



**BOARD OF TRUSTEES FOR UNIVERSITY CITY PENSION PLAN
MINUTES OF MEETING
Police & Fire Employee's Retirement System
April 19, 2022**

A meeting of the Board of Trustees via Zoom was called to order by acclamation at 7:16 p.m.

Members in Attendance: **James Stutz, Edward Deitzler, Tony Westbrooks, Thomas Jennings, Eric Whritnour, Brian Isenberg, Gregory Rose-non-voting, Steve McMahon-Councilmember**

Member(s) Absent:

Member(s) Excused: **Joel Myers**

Others in Attendance: **Heather Mehta – Greensfelder, Hemker & Gale P. C
Patrick Wall – Non-Uniformed Representative
Keith Cole –Treasurer**

Minutes

Chairman Stutz called for approval of the January 18, 2022, meeting minutes. Minutes were motioned by Member Isenberg, seconded by Member Westbrooks. Approval carried unanimously.

Disbursement Approval

Chairman Stutz called for approval of the disbursements. Chairman Stutz asked Mr. Cole how much cash he likes to keep on hand, and Mr. Cole responded with \$1 million. Motion was made by Member Isenberg to accept the disbursement report, and it was seconded by Member Deitzler. Approved with unanimous consent.

New Member Applications – Informational

- Black, Richard – Paramedic/Firefighter
- Dorsey, Ryan – Paramedic/Firefighter
- McDaniels, Joshua – Paramedic/Firefighter

Chairman Stutz states reviewing the new member applications is for informational purposes only. Member Westbrooks noted on application for Joshua McDaniels, question 14, 15, and 16 had the same date for birth, marriage, and divorce. Mr. Cole stated they would reach out to him to fill out another form.

Approval of Retirements

- Eaton, Larry – Retiree (Police)

Motion to approve the retiree application was made by Member Isenberg and seconded by Member Jennings. Approved with unanimous consent.

Benefits for Deceased Participant – William Anderson

Heather Mehta discussed a former employee who worked for the city, then became disabled. He began receiving disability benefits in 2013 and was scheduled to begin retirement benefits in December 2022. He died in February 2022.

In 2013, when the employee became disabled, the Plan stated, “The disability benefit under the section shall be in addition to any benefit to which an employee is entitled upon retirement or after leaving service pursuant to Section 2.62.400 (normal retirement) or 2.62.410 (early retirement).” Section 2.62.420, Funeral Benefits were paid upon death of an employee retired under Section 2.62.400 or Section 2.62.410.

Section 130.190 of the current plan is similar to Section 2.62.430 of the 2013 plan and provides funeral benefits and survivors annuities to employees eligible for retirement under Section 130.130 (normal retirement) and 130.160 (early service retirement). However, the plan was changed in 2013 which states “an employee who is receiving a disability retirement benefit shall not be eligible to receive an early service retirement benefit pursuant to this Section.”

The current plan provides death and funeral benefits to those eligible for early service retirement benefits. But the language in Section 130.160 could be interpreted as not allowing an individual on disability to receive any benefits associated with early service retirement.

Question for the Board is how to interpret the Plan. The Board needs to determine whether an individual who met the requirements of early service retirement but became disabled before normal retirement should be entitled to the death and funeral benefits provided in Section 130.090.

It is unclear why the Plan was amended. One possible reason for the amendment was to avoid offsetting disability insurance payments. Disability insurance policies often require a reduction of payments in the amount of any retirement benefits the insured receives. In order to preserve the pension assets and the amount of insurance benefits paid, certain plans are made to where payments will not begin until after disability insurance benefits have been paid. It is possible that the Plan was amended to accomplish this change. But, by stating individuals on disability are not eligible for early service retirement benefits, the Plan inadvertently makes those on disability also ineligible for death and funeral benefits because of Section 130.090 cross references to the early service and normal retirement provisions.

Chairman Stutz asked how much money we are asking. Mr. Cole stated his monthly retirement benefit would be \$2,149.76. Funeral benefit would be roughly \$4-5,000. It's the high pay of police officer and firefighter, then taking average of the two.

Member Westbrook asked about if the language was removed out of Section 130.160, then it may resolve any ambiguity in the Section. Ms. Mehta recommended to amend Section 130.190 and add a section to include verbiage about disability and allowing for death and funeral benefits.

Member Isenberg asked about the death benefit amount. Ms. Mehta stated there's a 50% payout annuity to surviving spouse. Mr. Rose stated we may need to revisit the topic of spouse. It was his understanding there was no spouse, and his father was the beneficiary. Member Isenberg stated he believed they were divorced but they were very close. If they were divorced, would someone still be eligible for the funeral benefit. Ms. Mehta stated even though there was no spouse, the funeral benefit is still eligible to be paid out.

Member Isenberg made a motion to approve payout of funeral benefit and language would be drafted to change funeral and death benefits who are receiving disability benefits. Motion was seconded by Member Westbrook. Passed with unanimous consent.

Other Matters

- None noted

Next Meeting Date(s)

Upcoming meeting dates July 19, 2022, and October 18, 2022, tentatively

Adjournment

The meeting adjourned at 7:49 p.m., with a motion by Member Isenberg, seconded by Member Westbrook. Passed with unanimous consent.