

AGENDA
Municipal Pensions Oversight Board
Meeting of the Board Members

March 17, 2022 – 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 December 16, 2021
- III. Old Business
 - A. Legal - Beckley Firemen's and Beckley Policemen's Pension notice of intent to sue
 - 1. Attorney General's Opinion Letter
 - 2. Todd Lewis Taylor vs. The City of Charleston, WV Policemen's Pension and Relief Fund
 - 3. Terence F Brown vs. WV Municipal Pensions Oversight Board, Blair Taylor, City of Weirton & Harold E. Miller
 - B. Legislation
 - 1. CS HB4430 – definition of base salary and overtime and other remuneration
 - 2. CS SB443 – Change to allow retirees to vote in trustee elections
 - 3. CS SB445 – Requires trustees to hold in abeyance non-duty pensions if retirant fails to provide tax return (effective May 19, 2022)
 - 4. HB4462 – Change of DROP reports to once every 5 years
 - 5. HB4433 – Protection of pensions from execution, except for Qualified Domestic Relations Orders
 - C. Compliance Review Updates
 - 1. Submitted Plans of Action Addressing Compliance Review Recommendations
 - a) Charleston Firemen's Pension, Parkersburg Policemen's Pension, Parkersburg Firemen's Pension, Morgantown Firemen's Pension, Elkins Policemen's Pension, Dunbar Firemen's Pension
 - 2. Plans of Action Extension Requests
 - 3. Plan of Action Not Submitted
 - 4. Recalculations
 - a. City of St. Albans - Council passed a resolution to continue Fire overpayments
 - b. Wheeling Police - requested payroll data to review recalculations for those retired after July 2017.
 - c. Wheeling Fire - requested payroll data to review recalculations for those retired after July 2017.
 - d. Dunbar Police - recalculations have been completed and are being reviewed.
 - e. Weirton Police – recalculations and review complete.
- IV. New Business
 - A. Approval of City of Clarksburg DROP
 - B. P-Card Expenditures – December 2021, January and February 2022
 - C. Personnel
 - D. Executive Director's Report
- V. Public Comments
- VI. Adjournment

MUNICIPAL PENSIONS OVERSIGHT BOARD

Minutes of Meeting

March 17, 2022

The Municipal Pensions Oversight Board (MPOB) met on March 17, 2022, 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. Mrs. Miller called the roll.

ATTENDEES

Board Members:

Travis Blosser – absent
Jeffrey Fleck – present
David Lanham-absent
Sarah Long – Conference call
Jason Matthews – present
Stephen Neddo – present
Michael Payne – Conference call
Tom Percy – present
Craig Slaughter – present

Staff:

LaRuth Miller, Administrative Assistant – present
Michelle Painter, Chief Financial Officer – present
Les Smith, Accountant – present
Blair Taylor, Executive Director – present

General Counsel:

Anthony Eates Deputy Attorney General – present

Guests:

Jordan McClane, Consulting Actuary, Bolton – present virtually
Jim Ritchie, Senior Consulting Actuary, Bolton – present

Minute Taker:

LaRuth Miller

Approval of Minutesⁱ

Minutes for the MPOB meeting on December 16, 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. Jason Matthews;
Seconded by Mr. Jeffrey Fleck; Passed unanimously:*

RESOLVED, that the minutes of the December 16, 2021, Municipal Pensions Oversight Board meeting be approved as presented.

OLD BUSINESS

Legal

Beckley Firemen's and Beckley Policemen's Pension notice of intent to sue.

- MPOB has not received any formal communication between Beckley's Police and Fire attorney and MPOB BRIM attorney Lou Ann Cyrus.
- Blair Taylor gave an overview of the Attorney General's Opinion Letter.

Todd Lewis Taylor vs. The City of Charleston, West Virginia Policemen's Pension and Relief Fund.

- Anthony Eates indicated there has not been any movement on the Todd Lewis Taylor lawsuit. Mr. Eates filed a notice of substitution of counsel.

Terrence F Brown vs WV Municipal Pensions Oversight Board, Blair Taylor, City of Weirton & Harold E. Miller.

- Blair Taylor informed the Board that there have not been any updates on the Terrence F. Brown case from BRIM.

Legislation

Mr. Taylor stated all 5 bills presented to legislature have been passed. Bill abstracts have been sent to the governor.

- CS HB4430 is the definition of base salary and overtime and other remuneration
- CS SB443 is the change to allow retirees of closed plans to vote in the election of trustees. It has been sent to the governor's office but not been signed
- CS SB445 is signed and will go in effect May 19, 2022. It requires trustees of the Municipal Firemen's Pension plans and Municipal Policemen's Pension plans requires to hold in abeyance nonduty disability pensions if the retirant fails to submit a tax return by April 15.
- HB4462 allows the DROP evaluations to occur every 5 years instead of 1 year.
- HB4433 protects pensions of Municipal Firemen's and Municipal Policemen's retirees, survivors, and beneficiaries from being garnished, bankruptcies and insolvency except for Qualified Domestic Relations.

Compliance Review Updates

- Mr. Smith presented. Charleston Firemen's Pension plan contracted an accounting firm (Suttle and Stalnaker) to recalculate their pensions that was due in December 2021 but has been extended to after tax season. Elkins Police submitted their plan of action, and the compliance review is complete.

- Mrs. Painter presented. Parkersburg Policemen's Pension Plan submitted their plan of action, and the compliance review is complete. MPOB sent a letter in October asking to Parkersburg Firemen's Pension Plan asking them to provide a payroll code to track differences in base pay and other remuneration and there has not been a response and asked Mr. Matthew's if he had any updates. Mr. Matthews stated there were payroll codes updated to differentiate between base pay and remuneration. Morgantown Firemen's Police and Fire are paying pension out of their payroll account instead of checking account that has the plans name on it and a tax id number. City of Morgantown provided a letter asking follow up questions and detailing how they are paying out of their payroll account. Mrs. Painter recommended that Morgantown Pension plans open a checking account with the name of their plan and a tax id number attached to it. Dunbar Firemen's Pension was written up for not including the final payout of unused leave in their calculations. Dunbar Firemen's Pension response to continue using the opinion of their Attorney John Dascoli that they do not have to include the final payout of unused leave. Mr. Matthews has spoken with Dunbar Firemen's Pension secretary and the plan wants to use the payouts in their calculations but have concerns that previous retirees will want to come back and sue for unused leave that they did not receive. Mr. Taylor was given the approval to allow Dunbar Firemen's Pension three months to resolve the calculations to avoid litigation.
- Plans of Action Extensions Requested
 - Wheeling Policemen's Pension and Relief Fund has been granted an additional extension to end June 30, 2022, and Wheeling Firemen's Pension and Relief Fund be granted additional extension to end June 30, 2022, if needed.

MOTION: Motion to approve Wheeling Policemen's Pension and Relief Fund be granted an additional extension to end June 30, 2022, and Wheeling Firemen's Pension and Relief Fund be granted additional extension to end June 30, 2022, if needed. Moved by Mr. Jeffrey Fleck; seconded by Mr. Craig Slaughter; passed unanimously:

RESOLVED, that the Wheeling Policemen's Pension and Relief Fund be granted an additional extension to end June 30, 2022, and the Wheeling Firemen's Pension and Relief Fund be granted an additional extension to end June 30, 2022, if needed.

- Plans of Action Not Submitted
 - None all have been submitted
- Recalculations
 - City of St Albans is complete. Council passed a resolution to continue overpayments for members of the Firemen's Pension Plan. Mrs. Painter will provide the information to Bolton to include the numbers in the next evaluation due to St. Albans using the Alternative Method.
 - Wheeling Police requested payroll data to review calculations for those retired after July 2017.
 - Wheeling Fire- Mrs. Painter is reviewing the payroll data and calculations for those
 - Dunbar Police calculations are complete. Mrs. Painter is requesting more information to see how they classified base pay.
 - Weirton Police recalculations and review is complete.

NEW BUSINESS

- Approval of City of Clarksburg DROP. Mr. Ritchie gave a summary about City of Clarksburg DROP.

MOTION: Motion to approve City of Clarksburg DROP. Moved by Mr. Jason Matthews; Seconded by Mr. Tom Percy.

RESOLVED. that City of Clarksburg DROP is approved.

- PCard Expenditures

MOTION: Motion to approve the PCard expenditures as presented. Moved by Mr. Jason Matthews; Seconded by Mr. Craig Slaughter.

RESOLVED, that the PCard expenditures for December 2021, January, and February 2022.

- **Executive Director's Report**

Mr. Blair Taylor presented. The Law requires MPOB one examination for any member returning from active military duty. The firefighter or police officer must be seen by a doctor for the city and one from the MPOB. There has been 3 requests Beckley Police, South Charleston Police and South Charleston Fire. MPOB does not review the report from the doctors, we just pay for the service. MPOB provides the information to the city, and they make the decision to put the employee back to work. MPOB has a contract with Physical Exams Inc. to provide examinations. Vienna Policemen's Pension has settled their overpayments. The pensioner will pay back their overpayments over a period of 24 months starting January 2022 ending December 2023. 16 Compliance Reviews will be started in 2022 and complete within 3 years. The staff will start working on an ARFQ for audit services for a cost of approximately 10,000 to 15,000 per year. Mr. Taylor will start working with Bolton to create new calculations. The Board has accepted their cost projections of \$47,500. Bolton is going to begin process of Project 2 of the Survivor Calculations issues and project a cost of \$65,000 to complete. ARFP will be submitted in early summer or early fall that may cost \$100,000. LaRuth Miller completed website training and uploaded documents to the website. Mr. Taylor received information from the Office of Technology that will allow MPOB to continue to store data on premise, use QuickBooks and use Excel spreadsheets with pivot tables via Microsoft Office.

- **Personnel**

Mr. Steve Neddo recommended the board go into executive session as provided for in the Open Meetings Act, under W.Va. §6-9A-4(b)(2)(A) to discuss personnel matters.

MOTION: Moved by Mr. Jeffrey Fleck, Seconded by Mr. Craig Slaughter, for the Municipal Pensions Oversight Board to go into Executive Session pursuant to W.Va. §6-9A-4(b)(2)(A) to discuss personnel matters.

RESOLVED, that the Municipal Pensions Oversight Board go into executive session as provided for in WV.a. §6-9A-4(b)(2)(A) to discuss personnel matters.

All guests, Mr. Blair Taylor, Mr. Les Smith, Mrs. Michelle Painter, Mrs. LaRuth Miller, Mr. Jim Ritchie, Mr. Jordan McClane left during the executive session.

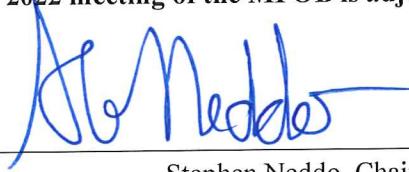
Mr. Neddo called the meeting back to the regular order of business stating no votes had been taken during executive session.

ADJOURNMENT

Mr. Neddo called for a motion to adjourn:

*MOTION: Motion to adjourn. Moved by Mr. Tom Percy; Seconded by Mr. Craig Slaughter;
Passed unanimously:*

RESOLVED, that the March 17, 2022 meeting of the MPOB is adjourned.



Stephen Neddo, Chairman

Minutes approved 7/5/22
(date)

Referenced documents can be found in the Board Meeting Packet.
i MPOB Minutes – December 16, 2021