

AGENDA
Municipal Pensions Oversight Board
Meeting of the Board Members

June 17, 2021 – 1:00 P.M.

301 Eagle Mountain Road, Second Floor, Suite 251, Charleston, WV 25311

- I. Call to Order and Roll Call
- II. Approval of Minutes of Meeting on March 18, 2021
- III. Old Business
 - A. Legal
 - 1. Terrence Brown v. MPOB, Blair Taylor, City of Weirton, Harold Miller
 - B. Legislation
 - 1. HB2829
 - C. Compliance Review Updates
 - 1. Submitted Plans of Action Addressing Compliance Review Recommendations
 - a) Bluefield Policemen's Pension, Charleston Firemen's Pension, Charleston Policemen's Pension, Moundsville Policemen's Pension, Princeton Firemen's Pension, South Charleston Policemen's Pension, St. Albans Firemen's Pension, St. Albans Policemen's Pension, Vienna Policemen's Pension
 - 2. Plans of Action Extensions
 - a) Wheeling Firemen's Pension and Wheeling Policemen's Pension
 - 3. Discussion
- IV. New Business
 - A. Legal
 - 1. Beckley Firemen's and Beckley Policemen's Pension notice of intent to sue
 - B. Retirement Calculation Percentages
 - C. Compliance Reviews
 - 1. Plans of Action Requiring Board Action
 - a) Weirton Policemen's
 - b) Beckley Firemen's Pension, Beckley Policemen's Pension, Dunbar Firemen's Pension, Dunbar Policemen's Pension, Star City Policemen's Pension, Oak Hill Policemen's Pension, and Princeton Policemen's Pension.
 - c) Discussion
 - D. P-Card Expenditures – March, April, and May 2021
 - E. Personnel
 - F. Executive Director's Report
- V. Public Comments
- VI. Adjournment

Pursuant to recommendations made by the West Virginia Ethics Commission, the June 17th meeting will be closed to the public for in-person attendance. Anyone wishing to attend via telephone may call 304-356-2422 to obtain call-in instructions.

MUNICIPAL PENSIONS OVERSIGHT BOARD
DRAFT Minutes of Meeting
June 17, 2021

The Municipal Pensions Oversight Board (MPOB) met on June 17, 2021, at 1:00 p.m. at 301 Eagle Mountain Road, Suite 251, Charleston, West Virginia. The Chair, Mr. Neddo, welcomed everyone and called the meeting to order, noting that a quorum was present.

ATTENDEES

Board Members:

- Travis Blosser, present
- Jeffrey Fleck, present
- Emily Lambright, present, via call
- David Lanham, present
- Sarah Long, present (*by virtual meeting*)
- Jason Matthews, present (*by virtual meeting*)
- Stephen Neddo, present
- Michael Payne, present, via call
- Craig Slaughter, absent

Staff:

- Vonda Matthews, Administrative Assistant, present
- Michelle Painter, Chief Financial Officer, present
- Les Smith, Accountant, present
- Blair Taylor, Executive Director, present

General Counsel:

- Kelli Talbott, WVAG Office, present (*by virtual meeting*)

Guests:

- Lou Ann Cyrus, Shuman McCuskey Slicer Law, present
- Jordan McClane, Consulting Actuary, Bolton, present (*by virtual meeting*)
- Jim Ritchie, Senior Consulting Actuary, Bolton, present (*by virtual meeting*)

Minute Taker:

- Vonda Matthews

Approval of Minutes

Mr. Neddo noted that there was a quorum present. Ms. Matthews called the roll.

- Minutes for the MPOB meeting on March 18, 2021, were presented for approval. Mr. Neddo asked for a motion to approve the minutes.

MOTION: Motion to approve the minutes as presented. Moved by Mr. Blosser; Seconded by Mr. Matthews; Passed unanimously:

RESOLVED, that the minutes of the March 18, 2021 Municipal Pensions Oversight Board meeting be approved as presented.

Executive Session

At 1:03 pm Mr. Neddo asked for a motion to go into Executive Session as provided for in the Open Meetings Act, under **W.Va. §6-9A-4(b)(12)**, to discuss legal issues.

MOTION: Motion to enter into Executive Session. Moved by Mr. Blosser; Seconded by Mr. Fleck; Passed unanimously:

RESOLVED, that the Board enter into an Executive Session as provided for in W.Va. §6-9A-4(b)(12) to discuss legal issues. Mr. Ritchie, Mr. McLane, Ms. Matthews, Mrs. Painter and Mr. Smith left the meeting during the executive session.

At 1:49 pm Mr. Neddo asked for a motion to return to regular business stating that no votes had been taken during executive session.

MOTION: Motion to return to regular business. Moved by Mr. Fleck, Seconded by Mr. Matthews; Passed unanimously:

RESOLVED, that the Board return to regular business. Mr. Ritchie, Mr. McLane, Ms. Matthews, Mrs. Painter and Mr. Smith joined the meeting after the executive session.

OLD BUSINESS

Legal

- Terence Brown v. Blair Taylor, City of Weirton, Harold Millerⁱⁱ
Mrs. Cyrus of Shuman McCuskey Slicer gave a follow-up to the March meeting regarding the case. She filed a motion to dismiss the case on behalf of the MPOB. On April 12, 2021, the court issued an order ruling, agreeing and dismissing the MPOB from the matter without prejudice. The City of Weirton and Mayor Harold Miller also moved dismissal. Mayor Miller was granted a dismissal, but the City was not and remains in the case. Mrs. Cyrus stated that we are in a holding pattern waiting to see if Mr. Brown files another suit. Mrs. Cyrus and Mrs. Talbott left the meeting at 1:58.

Legislative

- HB2829
 - Mr. Taylor stated HB2829 which allows for Actuarial Smoothing has been signed by the Governor. The Experience Study that was adopted last summer and the smoothing component that was adopted last fall will all be effective in the Actuarial Studies that will be issued Fall of 2021.

Compliance Review Updates

- Mrs. Painter noted the list of Pension Boards that have submitted a plan of action.
 - Bluefield Policemen's Pension, Charleston Firemen's Pension, Charleston Policemen's Pension, Moundsville Policemen's Pension, Princeton Firemen's Pension, South Charleston Policemen's Pension, St Albans Firemen's Pension, St. Albans Policemen's Pension, Vienna Policemen's Pension.
 - Mrs. Painter noted that she has requested that Moundsville Policemen's Pension resubmit their information in Excel format.
 - Mr. Taylor noted that the Vienna Policemen's Pension board was informed of the overpayment for a member. They have reduced the amount the member is receiving

to the correct amount which has decreased his monthly pension by around \$800 per month. The city of Vienna has filed a claim with their insurance agency to repay over payments to date and to continue to pay overpayments for that member. Bolton has provided an overpayment recoupment calculation based on the member's life expectancy which comes to repayments of \$76.42 per month for the rest of his life. This information has been provided to the Mayor of Vienna and the pension board secretary.

Discussion: Mr. Fleck asked how long an average Compliance Review takes to complete. Mrs. Painter explained that if she would have all the completed information in a format she could use that it would take her three to four days to complete a compliance review. Mr. Taylor noted that in most cases the information is slow to come in. Mrs. Painter noted that she and Mr. Smith have to manually enter payroll figures that are not sent in Excel format.

Mr. Fleck asked what percentage of the retirement calculations are reviewed. Mrs. Painter stated that it depends on the number of retirees for the plan she is reviewing. Sometimes there is only one and then she will review a previous one. She said that if there are as many as ten then she will review three to four.

- Mrs. Painter gave an update on Wheeling Police and Fire stating that an extension for the deadline of recalculations was granted until October 31, 2021. She has been in communication with their finance department, and they are currently working on the recalculations.

NEW BUSINESS

Legal

- Mr. Neddo noted that Beckley Firemen's and Beckley Policemen's Pension notice of intent to sue was discussed in Executive session.

Retirement Calculation Percentages

- Mr. Neddo stated that the Board needs to come to a determination about the use of fractional years to calculate retirement benefits.

MOTION: Motion to seek an Attorney General's opinion regarding the use of fractional years (percentages of years) in calculating retirement benefits. Moved by Mr. Fleck, Seconded by Mr. Blosser; Passed unanimously:

RESOLVED, that the Board will seek an Attorney General's opinion clarifying the law regarding the use of fractional years (percentages of years) to calculate retirement benefits with the understanding that Beckley Policemen's Pension and Beckley Firemen's Pension hold off on pursuing litigation until an AG opinion is received.

Compliance Reviews

- Mr. Taylor presented Plans of Action Requiring Board action.
 - He noted that the City of Weirton has submitted a plan of action stating they will follow the law regarding calculations moving forward but have no plan to go back and recalculate previous pensions unless directed to do so.
 - Mr. Taylor stated that Dunbar Firemen's Pension, Dunbar Policemen's Pension, Star City Policemen's Pension, Oak Hill Policemen's Pension, and Princeton Policemen's Pension gave no response to the compliance review request for a plan of action.

- Mr. Taylor made a recommendation to the Board to issue orders, pursuant to W. Va. Code §8-22-27a(a) which requires the Oversight Board to order the pension fund board of trustees to correct the errors found during the Compliance Reviews.

MOTION: Motion to send an order directing the Weirton Policemen's Pension Board, the Dunbar Firemen's Pension Board, the Dunbar Policemen's Pension Board, the Oak Hill Policemen's Pension Board, the Star City Policemen's Pension Board, and the Princeton Policemen's Pension Board to correct the errors found during the Compliance Reviews. Moved by Mr. Payne, Seconded by Mr. Blosser; Passed unanimously:

RESOLVED, that the Board will send an order to each pension board of trustees directing the errors be corrected.

PCard Expenditures

- Mr. Neddo stated that all received the information for review and requested a motion to approve.

MOTION: Motion to approve the PCard expenditures as presented. Moved by Mr. Matthews; Seconded by Mr. Blosser; Passed unanimously:

RESOLVED, that the PCard expenditures for March, April, and May of 2021, are approved as presented.

Personnel

- Administrative Assistant
 - Mr. Taylor reminded all that Vonda Matthews has resigned effective Friday, June 18. He thanked her and wished her well. Ms. Matthews thanks the Board and the staff. Mr. Fleck and Mr. Neddo noted some contributions Ms. Matthews made, some of which should continue in the future.
 - Mr. Taylor stated the Administrative position has been posted. He requested the Board approve a salary range for the position of \$35 - \$55K. The Board approved.

Executive Director's Report

- Mr. Taylor presented. He directed all to the information provided in the Board Packet. Items noted were:
 - Disabilities
 - Five members will be evaluated in an Independent Medical Examination (IME) the first week of July.
 - Midwest IME is having difficulty finding specialized physicians to perform the IMEs.
 - Mr. Taylor suggested looking at the code and developing legislation that would require medical schools in WV to perform the IMEs if the Midwest is unable to find a physician to do so.
 - Office Lease
 - Mr. Taylor stated he has been going through the process of renewing the lease at an increase of \$.41 per square foot which was preapproved five years ago.
 - MPOB Website
 - Website rolled out yesterday and has some kinks that need to be worked out.
 - Presentation to the Joint Committee on Retirement
 - They asked for a definition of "base salary", and "overtime and other remuneration" to be brought to them during their September Interim meetings.

- Reginal Trustee Training
 - One training will be in Charleston and one in Fairmont.
 - We have received 94 registrations.
 - Bolton will be available in person or virtually for the training.
- Legislative
 - All MPOB bills submitted last year were passed and are now implemented.

Mr. Taylor thanked the Board for their time and effort and for backing up the staff in the work that they do.

Public Comments

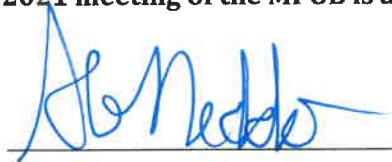
- Mr. Neddo asked if there were any comments. No members of the public were in attendance.

ADJOURNMENT

- Mr. Neddo called for a motion to adjourn:

*MOTION: Motion to adjourn. Moved by Mr. Blosser; Seconded by Mr. Fleck;
Passed unanimously:*

RESOLVED, that the June 17, 2021 meeting of the MPOB is adjourned.



Stephen Neddo, Chairman

Minutes approved 9/16/21
(date)

Referenced documents can be found in the Board Meeting Packet.

ⁱ MPOB Minutes – March 18, 2021

ⁱⁱ Terence Brown v. Blair Taylor, City of Weirton, Harold Miller