

**JOURNAL OF PROCEEDINGS - BOARD OF TRUSTEES -
POLICE & FIRE RETIREMENT SYSTEM - CITY OF DETROIT**

**PROCEEDINGS HELD THURSDAY, OCTOBER 20, 2005 - 9:00 A.M.
IN THE CONFERENCE ROOM OF THE RETIREMENT SYSTEMS
910 COLEMAN A. YOUNG MUNICIPAL CENTER
DETROIT, MICHIGAN 48226**

PRESENT

Marty Bandemer	Elected Trustee
Gregory Best	Elected Trustee
Roger Cheek	Ex/Officio Trustee
Gary Christian	Ex/Officio Alternate Trustee
Seth Doyle	Ex/Officio Alternate Trustee
Frank English	Elected Trustee & Vice Chairperson
Laura Isom	Elected Trustee & Chairperson
Sharon McPhail	Ex/Officio Trustee & City Council Member
Timothy Ngare	Ex/Officio Alternate Trustee
George Orzech	Elected Trustee
Paul Stewart	Elected Trustee
Walter Stampor	Executive Secretary
Cynthia Thomas	Assistant Executive Secretary
Janet S. Lenear	Recording Secretary
Ronald Zajac	Legal Counsel
Richard Huddleston	Investment Analyst

EXCUSED

None

ABSENT

None

CHAIRPERSON

Laura Isom

VICE CHAIRPERSON

Frank English

ROLL CALL WAS TAKEN AT 9:03 A.M. BY THE BOARD'S RECORDING SECRETARY AND THE MEETING WAS CALLED TO ORDER.

CLOSED SESSION

By Mr. Bandemer - Supported by Mr. English

Whereas, The Board's Medical Director is now before this Body to discuss the medical and psychiatric reports of the individuals whose names are designated on the pages which follow relative to their disability retirement applications and re-examinations, Therefore Be It

Resolved, That the Board enter into Closed Session:

A Roll Call vote was taken as follows:

Yeas - Trustees Bandemer, Best, Cheek, English, Orzech, Stewart and Chairperson Isom - 7

Nays - None

The Board entered into Closed Session at 9:03 A.M.

OPEN SESSION

By Mr. Doyle - Supported by Mr. Ngare

OPEN SESSION

Resolved, That the Board return to Open Session:

A Roll Call vote was taken as follows:

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Ngare,
Orzech, Stewart and Chairperson Isom - 9**

Nays - None

**The Board returned to Open Session at 9:30 A.M. and Medical
Director Reginald O'Neal was excused for the remainder of the
Meeting.**

DUTY DISABILITY RETIREMENT APPLICATIONS

NAME, TITLE, DEPARTMENT	LINDA LAWTON - INVESTIGATOR - POLICE
DISABILITY, PLAN, FILING DATE	DUTY - NEW - APRIL 5, 2005
DOCTOR'S RECOMMENDATION	NON-DUTY CONNECTED DISABILITY
BOARD ACTION	DENY

NAME, TITLE, DEPARTMENT	PATRICK LEWIS - FEO - FIRE
DISABILITY, PLAN, FILING DATE	DUTY - NEW - JULY 22, 2005
DOCTOR'S RECOMMENDATION	DUTY-CONNECTED DISABILITY
BOARD ACTION	APPROVE

DUTY DISABILITY RETIREMENT APPLICATIONS

NAME, TITLE, DEPARTMENT	ROSS FRANKLIN - FIRE ENGINE OPERATOR - FIRE
DISABILITY, PLAN, FILING DATE	DUTY - NEW - MAY 331, 2005
DOCTOR'S RECOMMENDATION	DUTY-CONNECTED DISABILITY
BOARD ACTION	APPROVE

RE-EXAMINATIONS

NAME DEPARTMENT DISABILITY TYPE RE-EXAM NUMBER	CONTINUE ON DISABILITY RETIREMENT PAYROLLS	NO FURTHER EXAMS REQUIRED	MUST RECEIVE NEXT EXAM IN DETROIT
JOE BLANKENSHIP - FIRE - DUTY - 1	X		
RONALD KIMPSON - FIRE - DUTY - 4	NOT REPORTED ON THIS DATE		
BRIAN SHANNON - FIRE - DUTY - 5	X		
ROCK TURNIPSEED - FIRE - DUTY - 1	X	X	

LINDA LAWTON - BY MR. STEWART - SUPPORTED BY MR. BEST

WHEREAS, LINDA LAWTON FILED AN APRIL 5, 2005 APPLICATION FOR DUTY DISABILITY RETIREMENT, AND

WHEREAS, THE BOARD'S MEDICAL DIRECTOR HAS OPINED THAT MS. LAWTON IS DISABLED FOR FULL DUTY, NON-DUTY CONNECTED, THEREFORE BE IT

RESOLVED, THAT THE BOARD ACCEPT THE FINDING OF ITS MEDICAL DIRECTOR REGARDING MS. LAWTON, AND BE IT FURTHER

RESOLVED, THAT THE BOARD FINDS THAT MS. LAWTON'S DISABILITY DID NOT RESULT FROM PERFORMANCE OF DUTY, AND BE IT FURTHER

RESOLVED, THAT LINDA LAWTON'S APPLICATION FOR DUTY DISABILITY RETIREMENT BE HEREBY DENIED, AND BE IT FURTHER

RESOLVED, THAT MS. LAWTON BE APPRISED OF HER RIGHT TO APPLY FOR NON-DUTY DISABILITY RETIREMENT AND APPEAL SAID DENIAL PURSUANT TO PROCEDURES ESTABLISHED BY COLLECTIVE BARGAINING:

Yeas - Trustees Best, Cheek, English, Stewart and Chairperson Isom - 5

Nays - Trustees Bandemer and Orzech - 2

PATRICK LEWIS - BY MR. ORZECH - SUPPORTED BY MR. ENGLISH

WHEREAS, PATRICK LEWIS FILED A JULY 22, 2005 APPLICATION FOR DUTY DISABILITY RETIREMENT, AND

WHEREAS, THE BOARD'S MEDICAL DIRECTOR HAS OPINED THAT MR. LEWIS IS DISABLED FOR FULL DUTY, THEREFORE BE IT

RESOLVED, THAT THE BOARD ACCEPT THE FINDING OF ITS MEDICAL DIRECTOR REGARDING MR. LEWIS, AND BE IT FURTHER

RESOLVED, THAT THE BOARD FINDS THAT MR. LEWIS' DISABILITY RESULTED FROM PERFORMANCE OF DUTY, AND BE IT FURTHER

RESOLVED, THAT PATRICK LEWIS' APPLICATION FOR DUTY DISABILITY RETIREMENT BE HEREBY APPROVED:

PATRICK LEWIS - BY MR. ORZECH - SUPPORTED BY MR. ENGLISH

**Yeas - Trustees Bandemer, Best, Cheek, English, Orzech, Stewart and
Chairperson Isom - 7**

Nays - None

■ **EX/OFFICIO TRUSTEE SETH DOYLE ENTERED THE MEETING.**

■ **EX/OFFICIO TRUSTEE TIMOTHY NGARE ENTERED THE MEETING.**

ROSS FRANKLIN - BY MR. ORZECH - SUPPORTED BY MR. BANDEMER

**WHEREAS, ROSS FRANKLIN FILED A MAY 31, 2005 APPLICATION FOR DUTY
DISABILITY RETIREMENT, AND**

**WHEREAS, THE BOARD'S MEDICAL DIRECTOR HAS OPINED THAT MR.
FRANKLIN IS DISABLED FOR FULL DUTY, THEREFORE BE IT**

**RESOLVED, THAT THE BOARD ACCEPT THE FINDING OF ITS MEDICAL
DIRECTOR REGARDING MR. FRANKLIN, AND BE IT FURTHER**

**RESOLVED, THAT THE BOARD FINDS THAT MR. FRANKLIN'S DISABILITY
RESULTED FROM PERFORMANCE OF DUTY, AND BE IT FURTHER**

**RESOLVED, THAT ROSS FRANKLIN'S APPLICATION FOR DUTY DISABILITY
RETIREMENT BE HEREBY APPROVED:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Ngare,
Orzech, Stewart and Chairperson Isom - 9**

Nays - None

RE-EXAMINATIONS - BY MR. ENGLISH - SUPPORTED BY MR. ORZECH

**RESOLVED, THAT IN ACCORDANCE WITH THE RECOMMENDATION OF THE
BOARD'S MEDICAL DIRECTOR, THE RETIRANTS WHOSE NAMES ARE
REFERENCED ON PAGE 4 BE CONTINUED ON THE DISABILITY RETIREMENT
PAYROLLS, WITH NO FURTHER RE-EXAMS BEING NECESSARY FOR ROCK
TURNIPSEED:**

RE-EXAMINATIONS - BY MR. ENGLISH - SUPPORTED BY MR. ORZECH

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Ngare,
Orzech, Stewart and Chairperson Isom - 9**

Nays - None

RETIREMENTS

BY MR. STEWART - SUPPORTED BY MR. BANDEMER

**RESOLVED, THAT THE APPLICATIONS FOR RETIREMENT WHICH ARE
DESIGNATED BELOW BE APPROVED:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Ngare,
Orzech, Stewart and Chairperson Isom - 9**

Nays - None

RETIREMENTS

NAME, TITLE, DEPARTMENT	ROBERT HALLMAN - FIRE CHIEF - FIRE
RETIREMENT, PLAN	SERVICE - NEW
SERVICE CREDIT	35 03 28
APPLICATION DATE, EFFECTIVE DATE	09 28 05 - 11 10 05

NAME, TITLE, DEPARTMENT	JIMMYE JOHNSON - OFFICER - POLICE
RETIREMENT, PLAN	SERVICE - NEW
SERVICE CREDIT	23 07 25
APPLICATION DATE, EFFECTIVE DATE	09 14 05 - 12 01 05

NAME, TITLE, DEPARTMENT	WILEY STEWART - OFFICER - POLICE
RETIREMENT, PLAN	SERVICE - NEW
SERVICE CREDIT	25 01 16
APPLICATION DATE, EFFECTIVE DATE	10 03 05 - 09 30 05

RETIREMENTS

NAME, TITLE, DEPARTMENT	LAWRENCE SEMCZAK - SERGEANT - POLICE
RETIREMENT, PLAN	SERVICE - NEW
SERVICE CREDIT	35 02 17
APPLICATION DATE, EFFECTIVE DATE	09 16 05 - 11 01 05

NAME, TITLE, DEPARTMENT	PAMIELY JOHNSON - OFFICER - POLICE
RETIREMENT, PLAN	VESTED - NEW
SERVICE CREDIT	09 03 14
APPLICATION DATE, EFFECTIVE DATE	09 14 05 - 02 18 04

NAME, TITLE, DEPARTMENT	KIM ENGLISH - WIDOW OF DECEASED RODNEY ENGLISH - SERGEANT - FIRE
RETIREMENT, PLAN	DUTY DEATH - WIDOW - NEW
SERVICE CREDIT	20 09 26
APPLICATION DATE, EFFECTIVE DATE	09 15 05 - 08 15 05

REFUNDS OF ACCUMULATED CONTRIBUTIONS

BY MR. CHEEK - SUPPORTED BY MR. ORZECH

RESOLVED, THAT THE CONTRIBUTIONS TO THE ANNUITY SAVINGS FUND BY MEMBERS OF THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM OF THE CITY OF DETROIT, AS SET FORTH ON LIST #3180 (WHICH IS REFERENCED AT THE END OF THESE PROCEEDINGS), IN THE AMOUNT OF \$591,317.73, INCLUDING INTEREST, BE REFUNDED PENDING AUDIT BY RETIREMENT SYSTEM ACCOUNTING STAFF:

Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Ngare, Orzech, Stewart and Chairperson Isom - 9

Nays - None

MINUTES OF THURSDAY, OCTOBER 6, 2005

BY MR. BANDEMER - SUPPORTED BY MR. ENGLISH

MINUTES OF THURSDAY, OCTOBER 6, 2005

RESOLVED, THAT THE MINUTES OF THE MEETING HELD THURSDAY, OCTOBER 6, 2005 BE APPROVED AS RECORDED AND SUBMITTED BY THE BOARD'S RECORDING SECRETARY:

Yeas - Trustees Bandemer, Best, Doyle, English, Ngare, Orzech, Stewart and Chairperson Isom - 8

Nays - None

Abstain - Trustee Cheek - 1

■ EX/OFFICIO TRUSTEE SHARON MCPHAIL ENTERED THE MEETING.

BILL PAYMENT REQUESTS

BY MR. ORZECH - SUPPORTED BY MR. NGARE

WHEREAS, THE BOARD IS IN RECEIPT OF THE FOLLOWING BILLINGS REQUESTING PAYMENT FOR SERVICES RENDERED, AND

WHEREAS, THE BOARD IS SATISFIED THAT SERVICES WERE PROVIDED TO THE BOARD AS REQUESTED BY THE BOARD, THEREFORE BE IT

RESOLVED, THAT SUBJECT TO STAFF AUDIT, THE BOARD APPROVE PAYMENT OF SAID BILLINGS:

FIRM OR INDIVIDUAL, DATE, AMOUNT, SERVICE(S) PROVIDED

ADP - OCTOBER 20, 2005 - \$128.20 - POLICE AND FIRE PORTION OF \$256.40 - OFFICE SUPPLIES

BARTEL, CHRISTINE - AUGUST 29, 2005 - \$1,413.46 - RE: PATRICIA BOTT

BEST, GREGORY - OCTOBER 20, 2005 - \$124.00 - PARKING REIMBURSEMENT

BILL PAYMENT REQUESTS

FIRM OR INDIVIDUAL, DATE, AMOUNT, SERVICE(S) PROVIDED

EARNEST PARTNERS - OCTOBER 18, 2005 - \$65,945.17 - 2005 THIRD QUARTER FEES

FORBES, KELLY - JULY 20, 2005 - \$62.30 - RE: MARION KRAUSE

GRAPHIC SCIENCES - OCTOBER 14, 2005 - \$2,633.65 - POLICE AND FIRE PORTION OF \$5,267.30 - CONTRACT/MISCELLANEOUS SERVICES - ACCOUNT #0014645

HILL, SHIRLEY - OCTOBER 19, 2005 - \$1,737.45 - SEPTEMBER 19, 2005 - OCTOBER 9, 2005 CONTRACTUAL SERVICES

IKON OFFICE SOLUTIONS - OCTOBER 5, 2005 - \$53.00 - POLICE AND FIRE PORTION OF \$105.99 - CONTRACT/MISCELLANEOUS SERVICES - CUSTOMER #88-ADJO

INTERNATIONAL FOUNDATION - OCTOBER 20, 2005 - \$700.00 - MEMBERSHIP DUES FOR 2006

LOOMIS, SAYLES & COMPANY - OCTOBER 13, 2005 - \$46,450.65 - 2005 THIRD QUARTER FEES

LOWE, BETTY - OCTOBER 19, 2005 - \$1,667.34 - SEPTEMBER 19, 2005 - OCTOBER 9, 2005 CONTRACTUAL SERVICES

MAYFIELD GENTRY - OCTOBER 18, 2005 - \$9,500.00 - SEPTEMBER, 2005 ASSET MANAGEMENT AND MORTGAGE SERVICES

MAYFIELD GENTRY - OCTOBER 18, 2005 - \$14,465.00 - SEPTEMBER, 2005 PROJECT MANAGEMENT SERVICES (DUBLIN PLACE SHOPPING CENTER)

MAYFIELD GENTRY - OCTOBER 18, 2005 - \$93,716.05 - OCTOBER, 2005 ASSET MANAGEMENT AND MORTGAGE SERVICES

BILL PAYMENT REQUESTS

FIRM OR INDIVIDUAL, DATE, AMOUNT, SERVICE(S) PROVIDED

MAYFIELD GENTRY - OCTOBER 18, 2005 - \$220,671.55 - OPERATIONAL EXPENSES AND CAPITAL IMPROVEMENTS FOR GRAND PARK CENTRE

MOSS, ELLEN - OCTOBER 19, 2005 - \$1,700.52 - SEPTEMBER 19, 2005 - OCTOBER 9, 2005 CONTRACTUAL SERVICES

SABETI, KEYMIA - OCTOBER 19, 2005 - \$1,815.87 - SEPTEMBER 19, 2005 - OCTOBER 9, 2005 CONTRACTUAL SERVICES

SMILEY, STEPHANIE - OCTOBER 19, 2005 - \$1,595.58 - SEPTEMBER 19, 2005 - OCTOBER 9, 2005 CONTRACTUAL SERVICES

STAMPOR, WALTER - OCTOBER 10, 2005 - \$103.13 - POLICE AND FIRE PORTION OF \$206.25 - OFFICE SUPPLIES

STEWARD CAPITAL MANAGEMENT - OCTOBER 20, 2005 - \$38,550.42 - 2005 THIRD QUARTER FEES

TAPE-4-BACKUP - OCTOBER 6, 2005 - \$1,166.45 - POLICE AND FIRE PORTION OF \$2,332.90 - OFFICE SUPPLIES

TECHDOT - SEPTEMBER 30, 2005 - \$348.72 - POLICE AND FIRE PORTION OF \$697.42 - OFFICE SUPPLIES

TOWNSEND GROUP, THE - OCTOBER 12, 2005 - \$11,250.00 - OCTOBER, 2005 CONSULTING MANAGEMENT FEES

VIKING OFFICE PRODUCTS - OCTOBER 5, 2005 - \$207.99 - POLICE AND FIRE PORTION OF \$415.98 - OFFICE SUPPLIES

Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, McPhail, Ngare, Orzech, Stewart and Chairperson Isom - 10

Nays - None

■ EX/OFFICIO TRUSTEE GARY CHRISTIAN ENTERED THE MEETING.

CLOSED SESSION

By Mr. Bandemer - Supported by Mr. Stewart

Resolved, That the Board enter into Closed Session for the purpose of discussing the medical file of Richard Nienhuis with the Board's Medical Director:

A Roll Call Vote was taken as follows:

Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, English, McPhail, Ngare, Orzech, Stewart and Chairperson Isom - 11

Nays - None

The Board entered into Closed Session at 10:45 A.M.

OPEN SESSION

By Mr. Bandemer - Supported by Mr. Cheek

Resolved, That the Board return to Open Session:

A Roll Call Vote was taken as follows:

Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, English, McPhail, Ngare, Orzech, Stewart and Chairperson Isom - 11

Nays - None

The Board returned to Open Session at 10:50 A.M.

RICHARD NIENHUIS

BY MR. BANDEMER - SUPPORTED BY MR. ORZECH

WHEREAS, RICHARD NIENHUIS FILED A JULY 8, 2005 APPLICATION FOR DUTY DISABILITY RETIREMENT, AND

RICHARD NIENHUIS

WHEREAS, THE BOARD'S MEDICAL DIRECTOR HAS OPINED THAT MR. NIENHUIS IS DISABLED FOR FULL DUTY, THEREFORE BE IT

RESOLVED, THAT THE BOARD ACCEPT THE FINDING OF ITS MEDICAL DIRECTOR REGARDING MR. NIENHUIS, AND BE IT FURTHER

RESOLVED, THAT THE BOARD FINDS THAT MR. NIENHUIS' DISABILITY RESULTED FROM PERFORMANCE OF DUTY, AND BE IT FURTHER

RESOLVED, THAT RICHARD NIENHUIS' APPLICATION FOR DUTY DISABILITY RETIREMENT BE HEREBY APPROVED:

Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, English, McPhail, Ngare, Orzech, Stewart and Chairperson Isom - 11

Nays - None

HEARING APPOINTMENTS/MEDICAL RECORD REQUESTS

BY MR. BANDEMER - SUPPORTED BY MR. DOYLE

RESOLVED, THAT ALL FUTURE COMMUNICATIONS REGARDING SCHEDULED HEARINGS BE SENT VIA CERTIFIED AND REGULAR MAIL, AND BE IT FURTHER

RESOLVED, THAT ALL FUTURE REQUESTS FOR MEDICAL RECORDS (REGARDING DUTY/NON-DUTY DISABILITY RETIREMENT APPLICATIONS) BE SENT (TO THE POLICE/FIRE DEPARTMENT/PHYSICIANS) VIA CERTIFIED AND REGULAR MAIL:

Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, English, McPhail, Ngare, Orzech, Stewart and Chairperson Isom - 11

Nays - None

LEGAL COUNSEL'S REPORTS

LEGAL COUNSEL RONALD ZAJAC DISCUSSED VARIOUS MATTERS WITH THE BOARD, INCLUDING BREWERY PARK, THE IRS, THE BOARD'S AMORTIZATION CASE, 2003-2004 - 2004-2005 CITY CONTRIBUTIONS DUE THE SYSTEM, DETROIT TARGETED INVESTMENTS AND KIBLER VERSUS KIBLER.

IRS

LEGAL COUNSEL INFORMED THE BOARD THAT THE IRS SUBMITTED A \$17.18 CHECK TO THE BOARD.

BOARD OF TRUSTEES VERSUS THE CITY OF DETROIT (AMORTIZATION)

LEGAL COUNSEL PROVIDED EACH MEMBER OF THE BOARD WITH A COPY OF AN OCTOBER 17, 2005 COMMUNICATION FROM SPECIAL COUNSEL CHRIS LEGGHIO TO LEGAL COUNSEL REGARDING THE ABOVE-CAPTIONED LITIGATION.

2003-2004 CITY CONTRIBUTIONS DUE THE SYSTEM

LEGAL COUNSEL PROVIDED EACH MEMBER OF THE BOARD WITH A COPY OF AN OCTOBER 20, 2005 COMMUNICATION FROM SPECIAL COUNSEL CHRIS LEGGHIO TO LEGAL COUNSEL REGARDING THE ABOVE-CAPTIONED LITIGATION.

2004-2005 CITY CONTRIBUTIONS DUE THE SYSTEM

LEGAL COUNSEL PROVIDED EACH MEMBER OF THE BOARD WITH A COPY OF AN OCTOBER 17, 2005 COMMUNICATION FROM SPECIAL COUNSEL CHRIS LEGGHIO TO LEGAL COUNSEL REGARDING THE ABOVE-CAPTIONED LITIGATION.

█ EX/OFFICIO TRUSTEE MCPHAIL AND TRUSTEES ORZECH AND BEST TEMPORARILY EXCUSED THEMSELVES.

MILITARY SERVICE CREDIT

BY MR. STEWART - SUPPORTED BY MR. BANDEMER

WHEREAS, THE BOARD OF TRUSTEES OF THE GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT HAS PROVIDED THE BOARD OF TRUSTEES OF THE POLICE AND FIRE RETIREMENT SYSTEM OF THE CITY OF DETROIT WITH A COPY OF A PROPOSED ORDINANCE AMENDMENT REGARDING PRE-EMPLOYMENT MILITARY SERVICE CREDIT FOR THE GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT, AND

WHEREAS, THE BOARD BELIEVES THAT THE ORDINANCE FOR THE POLICE AND FIRE RETIREMENT SYSTEM OF THE CITY OF DETROIT SHOULD BE CONSISTENT WITH THAT OF THE GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT, AND

WHEREAS, THE BOARD HAS BEEN INVITED BY THE BOARD OF TRUSTEES OF THE GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT TO INDICATE ITS COMMENTS AND ATTITUDE TOWARD THE CONTENT OF THE PROPOSED PRE-EMPLOYMENT MILITARY SERVICE CREDIT ORDINANCE AMENDMENT PRIOR TO THE GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT SUBMITTING SAME TO CITY COUNCIL, AND

WHEREAS, THE BOARD HAS DISCUSSED THIS MATTER, THEREFORE BE IT

RESOLVED, THAT THE BOARD OF TRUSTEES OF THE GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT BE INFORMED THAT THE BOARD OF TRUSTEES OF THE POLICE AND FIRE RETIREMENT SYSTEM OF THE CITY OF DETROIT AGREES WITH THE CONTENT OF THE PROPOSED ORDINANCE AMENDMENT FOR THE GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT WITH OR WITHOUT REFERENCE TO HONORABLE DISCHARGES, AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE BOARD OF TRUSTEES OF THE GENERAL RETIREMENT SYSTEM OF THE CITY OF DETROIT:

Yeas - Trustees Bandemer, Cheek, Christian, Doyle, English, Ngare, Stewart and Chairperson Isom - 8

Nays - None

**■ EX/OFFICIO TRUSTEE MCPHAIL AND TRUSTEES ORZECH AND BEST RE-
JOINED THE MEETING.**

**KIBLER VERSUS KIBLER
LIVINGSTON COUNTY CASE #96-24876-DM**

BY MR. CHEEK - SUPPORTED BY MR. ENGLISH

WHEREAS, THE BOARD IS IN RECEIPT OF A SEPTEMBER 13, 2005 ELIGIBLE DOMESTIC RELATIONS ORDER WHICH AMENDS/SUPPLEMENTS A NOVEMBER 5, 1997 JUDGMENT OF DIVORCE WHEREIN JACQUELINE KIBLER IS AWARDED CERTAIN RIGHTS TO THE DEFINED BENEFIT PLAN AND DEFINED CONTRIBUTION PLAN BENEFITS OF ROBERT KIBLER WHO IS CURRENTLY AN ACTIVE EMPLOYEE, AND

WHEREAS, PARTICIPANT'S DATE OF BIRTH IS MARCH 28, 1965, AND, TO DATE, PARTICIPANT HAS ATTAINED 14 YEARS, 02 MONTHS AND 07 DAYS OF SERVICE CREDIT, AND

WHEREAS, ALTERNATE PAYEE IS ENTITLED TO CLAIM A PORTION OF PARTICIPANT'S DEFINED CONTRIBUTION PLAN, PAYMENT OF WHICH IS SUBJECT TO PARTICIPANT'S ELIGIBILITY FOR WITHDRAWAL FROM DEFINED CONTRIBUTION PLAN AND SUBJECT TO ALTERNATE PAYEE FILING AN APPLICATION FOR SAME, AND ALTERNATE PAYEE IS ENTITLED TO CLAIM A PORTION OF PARTICIPANT'S DEFINED BENEFIT PLAN, AND

WHEREAS, DEFINED CONTRIBUTION PLAN AMOUNTS CAN BE MADE TO THE PARTICIPANT OR ALTERNATE PAYEE UPON PARTICIPANT ATTAINING 25 YEARS OF SERVICE CREDIT, OR TERMINATION OF SERVICE, OR UPON PARTICIPANT ATTAINING THE AGE OF 60 YEARS, SUBJECT TO APPLICATION FOR SAME BEING MADE BY THE PARTY SEEKING PAYMENT, AND THE EARLIEST DATE THAT PAYMENTS FROM THE DEFINED BENEFIT PLAN CAN BE MADE TO THE PARTICIPANT OR ALTERNATE PAYEE IS UPON PARTICIPANT ATTAINING 25 YEARS OF SERVICE CREDIT OR OTHERWISE RECEIVING RETIREMENT BENEFITS, AND

WHEREAS, THE BOARD'S POLICY IS TO REQUIRE THAT THE COST FOR THE ACTUARY'S CALCULATIONS ARE TO BE BORNE BY THE PARTIES TO THE DOMESTIC RELATIONS PROCEEDINGS, AND THE COURT ORDER PROVIDES FOR THE ALTERNATE PAYEE TO PAY THE ACTUARY'S FEES, AND

WHEREAS, SAID MATTER HAS BEEN DISCUSSED WITH LEGAL COUNSEL WHO HAS OPINED THAT THE APPLICABLE TERMS OF SAID COURT ORDER ARE

**KIBLER VERSUS KIBLER
LIVINGSTON COUNTY CASE #96-24876-DM**

CONSISTENT WITH THE PROVISIONS OF THE RETIREMENT SYSTEM AND APPLICABLE LAW, INCLUDING PUBLIC ACT 46 OF 1991 (MCLA 38.1701), AS APPLICABLE, THEREFORE BE IT

RESOLVED, THAT THE BOARD ACKNOWLEDGE RECEIPT OF SAID COURT ORDER AND PAY PENSION BENEFITS CONSISTENT WITH SAID COURT ORDER, A COPY OF THIS RESOLUTION BE IMMEDIATELY ATTACHED AS THE TOP SHEET OF THE PENSION FILE, OTHER APPROPRIATE RECORDS BE RETAINED BY THE RETIREMENT SYSTEM RELATIVE TO THIS MATTER, AND A COPY OF THIS RESOLUTION BE FORWARDED TO ATTORNEY WILLIAM FOREN, ATTORNEY DONALD STOLBERG, JACQUELINE KIBLER AND ROBERT KIBLER:

Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, English, McPhail, Ngare, Orzech, Stewart and Chairperson Isom - 11

Nays - None

■ EX/OFFICIO TRUSTEE MCPHAIL EXCUSED HERSELF.

CLOSED SESSION

By Mr. Best - Supported by Mr. Bandemer

Resolved, That the Board enter into Closed Session for the purpose of discussing matters involving attorney/client privilege:

A Roll Call Vote was taken as follows:

Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, English, Ngare, Orzech, Stewart and Chairperson Isom - 10

Nays - None

The Board entered into Closed Session at 1:00 P.M.

OPEN SESSION

By Mr. Best - Supported by Mr. Bandemer

Resolved, That the Board return to Open Session:

A Roll Call Vote was taken as follows:

**Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, English,
Ngare, Orzech, Stewart and Chairperson Isom - 10**

Nays - None

The Board returned to Open Session at 2:42 P.M.

CALPINE CORPORATION

BY MR. ORZECH - SUPPORTED BY MR. ENGLISH

**RESOLVED, THAT THE BOARD'S MOTION REGARDING THE CALPINE
CORPORATION, WHICH WAS TABLED OCTOBER 13, 2005, BE REMOVED FROM
THE TABLE:**

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

**Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, English,
Ngare, Orzech, Stewart and Chairperson Isom - 10**

Nays - None

**FOLLOWING IS THE BOARD'S OCTOBER 13, 2005 MOTION REGARDING
CALPINE:**

CALPINE CORPORATION

BY MR. ORZECH - SUPPORTED BY MR. BANDEMER

**WHEREAS, LEGAL COUNSEL PROVIDED THE BOARD WITH A STATUS
UPDATE REGARDING THE CALPINE CORPORATION LITIGATION, AND**

**WHEREAS, A SETTLEMENT OFFER IN THE AMOUNT OF \$5,250,000.00
HAS BEEN MADE TO THE BOARD, WHICH INCLUDES THE RETIREMENT**

CALPINE CORPORATION

SYSTEM RECEIVING 100% OF ITS LOSSES (ESTIMATED TO BE \$2,350,000.00 PLUS ADDITIONAL AMOUNTS TO PAY THE ATTORNEYS' OUT-OF-POCKET COSTS OF APPROXIMATELY \$1,200,000.00 AND ATTORNEY FEES), AND

WHEREAS, LEGAL COUNSEL HAS IDENTIFIED A NUMBER OF MODIFICATIONS TO THE PROPOSED SETTLEMENT AGREEMENT WHICH WILL BE REQUESTED BY THE BOARD'S GENERAL COUNSEL, AND

WHEREAS, THE BOARD HAS EXTENSIVELY DISCUSSED THIS MATTER AND HAS HAD THE BENEFIT OF INFORMATION PROVIDED BY VARIOUS LEGAL COUNSEL, AND

WHEREAS, THE BOARD CONSIDERS THE SETTLEMENT OFFER TO BE IN THE BEST INTEREST OF THE RETIREMENT SYSTEM, AND

WHEREAS, IN THE EVENT GENERAL COUNSEL DOES NOT APPROVE ALL DOCUMENTATION, ANY UNRESOLVED ISSUES BE BROUGHT TO THE ATTENTION OF THE BOARD FOR FURTHER DISCUSSION, THEREFORE BE IT

RESOLVED, THAT THE BOARD APPROVE THE SETTLEMENT OFFER SUBJECT TO APPROVAL OF ALL DOCUMENTATION BY THE BOARD'S GENERAL COUNSEL, AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO SPECIAL COUNSEL KOHN, SWIFT AND GRAF:

Yeas - Trustees Bandemer, Best, Christian, Doyle, English, Ngare, Orzech, Stewart and Chairperson Isom - 9

Nays - Trustee Cheek - 1

THE REQUEST OF JESSE L. BANKS

BY MR. ORZECH - SUPPORTED BY MR. BANDEMER

WHEREAS, JESSE L. BANKS HAS PRESENTED THE BOARD WITH A REQUEST (PER AN OCTOBER 14, 2005 COMMUNICATION) TO RECEIVE A REFUND OF THE MILITARY SERVICE TIME HE PURCHASED (12 MONTHS), THEREFORE BE IT

RESOLVED, THAT THE REQUEST OF MR. BANKS BE APPROVED:

Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, English, Ngare, Orzech, Stewart and Chairperson Isom - 10

Nays - None

■ Trustee English temporarily excused himself.

CONFERENCES

By Mr. Bandemer - Supported by Mr. Orzech

Resolved, That the Board approve the attendance of all Trustees, the Executive Secretary and the Assistant Executive Secretary at the below-referenced conferences, and be it further

Resolved, That the Board approve expenditures for all Trustees, the Executive Secretary and the Assistant Executive Secretary to attend said conferences:

**Dimensional Fund Advisors
California
January 25, 2006 - January 27, 2006**

**Pension Management
Florida
January 29, 2006 - February 1, 2006**

CONFERENCES

Trustees' and Administrators' Conference

Florida

February 27, 2006 - March 1, 2006

**Yeas - Trustees Bandemer, Best, Cheek, Christian, Doyle, Ngare,
Orzech, Stewart and Chairperson Isom - 9**

Nays - None

■ Trustee English re-joined the Meeting.

PUBLIC FORUM

**AT 2:45 P.M., CHAIRPERSON ISOM DECLARED THE MEETING IN
OPEN FORUM FOR GENERAL DISCUSSION BY THE PUBLIC
ATTENDING THE MEETING.**

ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD,
CHAIRPERSON ISOM ADJOURNED THE MEETING AT 2:53 P.M.
UNTIL THURSDAY, OCTOBER 27, 2005, AT 9:00 A.M., IN ROOM
910 OF THE COLEMAN A. YOUNG MUNICIPAL CENTER, DETROIT,
MICHIGAN 48226.**

ADJOURNMENT

RESPECTFULLY SUBMITTED,

ASSISTANT EXECUTIVE SECRETARY

