

**Municipal Police Employee's Retirement System**  
**Minutes of the Meeting of the Board of Trustees Special Meeting**  
**March 19, 2025**

The Board of Trustees of the Municipal Police Employees' Retirement System held a special meeting on Wednesday March 19, 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 11:01 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  
Asst. Chief Jason DiMarco  
Major (Retired) Kelly Gibson  
Lt. (Retired) Chad King  
Mr. Julius Roberson, State Treasurer Designee  
Mayor Jonathan Taylor, Town of Livingston  
Lt. Tyrone Warren  
Chief Beth Westlake  
Chief Christopher Wilrye

\*\*\*Asst. Chief Jason DiMarco left the meeting at 11:35 am\*\*\*

**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, System Analyst  
Ms. Christie Ziadeh, MPERS, Benefits Analyst (remote)  
Ms. Melissa Frazier, MPERS, Benefits Analyst  
Mr. Greg Curran, Curran Actuarial Consulting, Consulting Actuary  
Ms. Sheri Morris, Attorney - Daigle, Fisse, & Kessenich  
Mr. David Barnes, NEPC

Ms. Laura Gail Sullivan, Attorney  
Mr. Joey David, LA House of Representatives  
Ms. Carla Sigler, Attorney, Sigler Legal (remote)  
Ms. Lindsay Saienni, Media, FIN News (remote)  
Mr. Kevin Balaod, Media, With Intelligence (remote)  
Ms. Erin Estilette, Curran Actuarial Consulting (remote)

**IV. Public Comment**

None

**V. Approval of the February 12, 2025 Board Meeting Minutes**

**Motion by Asst. Chief Jason DiMarco and second by Chief Beth Westlake to approve the minutes of the meeting held February 12, 2025. Without objection, the motion carried.**

**VI. Reports of Committees**

**A. Report and Recommendations of the Legislative Committee (Action Item)**

Mr. Huxen reviewed the Legislative Committee meeting and said the October 16, 2024, meeting minutes were approved after a motion by Major (Retired) Kelly Gibson and seconded by Lt. (Retired) Chad King. Mr. Huxen then stated the first bill discussed was HB 17 from Representative Tarver regarding extending five-year DROP for members currently in DROP. He stated MPERS staff will be working on language to clarify, and the committee recommended the Board support the bill. He stated the next bill discussed was HB 30 by Representative Taylor, but since that bill was withdrawn there was no discussion needed. Next, Mr. Huxen stated SB 7 by Senator Hodges was an investment bill that would significantly decrease MPERS' investment options in its current form. He said that Mr. Barnes, Mr. Curran, and Ms. Sullivan discussed what could happen should the bill be passed in its current form. Mr. Huxen said the committee voted to recommend that the Board oppose SB 7 as currently written with a motion made by Major Raymond Burkart, Jr., and seconded by Major (Retired) Kelly Gibson.

**B. Report and Recommendations of the Investment Committee (Action Item)**

Mr. Huxen reviewed the Investment Committee meeting and said the August 20, 2024, meeting minutes were approved. Mr. Huxen stated that Mr. Barnes with NEPC presented the report on investments. Mr. Huxen summarized that report stating the total market value was up to just under \$2.9 billion, performance was up 0.1% for the month, diversification helped with the market fluctuations in February, fiscal year-to-date returns for the portfolio were 6.2% and Mr. Barnes noted that MPERS received the requested real estate redemption. Mr. Huxen said that Mr. Barnes then presented the international equity manager search, which is currently managed by KBI, and stated that



NEPC listed eight managers from their search. Mr. Barnes recommended inviting Acadian, LSV, and KBI to the next investment committee meeting. Mr. Huxen said this was approved by the committee with a motion by Mr. Roberson and seconded by Chief Wilrye. After that, Mr. Barnes reviewed the Frenchman Street Fund of One and Ms. Cahill and Mr. Powers from HarbourVest presented the private equity strategic planning report with the addition of the infrastructure portion. Mr. Huxen stated that NEPC recommended a \$220 million commitment to this investment over the next four years, which is about the same as what was done four years ago. Mr. Huxen said this recommendation was approved by a motion made by Chief Wilrye and seconded by Mr. Roberson. Lastly, Mr. Huxen said that Mr. Barnes gave an update on the expiring real estate fund from Sigular Guff. Mr. Huxen stated MPERS was given an option to liquidate what's left in the real estate fund or to roll it over into a continuation fund. Mr. Huxen said the committee voted to recommend staying with the fund allowing it to fully liquidate over time because the discount for liquidation was too significant.

**Motion by Chief Christopher Wilrye and second Asst. Chief Jason Dimarco to approve the recommendations of the Investment Committee Meeting held on March 19, 2025. Without objection, the motion carried.**

**Motion by Chief Jason DiMarco and second Chief Beth Westlake to approve the recommendations of the Legislative Committee Meeting held on March 19, 2025. Mr. Julius Roberson abstained. Without objection, the motion carried.**

## **VII. New Business**

### **A. Executive Director & General Counsel Comments**

#### **1. Update on Delinquent Municipalities/Employers (Action Item)**

Ms. Camp reviewed a list of current delinquencies that included Cullen, Franklinton, Jonesboro, New Orleans, Shreveport, Simmesport, Sun, and Wisner. She stated that the two biggest ones were Cullen and Wisner. She stated MPERS is working with both to get them up to date. Ms. Camp stated that the others (aside from New Orleans) should be up to date soon, and everything else was good.

#### **2. Compliance Certification Tracking Update**

Mr. Huxen stated that there was no update on compliance certification tracking.

#### **3. Consideration of an Attorney General's Opinion Request Regarding Whether Certain MERS Retirees Must be Enrolled in MPERS (Action Item)**



Mr. Huxen stated that this relates to the age 50 age limit. Mr. Huxen stated there was at least one case where a member retired from MERS and then they went back to work as a police officer. Mr. Huxen said the question now is where do they need to be enrolled; do they need to be enrolled in MERS and start working on an additional benefit to that MERS retirement benefit, or do they need to be enrolled in MPERS? Mr. Huxen stated he has looked at it and at least two other attorneys have looked at it and they have differing opinions. Mr. Huxen said he would like to ask for an Attorney General's opinion on the matter.

**Motion by Asst. Chief Jason DiMarco and second Major Raymond Burkart, Jr., to authorize the Executive Director to request an attorney general's opinion on whether certain MERS retirees must be enrolled in MPERS upon reemployment. Without objection, the motion carried.**

**B. Approval of Agreed Upon Settlements (Action Item)**

1. **Town of Maringouin**
2. **MPERS vs. Town of Stonewall, 19th JDC, Number 688504, Section 25**
3. **MPERS vs. Town of Melville, et al., 19th JDC, Number 734852, Section 25**

Mr. Huxen stated that the Board authorized him at the last meeting to execute a settlement with the Town of Montgomery, and that settlement has been executed. Mr. Huxen said there are three towns with settlements that have been agreed upon, and those are the towns of Maringouin, Stonewall, and Melville. Mr. Huxen stated the Board has those settlements to review and added that he recommends that the Board approve them.

**Motion by Major Raymond Burkart, Jr., and second by Asst. Chief Jason DiMarco to approve the settlement agreements with the towns of Maringouin, Stonewall, and Melville. Without objection, the motion carried.**

**C. Consideration of a Request for an Amendment to the Settlement Agreement with the Town of Krotz Springs (Action Item)**

Mr. Huxen moved on to the consideration of an amendment to a settlement that the Board previously approved at the last meeting. Mr. Huxen stated that under the approved settlement, the Town of Krotz Springs agreed to pay \$183,771.21 over 15 years with 6.75% interest. Mr. Huxen said the Mayor of Krotz Springs does not want to leave a problem for the next mayor and wants to pay MPERS \$120,000 up front to settle the case now. Mr. Huxen said both he and Ms. Morris

recommend accepting this because it takes a lot of collection risk off the table, even though there is a discount. They feel it makes sense.

**Motion by Chief Beth Westlake, and second by Asst. Chief Jason DiMarco to approve the acceptance of the amendment to the settlement agreement with the Town of Krotz Springs. Without objection, the motion carried.**

**D. Legal Strategy Regarding Noncompliant Employers (Action Item)**

No action taken

**E. Discussion and Consideration of Proposed Settlement Agreements, Current Litigation, and/or Prospective Litigation (Action Item)**

1. Town of Albany
2. MPERS vs. Kelvin McCoy, In His Official Capacity as Mayor for the Town of Boyce, et al., 19th JDC, Number 753207, Section 32
3. MPERS vs. Town of Cheneyville, et al., 19th JDC, Number 730043, Section 22
4. Village of Clayton
5. MPERS vs. Town of Cottonport, et al., 19th JDC, Number 728606, Section 26
6. Town of Cullen
7. MPERS vs. Town of Elton, et al., 19th JDC, Number 729135, Section 31
8. Town of Erath
9. Village of Georgetown
10. MPERS vs. Town of Glenmora, et al., 19th JDC, Number 731063, Section 31
11. MPERS vs. Alvin Bradley, Sr., in His Official Capacity as Mayor for the City of Grambling, et al., 19th JDC, Number 749512, Section 26
12. MPERS vs. Town of Grand Coteau, et al., 19th JDC, Number 734857, Section 32
13. MPERS vs. Town of Greensburg, et al., 19th JDC, Number 729284, Section 26



14. MPERS vs. Sherbin Collette, In His Official Capacity as Mayor for the Town of Henderson, et al., 19th JDC, Number 741228, Section 21
15. Town of Hornbeck
16. MPERS vs. Loria Hollins, in Her Official Capacity as Mayor for the Town of Jonesville, et al., 19th JDC, Number 753206, Section 21
17. MPERS vs. Town of Killian, 19th JDC, Number 692605, Section 21
18. MPERS vs. Herman Williams, in His Official Capacity as Mayor for the Town of Lecompte, et al., 19th JDC, Number 741267, Section 23
19. Town of Maringouin
20. Town of Marion
21. MPERS vs. John Lemoine, in His Official Capacity as Mayor for the City of Marksville, et al., 19th JDC, Number 753210, Section 21
22. MPERS vs. Town of Melville, et al., 19th JDC, Number 734852, Section 25
23. Village of Montgomery
24. MPERS vs. Village of Moreauville, 19th JDC, Number 723617, Section 25
25. Town of Pearl River
26. MPERS vs. Town of Roseland, et al., 19th JDC, Number 731190, Section 23
27. MPERS vs. Town of Simmesport, et al., 19th JDC, Number 729099, Section 32
28. MPERS vs. Town of Springfield, et al., 19th JDC, Number 730012, Section 30
29. MPERS vs. Town of Stonewall, 19th JDC, Number 688504, Section 25
30. Village of Tangipahoa
31. MPERS vs. Paris C. Sumrall, In Her Official Capacity as Mayor for the Village of Varnado, et al., 19th JDC, Number 739462, Section 24

### **32. Town of Wisner**

Ms. Morris then gave an update on the settlement conferences that she and Ms. Camp have had since the last meeting. She stated they have participated in over 20 settlement conferences. Ms. Morris noted that number could be closer to 30 and that 16 of those conferences were held the Monday before this meeting. Ms. Morris said that she and Mr. Huxen have been quite busy trying to get everyone a settlement agreement. Ms. Morris mentioned they do have a few stragglers on providing records and some where they did not interpret the records correctly. Ms. Morris said that they just need more time to get through those at the end of the list.

Ms. Morris then stated that with Board approval they have reached agreement on the amounts for some but still have a lingering issue regarding the indemnity language that they spoke about at the last meeting. Ms. Morris said she and others in her office have looked at the indemnity language and have tried to make it as narrow as possible. She explained that several issues have come up recently that support the concern over indemnity because MPERS does not know how many officers a town has or if they have sent complete payroll records. Ms. Morris said the indemnity protects MPERS when an officer is left out of reports to MPERS, not enrolled, or for those for whom contributions were not paid. She stated the mission of MPERS is to close cases and not be subject to lawsuits by the officers if they are left out of the settlement. Ms. Morris said she thinks the language is important and was put there for a reason. She stated that they are finding gaps in some of the records and that there is an impasse with RMI attorneys on the indemnification issue. Ms. Morris said that hopefully between now and the next meeting it will be resolved, but this is something that they will have to continue to work on. Ms. Morris explained that the prepared settlement agreements with MPERS' revised language are very narrowly tailored just for failure to enroll and failure to make contributions. She said it does not pass on any liability to the municipalities other than that. Ms. Morris added that this liability already exists, but the difference is that the cities would pay to defend MPERS if a suit of this nature came about.

The Board asked what RMI is asking for exactly and Ms. Morris answered by saying that no indemnity would work for them, but they don't really know. She stated that she thinks RMI would be okay with some language, but they have not come up with any specific language for consideration. Ms. Morris said that on Monday they asked if they could just provide a list of officers but stated that these officers are the ones they know about, and a list doesn't solve the problem of the officers that MPERS does not know about. Ms. Morris said they are trying to get officers that know they have time that will not be purchased through the settlement agreement to sign off on these agreements stating that they have knowledge. She mentioned that officers can call MPERS and speak to a benefits analyst and determine what rights they are giving up.

Rep. Bacala stated that realistically, most people want this to go away. He asked what the risk was to MPERS if there was no indemnification. He went on



to say that he feels MPERS' defense is pretty solid even without the indemnity about who is actually liable for whatever claim is made. Ms. Morris noted that Rep. Bacala made a good point, however the overall cost to MPERS so far has been huge, and that is her concern. Ms. Morris pointed out that if they have checked and double-checked their records, what is the risk to these municipalities if everyone agrees? There was more discussion about where the fault of these issues lie and about specific issues MPERS has dealt with so far in these settlement discussions.

Mr. Huxen then gave recommendations by groups.

The first group Mr. Huxen reviewed was Albany and Marion. He stated these are the towns that accepted the settlement agreements but scratched out the indemnification language. Mr. Huxen reminded the Board they have been asking for the alternative indemnification language since November but have not received it. Mr. Huxen recommended that the Board approve the proposed settlement agreements for Albany and Marion and authorize and direct MPERS attorneys to file lawsuits if an executed settlement agreement is not received by April 15, 2025.

**Motion by Major Raymond Burkart, Jr., and second Asst. Chief Jason DiMarco, to approve the proposed settlement agreements with Albany and Marion and authorize MPERS attorneys to file lawsuits if an executed settlement agreement is not received by April 15, 2025. Without objection, the motion carried.**

The next group Mr. Huxen presented was Boyce, Cheneyville, Cottonport, Glenmora, Grambling, Hornbeck, LeCompte, Pearl River, Simmesport, Springfield, Tangipahoa, and Varnado. Mr. Huxen stated that with the exception of Varnado and Cottonport, all of these are agreed upon except for the indemnification language. Mr. Huxen stated that he was notified by an email from the Cottonport attorney that the council met but he did not specify what happened. Mr. Huxen explained that the Cottonport deal was the absolute lowest number that he and Ms. Morris would recommend. He added that the Mayor for Varnado has offered \$10,000 and stated Varnado has the Chief who wants to get all his past time. Mr. Huxen said he thinks the Board should approve the settlement agreement with the full amount if the Chief is prepared to pay for his time. Mr. Huxen let the Board know that Varnado has over \$300,000 in unrestricted net assets, which is in cash. Chief Westlake asked how much Varnado's settlement is, and Mr. Huxen said that it was a little over \$84,000. Mr. Huxen recommended that the Board approve the proposed settlement agreements and authorize and direct MPERS to file a lawsuit, reset the hearing date, or take any other legal action they deem appropriate if an executed settlement agreement is not received on or before April 15, 2025.

**Motion by Asst. Chief Jason DiMarco and second by Major Raymond Burkart, Jr., to approve the recommendation to approve the proposed settlement agreements with Boyce, Cheneyville, Cottonport, Glenmora,**



**Grambling, Hornbeck, LeCompte, Pearl River, Simmesport, Springfield, Tangipahoa, and Varnado and authorize MPERS' attorneys to file lawsuits, reset hearing dates, or take any other legal action they deem appropriate if an executed settlement agreement is not received by April 15, 2025. Without objection, the motion carried.**

The next group Mr. Huxen spoke about was Clayton, Erath, Grand Coteau, Greensburg, Henderson, Marksville, and Moreauville. Mr. Huxen recommended having these municipalities propose an acceptable settlement agreement to MPERS on or before April 8, 2025, which is a week before the next meeting. Mr. Huxen explained that these municipalities just needed some more time. Mr. Huxen noted that Clayton has a new attorney, and their Chief wants all his time. Erath has a big dollar amount and has a bunch of officers. Grand Coteau didn't have any officers who need to be in, but MPERS is waiting for the actuarial calculation. It was noted that they just made their first payment yesterday. Mr. Huxen said that Henderson has a lot of officers, as does Marksville. He stated that Moreauville has just one officer (who is actually a former officer and current sheriff's deputy), but that officer is trying to decide what to do. Mr. Huxen said they need to work with those officers and come up with a plan to propose settlement agreements. Mr. Huxen recommended that if these towns do not propose an acceptable settlement by April 8, 2025, then MPERS would be authorized to directly file lawsuits, reset the hearing date or take any other legal action as appropriate.

The Board asked if the April 8<sup>th</sup> deadline was enough time and Mr. Huxen stated that they had plenty of time. Ms. Morris added that three of the municipalities have new counsel and have needed more time to look through everything. She stated they have all the records needed to reach a settlement agreement and feels like the April 8<sup>th</sup> deadline is attainable for them to at least get an offer to MPERS.

The Board discussed extending the deadline. Ms. Morris stated that they all have suits pending (Clayton and Erath do not). Mr. Huxen stated that they could take Clayton out of the list and take them separately, but the others all had settlement offers on the table since January. Ms. Morris stated that some of them were waiting for officers to make decisions.

**Motion by Major Raymond Burkart, Jr., and second Asst. Chief Jason DiMarco, to extend the deadline for Clayton until May 13, 2025. Without objection, the motion carried.**

More discussions were held regarding the timelines and deadlines of the other municipalities. Rep. Bacala asked how many municipalities could be solved if the indemnification language was settled. Ms. Morris stated about a dozen. Rep. Bacala voiced concerns over municipalities having to come back to agree to settlements after the indemnification language has been agreed upon. Ms. Morris and Mr. Huxen explained where MPERS is with the municipalities that have agreed to the indemnification language. There was more discussion about



attaching a letter to the minutes stating that MPERS has made offers and the only issue remaining is the indemnification language. These letters would confirm that the Board has given these municipalities that opportunity. Ms. Morris went into detail regarding the conferences that were held on Monday. She stated that early in the first meeting, they reached an impasse on the indemnification language. Ms. Morris said they decided to go forward with exchanging information about the amounts that were being proposed. Ms. Morris said RMI attorneys stated they would revisit the language. Ms. Morris then said that she has not received any communication from RMI regarding the language. Ms. Morris stated that she stressed to RMI that the language had been scraped to clarify anything that anyone alleged was unclear. Ms. Morris said RMI kept going back to what they had been saying, in that it was MPERS' failure to educate the municipalities, so the fault lies with MPERS. Ms. Morris stated she wants their counsel to go check and recheck records because the due diligence is on their side, not MPERS'.

Prior to consideration of a motion, Mr. Huxen clarified that Boyce would not settle without doing something about the partial dissolution issue. Mr. Huxen stated they owe about \$1 million on partial dissolution and must pay that over 15 years. He stated the best that MPERS could do was to agree to seek legislation next year like what was brought in 2024. If that proposed language was applied to Boyce their partial dissolution would have cost a little over \$300,000. Mr. Huxen noted they would have to make payments in the meantime, but MPERS agreed to recommend the legislature to approve the change retroactively. Mr. Huxen stated this is all in the settlement offer to Boyce.

Rep. Bacala stated that he felt RMI made a good faith effort by withdrawing HB 30. He said he felt like MPERS needed to reciprocate that good faith effort. He said the next step may be another meeting to invest a little bit of time, which would also save hundreds of hours on attorney fees. Rep. Bacala stated sometimes it helps when everyone gets into the same room for a discussion. He suggested maybe it could be at the next board meeting, and it could be made a special agenda item. Chief Bergeron stated that he did not disagree with Rep. Bacala, but also felt like they already did this, which resulted in the municipalities walking out and MPERS again discussing having another meeting. Chief Bergeron stated that if MPERS is going to have another meeting, they need the commitment from the municipalities that they want to discuss the issues in the public meeting. He stated he could not understand how anyone could think another person or organization could be responsible for their lack of responsibility to report.

Mayor Taylor then stated that with a new administration, like him, it was hard to determine what was going on. He stated he got a letter from MPERS and had to call to discuss what it meant. Mayor Taylor said he hears both sides from MPERS and RMI, and he agreed with Rep. Bacala that conversations need to happen. He stated the more they can communicate the more education is put out there.



Major Burkart stated that what is being argued about is not the amounts, it's about the indemnification language, which he stated is in almost every contract he's ever seen. He asked when the LMA bill was filed – before or after the last meeting. He stated that he did not feel it was right to have a bill introduced that was being held over their heads. Rep. Bacala stated that based on good faith conversations, the bill will be withdrawn. He went on to say that they got from where they were at zero, to where they are now with having these conversations. Rep. Bacala said the first meeting got them through most of the settlements, so why not do it again to finish off the last few remaining. Major Burkart then stated that it is not a question of having another meeting, it's a question of a deadline. He went on to say that the MPERS Board needs to take a stand because their necks are out there.

Ms. Morris then said that they have made a lot of progress in the last few weeks because they had a deadline set for today. She stated they do need deadlines as it makes it a priority when otherwise it wouldn't be. Mr. King stated that he could write a letter and ask them to come to the meeting and to invite RMI and the mayors of the towns so that the indemnification issue could be resolved. Rep. Bacala went into detail about what the letter should say, stating it needs to include a statement that says X number of cities have already signed this agreement with indemnification language that is actually stronger than is being offered here. He went on to say that it needs to be clear that the only thing halting the settlement is this indemnification language and that MPERS has gotten that language to the minimal state so there needs to be a discussion about what the impasse is. After continued discussion, the Board discussed a motion about the next meeting.

**Motion by Representative Tony Bacala and second Major (Retired) Kelly Gibson, to have a special agenda item at the next meeting and invite mayors and RMI to the next meeting to discuss indemnification clause issues. Without objection, the motion carried.**

**Motion by Chief Beth Westlake and second by Major Raymond Burkart, Jr., for Erath, Grand Coteau, Greensburg, Henderson, Marksville, Moreauville, Elton, and Jonesville to propose an acceptable settlement agreement to MPERS by April 15, 2025, or come to the meeting on April 16, 2025, to discuss. Without objection, the motion carried.**

Next, Mr. Huxen discussed Cullen and Wisner. He stated he was not sure if they needed legal settlements as they are just delinquent. Mr. Huxen noted they need a letter stating the municipality needs to propose a plan and timeline for paying contributions, interest, etc. and present it to Ms. Camp at MPERS by April 15, 2025.

**Motion by Chief Beth Westlake and second by Chief Christopher Wilrye to send a letter to Cullen and Wisner asking them to come up with a plan or timeline for paying contributions, interest, etc. in full and present it to**



**Ms. Taylor Camp on or before April 15, 2025. Without objection, the motion carried.**

Next, Ms. Morris discussed Georgetown. She stated Georgetown is a unique situation because it was learned later after going through the records that their officers were ineligible, due to age or part-time status. Ms. Morris stated they are recommending that Georgetown be recognized as complying without any settlement agreement.

**Motion by Representative Tony Bacala and second by Chief Christopher Wilrye to approve the recommendation to recognize Georgetown as compliant without a settlement agreement because their officers are ineligible due to age or part-time status. Without objection, the motion carried.**

Mr. Huxen then spoke on the last two municipalities, Killian and Roseland. He stated the attorneys are trying to help MPERS, but the employers themselves are completely uncooperative. Mr. Huxen stated they will not enroll their officers. Mr. Huxen said MPERS needs to move on with litigation. He also noted that Killian had sent records during this meeting and that he was having lunch with their mayor tomorrow so he would talk to him then.

Chief Bergeron asked what happens if the Roseland Chief of Police refuses to complete the physical. Mr. Huxen stated the physical has nothing to do with it, and all it does is put the city on the hook if he suffers a disability. Chief Bergeron stated that he spoke to the chief personally and for whatever personal reason, he refused to have the physical done. Chief Bergeron asked if the city can just move forward without this being done. Ms. Morris stated that they can and MPERS has reached out to the city attorney many times. Chief Bergeron stated his belief is that the city attorney thinks she needs to wait on the chief to comply, which he won't, and asked if someone at MPERS could reach out to her and let her know she can proceed. Rep. Bacala reminded the Board that Killian was the first municipality to come to a meeting. He stated that he thinks they are ready to come to terms but just need to put all their pieces in place.

**Motion by Chief Beth Westlake and second by Major (Retired) Kelly Gibson to postpone Killian and Roseland until the next meeting. Without objection, the motion carried.**

#### **F. City of New Orleans Lawsuits**

- 1. City of New Orleans v. MPERS, et al., 19th JDC, Number 724562, Section 24 Subject Matter: Leave Conversion Issues**
- 2. City of New Orleans vs. MPERS, 19th JDC, Number 732243, Section 24 Subject Matter: Earnable Compensation**



**3. City of New Orleans vs. MPERS, 19th JDC, Number 751911,  
Section 25 Subject Matter: Partial Dissolution**

Ms. Morris then spoke about the New Orleans lawsuits. She reminded the Board that they have two partial dissolution payments to make. Ms. Morris said they had been making payments on the first partial dissolution, but when the second one became due, they did not pay it. She stated MPERS certified to the Treasurer's office that it was delinquent, and the city filed a lawsuit and named the Treasurer and MPERS in a restraining order to keep the Treasurer from giving the money to MPERS. Ms. Morris said originally it was a temporary restraining order with a preliminary injunction filed, but the city did not go forward with the hearing. Ms. Morris said MPERS agreed to continue the hearing to talk with the city to try and find a resolution. Ms. Morris stated no real resolution has been made as the city does not agree with the law. Ms. Morris said that the hearing has never been reset so this makes them delinquent from July all the way to present. Ms. Morris stated it is a large liability. Ms. Morris said MPERS confirmed with the Treasurer's counsel, and it was decided that MPERS would send a new certification with the new amount. Ms. Morris said once the Treasurer notified New Orleans, they moved to reset the preliminary injunction for a hearing. Ms. Morris noted it is at the court, but it has not been assigned a date yet. Ms. Morris stated New Orleans continues to not pay. Ms. Morris stated New Orleans is getting the funds as the Treasurer's office will not hold funds while the suit is pending. Ms. Morris said they are just waiting for the judge to sign the order and then there will be a hearing. She doesn't feel they have any real defense to the lawsuit other than their stance of not agreeing with the law.

**G. If Necessary, Executive Session (Under the Provisions of R.S.  
42:17(A)(10) To Facilitate Privileged Communications Under La. Code  
Evid. Art. 506) Regarding the Items Under VII. B. Through E.**

**VIII. Other Business**

Mr. Curran spoke on partial dissolution. He stated that partial dissolution requires an annual certification by the actuary. Mr. Curran said his firm had completed its work for 2024. He explained that in doing this, they review the actuarial valuation data from one June to the next June according to the statute. The test looks at whether a city, town, or village has had a reduction in membership that meets the law. Mr. Curran said that based on these tests they provide a list of municipalities that preliminarily look like they have met the law for a partial dissolution to MPERS. Ms. Camp can then provide the municipalities with the information so they can look over the list and make sure that they don't disagree with the individuals on the list. Mr. Curran stated that this year there is a long list of towns that have met the rules under the law. He explained that if a town's membership level drops by 30%, and has at least a drop of two officers, then they would be deemed to partially dissolve. Those who partially dissolve owe a percentage of the system's UAL. The payment would be required over a 15-year period. Mr. Curran said that the law goes further



by stating if a town or city increases the level of membership back to the pre-dissolution level, the town or city would no longer owe future payments for that partial dissolution. He stated this has happened several times so those are recognized in what he called the undissolved list. Mr. Curran stated that New Orleans is a single example of a town that has dissolved based on the additional rule for municipalities that have a drop of at least 50 members. He stated that New Orleans has had this occur three times, but the consequence of the third time was zero. He went on to explain that the cost can be zero if there is no drop in the salary of participants from that municipality. Mr. Curran said New Orleans had 50 or more fewer officers, but the salaries of participating officers increased significantly. He stated that even with fewer officers, the level of salary reported to MPERS did not decrease, which led to having no consequences on the third dissolution. Mr. Curran stated that the law relies on the system actuary to perform the annual certification and noted that the letter provides a lot of details about who has dissolved and undissolved. He added that his office was tracking this internally. Mr. Curran stated that once the Board accepts the certification Mr. Huxen and Ms. Camp can notify the municipalities of their responsibilities. Mr. Curran stated some will be notified they have to pay, others will be notified they no longer have to pay, and some will have to pay for the first time. Mayor Taylor asked about a timeframe and Mr. Curran answered by saying that they test based on data and the data is submitted on June 30<sup>th</sup> of each year because that is the end of the system's fiscal year. Mr. Curran explained that if a town or city partially dissolves under the statute's language, the first payment is not due for two years. He said this was added by amendment to give municipalities a chance to hire those positions back and avoid ever having to pay. Mr. Curran stated a town, or city could never have to pay because the salaries in the plan did not represent a reduction or because after the certification before the next valuation, the level of membership was raised to the level of the prior year. Mr. Curran stated that he has brought before the Board charts showing the change in membership levels for every town over 10 or 15 years. Mr. Curran let Mayor Taylor know he is happy to sit down with him and go through the mechanics of everything as it's complicated.

**Motion by Chief Edwin Bergeron, Jr., and second by Chief Addison to accept the certification of partial dissolution for 2024 prepared by Curran Actuarial Consulting, Ltd. Without objection, the motion carried.**

**IX. Adjourn at 12:26 pm.**

**Motion by Chief Christopher Wilrye and seconded by Chief Edwin Bergeron, Jr., to adjourn the meeting at 12:26 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 March 19, 2025.



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Lt. (Retired) Chad King, Chairman



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Ben Huxen,  
Executive Director and General Counsel