New Orleans Fire



PENSION PLAN GOVERNANCE

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Melanie Walker, JD Vice President



 \star Segal Consulting

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Today's Agenda





Pension Plan Governance Review

Governance Review Methodology

- Plan documents
 - Governing statutes (La. R.S. 11:3361, et al, revised 2013)
 - Administrative code (Title 58, Part V.)
 - IRS determination letter (December 2013)
 - Summary Plan Description (2011)
 - Board meeting minutes (2014)
- Review Board policies and procedures
 - Statement of Investment Policy, Objectives and Guidelines (dated 2010)
 - Rules and guidelines for Trustee expenses (dated 2002)
- External reports
 - Actuarial valuation report (01/01/2014)
 - Audit report (12/31/2013)
- Legal opinions relevant to Plan

Conduct Gap Analysis: current governance structure vs. best practices for public pension plans



Pension Plan Governance Review

Findings and Recommendations:

- Board Policies and Procedures
- Board Structure
 - Key committees
 - Best practices and scenarios for board composition
- Addressing state control of benefits

Internal Controls

- Are business processes designed to detect and prevent mistakes in operating a retirement plan
- Should include procedures for:
 - Periodic plan operations review that verifies you are operating your plan according to written terms
 - Plan document updates after meeting with benefit professionals to see if the plan documents needs updating for law changes or changes in plan operations or governance structure

Governance Manual

- Board mission statement, including its vision and guiding principles
- Governing plan documents (statutes, regulations, SPDs)
- Organization chart, job/role descriptions, summaries of contracts
- Board policies, key procedures, charters for committees
- References to relevant rulings and agreements that determine benefits and contribution levels
- Board meeting schedules and rules of procedure

Board Practices

- Development of a strategic plan that guides the Board towards its goal
- Adoption of fiduciary education program to improve skill sets
- Periodic assessment and audits to evaluate internal controls, performance and risks to fund and its fiduciaries
- Actuarial valuation report guidelines
- Asset allocation studies to identify asset mixes for meeting financial needs

Board Policies

- Standards of conduct, ethics and conflict of interest rules
- Investment policy that includes goals, monitoring procedures and risk tolerances
- Procurement guidelines that document procedures to select/monitor contractors
- Privacy and information policy

Risk Oversight

- Governance structure that defines risk and accountability
- Assessments to test internal controls and risk events (e.g., data systems)
- Key measures to assess market, operational, credit and asset/liability exposure

Strategic Planning

- Set goals and performance measures for key functions
- Long-term investment goals, risk tolerance and diversification objectives
- Multi-year budget needs
- Service quality goals and plans to achieve them
- Process for improving plan compliance and internal controls



Board Fiduciary Responsibilities

- The Board of Trustees has fiduciary responsibility and the individual trustees and senior staff are fiduciaries.
- The legal standards applied to fiduciaries (duties of prudence and loyalty) are the highest standards under the law when handling financial interests of others.
- Meeting the fiduciary standards requires more than mere common sense or a good faith attempt.
- The fiduciary standards are the same for all trustees regardless if they are appointed, elected or ex-officio trustees.
- The fiduciary standard is not applied on a sliding scale, as all members of the Board of Trustees are instantly held to this very high standard as soon as they become trustees.

Governance Policies

Key Policies

Ethics

- Code of conduct
- Gifts and consideration
- Travel and expenses

Investments

- Asset allocation
- Benchmarks
- Pay-for-play avoidance
- Review and revise methodology

Governance

- Define Board of Trustee and staff roles
- Implementation of statutes/charter





Key Policies

Education

- Describe educational objectives
- Require a written evaluation of any educational session attended
- Include expense reimbursement rules
- Annual education session is best practice – identify options available

Communications

- Identify rules under which the Board of Trustees will operate
- Guidelines for Trustee to Trustee communication
- Specifics on information dissemination
- Guidelines for Trustee communication with participants
- Guidelines for Trustee communication with external parties
- Protect member privacy <u>and</u> comply with FOIA laws

Existing Policies

- Investment Policy
- Fiduciary Standards
- Board of Trustees Procedural Rules and Regulations
- Claims & Appeals Procedures
- Travel and Expense Policy
- Personnel Policy

Recommended Policies

- Ethics & Code of Conduct Policy
- Trustee Education Policy
- Trustee Procurement and Due Diligence Policy
- Information and Privacy Policy
- Communications Policy (meetings and public participation)
- Audit and Risk Assessment Procedures
- Strategic Plan Statement
- Governance Manual

Key Committees

Investment

- Recommend to the Board a written investment policy
- Monitor and report to the Board compliance with the written policy and manager performance
- Review internal and external managers and make hiring and firing recommendations to the Board

Audit

- Review the adequacy and effectiveness of internal controls
- Monitor accounting policies and reporting practices
- Approve the scope of audits
- Ensure a process is in place to report any conduct or transaction that may violate policies or statute
- Should work directly with outside auditor



≻7 member board

- 2 ex-officio
- 1 appointed (by Mayor, confirmed City Council)
- 4 elected members (2 active, 2 retired), two-year terms
- Board elects President and Secretary-Treasurer
- Current committees include finance and relief
- Public finance expertise assured; no specific investment expertise required
- Fiduciary standards
 - ERISA prudent man rule for investment of assets
 - Common law fiduciary duties, including co-fiduciary liability, duty to remedy breach and personal liability



Current Board Structure – New Orleans Fire

Board has exclusive authority over:

- Investment of assets
 - Delegation to Investment Management Consultant and Investment Managers
- Contract with expert advisors
 - Legal, actuarial, audit
- Establish rules for administration of plan
- Oversee management and operations, including appeals for relief
- Assess member contributions



100 Local Systems Ranges										
Elected	0-10									
Appointed	0-10									
Ex-officio	0-10									
Total Board Size	5-17									

Board of Trustees – average composition:

- 3 ex-officio members
- 3 actives
- 2 retirees
- 1 independent



Board Structure - *Best Practice*

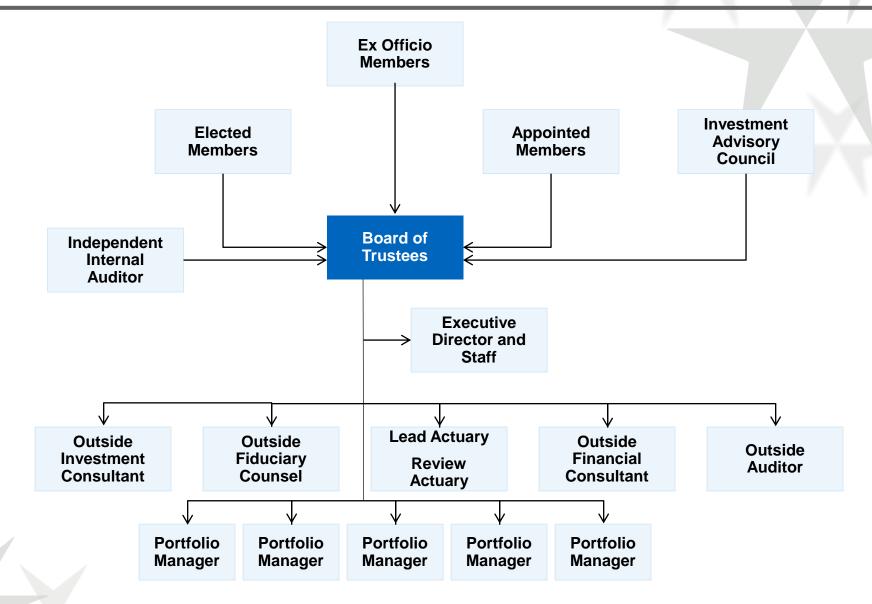
- >No larger than nine (9) members
- Majority of trustees represent actives and retirees
- >All members are voting members
- >One (1) independent selected by the Board

Scenario 1:

- Non-voting, Investment Advisory Council advises Board of Trustees on investment decisions
- Provides independent advice and broadens available expertise
- Requires specific expertise and experience
- Involves community stakeholders
- Experts hold decision makers accountable
- >Example:
 - Investment Advisory Council 5 members
 - Selected by Board for 3-year term; serve as fiduciaries
 - Seeks to broaden areas of expertise, including:
 - » Investment services (asset allocation, portfolio or risk management)
 - » Academic experience (economics, finance, accounting)
 - » Public/private pension or endowment fund management
 - » Investment audit, compliance and financial reporting



Board Structure - Scenario 1



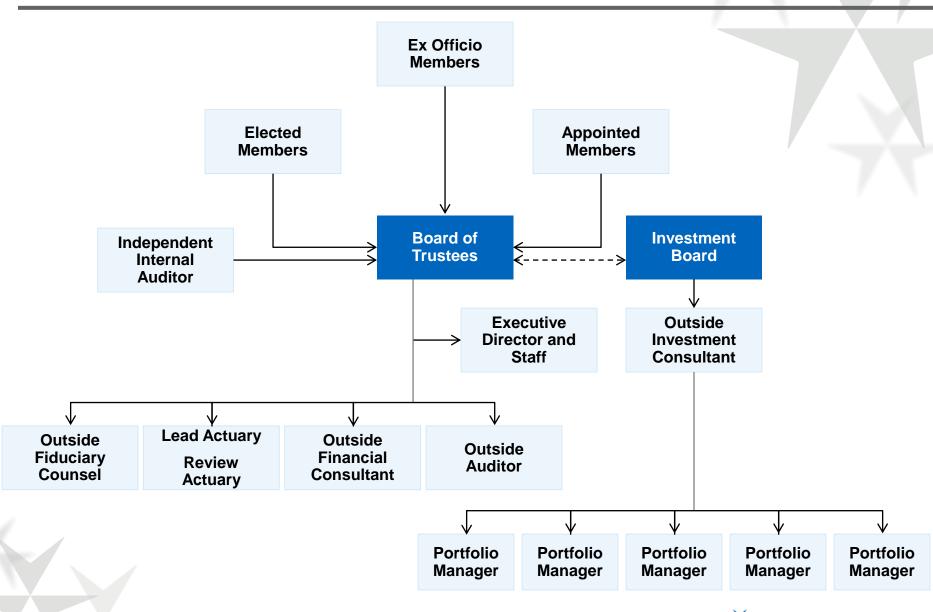
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Scenario 2:

- Separate Investment Board with exclusive authority over the investment decisions of the retirement plans
- Investment Board composition balances interests of elected, appointed and ex-officio members
- Integrated with retirement board via common board member(s)
- Example:
 - Separate Investment Board
 - Investment board 9 members
 - 2 ex-officio members
 - 3 retirement plan members (Board President + 2)
 - 4 independent trustee with investment/finance expertise



Board Structure - *Scenario 2*

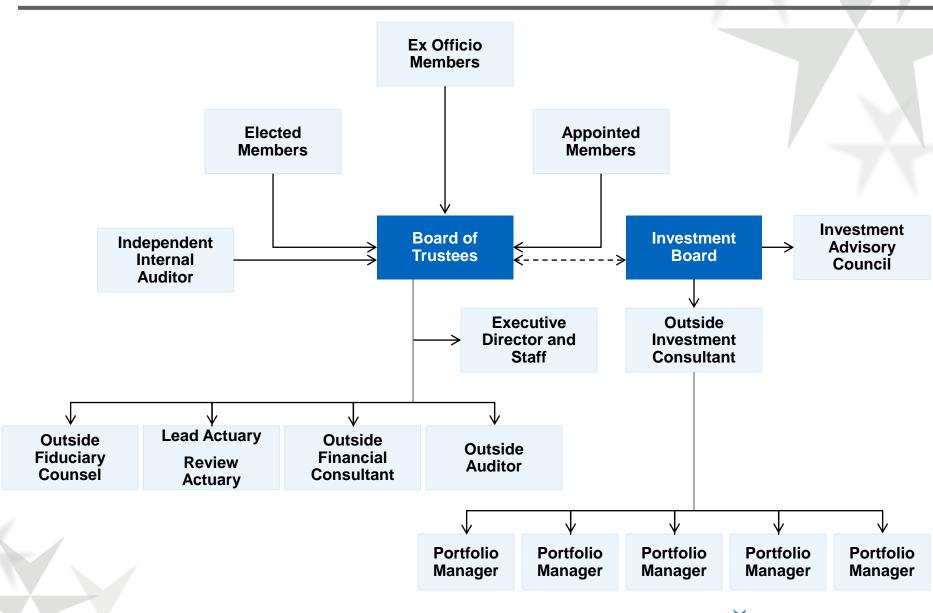


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Scenario 3:

- Combines Scenarios 1 & 2
 - Separate Investment Board from Board of Trustees
 - Investment Board directs all investments
 - Investment Advisory Council advises the Investment Board

Board Structure - *Scenario 3*



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Addressing State Control of Benefits – Local examples

City of Chattanooga (TN) Police & Fire

- Benefits set forth in local statutes (City Charter)
- Pension changes must be agreed upon by both the Pension Board and the City Council OR can be made by voter referendum
- Pension Board has 8 members (3 active fire, 3 active police, City employee appointed by mayor and citizen appointed by City Council)
- Pension changes effective July 2014 include:
 - Employee contributions increased for actives and new hires
 - DROP removal of COLAs and interest on lump sum
 - COLAs for new retirees not paid until 3rd anniversary of retirement until plan is 70% funded AND all COLAs limited to 1.5% until plan is 80% then tied to CPI with 3% max



Addressing State Control of Benefits – Local examples

City of Jacksonville (FL) Police & Fire

- Pension changes must be agreed upon by both the Pension Board and the City Council
- Unions deferring to Pension Board to negotiate with Mayor
- No changes approved (24 months of negotiating) but those considered include:
 - Reduce COLAs for new hires
 - DROP interest reductions
 - Increase employee and employer contributions
 - Board able to invest in same options available to State plan and general employees plan
- Florida provides funding to local public safety pensions if they meet minimum benefit levels
 - City wants plan to use funds to reduce employer contributions



Addressing State Control of Benefits – Local examples

➢City of Ft. Worth (TX)

- City controls pension benefits but must negotiate with public safety unions
- Unions did not agree to proposed changes but City still enacted changes similar to general employees
 - Police unions sued City
- Employee contribution rates set by local statute, employer rate by City
 - Rates increased recently
 - City reducing benefits so no more increases needed
 - Changes include retirement eligibility and multiplier for new hires and future service for active employees



Addressing State Control of Benefits – State example

Chicago and other Illinois municipalities

- Chicago mayor successful in lobbying State legislature for reform to employee and laborer pension plans
 - Demonstrate financial situation unsustainable
 - Follow State plan reform
 - » Raise retirement ages
 - » Reduce COLAs
- Unable to get legislature to enact reforms for Chicago police and fire plans
- Other city mayors want to overhaul municipal plans
 - Focus on police and fire plans
- Unions and employees challenging constitutionality of reforms in court



Addressing State Control of Benefits

Explore options utilizing the levers of money in (contributions and investment returns) and money out (expenses and benefit payments)

State-controlled levers:

- Employee contributions (immediate impact)
 - Statute could set floor level and cap on employee contributions
 - City and Board given flexibility within a range to address immediate funding issues
 - Tie increases/decreases to normal costs vs. unfunded liabilities
- Future benefit accruals
- Retirement eligibility

Locally-controlled levers

- Employer contributions (immediate impact)
- Investment returns
- Cost-of-living adjustments (immediate impact)
 - Tie COLAs to funded status (suspend)
 - Tie COLA to excess over average rate of return (decrease)



Distressed Municipal Plans

A few states have enacted legislation to exert additional control over municipal plans that are locally administered

Reasons for state control include:

- Protect current and retired municipal employees
- Preserve level of benefits to avoid increase in poverty among retirees
- Utilize state investment infrastructure in lieu of diverting resources for municipal pension obligations
- Prevent financial downgrade of municipalities by rating agencies
- Create more stable and well-managed business environment in major cities

Distressed Municipal Plans - Massachusetts

Massachusetts requires "underperforming" municipal plans to transfer assets to State's pension investment fund

Pension Reserves Investment Trust (PRIT) Fund

- Pooled investment trust for statewide pension plans, retiree health fund
- Local plans may elect to transfer assets to PRIT (5 years minimum); may invest only in certain assets classes offered
- Municipal plans <u>required</u> to transfer assets to PRIT if less than 65% funded and trail PRIT investment performance by 2% or more in last 10 years
- Since 2007, 20 municipal plans transferred to PRIT

Pension Reserves Investment Management (PRIM) Board

- 9 member board with 2 ex officio, 3 appointed (including private citizen with financial expertise) and 4 elected members
- Investment Committee and Real Estate Committee advise PRIM Board, include many members with public finance and investment expertise



Distressed Municipal Plans – Rhode Island

Rhode Island Retirement Security Act (2011) for municipal plans

- Required experience studies and revised actuarial assumptions
- Annual actuarial valuation to determine critical status (less than 60% funded)
- Required notice to members, legislature, governor and treasurer
- Submit funding improvement plan to Pension Study Commission
- About 20 plans in critical status, only 2 do not include police/fire
- Funding improvement plans:
 - Adjust actuarial assumptions (more conservative)
 - Project when funding will exceed 60% under current rules
 - Investments monitored by an appointed commission
 - Follow State's lead in reforming plans (e.g., adjust COLAs, retirement age)



Distressed Municipal Plans – Pennsylvania

- Pennsylvania statutes (1985 and 1992) require municipal plans to:
 - Determine Minimum Municipal Obligation (MMO) for minimum funding amount
 - Apply for distress determination to Retirement Commission to get relief on funding standards (Levels I, II and III)
 - Aggregate multiple plans into single trust fund for administration and investment
 - Identify and utilize omitted municipal revenue sources

>2009 amendments provide for:

- Revised amortization schedules (up to 20 yrs for state mandated benefit changes)
- Expanded asset smoothing methods and corridor
- Regulates new DROPs
- Revised recovery program based on distress level
 - Level III (less than 50% funded) must establish revised plan for new hires
- Special rules for Philadelphia (defer MMO, additional taxing authority) and Pittsburgh (transfer administration to statewide municipal plan if Level III)



Conclusions

Improve internal controls

Recommend implement identified fiduciary best practices

- Consider establishing additional Board committees
 - Investment (or investment advisory council)
 - Audit
- Determine need for additional Board policies
 - Trustee education program
 - Communications and information policies
 - Procurement and due diligence processes
- Develop Board strategic planning process and create Board governance manual for new trustees and staff

Consider Board structure that ensures independent and expert investment advice

- State vs. local control of plan
 - Explore options for utilizing levers



Appendix





System Name				Board	Compositior		Board Authority				
	City	State	Appointed	Elected	Ex-officio	Other	Total	Investments	Benefits	Actuarial Assumptions	Budget
City of Alameda Police and Fire Retirement System	Alameda	CA	3	0	2	0	5	Yes	No	No	
Kern County Employees' Retirement Assoc.	Bakersfield	CA	4	6	1	0	11	Yes	Yes	Yes	Yes
Contra-Costa County Employee Retirement System	Concord	CA	4	4	1	0	9	Yes	Yes	Yes	Yes
Long Beach Public Transportation Retirement Plan - Salaried Employees	Long Beach	CA	7	0	1	0	8	Yes	Yes	Yes	Yes
Long Beach Transit Pension Plan	Long Beach	CA	7	0	1	0	8	Yes	Yes	Yes	Yes
City of Los Angeles Fire and Police Pension Systems	Los Angeles	CA	5	4	0	0	9				
Los Angeles City Employees' Retirement System	Los Angeles	CA	4	3	0	0	7	Yes	Yes	Yes	Yes
Los Angeles County Metropolitan Transportation Authority	Los Angeles	CA	4	0	10	0	14	Yes	Yes	Yes	No
City of Oakland Police and Fire Retirement System	Oakland	CA	3	3	1	0	7				
East Bay Municipal Utility District	Oakland	CA	3	3	0	0	6	Yes	No	Yes	
Oakland Police and Fire Retirement Systems	Oakland	CA	4	3	0	0	7	Yes		Yes	
San Bernadino County Employees Retirement Assoc.	San Bernadino	CA	4	4	1	0	9	Yes	Yes	Yes	Yes
San Francisco City and County Employees Retirement System	San Francisco	CA	3	3	1	0	7				
Marin County Employees Retirement Association	San Rafael	CA	4	4	1	0	9	Yes	No	Yes	Yes
San Joaquin County Employees Retirement Association	Stockton	CA	4	4	1	0	9	Yes	Yes	Yes	Yes
Mendocino County Employees Retirement Association	Ukiah	CA	4	4	1	0	9	Yes			Yes
Aurora General Employees' Retirement Plan	Aurora	CO	3	3	3	1	10	Yes	Yes	Yes	Yes
Colorado County Officials & Employees' Retirement Assoc.	Denver	CO	0	2	1	2	5	Yes	NA	NA	Yes
Denver Employees Retirement Plan	Denver	CO	5	0	0	0	5	Yes	Yes	Yes	
Town of Suffield Retirement	Suffield	CT	3	3	0	2	8	Yes	No	Yes	Yes
Washington D.C. Retirement Board	Washington	DC	5	6	1	0	12				
Boca Raton General Employees' Trust	Boca Raton	FL	4	4	0	0	8	Yes	No	Yes	Yes
Fort Lauderdale General Employees' Retirement System	Ft. Lauderdale	FL	3	4	1	0	8	Yes	Yes	Yes	Yes
Lynn Haven Police Pension Fund	Lynn Haven	FL	2	2	1	0	5	Yes	Yes	Yes	
City of Miami Police and Fire Retirement System	Miami	FL	2	6	1	0	9				



				Board	Composition	1	Board Authority				
System Name	City	State	Appointed	Elected	Ex-officio	Other	Total	Investments	Benefits	Actuarial Assumptions	Budget
Miami Shores General Employees Retirement System	Miami Shores	FL	4	2	1	0	7	Yes	No	No	Yes
North Miami Beach Employees' Retirement System	North Miami	FL	3	4	0	0	7	Yes	Yes	Yes	
Pembroke Pines Firemen and Policemen Pension Fund	Pembroke Pines	FL	0	0	0	0	0				
City of Saint Petersburg Employees' Pension Fund	St. Petersburg	FL	3	2	0	0	5	Yes	No	Yes	No
Macon Water Authority Employee Pension Plan	Macon	GA	0	3	0	3	6		Yes		
Chatham County Employees Retirement Plan	Savannah	GA	1	4	3	1	9	Yes	Yes	Yes	No
Village of Bolingbrook Police Pension Retirement System	Bolingbrook	IL	2	3	0	0	5	Yes	Yes	Yes	No
Chicago Police Annuity and Benefit Fund	Chicago	IL	1	4	3	0	8				
Chicago Public School Teachers' Pension Fund	Chicago	IL	2	10	0	0	12	Yes	Yes	Yes	Yes
MWRD Retirement Fund	Chicago	IL	2	3	0	0	5	Yes	Yes	Yes	Yes
Village of Mt. Prospect	Mount Prospect	IL	2	3	0	0	5	Yes	No	Yes	
Wichita Employees' Retirement Systems	Wichita	KS	8	7	0	1	16	Yes	Yes	Yes	
Holyoke Contributory Retirement System	Holyoke	MA	2	2	1	0	5	Yes	No	Yes	Yes
Baltimore Fire and Police Employees' Retirement System	Baltimore	MD	2	5	3	0	9				
Employees' Retirement System of Montgomery County	Rockville	MD	5	0	4	0	9	Yes			
Alpena City Employee's Retirement System	Alpena	MI	3	2	0	0	5	Yes	No	Yes	
City of Ann Arbor Police and Fire Retirement System	Ann Arbor	MI	2	4	2	0	8				
Gogebic County Employees Retirement System	Bessemer	MI	0	2	3	0	5	Yes	Yes	Yes	Yes
Birmingham Employees Retirement System	Birmingham	MI	4	3	1	0	8	Yes	Yes	Yes	Yes
Cadillac Police & Fire Retirement System	Cadillac	MI	3	2	0	0	5	Yes	No	Yes	
General Retirement System of the City of Detroit	Detroit	MI	1	6	3	0	10	Yes	Yes	Yes	Yes
Police & Fire Retirement System of Detroit	Detroit	MI	3	8	6	0	17	Yes	Yes	Yes	Yes
Wayne County Employees' Retirement System	Detroit	MI	0	5	2	0	7	Yes	Yes	Yes	Yes
City of Grand Rapids General and Police & Fire Retirement System	Grand Rapids	MI	5	2	0	0	7	Yes	No	Yes	Yes
City of Grand Rapids Police and Fire Retirement System	Grand Rapids	MI	3	3	0	0	6				
Kalamazoo County Employees' Retirement Fund	Kalamazoo	MI	7	0	0	0	7	Yes	NA	Yes	Yes



System Name				Board	Composition		Board Authority				
	City	State	Appointed	Elected	Ex-officio	Other	Total	Investments	Benefits	Actuarial Assumptions	Budget
City of Kingsford Police and Firemen's Retirement System	Kingsford	MI	3	2	0	0	5	Yes		Yes	
City of Livonia Police and Fire Retirement System	Livonia	MI	1	2	2	0	5				
Manistee Employees Retirement System	Manistee	MI	3	2	0	0	5	Yes	No	Yes	No
City of Southfield Police and Fire Retirement System	Southfield	MI	2	2	1	0	5				
City of Warren Police and Fire Retirement System	Warren	MI	2	2	1	0	5				
Minnesota Teachers' Retirement Association	St. Paul	MN	0	5	3	0	8	No	No	No	Yes
Kansas City Police Employees' Retirement Systems	Kansas City	MO	4	5	0	0	9	Yes	Yes	Yes	Yes
Public School Retirement System of the City of St. Louis	St. Louis	MO	4	7	0	0	11	Yes	Yes	Yes	Yes
St. Louis City Employees' Retirement System	St. Louis	MO	2	3	1	0	6	Yes	Yes	Yes	
St. Louis County Library District Employees Pension Plan	St. Louis	MO	3	2	0	0	5	Yes	Yes	Yes	
St. Louis Police Retirement System	St. Louis	MO	3	5	2	0	10				
Charlotte Firefighters' Retirement System	Charlotte	NC	4	4	3	0	11	Yes	Yes	Yes	Yes
Bismarck City Employees' Pension Plans	Bismarck	ND	3	4	0	0	7	Yes	No	No	Yes
Douglas County, Nebraska Pension Plan	Omaha	NE	9	1	0	1	11	Yes	Yes		
New York City Fire Department Pension Fund	Brooklyn	NY	1	3	8	0	12	Yes	Yes	Yes	No
City of Cincinnati Retirement System	Cincinnati	OH	2	5	4	0	11	Yes		Yes	
Cleveland (Police and Fire Disability and Pension Fund of Ohio)	Cleveland	OH	1	6	1	1	9				
City of Toledo Police and Fire Retirement System	Toledo	OH	0	6	3	0	9				
Tulsa County Employees' Retirement System	Tulsa	OK	2	4	3	0	9	Yes	Yes	Yes	
Portland Fire & Police Disability and Retirement Fund	Portland	OR	7	4	0	0	11	No	Yes	Yes	Yes
City of Philadelphia Municipal Retirement System	Philadelphia	PA	0	4	5	0	9				
City of Pittsburgh Combined Pension Trust Fund	Pittsburg	PA	4	3	2	0	9				
State College Borough Employees' Retirement Funds	State College	PA	0	0	0	0	0	NA	NA	NA	
City of Germantown	Germantown	TN	4	0	3	0	7	Yes	Yes	Yes	
Shelby County Retirement System	Memphis	TN	0	10	4	0	11	Yes	Yes	Yes	Yes
Dallas Police and Fire Pension System	Dallas	TX	2	8	0	0	10				



				Board	Composition						
System Name	City	State	Appointed	Elected	Ex-officio	Other	Total	Investments	Benefits	Actuarial Assumptions	Budget
Fort Worth Employees' Retirement Fund	Fort Worth	TX	4	6	0	0	10	Yes	Yes	Yes	
Houston Firefighters' Relief & Retirement Fund	Houston	TX	4	6	0	0	10	Yes	Yes	Yes	Yes
Houston Police Officers" Pension System	Houston	TX	0	5	2	0	7				
Fire and Police Pension Fund, San Antonio	San Antonio	TX	3	6	1	0	10	Yes	Yes	Yes	Yes
VIA Metropolitan Transit Retirement Plan	San Antonio	TX	10	1	0	0	11	Yes	Yes	Yes	
Fairfax County Uniformed Retirement System	Fairfax	VA	3	3	2	0	8	Yes	Yes	Yes	
Fairfax County Water Authority Retirement Plan	Merrifield	VA	5	1	0	0	6	Yes	No	No	No
Spokane Employees' Retirement System	Spokane	WA	3	3	0	1	7	Yes		Yes	Yes
Tacoma Employees' Retirement System	Tacoma	WA	3	4	2	0	9	Yes	Yes	Yes	
Milwaukee County Employees Retirement Plan	Milwaukee	WI	3	3	1	0	7				
Milwaukee County Employees Retirement System	Milwaukee	WI	3	3	1	0	7	Yes	No	Yes	Yes
Wheeling City Employees' Retirement Funds	Wheeling	WV	1	4	0	0	5	Yes		Yes	



* SEGAL

Melanie Walker, JD Vice President National Compliance Practice mwalker@segalco.com 303.714.9942



