



Retirement Board of the Policemen's Annuity and Benefit Fund of Chicago

MINUTES

BOARD MEETING

FRIDAY – December 15, 2023

**Board Meeting Agenda
December 15, 2023, 9:00 A.M.**

- 1) Roll Call
- 2) Requests from Members of the Public to Address the Board
- 3) Election of Board Officers
- 4) Approval of Administrative Items
 - a) Approval of Minutes – Investment Meeting held November 27, 2023
 - b) Approval of Transcript - Investment Meeting held November 27, 2023
 - c) Approval of Minutes – Board Meeting held November 30, 2023
 - d) Approval of Transcript - Board Meeting held November 30, 2023
 - e) Approval of Minutes - Executive Sessions during Board Meeting held November 30, 2023
 - f) Periodic Review of Closed Session Minutes
- 5) Consideration for Approval of Benefit Applications and Expenses
- 6) Consideration for Approval of Applications for Disability / Reviews
 - a) Hearing for Officer Svetlana Klinger – Duty Disability
 - b) Hearing for Officer Nilofer Nanlawala – Duty Disability
 - c) Status Review for Officer Janice Harris – Duty Disability
 - d) Status Review for Officer James Lopez – Duty Disability
 - e) Update to Hearing for Sergeant Timothy Conlan – Duty Disability
- 7) Legal Review*
 - a) In-process case report
 - b) Other
- 8) Discussion Regarding Cash Flow and Possible Action Regarding the Liquidation of Investments to Assist in the Payment of Benefits
- 9) Consideration and Possible Action Regarding Physician’s Recommendation
- 10) Other Business

*Topics may be discussed in closed session in accordance with the applicable Open Meetings Act provisions.

Board Members Present:

Melissa Conyears-Ervin	Trustee
Jill Jaworski*	Trustee
John Lally	Trustee
Mike Lappe	Trustee
Jeffrey Levine	Trustee
Wayne Metcalfe	Trustee
Michael Stiscak	President, Recording Secretary

Staff Present:

Kevin Reichart	Executive Director
Sarah Boeckman	Board Counsel
Kay Hylton	Benefits Manager
Bob Crawford	Disability Manager

Consultants and Advisors Present:

Dr. Susan Buchanan*	Board Physician
Richard Reimer	Board Attorney/Hearing Officer

Public in Attendance:

Ralph Licari*	Attorney
Nilofer Nanlawala *	Police Officer, CPD
Janice Harris *	Police Officer, CPD
James Lopez *	Police Officer, CPD
Thomas Laughran	Retired CPD Officer

*Denotes partial attendance

ROLL CALL

Trustee Stiscak called the meeting to order and determined a quorum was present.

REQUESTS FROM MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD

Trustee Stiscak asked if there were any requests from the public to address the Board. There were no requests.

APPROVAL OF ADMINISTRATIVE ITEMS

The next order of business was review of the:

- a) minutes of the Investment Meeting held November 27, 2023;
- b) the Transcript of the Investment meeting of November 27, 2023;
- c) the Minutes of the Board meeting held November 30, 2023;
- d) the Transcript of the meeting held November 30, 2023;

A motion to approve the minutes and transcripts from the Board Meetings held November 27, 2023 and November 30, 2023, was made by Trustee Lappe, seconded by Trustee Levine.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

The next order of business was a review of the minutes of the Executive Sessions from the November 30, 2023 Board meeting;

A motion to approve the minutes of the executive sessions from the Board Meetings held November 30, 2023, was made by Trustee Lally, seconded by Trustee Lappe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

The next order of business was the periodic review of Closed Session Minutes. Under Section 2.060 of the Open Meetings Act, the Board is required, on a semiannual basis, to review the executive session minutes that has previously closed and determine whether there is a need for those minutes to remain confidential.

A motion to approve the opening of the minutes recommended by Board counsel and the Executive Director was made by Trustee Lally, seconded by Trustee Lappe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

A motion directing legal counsel to work with the Executive Director to determine what verbatim tapes need to be discarded consistent with the Open Meetings Act was made by Trustee Lally, seconded by Trustee Lappe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

CONSIDERATION FOR APPROVAL OF BENEFIT APPLICATIONS AND EXPENSES

DOCKET: SCHEDULE I-A Incurred Expenses for the Month of December 2023

A motion to approve the Incurred Expenses as detailed on Schedule I-A was made by Trustee Lappe, seconded by Trustee Lally.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE II-A Refunds of Contributions

A motion to approve the Refunds as detailed on Schedule II-A was made by Trustee Lally, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE II-B Refunds of Surviving Spouse’s Contributions

A motion to approve the Refunds as detailed on Schedule II-B was made by Trustee Lally, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE II-C Refunds – Exempt Rank

A motion to approve the Refunds as detailed on Schedule II-C was made by Trustee Lally, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE II-D Partial Payment to Heirs of Deceased Annuitants

A motion to approve Payments to Heirs of Deceased Annuitants as detailed on Schedule II-D was made by Trustee Lally, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE II-E Refund of Unused Annuity Accumulations

A motion to approve the erroneous refund as detailed on Schedule II-E was made by Trustee Lally, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

CONSIDERATION FOR APPROVAL OF BENEFIT APPLICATIONS AND EXPENSES-Continued

DOCKET: SCHEDULE III-A Annuities with a Summary page

A motion to approve the Annuities as detailed on Schedule III-A, was made by Trustee Lally, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE III-B Annuities to Widows with a Summary page

A motion to approve the Annuities to Widows as detailed on Schedule III-B was made by Trustee Lally, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE IV Disability Benefits

Daniel Golden, Claiming Duty Disability

Dr. Susan Buchanan provided a summary of the medical records she reviewed.

A motion to award Daniel Golden, subject to a full evidentiary hearing, an ordinary benefit without prejudice, with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if it is deemed warranted was made by Trustee Lally, seconded by Trustee Lappe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE V Payment of Death Benefits with a Summary

A motion to approve payment of the Death Benefits as indicated on Schedule V was made by Trustee Lally, seconded by Trustee Lappe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE VII-A REQUESTS TO PURCHASE ADDITIONAL PENSION CREDIT FOR PRIOR MILITARY SERVICE UNDER 40 ILCS 5/5-214.3

Documentation verified, review and discussion concluded.

A motion to approve the request to purchase additional pension credit for prior military service under 40 ILCS 5/5-214.3 as detailed on Schedule VII-A was made by Trustee Lally, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

CONSIDERATION FOR APPROVAL OF BENEFIT APPLICATIONS AND EXPENSES-Continued

DOCKET: SCHEDULE VII-B RECONSIDERATION ON PURCHASE OF ADDITIONAL PENSION CREDIT FOR PRIOR LAW ENFORCEMENT SERVICE UNDER 40 ILCS 5/5-214.2

This matter was previously before the Board; review and discussion concluded.

A motion to rescind the previous motion made as this member did not fulfill the minimum amount of service under 40 ILCS 5/5-214.2 as detailed on Schedule VII-B was made by Trustee Lally, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

*A motion to **deny** the request to purchase additional pension credit for prior service under 40 ILCS 5/5-214.2 for Marcus Rivera as detailed on Schedule VII-B was made by Trustee Lally, seconded by Trustee Lappe.*

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

General docketed items completed.

A motion to appoint Richard Reimer as the Hearing Officer for all disability cases scheduled to be heard at this meeting was made by Trustee Lappe, seconded by Trustee Lally.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

HEARINGS

IN ORDER OF APPEARANCE

DOCKET: SCHEDULE VIII-A DISABILITY HEARINGS & SCHEDULE VIII-B STATUS REVIEWS

Nilofer Nanlawala – Duty Disability Claim

Officer Nanlawala appeared before the Board, without counsel, on her claim for a duty disability benefit. Officer Nanlawala requested a continuance due to a pending grievance with the City she has pending.

A motion to grant a continuance to April 2024 was made by Trustee Lally, seconded by Trustee Levine.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

DOCKET: SCHEDULE VIII-A DISABILITY HEARINGS & SCHEDULE VIII-B STATUS REVIEWS- Continued

James Lopez – Status Review

This hearing was conducted pursuant to Article 5 of the Illinois Pension Code concerning the disability status review of Officer James Lopez. Attorney for Officer Lopez appeared before the Board on this matter. The records and documents presented were reviewed. The Board was informed that Officer Lopez was in the process of reinstatement to duty with the Chicago Police Department.

A motion to terminate disability benefits effective January 31, 2024 was made by Trustee Lappe seconded by Trustee Levine.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

UPDATE ON DISABILITY CLAIM

Timothy Conlan

July 28th of 2022, the Board issued a decision and order awarding an ordinary disability benefit. There was an administrative review filed and the court ordered a remand. The instructions on the remand order were to make sure that the new Trustees had reviewed the video of the evidence deposition of Dr. Coe.

A motion to defer the court remand to the January 2024 meeting to afford all trustees to review the materials was made by Trustee Lappe seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Lappe, Lally, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Jaworski, Guzman.

WHEREUPON Trustee Jaworski joined the proceedings.

Svetlana Klinger – Duty Disability Claim

Attorneys for Officer Svetlana Klinger appeared before the Board and requested a continuance to obtain medical depositions.

WHEREUPON Trustee Levine left the proceedings.

A motion to grant a continuance to March 28, 2024 was made by Trustee Lappe, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Jaworski, Lappe, Lally, Metcalfe, Stiscak.
 Against: 0.
 Absent: Levine, Guzman.

CASH FLOW REPORT

Executive Director Kevin Reichart presented the Fund cash flow and cash needs. He reported that the Fund has received the total amount owed of \$799.4 million from the City of Chicago for the 2023 payment year. .

In addition, the Fund did not need to liquidate any assets for the month of December. He does not anticipate the need to liquidate any investments in January 2024 either. He further mentioned that the Funding Resolution for the 2023 tax levy to be collected in 2024 is \$851.1 million and that the City has also budgeted an advance pension payment to be paid in 2024 of \$79.9 million. Therefore, the total amount expected to be received by the Fund in 2024 is \$931 million.

PHYSICIAN’S RECOMMENDATIONS

A motion to approve approved additional medical review as recommended was made by Trustee Lally, seconded by Trustee Lappe.

ROLL CALL: For: Conyears-Ervin, Jaworski, Lally, Lappe, Metcalfe, Stiscak.
 Against: 0.
 Absent: Guzman, Levine.

LEGAL REVIEW

A motion to go into executive session pursuant to 5 ILCS 120/2(c)(11) was made by Trustee Lally, seconded by Trustee Lappe.

ROLL CALL: For: Conyears-Ervin, Jaworski, Lally, Lappe, Metcalfe, Stiscak.
 Against: 0.
 Absent: Guzman, Levine.

WHEREUPON Trustee Levine rejoined the proceedings.

A motion to return to open session was made by Trustee Lappe, seconded by Trustee Levine.

ROLL CALL: For: Conyears-Ervin, Jaworski, Lally, Lappe, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Guzman.

A motion to authorize the Board attorneys to act pursuant to the direction discussed in closed session was made by Trustee Lappe, seconded by Trustee Levine.

ROLL CALL: For: Conyears-Ervin, Jaworski, Lally, Lappe, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Guzman.

ELECTION OF BOARD OFFICERS

Election of the Board President, Vice President and Recording Secretary is required in every December per 40 ILCS 5/5-181.

A nomination was made by Trustee Conyears-Ervin seconded by Trustee Lally to elect Michael Stiscak for the positions of President and Recording Secretary and Jeffrey Levine as Vice President.

No other nominations

ROLL CALL: For: Conyears-Ervin, Jaworski, Lally, Lappe, and Metcalfe.
 Against: 0.
 Absent: Guzman.
 Abstain: Levine, Stiscak.

DOCKET: SCHEDULE VIII-A DISABILITY HEARINGS & SCHEDULE VIII-B STATUS REVIEWS- Continued

Janice Harris – Status Review

This hearing was conducted pursuant to Article 5 of the Illinois Pension Code concerning the disability status review of Officer Janice Harris. Officer Harris appeared before the Board, with counsel, on her disability status review. The records and documents presented were reviewed and testimony was taken from Janice Harris.

A motion to go into executive session pursuant to 5 ILCS 120/2(c)(4) was made by Trustee Lappe, seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Jaworski, Lally, Lappe, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Guzman.

A motion to return to open session was made by Trustee Lappe, seconded by Trustee Levine.

ROLL CALL: For: Conyears-Ervin, Jaworski, Lally, Lappe, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Guzman.

The Hearing Officer reopened the proofs to obtain additional testimony from Officer Harris.

A motion to terminate Janice Harris’ disability benefits effective January 31, 2024, was made by Trustee Lappe seconded by Trustee Metcalfe.

ROLL CALL: For: Conyears-Ervin, Jaworski, Lally, Lappe, Metcalfe, Stiscak.
 Against: Levine.
 Absent: Guzman.

OTHER BUSINESS

Trustee Lappe presented a Brief discussion concerning production and purchasing of a summary plan description for the members of the PABF.

All business concluded *a motion to adjourn was made by Trustee Jaworski, seconded by Trustee Lappe.*

ROLL CALL: For: Conyears-Ervin, Jaworski, Lally, Lappe, Levine, Metcalfe, Stiscak.
 Against: 0.
 Absent: Guzman.