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BEFORE
THE RETIREMENT BOARD
FIREMEN'S ANNUITY AND BENEFIT FUND OF CHICAGO

IN THE MATTER OF)
AUDIO CONFERENCE MEETING NO. 1071)

STENOGRAPHIC REPORT OF PROCEEDINGS had of
the audio conference meeting of the above-entitled
matter, held at 20 South Clark Street, Suite 300,
in the City of Chicago, County of Cook, State of
Illinois, on Wednesday, March 18, 2020, commencing
at the hour of 8:45 a.m.

1 APPEARANCES

2

3

4 BOARD MEMBERS APPEARING TELEPHONICALLY:

5

6 DANIEL FORTUNA, President and
Annuitant Trustee

7

8 WILLIAM MURPHY, Active Trustee

9

ANNA VALENCIA, City Clerk

10

RESHMA SONI, City Comptroller

11

ANNETTE NANCE-HOLT, Active Trustee

12

BOARD MEMBERS PRESENT:

13

ANTHONY MARTIN, Secretary and Active
Trustee

14

TIMOTHY McPHILLIPS, Active Trustee

15

16 ATTORNEYS FOR THE BOARD:

17 BURKE, BURNS AND PINELLI, LTD.

18 BY: MS. MARY PATRICIA BURNS

19

ALSO PRESENT:

20

LORI LUND, Deputy Director

21

STEVEN R. SWANSON, Executive Director

22

LORNA SCOTT, Chief Investment Officer

23

24

1 MS. BURNS: Okay. Let the record reflect
2 that it is approximately 8:45 on Wednesday, March
3 18th.

01:03PM

4 This is, as Trustee Martin will say
5 later, the Regular Meeting Number 1071 of the
6 Firemen's Annuity and Benefit Fund of Chicago.

01:03PM

7 Before we start, and consistent with the
8 Board's practice, we'd like to make sure that we
9 have the identity of everybody who is participating
10 in the meeting on the phone.

01:03PM

11 We know we have Trustee Holt, Trustee
12 Murphy, Trustee Soni, Trustee Valencia on the
13 phone. In the room we have Trustee Martin, Trustee
14 McPhillips. And we have our Board President Dan
15 Fortuna.

16 In addition, we know that we have on the
17 phone former trustee and now Executive Director
18 Erin Keane.

01:04PM

19 And if there is anybody else on the
20 phone, we would ask that they identify themselves.

21 MS. TUCZAK: Gina Tuczak is on the phone.

22 MS. BURNS: Gina, good morning.

23 Anybody else on the phone?

24 MR. KUGLER: Justin Kugler is on the

1 phone.

2 MS. BURNS: Justin Kugler.

3 Anybody else?

4 We're going to ask people if you join the

01:04PM

5 call after we have started, that you hold off on

6 from identifying yourself and then before we

7 disconnect from the meeting, we would ask that you

8 make sure that you stay on the line to identify

9 yourself as a member of the public that was present

01:04PM

10 for the meeting.

11 Our proceeding today is being recorded

12 consistent with the Executive Order of the Governor

13 file on March 16, 2020. And, specifically, in that

14 Executive Order, Section 6, which allows for this

01:05PM

15 meeting to be held by audio conference due to the

16 circumstances that we are facing. Section 6

17 consistent with the Gubernatorial Disaster

18 Proclamation allows for this meeting to be held by

19 an audio conference versus an in-person meeting.

01:05PM

20 Consistent with the Governor's direction

21 and working with the Board President, we have

22 truncated our agenda to make sure that we are

23 dealing solely with matters that the Board has

24 determined are important and necessary for the

1 business of the Fund.

2 In that regard, we have a revised amended
3 docket that was posted on the Fund's website by
4 Monday of this week.

01:05PM

5 If anyone wants to access that, it is
6 available on the website.

7 With that, I would turn it over to
8 Trustee Martin, the Board Secretary, and ask that
9 he walk us through the docket.

01:05PM

10 MEMBER MARTIN: Okay. This is Meeting
11 Number 1071.

12 For roll call, we pretty much know who is
13 here. Myself, Trustee McPhillips are present.

14 Trustee Holt.

15 MEMBER NANCE-HOLT: Present.

16 MEMBER MARTIN: Trustee Soni.

17 MEMBER SONI: Present.

18 MEMBER MARTIN: Trustee McPhillips.

19 MEMBER McPHILLIPS: Present.

20 MEMBER MARTIN: Trustee Murphy.

21 MEMBER MURPHY: Present.

22 MEMBER MARTIN: Chairman Fortuna.

23 CHAIRMAN FORTUNA: Present.

24 MEMBER MARTIN: Trustee Valencia.

1 MEMBER VALENCIA: Present.

2 MEMBER MARTIN: Trustee Conyears-Ervin is
3 not on the line.

01:06PM

4 MS. BURNS: Right now we have seven of
5 our eight trustees present.

6 MEMBER MARTIN: Are there any requests of
7 the public to address the Board?

01:06PM

8 MS. BURNS: We would ask if anybody wants
9 to address the Board that they state their names.
10 We will take down the names and then we will hear
11 the public comments in order.

12 Everyone will be limited to three minutes
13 consistent with the Board's practice and I will be
14 timing that.

01:06PM

15 Are there any members of the public that
16 would like to indicate that they would like to make
17 a comment for the record?

01:06PM

18 MS. TUCZAK: This is Gina Tuczak from the
19 public. I'd just like to add that Margaret
20 Fahrenbach is with me as well for your records.

21 MS. BURNS: Thank you.

22 There being no public comments, sir, we
23 are able to proceed with the meeting.

24 MEMBER MARTIN: Moving on to Item 2,

1 Approval of Administrative Items.

2 2-A, Retirement Annuities and Minimum
3 Formula Annuities on Page 1 for Member 11548 and
4 Member 15605. Mr. President, I make a motion to
5 approve.

01:07PM

6 MEMBER MCPHILLIPS: Second.

7 CHAIRMAN FORTUNA: Motion to approve by
8 Trustee Martin. Seconded by Trustee McPhillips.
9 All in favor?

01:07PM

10 (Chorus of ayes.)

11 CHAIRMAN FORTUNA: Opposed?

12 Hearing none, motion carries.

13 MEMBER MARTIN: Moving on to Page 2, we
14 have Survivor Annuities for Widows beginning with
15 Member 13464 continuing through to the bottom of
16 Page 2 ending with Member 12287.

01:07PM

17 Mr. President, I make a motion to
18 approve.

19 MEMBER McPHILLIPS: Second.

01:07PM

20 CHAIRMAN FORTUNA: Motion to approve by
21 Trustee Martin. Seconded by Trustee McPhillips.
22 All in favor?

23 (Chorus of ayes.)

24 CHAIRMAN FORTUNA: Opposed?

1 Hearing none, motion carries.

2 MEMBER MARTIN: Page 3, Survivor
3 Annuities: Children's Annuities for Member 15733.
4 Mr. President, I make a motion to approve.

01:08PM

5 MEMBER MCPHILLIPS: Second.

6 CHAIRMAN FORTUNA: Motion to approve by
7 Trustee Martin. Seconded by Trustee McPhillips.
8 All in favor?

9 (Chorus of ayes.)

01:08PM

10 CHAIRMAN FORTUNA: Opposed?

11 Hearing none, motion carries.

12 MEMBER MARTIN: Page 4, Refunds. Refund
13 of Contributions on Page 4 beginning with Member
14 15456 continuing through to the middle of Page 4
15 ending with Member 18643. Mr. President, I make a
16 motion to approve.

01:08PM

17 MEMBER MCPHILLIPS: Second.

18 CHAIRMAN FORTUNA: Motion to approve by
19 Trustee Martin. Seconded by Trustee McPhillips.

01:08PM

20 All in favor?

21 (Chorus of ayes.)

22 CHAIRMAN FORTUNA: Opposed?

23 Hearing none, motion carries.

24 MEMBER MARTIN: Moving to Page 5, Mr.

1 President. Item D, Death Benefits, beginning with
2 Member 06822 continuing through to the top of Page
3 6 ending with Member 13464. Mr. President, I make
4 a motion to approve.

01:09PM

5 MEMBER MCPHILLIPS: Second.

6 CHAIRMAN FORTUNA: There is a motion to
7 approve by Trustee Martin.

8 MEMBER MCPHILLIPS: Second.

01:09PM

9 CHAIRMAN FORTUNA: Motion to approve by
10 Trustee Martin. Seconded by Trustee McPhillips.
11 All in favor?

12 (Chorus of ayes.)

13 CHAIRMAN FORTUNA: Opposed?

14 Hearing none, motion carries.

01:09PM

15 MEMBER MARTIN: Mr. President, on Page 7,
16 Item E, Partial Payments beginning with Member
17 09496 continuing through to the top of Page 8
18 ending with Member 10849. Mr. President, I make a
19 motion to approve.

01:10PM

20 MEMBER MCPHILLIPS: Second.

21 CHAIRMAN FORTUNA: There is a motion to
22 approve by Trustee Martin. Seconded by Trustee
23 McPhillips. All in favor?

24 (Chorus of ayes.)

1 CHAIRMAN FORTUNA: Opposed?

2 Hearing none, motion carries.

3 MEMBER MARTIN: Mr. President, moving to
4 Page 9, Item F, Benefit Recalculations. This month
01:10PM 5 there are none.

6 Moving to Item G, Request for Permission.
7 We have one request for Guardianship for Member
8 07088. The Power of Attorney and doctor's letter
9 are on file. Mr. President, I make a motion to
01:10PM 10 approve.

11 MEMBER MCPHILLIPS: Second.

12 CHAIRMAN FORTUNA: Motion to approve by
13 Trustee Martin. Seconded by Trustee McPhillips.
14 All in favor?

01:10PM 15 (Chorus of ayes.)

16 CHAIRMAN FORTUNA: Opposed?

17 Motion carries.

18 MEMBER MARTIN: Moving a little further
19 to Item I, we have Removals. Beginning with Helen
01:11PM 20 W. Dietz continuing to the bottom of Page 9 ending
21 with James T. Harney. Mr. President, I make a
22 motion to approve.

23 MEMBER McPHILLIPS: Second.

24 CHAIRMAN FORTUNA: There is a motion to

1 approve by Trustee Martin. Seconded by Trustee
2 McPhillips. All in favor?

3 (Chorus of ayes.)

4 CHAIRMAN FORTUNA: Opposed?

01:11PM

5 Hearing none, motion carries.

6 MEMBER MARTIN: Mr. President, turning to
7 Page 10, Payments Pursuant to Administrative and
8 court orders.

01:11PM

9 For QILDROS, we have beginning with
10 Member 011010 continuing through to the bottom of
11 Page 10 ending with Member 013291. I make a motion
12 to approve.

13 MEMBER MCPHILLIPS: Second.

01:11PM

14 CHAIRMAN FORTUNA: Motion by Trustee
15 Martin. Seconded by Trustee McPhillips. All in
16 favor?

17 (Chorus of ayes.)

18 CHAIRMAN FORTUNA: Opposed?

19 Hearing none, motion carries.

01:12PM

20 MEMBER MARTIN: Moving to Page 11, we
21 have the Investment report.

22 MS. SCOTT: I have one item to cover and
23 that is performance. Markets have been very, very
24 volatile primarily around the coronavirus and the

1 uncertainty on how it's going to be handled.

2 So as of February 29th, the Fund is down
3 6.1 percent. At this point in time, we are
4 remaining calm and we're not restructuring the
01:12PM 5 portfolio in any way.

6 We do have 56 million dollars in cash
7 from City contributions, which we will use to pay
8 benefit payments for the next two months.

9 At this point in time, we will not sell
01:12PM 10 any investments into this environment.

11 MS. BURNS: On that, the only thing I
12 would add is Lorna will be in touch with all of you
13 if that situation changes by email, right?

14 MS. SCOTT: Okay.

01:12PM 15 MS. BURNS: If she needs cash before we
16 are able to meet again, we'll do a phone poll based
17 on past practice of the Fund regarding if we have
18 to liquidate or something. Okay?

19 MS. SCOTT: Sounds good.

01:13PM 20 MEMBER MARTIN: Motion to spread the
21 Investment Report on the record.

22 MEMBER MCPHILLIPS: Second.

23 CHAIRMAN FORTUNA: Motion by Trustee
24 Martin. Seconded by Trustee McPhillips. All in

1 favor?

2 (Chorus of ayes.)

3 CHAIRMAN FORTUNA: Opposed?

4 Hearing none, motion carries.

01:13PM

5 MEMBER MARTIN: Further down on Page 11,
6 we have the Expenditures. Administrative expenses
7 for Board review and approval, which includes Fund
8 counsel's bill for 2020. Mr. President, I make a
9 motion to approve.

01:13PM

10 MEMBER MCPHILLIPS: Second.

11 CHAIRMAN FORTUNA: Motion to approve by
12 Trustee Martin. Second by Trustee McPhillips. All
13 in favor?

14 (Chorus of ayes.)

01:13PM

15 CHAIRMAN FORTUNA: Opposed?

16 Hearing none, motion carries.

17 MEMBER MARTIN: Moving to Item 6, we have
18 the Executive Director update regarding Fund
19 operations.

01:14PM

20 MR. SWANSON: Thank you.

21 Our Fund operations, we sent out a notice
22 yesterday regarding the operation of the fund going
23 forward.

24 Starting at noon today, we will no longer

1 be accepting visitors. The staff will be working
2 remotely. They do have access to the office so we
3 can insure the benefits are paid at the end of the
4 month. Although, we do have capabilities to
5 produce the benefit payments offsite as well.

01:14PM

6 All phone calls -- we will continue to
7 answer the phones. We will continue to monitor the
8 emails. All staff will be working remotely.

9 Everyone has a laptop and access to all our systems
10 and also access to the Fund's phone system. We
11 will continue all our normal activities just from
12 remote locations.

01:14PM

13 MEMBER VALENCIA: Steve, this is Trustee
14 Valencia.

01:14PM

15 Question. How are we going to -- if
16 people -- obviously, they won't be able to come in
17 for their disability hearings.

18 How are we going to be able to not clog
19 the system and take care of people's disability
20 hearings timely?

01:14PM

21 I know you reached out about City
22 Council. We cancelled our meeting, obviously,
23 today and I think we will be probably -- from what
24 I am hearing and it is not public yet, will be kind

1 of slowing things down at City Hall and by the end
2 of the week City Hall will be shutdown to the
3 public. Most of it, if not all. So I don't think
4 we can use City Council chambers.

01:15PM

5 I am curious about what we're going to do
6 on the disability hearings.

01:15PM

7 MS. BURNS: Trustee Valencia, if I may
8 address that. Trustee Martin, the Executive
9 Director and I are going to talk and come up with a
10 procedure by which perhaps we could consider a
11 record review with a doctor reviewing that and then
12 providing documentation which we will then share
13 with the Trustees via a secure portal. And have
14 the Trustees either reject it, if they feel it is
15 necessary, and we'll then put that in a separate
16 file. If it is sort of a slam dunk and they can
17 approve it, as long as we get an affirmative vote
18 of five trustees by phone poll, then we will take
19 action to initiate the benefit to that person or
20 that individual.

01:15PM

01:16PM

21 Subject to our normal motion, you will
22 see where we will do -- if it is, you know, an
23 Occupational Disability there will be Findings of
24 Facts that will be circulated to you consistent

1 with our normal practice that you would adopt.
2 There would be a request for reexam which you would
3 adopt or pass. And we would then later, when we
4 were able to reconvene at a portion where you are
01:16PM 5 all physically present in the room, we would again
6 go through all of those with you. Make sure those
7 are all re-ratified for the record. And make sure
8 that the person then is not without benefits, if
9 there is an interruption in our service.

01:16PM 10 We're going to try to refine that. We're
11 going to refine that and finalize that over the
12 next couple of days or a week after Steve has done
13 all the things he needs to do to sort of protect
14 the office and secure it. Making sure people get
01:17PM 15 their benefit payments. Then we will work on our
16 procedures and get that around to everyone to make
17 sure you are all comfortable.

18 We would just ask all trustees to be
19 patient and to be in connection hopefully with
01:17PM 20 their emails, which is how we will communicate with
21 people.

22 MEMBER VALENCIA: Thank you.

23 MEMBER MARTIN: I would like to make a
24 motion to spread the Executive Director's update

1 regarding Fund operations.

2 MEMBER MCPHILLIPS: Second.

3 CHAIRMAN FORTUNA: Motion by Trustee
4 Martin. Seconded by Trustee McPhillips. All in
01:17PM 5 favor?

6 (Chorus of ayes.)

7 CHAIRMAN FORTUNA: Opposed?

8 Hearing none, motion carries.

9 MEMBER MARTIN: Item 7, Legal.

01:17PM 10 Consideration of possible action regarding
11 intercepts for employee contributions.

12 Mary Pat, this is all yours.

13 MS. BURNS: I am somewhat conflicted with
14 all of the people on the phone on this one, but
01:18PM 15 what I would like to recommend on this one to my
16 fire trustees is that the City has, as you know,
17 done a really good job of getting money to this
18 fund as it has to other funds, including the Muni
19 Fund.

01:18PM 20 Jackie was in here this morning, and I
21 asked her in front of Trustee Martin and in front
22 of Steve, did she believe as she sat here today
23 that the Firemen's Annuity Benefit Fund of Chicago
24 had received every dollar due and owing from the

1 City for 2019 consistent with the stated amount in
2 Section 1-165 of the Pension Code and she answered
3 yes.

01:19PM

4 I then asked her is it her opinion as she
5 sits here today, based on what she knows, as to
6 whether the Firemen's Annuity and Benefit Fund of
7 Chicago received every dollar due and owing to the
8 Fund from the City with regard to the Brass Bill
9 payment for 2019 and she answered yes.

01:19PM

10 So I think we're in really good shape in
11 terms of you having met your fiduciary duties to
12 collect all monies due and owing to the Fund. But
13 there is some still uncertainty in Jackie's mind
14 that she needs to reconcile with members of the
15 Comptroller's office. And she has started that
16 process but due to circumstances beyond both the
17 Comptroller's office and Jackie's control, they
18 need a little more time to be able to make sure
19 that they understand each others numbers and that
20 they make sure that we have in fact received
21 everything.

01:19PM

01:19PM

22 Given Jackie's indication that she
23 doesn't believe we are at risk but still wanting to
24 have one last chance to deal with the City and

1 confirm the numbers, it is our recommendation
2 consistent with past practice of this fund that you
3 give authority to the Executive Director to work in
4 the next couple of weeks with myself and Sarah
01:20PM 5 Boeckman from my office to have conversations, if
6 necessary, with Jackie and the Comptroller's
7 office. And, if necessary, be ready at the end of
8 March or the beginning of April to file an
9 intercept, if needed.

01:20PM 10 So we would ask for the authority,
11 because we don't know when we are going to meet
12 again, but we wouldn't file anything with the State
13 or take any action without first reporting back to
14 this board what our intent is and what the facts
01:20PM 15 are that are disclosed.

16 We would also, consistent with past
17 practice, make sure not to file anything without
18 first reaching out to the Comptroller's office and
19 the City and making sure we have exhausted all
01:21PM 20 avenues available to us to resolve any conflicts
21 before filing.

22 But as you know, first in/first paid,
23 based on the successful litigation that the
24 Firemen's Fund had, and so we want to make sure

1 that we are ready to go at the end of March, if
2 necessary.

3 MEMBER MARTIN: I'd like to make a motion
4 to give the --

01:21PM

5 CHAIRMAN FORTUNA: Hold on. Do you need
6 a motion on this or is this just a recommendation,
7 Mary Pat?

8 MS. BURNS: No, I need a motion.

01:21PM

9 MEMBER MARTIN: It involves the
10 expenditure of funds.

11 Mr. President, I would like to make a
12 motion to allow the Executive Director and Fund
13 counsel to work to prepare and file the required
14 intercept documents after consultation with the
15 City if and when it is determined that the funds
16 are due for 2019 and are still owed by the City.

01:21PM

17 Mr. President, that is my motion.

18 MEMBER MCPHILLIPS: Second.

01:22PM

19 CHAIRMAN FORTUNA: Motion by Trustee
20 Martin. Seconded by Trustee McPhillips. Any
21 questions on this motion?

22 MEMBER SONI: So just to make sure, we
23 are all in agreement after Jackie's statement that
24 the funds that were needed for the 2018 levy and

1 2017 levy have been received in full?

2 MS. BURNS: Unfortunately, Trustee Soni,
3 that is not what she said. What she said is based
4 on the statutory amount set forth in Section 6-165
01:22PM 5 of 235 million dollars that she believes 235
6 million dollars were received in 2019.

7 She is not sure how the City allocates
8 that money but -- and so that is the open issue but
9 she can report that 235 million was received in
01:22PM 10 2019.

11 MEMBER SONI: So we met that requirement?

12 MS. BURNS: I am not prepared to say
13 that, that is why we need more time.

14 All I can say factually is that we
01:23PM 15 received 235 million. How that money is allocated
16 is dependent on a conversation between the City and
17 Jackie.

18 CHAIRMAN FORTUNA: Any more questions?

19 There is a motion and a second. Roll
01:23PM 20 call.

21 Trustee Martin.

22 MEMBER MARTIN: Yes.

23 CHAIRMAN FORTUNA: Trustee Soni.

24 MEMBER SONI: Yes.

1 CHAIRMAN FORTUNA: Trustee McPhillips.

2 MEMBER McPHILLIPS: Yes.

3 CHAIRMAN FORTUNA: Trustee Holt.

4 MEMBER NANCE-HOLT: Yes.

5 CHAIRMAN FORTUNA: Trustee Murphy.

6 MEMBER MURPHY: Yes.

7 CHAIRMAN FORTUNA: Trustee Valencia.

8 MEMBER VALENCIA: Yes.

9 CHAIRMAN FORTUNA: And I am a yes.

10 Motion carries.

11 MS. BURNS: We will be back in touch with
12 you before we take any action notifying you of what
13 we intend to do.

01:24PM

14 Sir, unless there is any new business or
15 old business, I think you would be ready to
16 entertain a motion to adjourn.

01:24PM

17 MEMBER VALENCIA: Before we adjourn --
18 this is Trustee Valencia. I just want to say that
19 I will probably be out for April and May. Yes, I
20 will be, if everything goes well. I am four weeks
21 from having this baby.

22 And I just wanted to say that I will see
23 you probably for the June meeting. I will be sure
24 to send photos your way to keep your spirits high

1 during all of this and stay healthy and stay safe
2 out there.

3 MS. BURNS: Thank you, Trustee Valencia.
4 Congratulations.

01:24PM

5 MEMBER VALENCIA: Thank you.

6 MEMBER MARTIN: There being no further
7 business to discuss, I make a motion to adjourn.

8 MEMBER MCPHILLIPS: Second.

01:25PM

9 CHAIRMAN FORTUNA: Motion to adjourn by
10 Trustee Martin. Seconded by Trustee McPhillips.
11 All in favor?

12 (Chorus of ayes.)

13 CHAIRMAN FORTUNA: Motion carries.

14 Thank you.

15

16 (WHICH WERE ALL THE PROCEEDINGS

17 IN THE ABOVE-ENTITLED MEETING

18 AT THIS DATE AND TIME.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

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DEBORAH TYRRELL, being a Certified Shorthand Reporter, on oath says that she is a court reporter doing business in the County of DuPage and State of Illinois, that she reported in shorthand the proceedings given at the taking of said cause and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid; and contains all the proceedings given at said cause.

Debbie Tyrrell
DEBBIE TYRRELL, CSR
License No. 084-001078

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