

**City of Portland Bureau of Fire and Police Disability and Retirement
Agenda for Regular Meeting – Board of Trustees**

City Council Chambers – City Hall
1221 SW Fourth Avenue, 2nd Floor, Portland, Oregon 97204
Tuesday, January 22, 2013 – 1:00 p.m.

ADMINISTRATION

The following consent item(s) are considered to be routine and will be acted upon by the Board in one motion, without discussion, unless a Board member, staff member or the public requests an item be held for discussion.

- 1 Approval of Minutes – November 27, 2012 Meeting
- 2 Reintroduce Lt. Jason Lehman, new Fire Trustee
Introduce Officer Robert Foesch, new Police Trustee

INTRODUCTION OF VISITORS

PUBLIC COMMENT PERIOD

A sign up sheet for members of the public wishing to make public comments will be available at the meeting. The public comment period will not exceed 30 minutes. Therefore, the Board may limit individual comments to three minutes per person. In addition, a sign up sheet will be available prior to the meeting to allow public members the opportunity to sign up for an agenda item which they wish to provide comment on. When discussion on a specific agenda item is to begin, the public member will be allowed three minutes to provide comments, unless additional time is allowed by the Board.

ACTION ITEMS

- 1 Actuarial Valuation and Levy Adequacy Analysis
 - Issue: Review June 30, 2012 actuarial valuation and levy adequacy analysis.
 - Expected Outcome: Board accepts levy adequacy analysis.
- 2 Adopt 2013-2014 Budget
 - Issue: Review FY 2013-2014 Recommended Budget and Five-Year Forecast for FYE 2014-2018.
 - Expected Outcome: Board passes motion to adopt Recommended Budget as FPDR Requested Budget.
- 3 Resolution No. 473 – Amend Managed Healthcare Northwest Contract
 - Issue: FPDR will issue payments equal to 5.5% of provider billing savings directly to MHN pursuant to original contractual agreement. Payments were previously issued through ExamWorks contract.
 - Expected outcome: Board approves amendment to contract per staff recommendation.
- 4 Resolution No. 474 – Administrative Rule Section 5.1 – Procedural Rules Governing Rulemaking
 - Issue: Improve administrative rulemaking process to ensure sufficient opportunity for all interested parties to review and submit comment prior to Board of Trustees review for adoption.
 - Expected Outcome: Board adopts amendments as proposed by staff.

INFORMATION ITEMS

The following information items do not require action by the Board and are solely for informational purposes unless a Board member, staff member or the public requests an item be held for discussion.

- 1 New Fire Bureau Liaison
- 2 FPDR Updates
 - FPDR Financial Audit
 - Actuarial Services Request for Proposals
 - Succession Plan Update
 - Internal Bill Audit Processing and Payments
- #
 - Legal Update
- 3 Future Meeting Agenda Items:
 - Administrative Rule Updates
 - Annual Adjustment Review
 - Legislative Updates

Copies of materials supplied to the Board before the meeting, except confidential items and those referred to Executive Session, are available for review by the public on the FPDR website at www.portlandonline.com or at the FPDR offices located at: 1800 SW First Avenue, Suite 450, Portland, Oregon 97201

NOTE: *If you have a disability that requires any special materials services or assistance call (503) 823-6823 at least 48 hours before the meeting.*

***denotes items will be in Executive Session pursuant to ORS 192.660(2)(f) and not open to the public**
#denotes items will be in Executive Session pursuant to ORS 192.660(2)(h) and not open to the public

[THE FOLLOWING SUMMARIZED MINUTES WERE CONDUCTED IN PUBLIC SESSION. THE EXECUTIVE SESSION PORTIONS OF THE MINUTES ARE CONFIDENTIAL AND NOT INCLUDED]

A regular meeting of the Board of Trustees of the Fire and Police Disability and Retirement Fund was called to order the 27th day of November, 2012 at 1:05 p.m.

Board Members Present Included:

Ms. Yvonne Deckard, Chairperson
Mr. Justin Delaney, Citizen Trustee
Mr. Jason Lehman, Fire Trustee
Mr. Jeff Nelson, Police Trustee
Mr. David Dougherty, Citizen Trustee (via teleconference)

Also Present Were:

Ms. Linda Jefferson, FPDR Director
Ms. Suzanne Bates, FPDR Claims Manager
Ms. Nancy Hartline, FPDR Finance Manager
Ms. Kimberly Mitchell, FPDR Sr. Disability Analyst
Mr. Kenneth A. McGair, Deputy City Attorney
Ms. Derily Bechthold, Deputy City Attorney
Mr. Lorne Dauenhauer, Outside Legal Counsel
Mr. Bob Lemon, Fire Liaison
Mr. Nelson Hall, Attorney
Mr. Kevin Keaney, Attorney
Mr. Jim Forquer, President, PFFA

Ms. Deckard called the meeting to order. Introductions of those in attendance at the meeting were made.

Mr. Delaney made a motion which was seconded by Mr. Nelson and unanimously passed to approve the minutes of the September 25, 2012 Board meeting.

<i>Aye</i>	<i>Ms. Deckard, Mr. Delaney, Mr. Nelson, Mr. Lehman, Mr. Dougherty (via teleconference)</i>
<i>Nay</i>	<i>None</i>
<i>Abstain</i>	<i>None</i>
<i>Absent</i>	<i>None</i>

There was no General Public Testimony.

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Action Item No. 1 – Resolution No. 472 – Administrative Rule Section 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9 and 5.10 amendments.

Ms. Jefferson explained that the rule amendments, for the most part, are as a result of the voter approved ballot measure amending Chapter 5 of the Charter of the City of Portland. She provided a PowerPoint presentation and went over the Charter changes and the sections in the administrative rules it would affect. Ms. Jefferson then went over the administrative rule amendments that were changes subsequent to the Board's October 2012 work session:

Section 5.2.05 – Powers of the Board (Board Procedures)

Subsection (k) provides the Administrator, with approval of the Board, authority to settle claims. Mr. Lehman raised a question that Mr. Hall had suggested a \$50,000 limit. Ms. Deckard stated that at the work session the Board directed staff to use \$35,000. Ms. Jefferson stated that she thought \$35,000 was appropriate and it still gives the Board some controls on large settlements. Mr. Delaney asked staff to come back to the Board next year if \$35,000 was not an appropriate limit.

Section 5.3.01 – Definitions (General Administration)

Ms. Jefferson explained that the amendment to this section changes the eligibility requirements for disability benefits for new members. Ms. Deckard clarified that all new members are OPSRP members. Mr. Lehman asked whether this change was discussed with the bureaus. He added that he thought it might hinder the new member's probation period and did not know if it lined up with anything that happens through training. Ms. Jefferson stated that this revision was mainly a consideration of the fact that new members are covered under OPSRP, but not for the first six months of their employment. Ms. Jefferson stated that she was not a party to any conversation with specific management or HR within the individual bureaus. Ms. Deckard stated that the Board is trying to manage and be fiduciaries of the Fund and not have the employer drive when FPDR will cover people and to that extent, there was no discussion with the bureaus. Mr. Delaney explained that this issue was not a discussion of the work session and that this particular item came from City Council.

Section 5.4.01 – Definitions (Retirement Benefits)

Ms. Hartline explained that the revision makes two grammatical corrections relative to the provisions of FLSA in the definition of Base Pay.

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Section 5.4.12 - Calculation Method for FPDR Two Final Pay (Retirement Benefits)

Ms. Hartline explained the change to the title of the section. She also provided four examples of proposed Final Pay calculations. Mr. Dougherty stated that the examples appear to accomplish what the Board had asked for at the October work session. Mr. Delaney stated that he would like a check back on this issue in one year. Ms. Jefferson also read to the Board Mr. Hall's written comments regarding this section.

Section 5.5.01 - Definitions (Death Benefits)

Ms. Hartline explained that the definition of Base Pay in this section was modified for consistency throughout the administrative rules.

Section 5.7 (Service-Connected or Occupational Disability Benefits - FPDR Two and Three):

5.7.01 - Definitions

Ms. Jefferson explained that there were a few housekeeping changes in this section starting with capitalizing the term Medically Stationary. In addition, the definition of Base Pay was modified for consistency throughout the administrative rules. Ms. Jefferson also explained that quotation marks were added around the definition of Interim Disability Benefits.

5.7.02(A)

Ms. Jefferson explained that this subsection clarifies which claims are eligible for Interim Disability Benefits. She stated that they wanted to make a statement that cases considered for interim benefits would be claims received after January 1, 2013.

Mr. Lehman questioned the term "may" in this section. Ms. Jefferson stated that the reason "may" is used is because there are several requirements to being eligible for disability benefits: 1) complete and sign the necessary application forms; 2) have a report from the attending treating physician; 3) employee is unable to perform their duties.

5.7.03(E)

Ms. Jefferson explained that this subsection adds language allowing the Director to recover overpaid Interim Disability Benefits in the event a claim is denied or withdrawn.

Mr. Lehman asked whether members are going to have a choice to receive interim benefits to which Ms. Jefferson replied "no".

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5.7.14 – Recovery of Overpayments

Ms. Jefferson explained that this section is an explanation of the manner in which the overpayment of interim disability benefits will be recovered. She provided a table showing recovery of overpayment options.

Option A: states that the Director will recoup overpayment within 90 days.

Option B: allows twice the amount of time as the number of days paid, i.e., 60 days paid x 2 = 120 days to repay.

Option C: provides the most considerations in determining the appropriate repayment plan.

Ms. Deckard stated that one of the things the rule does not encompass is what FPDR would do if member leaves the City. She asked whether staff have thought about what it would take administratively to track recovery. Ms. Deckard also asked what the maximum time is that someone could receive interim benefits. Ms. Bates replied that the norm would be 90 days. Ms. Deckard also pointed out that, at page 15, the last sentence states that Director shall arrange with the Member the method of “recovery” and she felt that word should be changed to “repayment”.

The Board discussed the three options. Mr. Nelson asked whether “leave bank” could not be added to Option B. Mr. Delaney stated that he did not think there was any harm in adding “or leave bank”. Mr. Dougherty stated that he was in favor of Option B. Ms. Jefferson stated that staff could use Option B with leave bank language added. She also stated that the recovery authorization would be part of the claim form, not a separate form. Mr. Lehman asked if there would be a problem with having the authorization on a separate sheet of paper. Ms. Jefferson explained that without the authorization accompanying the DILD, staff would not accept it as a complete application for benefits. Ms. Bates stated that it was cleaner and clearer to have the authorization on the DILD. She also stated that staff is thinking to send out a member advisory before January 1 regarding interim benefits. Ms. Deckard stated that she felt it would be more cumbersome to have a separate paper that someone can overlook. She also states that she wanted the authorization language to stand out.

MR. DELANEY MADE A MOTION WHICH WAS SECONDED BY MR. LEHMAN AND PASSED BY A UNANIMOUS ROLL CALL VOTE OF 5-0 TO ADOPT OPTION B (of the recovery of overpayment options with regards to Interim Benefits), WHICH PROVIDES FOR TWICE THE LENGTH OF TIME TO REPAY INTERIM BENEFITS THAT WERE OVERPAID, WITH THE AGREED UPON LANGUAGE ABOUT THE LEAVE BANK.

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<i>Aye</i>	<i>Mr. Nelson, Mr. Lehman, Mr. Dougherty (via teleconference), Ms. Deckard, Mr. Delaney</i>
<i>Nay</i>	<i>None</i>
<i>Abstain</i>	<i>None</i>
<i>Absent</i>	<i>None</i>

Section 5.8.01 – Definitions (Nonservice-Connected Disability Benefits – FPDR Two and Three Benefits)

Ms. Jefferson explained that the definition of “Base Pay” was modified for consistency throughout the Administrative Rules.

Section 5.9.04 – Medical Services Guidelines (Medical Benefits – FPDR Two and Three Benefits)

Ms. Jefferson explained that changes made here are housekeeping changes and provide for consistent terminology throughout the Administrative Rules (i.e., changes term “disease” to “disability”)

Section 5.10.05(B) (1) and (4) (Return to Work and Vocational Rehabilitation Programs – FPDR Two and Three Benefits)

Ms. Jefferson explained that changes made here are housekeeping changes and provides for consistent terminology throughout the Administrative Rules (i.e., changes term “disease” to “disability”).

Mr. Lehman asked for clarification of Section 5.4.01 (Final Pay). He stated that the term “received” is used there and wanted to be clear that when the rule says “the last day for which pay was received”, that is the payday, the day you actually receive the check. Ms. Hartline confirmed his understanding.

Mr. Nelson Hall then addressed the Board:

Mr. Hall stated that he was present on behalf of PPCOA and PFFA Local 43. He added that he and Kevin Keaney (on behalf of PPA) have spoken and PPA is in support of the comments he will make.

With regards to Final Pay, Mr. Hall stated that he thought the .07 or .14 as shown on Ms. Hartline’s examples of Final Pay calculation captures the full 365/366 days, but he heard a comment in terms of retro for contracts and wanted to clarify that, as he understood the Charter change, it is up to a year. In other words, contract amendments or pay increases are up to a year backwards. He had questions about the hypothetical

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contract retro increase in the example. Ms. Hartline explained that in her example, it was just a retro payment for July through October of 2012 (the total retro payment for that), and the portion for October 2012 was applied to the lookback period that started in October. Ms. Hartline then explained how they look at the lookback period. Mr. Lehman verified his understanding with Ms. Hartline. Mr. Hall stated that he wanted to make sure any contractual raises within that lookback year are included in that lookback period and that the effect of the administrative rule will do that.

Mr. Hall then stated that most of his comments have to deal with Interim Benefits. He stated that, under the state workers' compensation system, interim benefits are never recovered. Mr. Delaney replied that his understanding was that the cost was built into the workers' compensation premium so it is priced for that and they have a very different situation at FPDR. He added he did not agree that it is an apples to apples comparison. Mr. Delaney stated that in the state system you are paying a premium, in essence, to waive those cases where there is an overpayment.

Mr. Hall stated that in the FPDR system at the end of the year the bill is sent to the taxpayers to pay last year's bill and so it would not take but a year's worth of interim benefits to reflect where that bill to the taxpayers, i.e., the premium establishment, would reflect those costs of doing business. He stated that he sees it as a cost of doing business and he thinks that is how it is justified in the state system.

Mr. Hall then referred to the state workers' compensation system and stated that, when there is an overpayment of disability benefits, it is not recoverable out of payroll. He added that the overpaid benefit stays on the books and the next time that individual has a claim, the State workers' compensation division can reduce that individual's ongoing benefit and there is no time limit. Mr. Hall stated that he is troubled over how FPDR is going to recover benefits on a claim that is denied. He felt that members should have the option of electing to have interim benefits.

Ms. Jefferson stated that everything that was developed was based on staff's understanding that interim benefits would not be an optional benefit. Ms. Jefferson asked whether the concern is about not having an option or is the concern that the individuals have to repay the benefit if the claim is denied and that they have to give their authorization to repay it. Ms. Deckard asked if there is a problem with having the repayment language on the DILD form. She further asked if a member is not going to agree to repayment, could that member's claim be denied. Ms. Deckard went on to say that there is a thing called personal responsibility. She felt that if the member is uncomfortable with receiving interim benefits, then they are capable of holding on to the check and not spending it. She added that she would like to see some experience with it before the Board tries to change it. Mr. Dougherty also stated that it was an issue of personal responsibility and thought the rule was fine the way it was. Mr. Nelson stated that he stands fast that interim benefits should be an option.

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Ms. Deckard stated that she is okay with passing the rule as is but to have staff monitor the implementation of interim benefits and report back to the Board in six months. Mr. Delaney asked Mr. McGair if the language gives the Board the ability to make interim benefits optional. Mr. McGair stated that the Charter is really the expenditure tool and his short answer is "yes", the Board has flexibility. Mr. Delaney stated that it sounds like Ms. Deckard and Mr. Dougherty have no objections to the rule moving forward so he is willing to follow suit but would like staff to report back to them on interim benefits in six months and he would be open to revisions if there are problems. Mr. Nelson stated that he would be in support as long as he can get the staff updates in May or June 2013. Mr. Lehman also asked if there was a possibility there could be some legal problem with requiring someone to sign something to get your claim covered. Mr. McGair stated that until the claim is perfected, he did not think there was a legal right. Mr. Delaney added that he also wanted language that wrongly paid benefits are repaid. He stated that he assumes the City Attorney will work with staff on the language.

MR. DELANEY MADE A MOTION WHICH WAS SECONDED BY MS. DECKARD AND UNANIMOUSLY PASSED BY A ROLL CALL VOTE OF 5-0 TO ADOPT RESOLUTION NO 472 INCLUSIVE OF THE AMENDMENTS TO INTERIM BENEFITS OPTION B.

<i>Aye</i>	<i>Mr. Lehman, Mr. Dougherty (via teleconference), Ms. Deckard, Mr. Delaney, Mr. Nelson</i>
<i>Nay</i>	<i>None</i>
<i>Abstain</i>	<i>None</i>
<i>Absent</i>	<i>None</i>

Information Item No. 1 – FPDR Updates

Ms. Jefferson provided the Board with an update regarding grievances filed by the Police and Fire unions. She also announced that Trustee Lehman was re-elected by the Fire membership to a three-year term. Concerning a Police Trustee, she stated that she was unable to certify a police nominee so the FPDR will be seeking candidates again with a nomination deadline of December 3, 2012.

Due to the Christmas holiday landing on the December Board meeting date, there will be no meeting scheduled for December. The next Board meeting is scheduled for January 22, 2013.

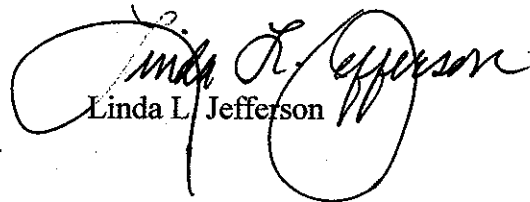
Ms. Jefferson also informed the Board that City Council will be having a legislative work session on December 4, 2012. She added that there will be a couple of items related to FPDR matters: 1) FPDR collective bargaining concept and being exempt from collective bargaining as is PERS and workers' compensation; and 2) GASB standards.

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Ms. Jefferson then stated that was Trustee Nelson's last Board meeting and thanked him for his service. Ms. Deckard stated on behalf of the Board that he will be missed. Ms. Jefferson also stated that with a new Mayor elect, at some point he will need to decide if he will sit on the Board or designate someone to Chair the Board meetings. She also shared that Suzanne Bates will be retiring at the end of the month and that it was her last meeting as well. Ms. Bates thanked the Board and wanted to thank Mr. Lemon, Mr. Robertson and Mr. Westerman as well.

Ms. Deckard asked about the status of a rule-making process. Ms. Jefferson stated that she is looking to present administrative rules with regards to a rule-making process at the January 2013 Board meeting. Ms. Jefferson also introduced Kimberly Mitchell as the new Claims Manager.

Meeting was adjourned at 3:15 p.m.


Linda L. Jefferson

RESOLUTION NO. 473

WHEREAS, on January 1, 2010, the Fire and Police Disability and Retirement Fund (FPDR) entered into a contract with Managed Healthcare Northwest (MHN) to provide discounted medical services to members of the FPDR;

WHEREAS, the FPDR also has a contract with ExamWorks (formerly Health Cost Management) to provide medical bill audit services;

WHEREAS, the FPDR through ExamWorks has paid for the cost of the MHN contract out of the cost savings of 5.5 percent rendered from medical bill payments to medical providers on the MHN contracted panel providers;

WHEREAS, the FPDR has hired a permanent employee to provide in-house bill audit services and will no longer be utilizing the bill audit services of ExamWorks.

WHEREAS, the FPDR will now need to pay the 5.5 percent cost savings directly to MHN;

WHEREAS, in order to provide for that compensation to MHN, it is necessary to amend the MHN contract for additional compensation in an amount not to exceed \$120,000 for the remaining term of the contract;

WHEREAS, a copy of an amendment to the contract between FPDR and MHN is attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, funds for said amendment are available within the FPDR budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the FPDR, that the FPDR Director be and hereby is authorized to execute an amendment to the Contract substantially in conformance with the agreement which is attached hereto as Exhibit "A".

BE IT IS FURTHER RESOLVED by the Board of Trustees of the FPDR that the FPDR Director is hereby authorized to pay for said amendment to the Contract from the FPDR budget.

ADOPTED by the Board of Trustees on the 22nd day of January, 2013.

Linda L. Jefferson
Director

AMENDMENT NO 001

CONTRACT NO. 30000931

FOR

MANAGED OCCUPATIONAL HEALTH CARE SERVICES

Pursuant to Ordinance No. N/A

This Contract was made and entered into on the 1st day of January, 2010, by and between Managed Healthcare Northwest, hereinafter called Contractor, and the City of Portland, a municipal corporation of the State of Oregon, by and through its duly authorized representatives, hereinafter called City.

Additional compensation is necessary and shall not exceed \$ 40,000 annually

This will amend the Fire and Police Disability and Retirement contract, #30000931, with Managed Healthcare Northwest (MHN). The only change to this contract is to note the anticipated financial requirements of this contract which requires the City to share fifty percent (50%) of an eleven percent (11%) provider discount with MHN. Historically, the payment to MHN for their share of the discount was facilitated by our medical bill audit vendor (Examworks). We would then reimburse the medical bill audit vendor on that contract.

We have recently brought the medical bill audit process in-house and will be amending our contract with the outside medical bill audit vendor (Examworks) to include only those services necessary to complete the transition to an in-house process. Therefore, we will be paying MHN directly for their portion of the provider discount.

All other terms and conditions shall remain unchanged and in full force and effect.

Managed Healthcare Northwest

By: _____
Date

Delores Russell, President/Chief Executive Officer
Name and Title

Address: 422 E Burnside, Suite 215, Portland, OR 97208-4629

Telephone: 503-413-5800

Approved as to Form:

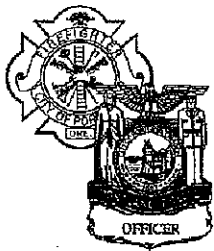
CITY OF PORTLAND

City Attorney Date

By: _____
Auditor Date

By: _____
Mayor/Elected Official

"EXHIBIT A"



City of Portland, Oregon



BUREAU OF FIRE AND POLICE DISABILITY AND RETIREMENT

1800 SW First Ave., Suite 450, Portland, OR 97201 • (503) 823-6823 • Fax: (503) 823-5166

Linda L. Jefferson, CPDM, Director

fpdr@portlandoregon.gov

Statement of Rulemaking Need and Fiscal Impact

Purpose of Administrative Rule Amendment Recommendations – Staff proposes FPDR Administrative Rule amendments when it is deemed essential to providing clarity, consistency of application of Chapter 5 provisions, and full disclosure to all stakeholders.

Summary of Amendments:

FPDR Staff recommends amending Section 5.1, Procedural Rules Governing Rulemaking as follows:

Issues:

Amends Section 5.1.04 – “Rulemaking Notices and Procedures”

- Provides specific language on rulemaking notification.

Desired Outcome:

Board adopts recommendations as presented.

Fiscal Impact Statement

FPDR finance staff has reviewed the proposed rules changes for fiscal impact:

None

RESOLUTION NO. 474

WHEREAS, the Board of Trustees (Board) of the Bureau of Fire and Police Disability and Retirement (FPDR) determined that changes were necessary to the FPDR Administrative Rules; and

WHEREAS, FPDR staff and the City Attorney's office provided input; and

WHEREAS, the Board has considered and recommends changes to Section 5.1 – Procedural Rules Governing Rulemaking of the FPDR Administrative Rules as shown on Exhibit "A" attached hereto and by this reference made a part hereof; and

WHEREAS, it is appropriate and in the public interest that Section 5.1 of the FPDR Administrative Rules be changed in accordance with the recommendations of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees that Section 5.1 of the FPDR Administrative Rules be amended as shown on Exhibit "A".

ADOPTED by the Board of Trustees on the 22nd day of January, 2013.

Linda L. Jefferson
FPDR Director



City of Portland, Oregon

FIRE AND POLICE DISABILITY, RETIREMENT

AND DEATH BENEFIT PLAN

Administrative Rules

SECTION 5.1 – PROCEDURAL RULES GOVERNING RULEMAKING

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Adopted November 12, 1991
Effective February 1, 1992

As Amended by:

Resolution No. 287 on August 8, 1995, Resolution No. 288 on September 12, 1995,
Resolution No. 298 on October 14, 1997, Resolution No. 320 on December 14, 1999,
Resolution No. 323 on April 11, 2000, Resolution No. 332 on April 17, 2001,
Resolution No. 335 on August 14, 2001, Resolution No. 338 on December 11, 2001,
Resolution No. 340 on January 15, 2002, Resolution No. 345 on April 9, 2002, Resolution
No. 349 on August 13, 2002, Resolution No. 350 on August 13, 2002,
Resolution No. 351 on September 10, 2002, Resolution No. 352 on October 8, 2002,
Resolution No. 365 on August 12, 2003, Resolution No. 372 on February 10, 2004,
Resolution No. 381 on August 10, 2004, Resolution Nos. 388, 389 and
390 on June 14, 2005, Resolution No. 392 on November 8, 2005,
Resolution No. 393 on December 13, 2005, Resolution No. 405 on May 9, 2006
Resolution No. 419 on March 13, 2007, and
Resolution 423 and Resolution No. 424 on November 27, 2007

FPDR Administrative Rules

Section 5.1 – Procedural Rules Governing Rulemaking

5.1.01 – AUTHORITY

Pursuant to Section 5-202 (a) of Chapter 5 of the City Charter, the Board of Trustees shall have the power to prescribe rules and regulations for administration of this program.

5.1.02 – PURPOSE

To carry out the rulemaking requirement of the Board of Trustees pursuant to Chapter 5 of the City Charter, and to provide for a process that is open and inclusive of all stakeholders to this system. This process will be applicable to all provisions of these administrative rules.

5.1.03 – DUTIES OF THE FUND DIRECTOR

The Fund Director will

- (A) provide the Board of Trustees with the technical and staffing resources necessary for the rulemaking process;
- (B) develop rules and amendments for review and adoption by the Board of Trustees; and
- (C) produce, publish and distribute adopted rules.

5.1.04 – RULEMAKING NOTICES AND PROCEDURES

- (A) Any proposed change or addition to these rules must be referred to the Board of Trustees. The Board will then consider the proposed change or addition.
- (B) ~~The Fund Director will provide notice of the Board of Trustees public rulemaking sessions to include:~~ provide notice of rulemaking to the Board of Trustees and known interested parties at least 30 days prior to the upcoming rulemaking session by email. The notice will include:
 - 1. A Sstatement of the section of the rules to being-reviewed.
 - 2. The D-date and time of the Board's review.
 - 3. The Llocation of the review.
 - 4. How to provide submit comment.
- (C) The Fund Director will post the Notice of Rulemaking and draft copies of the proposed new or amended Administrative Rules on the FPDR website at least 30 days prior to the Board's review.

5.1.05 – ADOPTION OF RULES

Upon completion of the processes outlined in this procedure, the Board of Trustees shall adopt, for implementation, these rules by section or in its entirety.

DRAFT