

Municipal Police Employee's Retirement System
Minutes of the Meeting of the Board of Trustees Special Meeting
February 12, 2025

The Board of Trustees of the Municipal Police Employees' Retirement System held a special meeting on Wednesday, February 12, 2025, at the system's office at 7722 Office Park Boulevard in Baton Rouge, Louisiana.

I. Call to Order

The meeting was called to order at 11:00 am by Lt. (Retired) Chad King.

II. Pledge of Allegiance

Asst. Chief Jason DiMarco led the Pledge of Allegiance.

III. Roll Call

Members Present

Chief David Addison
Rep. Tony Bacala
Chief Edwin Bergeron, Jr.
Major Raymond Burkart, Jr.
Craig Cassagne, Commissioner of Administration (remote)
Asst. Chief Jason DiMarco
Major (Retired) Kelly Gibson
Lt. (Retired) Chad King
Mr. Julius Roberson, State Treasurer Designee
Lt. Tyrone Warren
Chief Beth Westlake
Chief Christopher Wilrye
Mr. Jonathan Taylor, Mayor, Town of Livingston

Members Absent

Mayor Rick Allen
Senator Bob Hensgens

Others Present

Mr. Benjamin Huxen II, MPERS Executive Director and General Counsel
Ms. Taylor Camp, MPERS, Chief Financial Officer
Ms. Emily Thurston, MPERS, Accountant
Ms. Sarah Daniel, MPERS, Accounts Analyst (remote)
Ms. Christie Ziadeh, MPERS, Benefits Analyst (remote)
Ms. Karen Correll, MPERS, Membership Analyst (remote)
Mr. Greg Curran, Curran Actuarial Consulting, Consulting Actuary
Ms. Sheri Morris, Attorney - Daigle, Fisse, & Kessenich
Ms. Laura Gail Sullivan, Attorney
Mr. Brett Robinson, Deputy Executive Counsel to the Governor (remote)
Mr. Joey David, LA House of Representatives
Mr. Patrick Cronin, RMI – General Manager
Mr. Randall Keiser, RMI Attorney

Mr. Joe Stamey, RMI Attorney
Mr. Robert Klausner, RMI Attorney – Special Counsel
Mr. Barney Arceneaux, LMA – Executive Director
Ms. Alana Perrin, Attorney – Senate Retirement Committee
Mr. Michael Waguespack, LA Legislative Auditor
Lt. Wesley Lachney, Marksville PD – Union President
Lt. Damon Didier, Marksville PD – Union Vice-President
Ms. Leeann Bryant, Marksville PD
Sgt. Kayla Daigrepoint, Marksville PD – Union Treasurer
Mayor Sherbin Collette, Henderson
Mr. Jerry Mallet, Attorney – Henderson
Mr. Louis Adams, Varnado PD
Mayor Alvin Bradley, Grambling
Chief Tommy Clark, Jr., Grambling
Mr. Ronald F. Lattier, Attorney – Grambling
Mr. Jerry Guillot, Attorney – Rosedale
Mr. Chris Stewart, I.U.P.A. – Executive Director
Councilwoman Kay Hebert, Elton
Mayor Mike Perrotti, Elton
Mr. Michael B. Holmes, Attorney – Elton
Mayor Joe Lee, Pearl River
Ms. Karen Loftin, Executive Counsel - LA Treasurer's Office
Ms. Peyton Ohmstede, LA Treasurer's Office
Mayor Hermon Williams, LeCompte
Mayor Kelvin McCoy, Boyce
Mr. Joey Cooper, Town Clerk – Albany
Mayor Eileen Bates-McCarroll, Albany
Mr. Sherman Mack, Attorney – Albany
Ms. Celeste Shields, Attorney – Albany
Chief Dwan Bowser, Lutchet
Ms. Marie Kreutzer, Town Clerk – Springfield
Ms. Tracy Bryson, Alderman – Springfield
Mr. Tim Fondren, Attorney – Springfield
Mayor Patrick N. Richard, Grand Coteau
Ms. Tronda Gallow, Town Clerk – Grand Coteau
Ms. Sophia Riley, Attorney – Roseland
Representative Joseph Orgeron, Grand Isle
Ms. Brandi Cannon, LA Senate Counsel (remote)
Ms. Tammy Walker, Town Clerk – Town of Dubach (remote)
Chief Fannie Rankin, Town of Cullen PD (remote)
Mr. Lamar Guillot, Town of Farmerville PD (remote)
Mr. Zack Cziryak, FIN News (remote)
Ms. Erin Estilette, Curran Actuarial Consulting (remote)
Chief Ronald Goudeau, Boyce PD (remote)
Town of Ferriday (remote)
Chief Bobby L. Madison, Sr., Clayton PD (remote)
Ms. Nancy LaGarde, MERS, CFO (remote)
Town of Slaughter, Town Clerk (remote)

Mr. Evan Fontenot, Associate Attorney – DFK (remote)
Ms. Doris White (remote)
Mr. Josh Chevallier, City Attorney – Town of Stonewall (remote)

IV. Public Comment

None.

V. Approval of the December 18, 2024 Board Meeting Minutes

Motion by Asst. Chief Jason DiMarco and second by Chief Beth Westlake to approve the minutes of the meeting held December 18, 2024. Without objection, the motion carried.

VI. New Business

A. Approval of Executed Settlements (Action Item), Presenters: Ben Huxen, Sheri Morris, Taylor Camp

Motion by Chief Jason DiMarco and second by Major (Retired) Kelly Gibson to approve the fully executed settlements with Baldwin, Farmerville, Grand Isle, and Krotz Springs. Without objection, the motion carried.

B. Introduction and Historical Background of the Disputes Involving Noncompliant Employers, Presenters: Lt. (retired) Chad King, Chief Christopher Wilrye

Chief Wilrye expressed his appreciation for police officers and his gratitude for the benefits that employers constitutionally provide them. Chief Wilrye stated the goal was simple: to ensure that every officer receives the benefits they deserve and that their employers are legally obligated to provide.

Chief Wilrye noted that the issue of some employers not willing to provide basic disability and survivor benefits to first responders needed to be addressed.

Chief Wilrye then stated the Louisiana Constitution mandated that the Louisiana Legislature provide retirement benefits for officers across Louisiana and MPERS was established on July 1, 1973 to serve all Louisiana municipalities with police departments. He stated that Louisiana has 305 municipalities, with 200 actively contributing to MPERS, and 38% of which have populations of 2,500 or less. Chief Wilrye said most small municipalities fully comply with enrollment and contribution requirements, even when also paying Social Security. Chief Wilrye commended those municipalities.

Chief Wilrye stated that enrollment in MPERS is mandatory, and municipalities must budget for contributions. He said that since 2019, MPERS has actively worked to ensure compliance with state and federal laws. He noted that the executive director of MPERS inherited many issues, including non-compliant employers, and he and the staff have made significant progress.

Chief Wilrye then discussed the progress made as stated below:

- About 35 employers have settled, enrolling additional officers
- Membership increased by 131 last fiscal year
- An additional 160 members were enrolled by non-compliant municipalities before October 31, 2024
- The FY 2026 employer contribution rate will decrease by 2.125% (and would have dropped by at least 4% for the second time since 2017 if not for additional funding toward legacy unfunded liabilities and prefunding COLAs)

Chief Wilrye said that the push for compliance benefits officers, retirees, and municipalities by improving financial stability, putting downward pressure on employer contribution rates, and increasing COLAs for retirees. He went on to explain that in this meeting they will address the 30+ municipalities that have yet to resolve their compliance issues. Chief Wilrye stated there are 200 municipalities in compliance and they will benefit from MPERS' efforts. He said MPERS wants to add the remaining employers to this list.

Chief Wilrye stated the MPERS Board has provided multiple settlement opportunities, including resolutions offering paths to compliance. He stated that even after passing a resolution providing savings better than HB 42 (which was supposedly expected to resolve disputes), not a single holdout accepted MPERS' offer. Chief Wilrye said on December 18, 2024, the MPERS Board unanimously committed to working collaboratively with municipalities but has received little feedback. Chief Wilrye stated that MPERS prefers settlements over continued litigation, but they are prepared to take the necessary steps to enforce compliance. Chief Wilrye stated that if a settlement had not been negotiated with MPERS' attorneys before today, it was a missed opportunity and now it would be addressed publicly. Chief Wilrye noted that this is not the beginning of a series of meetings, but a final stop to resolve issues today.

Chief Wilrye noted that Port Barre settled without complaining and has already paid MPERS over \$70,000 to date. He stated that if anyone was looking for the "Port Barre Special," please keep in mind the significant upfront costs and the fact that Port Barre was willing to fund it's officer's past time.

Before moving on to item C, Rep. Bacala offered representatives from the Louisiana Municipal Association ("LMA") and Risk Management, Inc. ("RMI," a wholly owned subsidiary of the LMA) the opportunity to speak. Mr. Joe Stamey and Mr. Randall Keiser, attorneys with RMI came to the podium to make a statement. After RMI's statement presented by Mr. Stamey, trustee Asst. Chief DiMarco provided a short statement. When Asst. Chief DiMarco finished speaking, Rep. Bacala and Mr. Stamey deliberated back and forth regarding where MPERS and RMI/LMA can find common ground. Chief Bergeron and Major Burkart, Jr. chimed in with additional comments and questions during the discussion. Mr. Keiser made a statement referencing an August 20, 2018 Attorney General's opinion on past

due wages. Deliberation continued regarding applicable time periods for recovering past due funds.

Rep. Bacala suggested giving representatives from LMA and RMI the opportunity to speak. Mr. Joe Stamey, an attorney with RMI, came to the podium to make a statement. He praised the city attorneys for being the backbone of legal guidance and the evaluation of legal issues in these discussions and noted that many of them were in attendance. He stated that he was very pleased that the board was having this conference and said he appreciated the opportunity to continue their goal of working with MPERS to bring all claims to fair conclusions. He stated that after receiving the first claims and lawsuits filed against the municipalities by MPERS, LMA and RMI instructed their attorneys to invite MPERS to meet and seek amicable resolutions of these claims. As a result of those instructions, RMI attorneys met with MPERS attorneys as early as May of 2023 to begin the discussion of settlements of various claims. After Mr. Stamey's statement, Mr. Randall Keiser came up to the podium to make a statement in which he said that he wants everyone to work together on a resolution to look out for police officers making sure they have a benefit when they retire.

Rep. Bacala asked for clarification from Mr. Joe Stamey on his comment about a reasonable settlement and what his vision of that would be between the municipalities and MPERS relative to their law enforcement officers. Mr. Joe Stamey explained that it would be a give and take on both sides and that the municipalities in question do not have the monetary and financial ability to respond to some of the demands made by MPERS but came to seek a solution that is fair to both. Rep. Bacala asked if they agreed that the first step for all the municipalities would be to enroll all current police officers in MPERS. Stamey's responded that they agreed and were focusing their efforts on educating the municipalities on this matter. Chief Bergeron, Rep. Bacala, Attorney Joe Stamey, and Attorney Randall Keiser then discussed the issue further. They discussed previous cases, how many years were in discussion, and what they could all agree on before continuing the meeting.

Mr. Julius Roberson read the following statement from Treasurer John Fleming.

"Today's meeting is an attempt to resolve long standing disputes between the municipalities and MPERS concerning retirement payments made on behalf of the hard-working law enforcement officers who protect our communities. I am in support of settling any disputes in a way that addresses the concerns of both parties. For those that will be unable to come to a settlement today, we need to first seek the facts and work collaboratively to craft whatever resolution is necessary, which may include litigation. Let's remember to resolve these disputes in a way that respects all parties involved."

C. Overview of the Settlements that MPERS Proposed to the Noncompliant Employers, Including the Essential Terms Contained Therein, Presenters: Laura Gail Sullivan

Ms. Sullivan began by saying she was going to give some information on the provisions in the settlement agreements and the roles everyone has played. Ms. Sullivan then introduced herself and provided her background. Ms. Sullivan stated that the board has one job and that is the fiduciary duty to make sure that the money is there to pay benefits when they are due. She explained that membership in MPERS is a contract between the employer and the employee. Ms. Sullivan went on to explain that the board is merely the manager of the system and is responsible for administration and proper operation.

Ms. Sullivan stated that the settlement provisions are broadly based on obligations to members and their beneficiaries. She said there are many provisions, but they generally do a few things: 1. Ensure the system receives complete and accurate information from municipalities. 2. Protect the system from the employer providing inaccurate or incomplete information. 3. Protect the system from an employer's failure to comply by providing penalties.

Ms. Sullivan completed her presentation by stating that most of these provisions amounted to "trust but verify" that the cities are going to have to provide the information.

D. Discussion and Consideration of Proposed Settlement Agreements and/or Prospective Litigation (Action Item), Presenters: Sheri Morris, Ben Huxen, Taylor Camp

Sheri Morris stated that MPERS was tax qualified plan and MPERS is attempting to do a self-correction and to make the members whole. There is a calculation of the cost of providing service back to the hire date, but if the officers consent to it, it might be possible to go back part of the way. Some of the problems have occurred where officers have not consented. We have had around 20 pieces of litigation, some that have been resolved. The best resolutions are when everyone is working together. There is no cookie cutter way to resolve this. Some of the greatest problems occur when a municipality has officers with many years of service. Some municipalities have had a lot of turnover. Those from a financial standpoint are easier to solve. We also have issues with officers changing employers.

Ms. Morris stated that there was a lot of disagreement on applicable law and that could only be solved by a court. She stated that they felt it was better to spend resources on coming up with resolutions and not taking this to the Louisiana Supreme Court years from now while unpaid contributions continue to add up. With litigation, because there is risk on both sides, things can be done in settlement.

Mr. Huxen stated that historically, some MPERS employers have picked up the entire tab for their employees going back to day one. He also pointed out that recently New Orleans paid one time payments of up to \$20,000 just for past service. They may not have the money to do it, but there is nothing stopping municipalities from paying to fix this.

Based on a question from Rep. Bacala, Ms. Morris stated that they couldn't get a court to sign off on the settlements. Based on a question from Major Burkart, Jr. Ms. Morris stated that the Attorney General's opinion regarding going back three years was distinguishable from this issue because that was a wage dispute between employer and employee, and this is a legally mandated obligation and is continuing. She stated that she did not believe that this has that same prescription period, but that is something the courts would have to decide. The Caldwell case brought up earlier had to do with the funding of an office and there was an ordinance in place. She stated that there was a dispute on that issue, and a court would have to decide.

Chairman King asked to start with the Town of Albany. Mr. Stamey stated that representatives of the Town of Albany were present, but they wanted to confirm the actual offer. Ms. Morris stated that the amount and other terms of the settlement were agreed upon and approved by the city except for redactions.

Chief Beth Westlake asked if Albany had all current employees enrolled at this time. Taylor Camp stated that they had enrolled all of them and all of them opted out. Mr. Stamey stated that they had some suggested language to use in the settlement. Rep. Bacala asked if he would sit with Ms. Morris now and complete the review of language so the issue could be resolved today. Mr. Stamey stated that the original agenda did not record that this would be recorded or public but that it was to be a settlement conference. He stated that the Code of Evidence Rule 408 provides it should be kept confidential.

Asst. Chief Jason DiMarco suggested the board pass a motion authorizing Ms. Morris to sit with opposing counsel to discuss the issues outside of the boardroom and come back to settle these issues. Chief Edwin Bergeron, Jr. stated that everybody knew that we were coming to this meeting to hash all of this stuff out. He expressed frustration that the Board could be wasting their time. The police officers are the ones that are affected, and we should be ready to settle these issues. Major Ray Burkart, Jr. agreed and apologized to the police officers for wasting their time. Chief Beth Westlake stated that she understood but wanted to let them leave the room to discuss while the Board took up other municipalities to facilitate progress.

Motion by Asst. Chief Jason DiMarco and second by Chief Beth Westlake to move settlement discussions out of the public meeting space and into a different room for attorneys, clients, and MPERS representatives to discuss privately to expedite the meeting. Without objection, the motion carried.

At this time, Chairman King offered to let any municipality in attendance who wished to discuss their individual settlements present their situation to the board one at a time. At this time, town auditor Mr. Steven McKay approached the podium and generated discussion regarding the current status of the Town of Melville's compliance issues. Taylor Camp stated that Melville did enroll and pay on officers who did opt out. They just provided MPERS records and MPERS received

calculations from the system's actuary yesterday. After expressing his willingness to work with the town to reach an agreement with MPERS once actuarial calculations have been completed, the following motion was made:

Motion by Chief Edwin Bergeron, Jr. and second by Chief Beth Westlake to table further discussion regarding the Town of Melville until the next scheduled board meeting. Without objection, the motion carried.

Mr. McKay continued his discussion by moving on to the Town of Wisner's delinquent status. He briefly discussed that the Town does not dispute that they owe contributions. He stated that as soon as funds are available, the Town would pay the amount owed. Mr. Huxen stated that Wisner was making MERS contributions on non-police, but have not paid on the police. Mr. McKay also noted that MPERS would not accept partial payments. Mr. Huxen stated that Wisner was making payments on a previous settlement for the back time. They just have not been making the contribution payments on the chief. No motion was made, and this concluded Mr. McKay's statements.

Discussion moved to focus on the remaining municipalities that were not RMI clients. At this time, Lt. Damon Didier with Marksville PD approached the podium and introduced himself and his fellow officers in attendance (including Lt. Wesley Lachney, dispatcher Leanne, and Sergeant Daigrepoint) and made a statement about the delinquent situation regarding Marksville PD. He stated that the Chief and the City were not coming to the meeting. He stated that as litigation proceeded, the city decided to get the members signed up and told them they could opt out. He stated that he did not opt out. However, they had no idea that the city was not in compliance with MPERS for multiple years nor that there were multiple settlements proposed to the city and that this meeting is the first time anyone has discussed this issue with the officers. He added that the settlement proposal makes the officers responsible for a payment of part of the delinquent amount when the city was the one not in compliance and caused the initial and continuing issues leading to litigation. He urged the board to take the money out of the employee contribution column within the proposed settlement and add it to the penalty column where he believes it belongs. He then reiterated that without an email from Mr. Huxen about this meeting he and his fellow officers would never have known about this discussion, nor would they have been represented until the litigation was over. Discussion continued among the board, Mr. Huxen, and Ms. Camp. Ms. Camp stated that the figures make the employees whole to the date of hire. Chief Westlake asked if the city might accept an offer to pay the employee portion if the employees agreed to not go back to hire date. Ms. Camp said some settlements had involved less than the full amount of service where employees could not afford the total employee contributions.

Major (Retired) Kelly Gibson stated that he applauded the officers for coming forward.

Motion by Chief Edwin Bergeron, Jr. and second by Major (Retired) Kelly Gibson to table the Marksville discussion to get a legal opinion on whether

the employer can be held responsible for the delinquent employee contributions due to failure to comply. Without objection, the motion carried.

At this time, Albany city attorney, Sherman Mack, returned to the public meeting after private discussions with RMI attorneys and MPERS attorney, Sheri Morris. Both Mr. Mack and Ms. Morris confirmed that there is an agreement in concept that can be reduced to writing and presented to the board.

Motion by Chief Edwin Bergeron, Jr. and second by Asst. Chief Jason DiMarco to table Albany discussions until the next meeting. Without objection, the motion carried.

Discussion moved on to the Town of Erath. There were no representatives in attendance. Mr. Huxen made a statement regarding the willingness of Erath's mayor to communicate and cooperate.

Motion by Chief Beth Westlake and second by Chief Edwin Bergeron Jr. to table Erath discussions until the next meeting. Without objection, the motion carried.

There was then a brief discussion regarding the status of Glenmora. Mr. McKay approached the podium and informed the board that Glenmora was not represented by RMI, but by Mr. Randall Keiser's law firm. The board agreed to end further discussions about Glenmora until Mr. Keiser was able to return to the room.

Then, Mr. Patrick Cronin approached the podium and explained that the town of Erath had just retained RMI to represent them the week prior to this meeting and they made a claim.

The discussion then moved on to Moreauville. No representatives were present.

Mr. Huxen recommended the board authorize and direct Ms. Sheri Morris to file a motion no later than tomorrow to reset the court date for a hearing to continue the litigation with Moreauville.

Motion by Asst. Chief Jason Dimarco and second by Major (Retired) Kelly Gibson to authorize and direct Ms. Sheri Morris to file a motion no later than February 13, 2025, to reset the court date for a hearing to continue litigation with Moreauville. Without objection, the motion carried.

Discussion moved then to the Town of Roseland. Town attorney, Ms. Sophia Riley, addressed the board and explained that the Chief refuses to complete his enrollment and the town has done as much as they can on their part. Chief Bergeron, Jr. offered to reach out to him personally. MPERS' representatives indicated that nothing was required on the Chief's part for "soft enrollment" and reporting and payment of contributions.

Motion by Asst. Chief Jason DiMarco and second by Chief Beth Westlake to table the Town of Roseland discussions until the next meeting. Without objection, the motion carried.

Discussion moved to the Town of Stonewall. No representatives were present.

The new trustee, Mayor Taylor, initiated a discussion with Mr. Huxen requesting clarification on how the calculations and settlement offers are determined. After a brief discussion, Mr. Huxen recommended a motion to authorize and direct Ms. Morris to file a motion for partial summary judgment on the employer contributions owed by Stonewall.

Motion by Asst. Chief Jason DiMarco and second by Chief Beth Westlake to authorize Ms. Sheri Morris to file a motion for partial summary judgment on the employer contributions owed by the Town of Stonewall. Without objection, the motion carried.

Chairman King then called for a recess at 12:45 pm.

The meeting resumed at 3:00 pm.

Mr. Huxen recommended to the board that they grant him authorization to approve a settlement offer with the Town of Montgomery, subject to Ms. Sheri Morris working with their attorney and getting the provisions to a point that is agreeable to both parties.

Motion by Chief Edwin Bergeron, Jr. and second by Chief Christopher Wilrye to authorize Mr. Ben Huxen to approve a settlement offer with the Town of Montgomery subject to Ms. Sheri Morris working with their attorney and getting provisions to a point that is agreeable to both parties. Without objection, the motion carried.

VII. Other Business

Major Burkart, Jr. gave a brief statement about the progress being made during the ongoing private meetings with RMI and their clients. Chief Bergeron, Jr. expressed concerns about losing momentum between now and the next meeting. Mr. Huxen stated he would keep the board updated on the progress.

Motion by Rep Tony Bacala and second by Chief Edwin Bergeron, Jr. to hold off on moving forward with any litigation until the next meeting on March 19, 2025. Without objection, the motion carried.

VIII. Adjourn at 3:08 p.m.

Motion by Chief Edwin Bergeron Jr. and seconded by Chief Christopher Wilrye to adjourn the meeting at 3:08 pm. Without objection, the motion carried.

Next Meeting Date is March 19, 2025, in Baton Rouge, Louisiana.

To the best of my knowledge, the foregoing minutes accurately represent the actions taken at the meeting held on February 12, 2025.



Lt. (Retired) Chad King, Chairman



Ben Huxen,
Executive Director and General Counsel