annuity Accumulations, Revised Widow's Annuity Accumulations and Exempt Rank.

It was moved by Trustee Lappe, seconded by Trustee Wright that the Board approve the Refunds as detailed on pages 6 through 11.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

12 - 13 Payment to Heirs of Deceased Annuitants

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the Payment to Heirs of Deceased Annuitants as detailed on pages 12 and 13.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

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14 Refund of Unused Annuity Accumulations

It was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board approve the Refund 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 Hauser 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 - 18 Annuities [Summary pg. 19] and

20 - 25 Annuities -Revised

It was then moved by Trustee Hauser, seconded by Trustee Lappe that the Board approve the Annuities as detailed on pages 16 through 18, with the exception of William Cozzi listed on page 16, and the Annuities-Revised as detailed on pages 20 through 25.

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 Hamburger that the Board defer the application for annuity completed by **William J. Cozzi** pending a full evidentiary hearing on his felony conviction.*

ROLL CALL

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

Absent: Summers 1.

Against: 0.

26 Annuities to Widows & Revised Annuities to Widows [Summary pg. 27]

It was moved by Trustee Hauser, seconded by Trustee Avila that the Board approve the Annuities to Widows and Revised Annuities to Widows as detailed on page 26.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

28 Annuities to Children

It was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board approve the Annuities to Children as detailed on page 28.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

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PAGE NO. REFERENCE

29 - 30 Payment of Death Benefits [Summary pg. 31]

It was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board approve the Death Benefits as detailed on pages 29 and 30.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

MISCELLANEOUS

32 CHILD'S BENEFIT AND GUARDIANSHIP APPOINTMENT

Jaster, Robert

It was moved by Trustee Hauser, seconded by Trustee Wright that the Board approve the Guardianship appointment and benefit amount as detailed on page 32.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

33 CLAIM FOR CHILD DISABILITY BENEFITS

Jacinto, Jr., Juan P.

It was moved by Trustee Lappe, seconded by Trustee Wright that the Board approve the child disability benefits as detailed on page 33.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

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

It was moved by Trustee Lappe, seconded by Trustee Wright that the Board approve the prior Cook County service petition as detailed on page 34.

After discussion, Trustee Lappe withdrew his motion.

*It was moved by Trustee Hamburger, seconded by Trustee Avila that the Board defer the application of **Brian Hood** to a full hearing.*

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Maloney, Wright 6.

Absent: Summers 1.

Against: Lappe 1.

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

*Application of **Jeffrey D. Caribou** was reviewed, it was moved by Trustee Hamburger, seconded by Trustee Avila that the Board deny the request to purchase service credit for prior law enforcement service, due to deadline provisions as detailed on page 35.*

ROLL CALL

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

Absent: Summers 1.

Against: 0.

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PAGE NO. REFERENCE
36 REQUESTS FOR PENSION CREDIT FOR PRIOR MILITARY
 SERVICE UNDER 5-214.3

Documentation verified, it was moved by Trustee Hamburger, seconded by Trustee Wright that the Board approve the requests to purchase service credit for prior military service as detailed on page 36.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

37 REQUEST FOR PENSION CREDIT FOR MILITARY SERVICE UNDER **USERRA**

Documentation verified, it was moved by Trustee Hauser, seconded by Trustee Hamburger that the Board approve the requests to purchase service credit for military leave of absence periods as detailed on page 37.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

General Agenda completed.

HEARINGS

38 REQUEST FOR PRIOR SERVICE CREDIT

Okon, Eddie

Eddie Okon requested a continuance on his petition for prior service credit. *It was moved by Trustee Hamburger, seconded by Trustee Avila that the Board approve the request for a continuance.*

ROLL CALL

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

Absent: Summers 1.

Against: 0.

Mr. Avi Josefson, from Bernstein, Litowitz, Berger & Grossman entered the proceedings.

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

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 exit the executive session.

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 Hamburger, seconded by Trustee Brown 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.

It was moved by Trustee Wright, 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.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board follow the advice of Avi Josefson regarding the recommendation of the Bernstein, Litowitz, Berger & Grossman regarding the Navient litigation.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

Adrienne Neely, SF-50444, age 53, applied for a refund of her pension contributions for the period October 10, 2000, through November 15, 2015. Discussion and details were provided previously at the February 25, 2016, Board meeting. An affidavit has since been supplied by former Officer Neely.

It was moved by Trustee Hamburger, seconded by Trustee Wright based on special circumstances, the Board approve a refund of pension contributions to Adrienne Neely.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

DUTY DISABILITY STATUS REVIEW

39

Garcia, Jose

Jose Garcia appeared, with counsel, before the Board on his disability status review prepared to proceed. After reviewing the documents and hearing testimony from Officer Garcia, the Board's physician and Sgt. Kemper from the medical section of the Chicago Police Department *it was moved by Trustee Avila, seconded by Trustee Hamburger that the Board go into executive session per 2(c)(11).*

ROLL CALL

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

Absent: Brown 1.

Against: 0.

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

ROLL CALL

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

Absent: Brown 1.

Against: 0.

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It was moved by Trustee Avila, seconded by Trustee Summers that the Board terminate the duty disability benefits of Jose Garcia effective April 30, 2016.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Brown 1.

Against: Hauser 1.

40 **Harris, Charleston**

Charleston Harris appeared, without counsel, before the Board on his disability status review. The Board's attorney reviewed with the claimant his right to be represented by legal counsel and the administrative review procedures.

Officer Harris requested a continuance in order to obtain a lawyer and all his documents and medical reports.

It was moved by Trustee Lappe, seconded by Trustee Summers that the Board grant Charleston Harris a continuance on his disability status review.

ROLL CALL

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

Absent: Brown 1.

Against: 0.

41 **Wilson, Gretta**

It was moved by Trustee Wright, seconded by Trustee Brown that the Board approve the request for a continuance by Officer Wilson.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

42 **DUTY DISABILITY CLAIMS**

Dahms, Dave H.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board approve the request for a continuance by Officer Dahms.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

Nasadowski, Adam J.

Adam J. Nasadowski appeared before the Board, with counsel, on his claim for a duty disability benefit. After hearing testimony from claimant, the Board physician and reviewing the documents submitted *it was moved by Trustee Hamburger, seconded by Trustee Maloney, that the Board grant a duty disability benefit to Adam Nasadowski.*

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 Maloney that the Board grant the duty award at 50% of salary as defined in the Statute.

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 Hamburger, seconded by Trustee Brown that the Board terminate the duty disability benefit on April 30, 2015.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

Pet, Robert

Robert Pet appeared before the Board, with counsel, on his claim for a duty disability benefit. After hearing testimony from claimant, the Board physician and reviewing the documents submitted *it was moved by Trustee Hamburger, seconded by Trustee Lappe, that the Board deny the application for a duty disability benefit filed by Robert Pet.*

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

It was then moved by Trustee Hamburger, seconded by Trustee Lappe that the ordinary disability Robert Pet is currently receiving terminate effective April 30, 2016.

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

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

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

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

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

Trustee Hamburger withdrew her motions and further testimony from the Board's physician was taken.

It was then moved by Trustee Hamburger, seconded by Trustee Avila to terminate the ordinary disability benefits of Robert Pet, effective April 30, 2016.

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: 0.

Abstain: Brown, Summers 2.

Against: 0.

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The Executive Director reviewed with the Board the following matters.

- Discussion was held concerning Public Act 96-1495; ILCS 5-168(g)

The City deposited with the City Treasurer for the benefit of the Fund, \$172 million on February 29, 2016. A letter from Alexandra Holt, Budget Director, indicates that the moneys were deposited, but not available to this Fund until December 28, 2016, assuming the current legislation remains in place. A copy of such letter had been previously sent to each Trustee via email. Discussion was held regarding a potential request of the Fund to the City Treasurer's office to release such funds.

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

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

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

ROLL CALL

For: Avila, Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 8.

Absent: 0.

Against: 0.

- With respect to the Chief Investment Officer candidacy, the Executive Director did receive signature from the candidate accepting the offer letter of employment presented.

Upon written signature acceptance of the offer letter of employment, it was moved by Trustee Maloney, seconded by Trustee Wright that the Board approve the hiring of Aoifinn Devitt, the candidate selected as CIO for the Fund.

ROLL CALL

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

Absent: Summers 1.

Against: 0.

- Bringing to the attention of the Board, the Fund has a widow who has filed an application for a surviving spouse's annuity. Her husband was a Tier II police officer, hired in 2014 and passed away earlier this year, with one year and seven months of service for the Chicago Police Department. As of this date, the Fund has not had any Tier II deaths. The widow's application has been accepted and calculation is pending. At this time, cautious review of the Tier II language will continue, along with waiting for any further developments in Springfield. It was also noted that the Firemen's Fund of Chicago has a similar situation and has not awarded such widow any benefits.
- The Executive Director reported that she met with the executive directors of the Laborers', Firemen's and Municipal Pension Funds, along with two representatives from Mesirow Insurance Services and discussed the efforts to reduce fiduciary liability premiums. Mesirow is the insurance broker for the four City pension funds. Mesirow, in an effort to potentially reduce the premium suggested that the four pension funds set their policies to renew at the same time, and all four funds could be presented for coverage in an effort to solicit the most competitive bids. Additionally, the Executive Director requested that Mesirow consider a reduction in their commission percentage in an effort to reduce costs. Current brokerage commission for PABF is under \$25,000.

After lengthy discussion, it was moved by Trustee Maloney, seconded by Trustee Wright that the Executive Director prepare a RFP for insurance brokerage services for fiduciary liability and have it available for the next meeting of the Board.

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

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- The next item was regarding disability recipient **John Kubik**. This member was discussed at previous meetings and approval for IME was granted. Mr. Kubik had a scheduled IME, was informed of the IME via certified mail, and he failed to attend such IME. The Fund has received a 'no show' fee.

It was moved by Trustee Lappe, seconded by Trustee Avila, following standard practice, the no show fee incurred by Mr. Kubik's failure to attend the schedule IME, is to be deducted from his April 2016 disability benefit.

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

- The Board physician reviewed the medical status of various disability recipients.

Per the Board physician's recommendation, *it was moved by Trustee Hauser, seconded by Trustee Maloney that the Board approve a FCE on disability member **Thomas Foss**.*

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

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

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

Per the Board physician's recommendation, *it was moved by Trustee Hamburger, seconded by Trustee Maloney that the Board approve a FCE on disability member **Frank Gonzalez**.*

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

Per the Board physician's recommendation, *it was moved by Trustee Wright, seconded by Trustee Avila that the Board approve further testing on disability member **Dimitrios Katsaros**.*

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

- The Board members revisited the John Kubik matter. This disability recipient received and signed for a letter on February 8, 2016, to attend a scheduled IME on March 15, 2016.

In accordance with 40 ILCS 5-5-157(a), *it was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board terminate John Kubik's disability benefit effective March 15, 2016.*

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

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- Request by the Executive Director that any Trustee wishing to attend the annual National Conference of Public Employee Retirement Systems [NCPERS] complete the required paperwork to secure attendance and inclusion on the delegates form.
- The Executive Director received a request from a Trustee to attend the LOFT Investors Forum June 1 – 2, 2016.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board approve attendance at the LOFT forum for any trustee desiring to attend.

ROLL CALL

For: Avila, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Brown, Summers 2.

Against: 0.

EXECUTIVE DIRECTOR'S REPORT CONCLUDED

Trustee Hamburger brought up an issue regarding health insurance coverage for the retired employees of the Policemen's Annuity and Benefit Fund. Lengthy discussion concluded with a request to revisit this matter again in the near future.

All business concluded for this date, March 24, 2016, *it was moved by Trustee Avila, seconded by Trustee Wright that this meeting be adjourned.*

ROLL CALL

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

Absent: Brown 1.

Against: 0.