

## **MINUTES OF BOARD OF DIRECTORS SPECIAL MEETING**

**TUESDAY ~ JUNE 9, 2015 ~ 12:00 NOON**

### **FORT SMITH PUBLIC LIBRARY COMMUNITY ROOM**

The special meeting was called by Directors Kevin Settle, Andre' Good, George Catsavis and Tracy Pennartz to consider the following:

- Ordinance modifying the benefit program for police and fire retirement benefits and rescinding Section 1 of Resolution No. R-243-03

The special meeting was called to order by Vice-Mayor Kevin Settle, presiding. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings. The Vice-Mayor declared a quorum present.

The Vice-Mayor inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

City Administrator Ray Gosack briefed the Board on the item. At the June 2, 2015 regular meeting, the Board adopted Resolution R-104-15 that selected Benefit Program 1 for Fort Smith's LOPFI participation. The move was part of the plan to make the LOPFI contribution fund financially sustainable. The vast majority of LOPFI police and fire agencies are in Benefit Program 1. Following the May 26, 2015 study session, the draft resolution was sent to LOPFI for review to ensure it met all LOPFI requirements. One (1) suggestion was provided and such was included within Resolution No. R-104-15. On Wednesday, June 3<sup>rd</sup>, LOPFI advised the change from Benefit Program 2 to Benefit Program 1 needs to be accomplished by an ordinance rather than a resolution. In 2013,

***June 9, 2015 Special Meeting***

LOPFI changed its rules to require ordinances rather than resolutions from cities when a benefit program is being selected. Prior to this change in 2013, resolutions were acceptable. LOPFI did not advise the City of this requirement when they reviewed our draft resolution on May 27<sup>th</sup>. Upon approval, the City will comply with the aforementioned LOPFI requirement.

The following individual was present to address the Board:

- Darrell Clark, Fort Smith Fire Department and President of the Fort Smith Professional Firefighters / International Association of Fire Fighters (IAFF) Local 33

Re: Some have noted the subject issue is temporary and the City of Fort Smith maintains the ability to go back to Benefit Program 2 once the existing issue has been resolved. Such can technically be accomplished, but only with the understanding that (due to LOPFI requirements) the City of Fort Smith would not maintain the ability to revert back to Benefit Program 1 if an issue arises in the future. He conveyed much doubt City leaders would commit to permanent participation in Benefit Program 2; therefore, he reiterated the proposed is essentially a permanent action to address a temporary problem. LOPFI is required to provide financial information by the end of June; therefore, he urged the Board to postpone consideration to allow thorough review of the LOPFI information. Such would also allow the City to explore other options before a permanent decision is made.

Catsavis, seconded by Hutchings, moved to table consideration of the ordinance for thirty (30) days to allow review of the aforementioned financial information from LOPFI. The members voted as follows: ayes - Good, Catsavis and Hutchings; nays - Lau, Lorenz, Pennartz and Settle. The Vice-Mayor declared the motion defeated.

Lorenz, seconded by Lau, moved adoption of the ordinance. Prior to the vote

***June 9, 2015 Special Meeting***

Director Good reminded all that although the matter is a temporary issue, such will require a long time to resolve. Due to the concern noted by Mr. Clark that the City would not allow return to Benefit Program 2, he conveyed confidence and can't foresee "...any future Board having a problem with that."

The motion remaining on the floor, the members voted as follows: ayes - Lau, Good, Lorenz, Pennartz and Settle; nays - Catsavis and Hutchings. The Vice-Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 39-15.

There being no further business to come before the Board, Pennartz moved that the meeting adjourn. The motion was seconded by Lorenz and the members all voting aye, the Vice-Mayor declared the motion carried, and the special meeting stood adjourned at 12:08 p.m.

**APPROVED:**

  
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**MAYOR**

**ATTEST:**

  
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**CITY CLERK**