

**EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF MILWAUKEE  
ANNUITY AND PENSION BOARD**

Minutes of the Legislative Committee Meeting  
held May 21, 2009

The meeting was called to order at 11:08 a.m.

Committee Members Present: William C. Carey, Chair  
Thomas Fischer  
Angela Henschel

Committee Members Not Present: Michael J. Murphy (excused)

Board Members Present: John Barmore

Retirement System Staff Present: Bernard J. Allen, Executive Director  
Martin Matson, Deputy Director  
Tom Rick, Chief Investment Officer  
Suzanne Fortier, Board Stenographer

Others Present: Beth Cleary, City Attorney's Office and Arthur Phillips, Whyte Hirschboeck Dudek.

Mr. Matson asked if Mr. Carey would take up item IV. as Mr. Phillips from Whyte Hirschboeck Dudek is present to discuss that Board Rule.

**Approval to Amend Board Rule XIII. – Membership.** As a matter of information, Mr. Matson handed out the Proposed Revisions. Mr. Matson said this new rule would define what enrollment is for people who exceed part-time employment, basically for MPS employees. He indicated that he, Mr. Allen and Mr. Greer met with MPS to work with them on the issues concerning contribution reporting, reporting in general, and retro-enrollment. The way this particular rule is written should eliminate any retro-enrollment issues as it will make it easier for MPS to track their part-time people and identify when they are eligible for enrollment with ERS. After discussion, it was moved by Mr. Fischer, seconded by Ms. Henschel, and unanimously carried, to approve the amendment to Board Rule XIII pending approval by the City Attorney's Office.

Mr. Carey took the agenda in order.

**Approval to Repeal Board Rule XVII. A. Unemployment Compensation Benefits.** As a matter of information, Committee members received a copy of a letter from the City Attorney's Office, dated October 15, 2008. Mr. Matson stated this past year ERS has had a retiree who ERS was offsetting for unemployment compensation. ERS discovered that we were in violation of federal law related to unemployment compensation. He indicated that what should happen is ERS would pay the retiree benefit; if the retiree happens to get

unemployment compensation it is the unemployment compensation that is offset, not the retirement benefit. Mr. Matson stated that staff discovered that the Board Rules were also in violation of that law and this rule should be repealed. After discussion, it was moved by Mr. Fischer, seconded by Ms. Henschel, and unanimously carried, to approve repealing of Board Rule XVII. A.

**Approval to Amend Board Rule XXI. B. 7. – Appeal – Practice and Procedure.** As a matter of information, Committee members received a copy of the amendment, dated March 11, 2008. Mr. Matson stated that what this Board Rule change comes down to is whether the Board wants to hear oral arguments. After discussion, it was moved by Mr. Fischer to add the recommended wording contained in the City Attorney letter. There being no second the motion failed. It was moved by Ms. Henschel, seconded by Mr. Carey, and unanimously carried, to approve amending Board Rule XXI. B. 7. which would eliminate the provision allowing a party to request oral arguments.

**Approval to Amend Board Rule III. G. – Medical Council and Medical Panel.** As a matter of information, Committee members received a copy of the amendment, dated February 11, 2009. Mr. Matson stated this is just a technical amendment to the Board Rule. Originally, the Rule had a reference to the Pikalek case, which has now been resolved. The amendment to the Rule would remove the reference to the Pikalek case. It was moved by Mr. Fischer, seconded by Ms. Henschel, and unanimously carried, to approve the amendment to Board Rule III. G.

**Approval to Amend Board Rule XI. B. – Reimbursement for Conferences and Professional Development Expenses.** As a matter of information, Committee members received a copy of the service request, dated November 11, 2008. Ms. Cleary talked about the proposed cardholder agreement with Wells Fargo. She said the City Attorney's Office is still reviewing the cardholder proposal. Mr. Carey directed this be laid over at this time.

There being no further business, Mr. Carey adjourned the meeting at 11:35 a.m.

Bernard J. Allen  
Secretary and Executive Director

(NOTE: All proceedings of the Annuity and Pension Board Meetings and related Committee Meetings are recorded. All recordings and material mentioned herein are on file in the office of the Employees' Retirement System, 789 N. Water Street, Suite 300.)