

**CITY OF MARIETTA/BLW PENSION BOARD MEETING**

**Wednesday, November 11, 2020  
9:00 AM – Council Chamber**

**MEETING MINUTES (UNOFFICIAL UNTIL APPROVED)**

**Members Present:** Post 1: Bill Bruton Post 2: Joseph Goldstein  
Post 3: Cheryl Richardson Post 4: Rich Buss  
Post 5: Patina Brown Post 6: Bruce Bishop  
Post 7: Scott Reece Post 8: Patrick Bonito  
Post 9: Bobby Moss

**Absent:** None

**Ex Officio Members:** Davy Godfrey – Pension Board Secretary and Director, Human Resources & Risk Management  
Sam Lady – Pension Board Treasurer and Finance Director

**Visitors / Guests** Ian Janecek and Scott Arnwine – CBIZ (via WebEx)  
Tony Kay and Paul Murray – AndCo Consulting (via WebEx)  
Read Gignilliat – Elarbee Thompson  
Patrick Lail – Elarbee Thompson (via WebEx)  
Elizabeth Jacobs – Benefits Manager  
Pam Peacock – Executive Aide to City Manager

**CALL TO ORDER:**

*Chairman Bobby Moss declared a quorum and called the meeting to order at 9:00am.*

**LEGAL MATTERS:**

Chairman Moss recognized Read Gignilliat, who provided a pension forfeiture update on Shantel Bowens and Debbie Bailey. Both orders were received, and their appeals periods have exhausted. Read advised that the Board act quickly to get something on record in case a future Pension Board receives an application for benefits. He provided the Board with a model motion to utilize.

*The following motion was made by Vice Chairman Brown:*

*“Section 47-1-22 of the Georgia Code mandates that a participant in a public pension plan who has been convicted of a public employment-related crime in his or her capacity as a public employee shall be reduced by an amount equal to three times the economic impact of the crime. This statutory requirement is also incorporated into the Consolidated Plan as Article IX, Section 4.*

*Pursuant to this statute, we authorized the filing of Pension Board v. Bailey, Case No. 1833447, after former City employee Debbie Bailey was convicted in 2014 of conspiracy to commit theft in her capacity as a public employee. On August 24, 2020, an ALJ with the Office of State Administrative Hearings determined the economic impact of Ms. Bailey’s crime to be \$1,351,831.41. Ms. Bailey’s 10-day period to request reconsideration of this determination and her 30-day period to seek judicial review of the ALJ’s decision have expired with no action by her. So, the decision is now final by operation of law.*

*We also authorized the filing of Pension Board v. Bowens, Case No. 1833444, after former City employee Shantel Bowens was convicted in 2014 of conspiracy, theft, and receipt of stolen funds in her*

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capacity as a public employee. On August 6, 2020, the same ALJ determined the economic impact of Ms. Bowens' crime to be \$1,782,037.17. Ms. Bowens' 10-day period to request reconsideration and her 30-day period to seek judicial review have also expired with no action by her. So, this decision is now final by operation of law as well.

As a result of these final decisions of the Office of State Administrative Hearings, Ms. Bailey and Ms. Bowens are not entitled to receive pension benefits until the aforementioned amounts have been fully satisfied by withheld benefits.

I therefore move that the final decisions of the Office of State Administrative Hearings be formally adopted and implemented by this Board. This Motion includes that the Board Secretary be directed:

To take all appropriate steps to ensure that Ms. Bailey and Ms. Bowens' pension files are clearly flagged and documented to ensure that benefits are not inadvertently paid out in contravention of these decisions;

To calculate the earliest dates on which Ms. Bailey and Ms. Bowens would be eligible to apply for benefits under the Plan and to take the necessary steps to schedule their respective deductions to commence at those times; and

To notify Ms. Bailey and Ms. Bowens by certified mail that the final decisions have been adopted and implemented by the Board and the dates on which their respective deductions will commence."

The motion was seconded by Member Richardson.

The motion carried by the following vote: **9-0-0**.

Chairman Moss then recognized Patrick Lail via WebEx, who then briefed the Board regarding the language in Article V, Section 9 of the plan as pointed out by the HR staff. It states the following: "In the event a participant is involuntarily terminated for reasons other than willful misconduct, he shall be eligible to retire at any time after attaining his early retirement date, provided he has at least 20 years of credited service on the date he terminates his employment." Lail advised that this is erroneous, retirement applications have never been processed in this way to require more years than the plan specifies for vesting, and there does not appear to be any reason as to why this was ever in the Consolidated Plan. Lail advised striking this from the plan document.

A motion was made by Member Goldstein to remove the following clause from Article V, Section 9: "In the event a participant is involuntarily terminated for reasons other than willful misconduct, he shall be eligible to retire at any time after attaining his early retirement date, provided he has at least 20 years of credited service on the date he terminates his employment." The motion was seconded by Member Buss.

The motion carried by the following vote: **9-0-0**.

**MINUTES:**

**August 12, 2020, Regular Meeting**

A motion was made by Member Buss to approve the minutes from the August 12, 2020, Regular Meeting and seconded by Member Richardson.

The motion carried by the following vote: **9-0-0**.

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PENSION EDUCATION UPDATE:**

Secretary Godfrey provided the Board with a pension education update. Out of the 12 individuals who are required to complete it, 10 have completed it, one is pursuing online education, and the other is pending registration in online education. He explained that new members must do 8 hours the first year and then 12 every two years after that.

**GENERAL PENSION REPORT – CBIZ:**

Chairman Moss recognized Ian Janecek from CBIZ, who briefed the Board via WebEx, and then presented the General Pension Report for the 3rd quarter of calendar year 2020.

Secretary Godfrey presented the securities monitoring report and indicated that the only item of significance is an outstanding case against Intel Corporation.

**SUPPLEMENTAL PENSION REPORT – AndCo Consulting:**

Chairman Moss recognized Paul Murray and Tony Kay from AndCo Consulting, who dialed in via the WebEx program, and then presented the Supplemental Pension Report for the 3rd quarter of calendar year 2020. Paul is the new consultant for Marietta, and Tony was on to facilitate the transition. The Board advised Paul regarding preferences for information presentation.

**RETIREMENT APPLICATIONS – Secretary Godfrey:**

**1. Estate of Melvin McClure - Effective 04/01/2020**

Plan 4022 – Survivor  
24 Month Benefit ending 03/31/2022  
Monthly Benefit: \$843.14  
Survivor of Melvin McClure

**2. Mark Erion - Effective 08/01/2020**

Consolidated – Unreduced Early  
Joint & Survivor 75% w/Pop Up  
Survivor DOB: 09/04/1962  
Employed: 01/23/1984– 11/28/1987 & 07/03/2000 – 07/31/2020  
Total Service: 23 years, 9 months  
Total Credited Service: 24 years, 1 months  
Monthly Benefit: \$2004.52  
Senior Police Officer

**3. William G. St John, Jr - Effective 08/01/2020**

Consolidated – Early  
Joint & Survivor 50% w/Pop Up  
Survivor DOB: 11/09/1964  
Employed: 08/27/1987– 09/08/2000 & 09/16/2016 – 07/31/2020  
Total Service 16 years, 10 months  
Total Credited Service: 16 years, 10 months  
Monthly Benefit: \$588.30  
Material Processor I

4. Secnary L. Etchison - Effective 08/01/2020  
Consolidated – Terminated Vested Early  
Joint & Survivor 50% w/Pop Up  
Survivor DOB: 09/28/1956  
Employed: 09/25/2000 – 09/27/2006  
Total Service: 5 years, 11 months  
Total Credited Service: 5 years, 11 months  
Monthly Benefit: \$198.58  
Apprentice Tree Trimmer

5. Ruby N. Patton - Effective 08/01/2020  
Consolidated – Terminated Vested Early  
Single Life Only  
Employed: 07/29/1991 – 06/23/2000  
Total Service 8 years, 10 months  
Total Credited Service: 8 years, 10 months  
Monthly Benefit: \$396.08  
Buyer

6. Jess Zerbe - Effective 09/01/2020  
Consolidated – Unreduced Early  
Single Life Only  
Employed: 02/17/1997 – 08/31/2020  
Total Service: 23 years, 6 months  
Total Credited Service: 23 years, 7 months  
Monthly Benefit: \$3465.90  
Fire Lt – Prevention Officer

7. Steven R. Greene - Effective 09/01/2020  
Consolidated – Unreduced Early  
Single Life Only  
Employed: 07/13/1989 – 08/31/2020  
Total Service: 31 years, 1 month  
Total Credited Service: 31 years, 1 month  
Monthly Benefit: \$4061.96  
OPS Manager Substation & Meter

8. Bobby Robertson - Effective 09/01/2020  
Consolidated – Early Terminated Vested  
Single Life Only  
Employed: 01/16/1990 – 09/20/2002  
Total Service: 12 years, 7 months  
Total Credited Service: 12 years, 7 months  
Monthly Benefit: \$452.85  
Systems Operator I

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9. Patricia Shepherd - Effective 10/01/2020  
Consolidated – Unreduced Early  
Single Life Only  
Employed: 05/18/1992 – 09/30/2020  
Total Service: 28 years, 4 months  
Total Credited Service: 28 years, 10 months  
Monthly Benefit: \$2978.63  
Senior Deputy Court Clerk

10. Cynthia Dorough - Effective 10/01/2020  
Consolidated – Unreduced Early  
Single Life Only  
Employed: 08/04/1997 – 09/30/2020  
Total Service: 23 years, 1 month  
Total Credited Service: 23 years, 2 months  
Monthly Benefit: \$2531.62  
Purchasing Agent III

11. Troye Huebner - Effective 10/01/2020  
Consolidated – Unreduced Early  
Joint & Survivor 100% w/Pop Up  
Survivor DOB: 07/15/1969  
Employed: 09/03/1985 – 09/30/2020  
Total Service: 35 years  
Total Credited Service: 35 years  
Monthly Benefit: \$3189.39  
Supervisor Water & Sewer

12. Thomas Jones - Effective 10/01/2020  
Consolidated – Unreduced Early  
Single Life Only  
Employed: 04/24/1995 – 09/30/2020  
Total Service: 25 years, 5 months  
Total Credited Service: 25 years, 9 months  
Monthly Benefit: \$5407.79  
Engineering Manager

13. Darryl Simmons - Effective 10/01/2020  
Consolidated – Terminated Vested Early  
Single Life Only  
Employed: 08/17/1989 – 01/28/2001  
Total Service: 11 years, 4 months  
Total Credited Service: 11 years, 4 months  
Monthly Benefit: \$546.21  
Zoning Analyst

Secretary Godfrey presented the 13 retirement applications.

*A motion was made by Member Bruton to approve all 13 retirement applications and seconded by Member Bishop.*

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*The motion carried by the following vote: 8-0-0 (Member Richardson departed the meeting).*

**OLD BUSINESS:**

Chairman Moss indicated that the subcommittee did not have any information to present for the Preretirement Death Benefits item. The item will remain on the agenda for possible future updates.

**NEW BUSINESS:**

Secretary Godfrey requested that the Board approve the release of funds for the 2021 GAPPT membership fees, certification fees, and for travel to the two scheduled events (the Annual Conference and Trustee School). He inquired as to whether the Board approved of travel considering the pandemic, and the consensus was that, as long as CDC guidelines are followed, there were no travel restrictions on members.

*A motion was made by Member Goldstein to authorize the release of funds to pay for all 2021 GAPPT costs, including travel to the two events and seconded by Vice Chairman Brown.*

*The motion carried by the following vote: 8-0-0.*

Vice Chairman Brown advised that the in person 2021 GAPPT Annual Conference scheduled for March in Braselton may be canceled, but that it may be held virtually.

Chairman Moss recognized Secretary Godfrey who advised the Board that the 4022 COLA amounts had been completed and letters mailed to participants. He thanked the calculation committee and Elizabeth Jacobs for their hard work on this annual task.

Secretary Godfrey also advised the Board that they should have received the audit notification letter from the auditors, and that he had posted the GASB 67 and 68 reports on the website.

**FUTURE ESTABLISHED MEETINGS:**

February 10, 2021, Regular Meeting

**--NOTHING FOLLOWS IN ORDER TO AVOID CUTTING THE SIGNATURE PAGE--**

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**ADJOURNMENT:**

A motion was made by Member Goldstein to adjourn the meeting and seconded by Vice Chairman Brown.  
The motion carried by the following vote: **8-0-0**. Meeting was adjourned at 10:28am.


**CITY OF MARIETTA/BLW PENSION BOARD MEETING**

**Wednesday, November 11, 2020  
9:00 AM – Council Chamber**

APPROVED THIS 10<sup>th</sup> DAY OF February, 2021

  
Bobby Moss, Pension Board Chairman

ATTEST:

  
Davy Godfrey, Pension Board Secretary