



**JACKSONVILLE POLICE AND FIRE PENSION FUND
BOARD OF TRUSTEES
MEETING SUMMARY – NOVEMBER 15, 2018 – 9:30AM
RICHARD “DICK” COHEE BOARD ROOM**

PRESENT

Lt. Chris Brown, Chair
Willard Payne, Secretary
Cpt. Michael Lynch, Trustee
Nawal McDaniel, Trustee
Richard Patsy, Trustee

GUESTS

Mark Muchowicz, JSO
Dennis Blankinchip, JSO
Loree French, Office of General Counsel
Rita Mairs, Office of General Counsel
Jon Phillips, Office of General Counsel
Diane Tropa, Court Reporter

STAFF

Timothy H. Johnson, Executive Director – Plan Administrator
Steve Lundy, Assistant Plan Administrator
Kevin Grant, Finance Manager
Chuck Hayes, Pension Benefits Manager
Greg Anderson, City Council Liaison
Randall Barnes, Fund Treasurer
Alex Ford, Wilshire Associates – via Webex
Pedro Herrera, Fund Counsel
Lawsikia Hodges, Office of General Counsel
Pete Strong, Fund Actuary – via Webex

MEETING CONVENED

9:30AM

MEETING ADJOURNED

12:19PM

NOTICE: Any person requiring a special accommodation to participate in the meeting because of disability shall contact Steve Lundy, Assistant Plan Administrator at (904) 255-7373, at least five business days in advance of the meeting to make appropriate arrangements. If any person decides to appeal any decision made with respect to any matter considered at this public meeting such person will need a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based. The public meeting may be continued to a date, time, and place to be specified on the record at the meeting. Additional items may be added / changed prior to meeting.

An audio recording of this meeting is available upon request. Contact the Jacksonville Police and Fire Pension Fund Custodian of Public Records, Maria Young at MariaY@coi.net or (904) 255-8950 to make a Public Records Request.

I. PLEDGE OF ALLEGIANCE

II. MOMENT OF SILENCE

John E. Danson, Retired Police Director
James C. Davis Sr., Retired Police Officer
Odell Norris, Retired Firefighter

III. PUBLIC SPEAKING PERIOD

None.

IV. CONSENT AGENDA – ITEMS 2018-11-(01-10)CA

Motion to approve: PAYNE; Second: PATSY; APPROVED UNANIMOUSLY.

Willard Payne made a motion to approve the Consent Agenda. Seconded by Richard Patsy. Discussion:

Michael Lynch said the meeting minutes from October's meeting were revised at the behest of OGC – they told the PFPF to change the minutes after they were posted to the website.

Lawsikia Hodges said it is okay to revise minutes before they are approved. OGC requested the change because the “litigators in the Keane case received a motion to disqualify the Office of General Counsel. And part of what was used in that motion was a citation from the minutes that had been posted”

Lawsikia Hodges said that citation was of the discussion in which Michael Lynch made the point that he wanted to have ‘options’. She said Chris Brown had a response to Michael Lynch’s point.

Lawsikia Hodges said that the attorney who filed the motion to disqualify quoted Michael Lynch from the summary minutes, and OGC felt as if that use in a negative way to show that the Office of General Counsel is not adequately representing this Board was a mischaracterization of the conversation.

Lawsikia Hodges said she discussed two approaches with Timothy Johnson – to summarize the conversation in the minutes more fairly, or type a verbatim transcript of the conversation, and that is what we did. This way, nobody feels inaccurately represented.

The vote passed unanimously.

2018-11-01CA

Meeting Summaries Approved

1. Board of Trustees Meeting – October 18, 2018
2. Board of Trustees & FIAC Manager Update – October 26, 2018
3. Board of Trustees & FIAC Manager Update – November 5, 2018
4. Board of Trustees Special Meeting – November 8, 2018

2018-11-02CA

Disbursements

The listed expenditures in DISBURSEMENTS A & B have been reviewed and deemed payable. The Police and Fire Pension Fund Finance Manager certifies that they are proper and in compliance with the appropriated budget. Transaction lists attached.

Disbursements A

10-01-2018 thru 10-31-2018

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1.	Loomis, Sayles & Company	\$	86,309.09
2.	The Northern Trust Company	\$	30,016.36
3.	Sawgrass Asset Management	\$	61,200.97
4.	Tortoise Capital Advisors	\$	106,791.26
5.	J.P. Morgan	\$	373,819.21
6.	Thompson, Siegel & Walmsley	\$	37,831.52
7.	Harvest Fund Advisors	\$	112,377.89
8.	Eagle Capital Management	\$	470,338.52
9.	Pinnacle Associates	\$	138,912.00
TOTAL		\$	1,417,596.82

Disbursements B

10-01-2018 thru 10-31-2018

1.	<u>Transaction list of Accounts Payable distributions</u>	\$	35,388.18
2.	<u>Transaction list of Accounts Receivables</u>	\$	61,099.14

2018-11-03CA

Pension Distributions

A. October 5, 2018

1.	Regular Gross	\$	5,711,834.00
2.	Regular Lumpsum	\$	0.00
3.	Regular Rollover	\$	0.00
4.	Regular DROP Gross	\$	1,191,713.70
5.	DROP Lumpsum	\$	142,577.47
6.	DROP Rollover	\$	0.00
TOTAL		\$	7,046,125.17

B. October 19, 2018

1.	Regular Gross	\$	5,737,760.15
2.	Regular Lumpsum	\$	0.00
3.	Regular Rollover	\$	0.00
4.	Regular DROP Gross	\$	1,203,774.21
5.	DROP Lumpsum	\$	341,442.03

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6.	DROP Rollover	\$	0.00
	TOTAL	\$	7,282,976.39

All calculation and dollar amounts have been reviewed and calculated in accordance with accepted procedures.

The following Consent Agenda items 2018-11-(04-06CA) were verified with supporting documentation and approved at the Advisory Committee meeting held on November 7, 2018. Vote was unanimous. Meeting Summary attached.

2018-11-04CA

Application for Survivor Benefits

2018-11-05CA

Application for Vested Retirement

2018-11-06CA

Application for Time Service Connections

The following Consent Agenda items 2018-11-(07-09CA) were verified with supporting documentation and received as information at the Advisory Committee meeting held on November 7, 2018. Meeting Summary attached.

2018-11-07CA

Share Plan Distributions

2018-11-08CA

DROP Participant Termination of Employment

2018-11-09CA

DROP Distributions

2018-11-10CA

Educational Opportunities

1. **Bi-Monthly Ethics Training for Boards & Commissions – COJ**
December 6, 2018 – 12PM – 1PM – Lynwood Roberts Room, City Hall, First Floor

(RSVP with Kirby Oberdorfer at koberdorfer@coj.net or 904-630-4747)

V. EXECUTIVE DIRECTOR'S REPORT

Timothy H. Johnson

Timothy Johnson updated the Board of Trustees on the Beaches Time Service Connections issue. Nine members were involved, eight appealed, and one agreed to pay back the additional money for the additional time. The Board of Trustees has assigned the responsibility to hear the appeals to the Advisory Committee. The Advisory Committee will then bring their recommendation to the Board. With counsel's advice, appeal procedures were developed and presented to the Advisory Committee in November, and counsel will train the Advisory Committee in December.

Chris Brown said he would attend the Advisory Committee's December meeting to observe the process.

Timothy Johnson said the appeals will be scheduled shortly after the training.

Timothy Johnson updated the Board of Trustees on the Bailiff Time Service Connections issue. After a year, a great conclusion has finally been reached. A month ago, the PFPF had two data files containing hourly pay data for all bailiffs who applied to purchase time. The first data file was discovered to be inaccurate. Since last month, we have worked with ITD to obtain a corrected data file. We have analyzed the corrected data and have a definitive list of who can and cannot connect bailiff time. Counsel concluded to stand firm on the legal opinion concerning the standard for eligibility to connect time – you must have worked 6 months of consistent, at least 80-hour pay periods. We applied this strict interpretation to the data. He asked Steve Lundy to present his findings.

Steve Lundy said that the corrected 'Legacy File', containing hourly pay data for bailiffs who worked prior to April 2004 increased the number of members eligible to connect time by 18. Three members were deemed eligible to connect time from time worked after April 2004. Now the total number of members eligible to connect bailiff time is 21 out of 80 who applied.

Chris Brown thanked Steve Lundy for his hard work.

Timothy Johnson said we have had two meetings in the last week with JSO HR Chief Larry Schmitt, and Dustin Pringle to discuss the administration of the TSCs.

Timothy Johnson said that the PFPF stepped into this role, which isn't entirely appropriate. The PFPF shouldn't be the entity analyzing or certifying payroll data that comes from the employer. Typically that data is certified by the employer. We connect the time the employer tells us is correct. In this case, we did the analysis. We've had to stay in step with the employer. Ultimately, if the data is incorrect, the member will have to return to the employer to ask what is wrong with the data.

Timothy Johnson said he is meeting with Chief Schmitt one last time to go over the final analysis so everyone is on the same page. After that, we are sending a letter to the 21 eligible members including a form to take to Chief Schmitt to sign.

Timothy Johnson said that the 59 members who are ineligible to purchase time will be mailed a letter informing them that their application is now closed.

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Timothy Johnson said this is a strange role for us. It is always difficult to administer a 'retroactive benefit' – a benefit someone may have accrued back in the 1990s – and today we are having to try to figure that out.

Chris Brown said, "I think going forward – the lesson learned here is ensuring that we do stay out of that role, and push that back on the employer – wherever the member comes from."

Timothy Johnson handed out the October 2018 Budget to Actual sheet. There is nothing extraordinary in the budget at this point.

Greg Anderson asked for more information about the Bailiff Time Service Connection issue.

Timothy Johnson said that bailiffs were originally hired as part-time employees, but were treated as full-time employees, which triggers entitlement to certain benefits such as a pension. The lesson learned is to treat part-time employees like part-time employees.

Timothy Johnson discussed the old FY2018 Dashboard and the new and improved FY2019 Dashboard, which tracks new metrics throughout the year.

Timothy Johnson discussed each metric of the new FY2019 Dashboard, and made the following highlights:

- *Steve Lundy created this Dashboard application where all PFPF employees enter their data for the previous month, which tracks against the same month of the previous 2 years.*
- *There were significant increases in pension payroll due to raises.*
- *Retirements have decreased, presumably due to members waiting to enter the DROP until their raises have kicked in.*
- *Public Records Requests have decreased.*
- *Maria Young has been hired and will resume scanning records soon.*
- *New events will include the Mid-Year Meeting, Summer Social, Affidavit Breakfast, 9/11 Memorial, and Retirement Security.*
- *Visits to member organizations are now tracked.*

Timothy Johnson updated the Board of Trustees on the Reemployed Pensioners issue. The new affidavits identified five pensioners who are reemployed. OGC is reviewing their contracts for compliance, and will provide guidance. No action is required yet.

Michael Lynch asked for a timeline on this issue.

Lawsikia Hodges said meetings are scheduled with Fire Chief Kurt Wilson to analyze facts. OGC, Employees, the employees' immediate supervisors, and the Fire Chief will be present for fact gathering.

Timothy Johnson said Wilshire attended their first FIAC meeting in person earlier this month. Wilshire would be here today if the meeting had not been rescheduled.

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Timothy Johnson said that Tracey Devine resigned as member of the FIAC due to her sense of conflict. As an employee of SunTrust, she did not feel comfortable evaluating managers for the PFPF when she is paid to evaluate managers by her employer.

Richard Patsy asked if SunTrust was telling Tracey Devine there was a conflict, or if it was her conscience that was bothering her.

Timothy Johnson said that all Tracey Devine said on the record was that SunTrust never endorsed her participation on the FIAC. He said that this is a long way of saying this is how she felt professionally.

Timothy Johnson said his intent was to add this issue to the FIAC work plan for the upcoming year, and to 'whittle down' whether or not there was a conflict. Then, the FIAC could establish rules so members would know what to expect.

Lawsikia Hodges said that Chapter 112 of the Ordinance Code governs what is a conflict of interest. OGC never got to the point of discussing this with Tracey Devine. This seems more like a personal conflict, not a legal conflict. Appearance of conflict is not legal conflict.

Timothy Johnson said we will get into this issue – it is not done yet. Unfortunately, we lost Tracey Devine along the way. She was a great contributor to the FIAC.

Richard Patsy asked if Tracey Devine's resignation was official or if she could return to the FIAC.

Timothy Johnson said she resigned in writing effective immediately.

Lawsikia Hodges said Tracey Devine would have to go through the appointment process to get back on the FIAC.

Michael Lynch said he appreciated her service, and asked if it would be worth it to convince her to come back.

Richard Patsy said anyone on any City board could have the same objection.

Greg Anderson agreed and said this is the gray area we live in. Ironically, people with the best skill sets have the most conflict.

1. 2016 Chapter Funds Update – Share Plan Distribution

Timothy Johnson said he had a meeting with Chuck Hayes and Steve Lundy this week. They discovered a programming error in the Share Plan distributions in 2016 and 2017 while preparing for the 2018 Share Plan Distribution. This is important because the Share Plan is a zero-sum game, like a pie. If a bigger piece is given to one member, the rest of the members get smaller pieces. One error to a single member's account affects all member's accounts. Because this error was made in the first Share Plan Distribution, it rippled through the second Distribution.

Timothy Johnson said Steve Lundy and Chuck Hayes briefed him on the error – about 53 members received a share either in 2016 or 2017 who should not have received a share at all. He said he talked with Pete Strong to get his advice on how to correct the error. Currently we are looking at several options to resolve this problem. This appears to be about a \$35 adjustment to all members. The PFPF will work with Fund Actuary, Pete Strong, to make the corrections.

Richard Patsy asked if this error would be resolved before the next Share Plan Distribution takes effect.

Timothy Johnson said yes, it has to be resolved before the next distribution. He said he would keep the Board up to speed.

2. Wilshire Associates Contract – Handout

Motion to accept the one-year contract with the outlined terms in this handout, contingent on legal counsel working with Timothy Johnson and Wilshire Associates to finalize the remaining portions of the agreement: PATSY; Second: LYNCH. APPROVED UNANIMOUSLY.

Lawsikia Hodges said Pedro Herrera has prepared a term sheet. The last time the Board of Trustees met, the Board made a general motion to adopt a short-term contract with Wilshire under the same terms and conditions as the Summit Strategies contract.

Pedro Herrera said in the abundance of caution to make sure the Board was clear and the direction to Counsel was clear, he wanted the Board to know the terms are different than the terms with the prior consultant, Summit Strategies. He made a bullet point list of terms within the agreement. This differentiates some significant differences – work which will not be covered by Wilshire which was performed by Summit Strategies.

Pedro Herrera described the terms as shown in the handout to the Board of Trustees. He said if the Board of Trustees is comfortable with approving the term sheet as presented, and then approving the contract contingent on legal counsel working with Timothy Johnson and Wilshire to finalize the remainder of contract language.

Richard Patsy made a motion to accept the one year contract with the outlined terms in this handout, contingent on legal counsel working with Timothy Johnson and Wilshire Associates to finalize the remaining portions of the agreement. Seconded by Michael Lynch. The vote passed unanimously.

3. Annual Retiree Pension Bonus

For the detailed motions, please see detail below.

Chris Brown asked Lawsikia Hodges to describe the Bonus for this year.

Lawsikia Hodges said she has prepared motions for the record, as the PFPF will be acting on two requests from the two unions:

Motion to administer a portion of the 2017 Chapter 175 Funds (Firefighters) to pay a 2.43% of the annual pension base paid Christmas Bonus to PFPF retiree members as directed by the Union President Wyse in his letter dated October 29th contingent upon PFPF Staff's receipt of written correspondence from President Wyse stating that the members of the legally recognized bargaining unit have ratified or voted affirmatively for such use.

Lawsikia Hodges said this motion is stated in the same way as the legal opinion that was issued to the Board a year ago that outlined exactly what was needed.

Lawsikia Hodges said after talking internally with outside counsel, labor counsel, pension counsel, and other lawyers in OGC, we felt that because this is a Holiday Bonus that we've been doing, there is no need to have the unions' lawyers spend time and money getting a legal opinion. Moving forward, as the unions propose new and different uses of the Chapter Funds, there would be an expectation to receive a legal opinion from union counsel stating that the proposed use is legal. That is one box this Board needs to check in the administration of these dollars.

Chris Brown agreed.

Timothy Johnson said letters from the union presidents Steve Zona and Randy Wyse are included in the Board book, along with an analysis of the total cost of paying the 2.43% bonus.

Richard Patsy asked where the 2.43% came from.

Michael Lynch said it was the same rate paid for the past 2 years.

Richard Patsy asked if the Board could decide to pay 2.50% instead.

Chris Brown said the Board cannot decide that after pension reform – the unions decide how to disburse the Chapter Funds now.

Michael Lynch asked if an email stating "the members in attendance at FOP and IAFF on this date approved paying the bonus at 2.43" would pacify the requirement.

Lawsikia Hodges said "absolutely, yes. I can send you an email saying that".

Michael Lynch said if that is acceptable, he would accept the motion.

Chris Brown said, "So you have made the motion to have the 175 funds distributed in accordance with how the –

Michael Lynch said, "IAFF Local 122 requested in their email"

Lawsikia Hodges said, "Right, contingent upon, as I stated in the record, the staff receiving the correspondence from the Union President that the members have ratified that use."

Michael Lynch said, "Absolutely".

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Chris Brown said, "And that protects us, obviously, to make sure that's clearly how they want the money spent."

Lawsikia Hodges said, "Exactly."

Greg Anderson asked, "Did you get a letter? Wouldn't that satisfy it?"

Lawsikia Hodges said, "We did. It would not. [...] It's the matter of the way the language was drafted in the collective bargaining agreement – so it actually says that for the 175 dollars, it's for the legal use of the Firefighter members – so that's why the Board has to check off that it's the legal use – got to make sure it's going to the members so that's why DC members wouldn't be eligible as Mike stated – but here's the key phrase, 'as determined by the legally recognized collective bargaining unit', so the lawyers for the Fund are of the strong position that a letter from the Union President will not suffice as 'the legally recognized collective bargaining unit' making that determination. I also want to say, on the record, that we had conversations with the attorney for FOP. I also had conversations with President Wyse and I offered for them to send me the constitution, the bylaws, and I didn't get those documents. If there was clear authority in either of those documents, that probably would have worked in tandem with the letter from the Union President. Because we didn't get that, they decided – Phil, the attorney for FOP, was okay. He said he would move forward with the vote and Mr. Wyse indicated the same."

Willard Payne seconded the motion. Discussion:

Michael Lynch said the Local 122 voted earlier this morning to pay the bonus at 2.43%. It's a "done deal".

The vote passed unanimously.

Lawsikia Hodges read her second motion:

Motion to administer a portion of the 2017 Chapter 185 Funds to pay a 2.43% of the annual pension base paid Christmas Bonus to PFPF Police Officer retiree members as directed by the Union President Zona in his letter dated October 26th contingent upon PFPF Staff's receipt of written correspondence from President Zona stating that the members of the legally recognized bargaining unit have ratified or voted affirmatively for such use.

Nawal McDaniel made the motion stated above by Lawsikia Hodges. Seconded by Richard Patsy. Discussion:

Michael Lynch said, "Just for the record, we're still acceptable with the email"

Lawsikia Hodges said, "Yes sir, we are."

The vote passed unanimously.

4. **2019 PFPF Calendar**
Received as information.

VI. COUNSEL REPORTS

1. **Litigation Summary Update**

Lawsikia Hodges said the Board of Trustees can reach out to OGC if they have any questions on the Litigation Summary.

VII. INVESTMENT CONSULTANT REPORTS

Alex Ford

Chris Brown said a Shade Meeting is scheduled very soon, and asked Alex Ford to keep his report brief. Wilshire will provide a more robust presentation when there is more time in December's meeting.

1. **Capital Markets Overview**

Alex Ford presented Wilshire's Capital Markets Overview as attached.

Chris Brown thanked Alex Ford for his presentation. There will be a more detailed presentation in December.

2. **Investment Performance Review** – September 30, 2018 (Summit Strategies)
Received as information.

VIII. COUNCIL LIAISON UPDATE

None.

IX. NEW BUSINESS

None.

X. SHADE MEETING

1. **Commencement** – Handout

Chair Chris Brown announced the commencement of the shade meeting for the Board's attorneys to seek guidance on settlement negotiations and strategy relating to litigation expenditures concerning

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Keane v. Jacksonville Police and Fire Pension Fund Board of Trustees and City of Jacksonville, Case No. 3:16-cv-01595-HES-PDB (M.D. Fla.) and Appeal No. 18-13957-B (Plaintiff's appeal of the dismissal of the federal claims that is pending before the Eleventh Circuit Court of Appeals) and informed those in attendance that only the named persons could attend the closed attorney-client session. The Chair then asked those persons in attendance at the Board meeting who were not included on the list to please leave the room.

Only the following named persons may attend the closed attorney-client session:

*Lt. Chris Brown, Trustee, Chair
Willard Payne, Trustee, Secretary
Cpt. Michael Lynch, Trustee
Nawal McDaniel, Esq., Trustee
Richard Patsy, Trustee
Timothy H. Johnson, Board of Trustees Executive Director – Plan Administrator
Lawsikia Hodges, Office of General Counsel
Jon Phillips, Office of General Counsel
Rita Mairs, Office of General Counsel
Loree French, Office of General Counsel
Diane Tropa, Court Reporter*

XI. RESUME BOARD OF TRUSTEES MEETING

Chair Chris Brown announced the conclusion of the shade meeting, invited the public to return, and the Board resumed its regular Board meeting at approximately 12:05PM.

XII. OLD BUSINESS

(Taken out of order)

1. Statement of Investment Policy

Timothy Johnson said there is no handout for the Statement of Investment Policy, as it is not ready yet. Last month, we took out definitions related to race, gender, locale, and veteran's status for the emerging manager and brokerage sections of the policy. This was replaced with criteria based on size of assets under management and number of brokerage trades.

Timothy Johnson said that we took the recommended changes back to the FIAC, and the FIAC rejected them and made a motion to basically ask the Board to reconsider. They felt that attracting diverse managers is important.

Chris Brown said we've removed those portions of the policy based on advice from counsel.

Chris Brown said, "I don't want to speak for the Board, but I'd like to give the Board the opportunity to join me in this – because I feel very passionate about this – I want to convey a sense of the Board, if you will support me, to the FIAC, that diversity is greatly valued by this Fund, and we have a very white

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male investment manager makeup right now – it's all we have – in 2018, I think we need to at least do our best to consider having female investment managers – again when all things are equal – minority investment managers too. I want to be a part of a fund that has diversity. I get that obviously, there are other considerations, but I want the FIAC to consider diversity as a component when considering investment managers. And I want our investment consultant – whoever that is, beyond this year, also including Wilshire, to know that. That's my stance, but I'd like to allow the Board to either echo the sentiments or go against them."

Willard Payne said, "Well I certainly will agree with that, we just need to get some direction moving forward."

Nawal McDaniel said, "Well I agree too, and we have – I know we discussed it last time – the language in the policy that said it's a – I don't remember the exact wording – it's an aspirational goal, not necessarily a requirement but something that we aspire for, so that if all things are equal, we can choose a minority company"

Chris Brown said he was confused – he asked which language was removed related to the 'aspirational goal'.

Lawsikia Hodges said the Board removed the language, which referenced the various minority groups because the strict race-based program is problematic with a high hurdle to overcome. She said the same result could be achieved with different language, which would not put the fund at risk of being sued.

Chris Brown said he just wanted this to be something considered by the FIAC.

Richard Patsy said he agreed with that. He said he wanted to highlight one issue:

Richard Patsy said, "In the quarter of a century that I've been a part of this profession – it is a very, very, very small universe of managers [...] Other professions have evolved much more rapidly as far as diversity is concerned."

Chris Brown said this is something that must be considered. The FIAC needs to go with the investment managers who will meet our needs. This should be at the forefront of their minds as a lens to look through.

Chris Brown said the reason he asked for everyone's input was because he wanted to be able to say it came from the Board unanimously.

Lawsikia Hodges said, "When we bring the policy back next month, we will incorporate the sentiment, get you there from the legal standpoint, and to your point about the new consultant that you're going to be hiring, you are going to need to do an RFP for that, so you can absolutely bake that sentiment into the scope of work for that investment consultant."

Chris Brown said there will not be Board action on this item – that will come next month.

Timothy Johnson commended the Board of Trustees showing value to this. He said the Board will receive an advance copy of the Statement of Investment Policy before the next meeting.

XIII. UPCOMING MEETINGS

1. Board of Trustees

Friday, December 21st, 2018 at 9:00AM

Michael Lynch invited the Board to the Local 122 Christmas party. It will be held on December 20th at 1PM at the union hall on 618 Stockton Street.

Michael Lynch said the Board of Trustees is required to make annual reporting as part of the 2015-304-E Consent Decree. He said he has questions: When is that annual reporting done? There are three parties to the Consent Decree: the City, Board, and a group of plaintiffs. Who decides for us to give a response? And, who writes that response? There has been a debate between myself and OGC over who the Board of Trustees' Attorney is. We have differing opinions. I question, as we move forward, who is going to write the Board's response that we feel that the City, and all the parties agree that we are doing things right.

Michael Lynch said he feels he is being stifled on some of these questions and will probably use public speaking period next month to discuss them.

Michael Lynch said he thinks the Board of Trustees should also move to use a stenographer. A stenographer was used for years, and now, a stenographer is not used.

Michael Lynch reiterated his questions with Rita Mairs, and Chris Brown.

Lawsikia Hodges asked Michael Lynch if there is a reason why he feels that he just can't speak.

Michael Lynch said when he has conversations, sometimes he gets halfway through something and then gets interrupted, or a debate arises over his thought.

Chris Brown said he would commit publicly to give Michael Lynch three unabridged minutes to speak at the next meeting.

Rita Mairs said she thought Michael Lynch was going to use his time to speak to discuss OGC being the Board of Trustees' counsel. She wanted to be clear that issue is not what the three minutes is for.

Chris Brown told Michael Lynch if he ever wants to speak unabridged, just ask for it and I will do that.

XIV. ADJOURNMENT

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Steve Lundy, Assistant Plan Administrator

Posted 11/21/2018

Revised 11/26/2018

Revised 11/28/2018

Revised 01/11/2019

Willard Payne, Secretary

To be approved at the Board Meeting on January 18, 2019

The next regular meeting will be held Friday, December 21, 2018 at 9:00AM.