

# **A G E N D A**

A regular meeting of the Board of Trustees of the Waxahachie Firemen's Relief and Retirement (FR&R) Fund to be held at Waxahachie Fire Station No. 1, 407 Water Street, Waxahachie, Texas, on ***Monday, January 8, 2024 at 8:30 a.m.***

BOARD MEMBERS: Gary Myers, Chairman  
Matt Dorsey, Vice Chairman  
Scott Safford, Secretary  
Chris Wright, Mayor Pro Tem  
Gail Turner, Assistant Finance Director  
Lee Statham  
Phillip Young

1. Call to Order
2. ***Public Comments:*** Persons may address the Waxahachie Firemen's Relief and Retirement (FR&R) Fund on any issues. This is the appropriate time for citizens to address the Board on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Board may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
3. Canvass votes for FR&R Firefighter Board Members
4. Administer Oath of Office to Firefighter Board Members
5. Reorganize the Board
6. Consent Agenda

All matters listed under Item 3, Consent Agenda, are considered to be routine by the Board Members and will be enacted by one motion. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any Board Member.

- a. Minutes of the regular Firemen's Relief & Retirement Fund meeting of December 11, 2024
  - b. Annuity checks for FR&R Retirees and other disbursements for the month of February 2024
7. Consider invoice from AndCo Consulting for consulting services and performance evaluation
8. Discuss and consider placement of quarterly AndCo Consulting invoice on the consent agenda
9. Review and approve a refund of contributions to Alex Adams
10. Discuss and consider Don't Take Our Fallen Public Safety Heroes Act, IRS code 104(a)6

11. Discuss and consider TEXPERS education opportunity
12. Hear update on Annual Audit
13. Set next meeting date and time of Firemen's Relief and Retirement Fund Board
14. Adjourn

The Board reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

***Notice of Potential Quorum***

***One or more members of the Waxahachie City Council may be present at this meeting.***

***No action will be taken by the City Council at this meeting.***

A regular meeting of the Board of Trustees of the Waxahachie Firemen's Relief and Retirement (FR&R) Fund was held at Waxahachie Fire Station No. 1, 407 Water Street, Waxahachie, Texas, on Monday, December 11, 2023 at 8:30 a.m.

Members Present: Gary Myers, Chairman  
Matt Dorsey, Vice Chairman  
Scott Safford, Secretary  
Chris Wright, Mayor Pro Tem  
Gail Turner, Assistant Finance Director  
Lee Statham  
Phillip Young

**1. Call to Order**

Chairman Gary Myers called the meeting to order.

**2. Public Comments**

None.

**3. Consent Agenda**

- a. Minutes of the regular Firemen's Relief & Retirement Fund meeting of November 13, 2023
- b. Annuity checks for FR&R Retirees and other disbursements for the month of January 2024

**Action:**

*Scott Safford moved to approve all items on the Consent Agenda as presented. Motion was seconded by Matt Dorsey and carried unanimously (7-0).*

**4. Review and consider 2022-2023 Annual Report**

**Action:**

*Matt Dorsey moved to accept the 2022-2023 Annual Report as presented. Motion was seconded by Scott Safford and carried unanimously (7-0).*

**5. Discuss Assets Allocation with Tony Kay, AndCo Consulting**

Tony Kay with AndCo presented five Asset Allocation mixes. After a lengthy discussion, the Board selected Asset Allocation Mix three as presented.

It is understood that Tony Kay will bring an assortment of money managers from one or two assets class for the Board to review starting with the February FR&R meeting.

**Action:**

*Matt Dorsey moved to approve Mix 3 Asset Allocation. Motion was seconded by Scott Safford and carried unanimously (7-0).*

(lea)

**6. Set next meeting date and time of Firemen's Relief and Retirement Fund Board**

The Firemen's Relief and Retirement Board set their next meeting for Monday, January 8, 2024 at 8:30 a.m.

**7. Adjourn**

There being no further business, the meeting adjourned at 10:00 a.m.

Respectfully submitted,

Jami Bonner  
Assistant City Secretary

(ub)

## MEMORANDUM

TO: FR&R Board Members  
FROM: Amber Villarreal, City Secretary  
DATE: Monday, January 8, 2024  
SUBJECT: Approve Annuity Payments for the Month of February 2024 for Retirees/Beneficiaries as Presented

Alexander	Donald
Alexander	Jeffery
Bennett	Don
Bratcher	Billy
Carrington	Paul
Chenault	John
Cobb	Sharon
Creelius	Dennis
Creed	Lori
Crow	Len
Evans	Karen
Fuller	Donald
Gilley	Dorothy
Hamilton	Denise
Hamilton	Steven
Irvin	James
Johnston	Randy
Junkin	Pam
Kuykendall	Terry
Lewis	Sammy
Maecker	David
Martin	J
Morgan	Alan
Muirhead	Randal
Nunn	Carol
Ogletree	Billy
Potter	Randall
Rodgers	John
Rust	Paul
Skipper	Terry
Slay	Mike
Sport	Jeffery
Sykes	Jerry
Tillery	Daryl Anne
Turner	John Olin
Turner	Sharon
Warren	Lisa
Williams	Sidney
Wilson	Darla

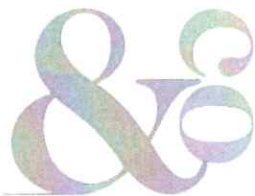
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<b>TOTAL</b>	<b>\$106,846.30</b>
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(7)

**AndCo Consulting, LLC**

531 W Morse Blvd Ste 200  
Winter Park, FL 32789  
844-442-6326  
ar@andcoconsulting.com



**INVOICE**

BILL TO  
Gary Myers  
Waxahachie Fire

INVOICE 46974  
DATE 12/29/2023

DESCRIPTION	AMOUNT
Consulting Services and Performance Evaluation, Billed Quarterly (October, 2023)	2,500.00
Consulting Services and Performance Evaluation, Billed Quarterly (November, 2023)	2,500.00
Consulting Services and Performance Evaluation, Billed Quarterly (December, 2023)	2,500.00

It is our honor and privilege to provide excellence service. If this is not your experience, please contact us immediately.

BALANCE DUE **\$7,500.00**

**Myers, Gary**

**From:** A.J. Weber <[aweber@lauterbachamen.com](mailto:aweber@lauterbachamen.com)>  
**Sent:** Wednesday, December 6, 2023 3:11 PM  
**To:** Myers, Gary  
**Subject:** RE: FR&R Question

Gary,

Here is my thought process on your situation. You have a member who went out on a service retirement and died a few months later. Section 4.01.b. of your plan document states "to receive disability retirement benefits, a Firefighter must file an application with the Board of Trustees." Section 1.07 of your plan document defines "Firefighter" shall mean any actively employed employee of the Waxahachie Fire Department...." From that perspective I believe the 2/3 benefit the spouse is currently receiving is a service retirement benefit and fully taxable. The member does not have the ability to apply for a disability once they are no longer active.

As a hypothetical, if a firefighter, when still active, filed for and was granted a disability pension, the 20 year portion of his pension in my non-legal eyes would be tax free because you could interpret that benefit as not being based on year of service (to follow workmen's compensation act) because you have a 20 year minimum for the calculation. If that was the case I would be inclined to say that the spousal benefit would also be tax free to the extent of 2/3 of the minimum 20 years following pro-rata logic.

You have a very unique circumstance where the State of Texas ruled that the death was a line of duty death (which I have never experienced) and there is no direction in your plan document on how that type of situation is handled. My recommendation would be that you hire an attorney familiar with Texas pension laws to opine on your situation. How does the State of Texas ruling impact the definitions and procedures in your plan document? I am not sure if there is case law on this or not. If you need attorney recommendations happy to provide the names of people/firms I know are active in this market.

Sorry couldn't give you more of a concrete answer but it is a very unique situation.

Feel free to call and discuss. I will be in the office all day tomorrow.

	<b>A.J. Weber   Partner</b>
	<b>LAUTERBACH &amp; AMEN, LLP</b>
	668 N. River Road   Naperville, Illinois 60563
	Phone: 630.393.1483   Direct: 630.821.0164   Benefits Hotline: 866.952.6329
	<a href="mailto:aweber@lauterbachamen.com">aweber@lauterbachamen.com</a>   <a href="http://lauterbachamen.com">lauterbachamen.com</a>

**Message from Ron Amen and Sherry Lauterbach:** Our clients' satisfaction remains our highest priority. If you have any concerns or questions, please call: 630.393.1483 or email [feedback@lauterbachamen.com](mailto:feedback@lauterbachamen.com). Thank you.

**From:** Myers, Gary <[GMyers@waxahachiefire.org](mailto:GMyers@waxahachiefire.org)>  
**Sent:** Wednesday, December 6, 2023 2:47 PM  
**To:** A.J. Weber <[aweber@lauterbachamen.com](mailto:aweber@lauterbachamen.com)>  
**Subject:** RE: FR&R Question

**Myers, Gary**

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**From:** Paul Brown  
**Sent:** Monday, October 23, 2023 11:03 AM  
**To:** Myers, Gary  
**Cc:** Kolby Beckham; Safford, Scott; ldahlberg@mcallen.net; Scott Falltrick; pamrandolph@lfdpension.com; dlewis@uptexas.org; dsheets@ci.greenville.tx.us; rodney.goodman@abilenefirenension.com; Odessa Firefighters Pension Fund; Jordan Stepanski; Chera Crow; Joni Hanley; Rebecca Lewis-Johnson; Kelly Slater; celmore@cityoflufkin.com; Chris Duncan; Debra Jones; art@texpers.org; aweber@lauterbachamen.com; mlarose@brownwoodtexas.gov; Lisa Miller; Rdraper@atlantatexas.org; jherndon@extracobanks.com; Jessica Vanderveer; Mario Alvarado Jr.; Gracie Flores; lubbockfire@lauterbachamen.com; Lauro Arias; jaime jasso;  
Alva Littlejohn; Kolby Beckham; kputman@ci.corsicana.tx.us; cwetherington@orangetx.org; Baker Bryant; derek.oswald@cityofdenton.com  
**Subject:** Re: FR&R Question

Here is the full subsection at 104 (a)(6).

Focus on the highlighted paragraph at the very end. I think what this likely means is that if a death benefit would have otherwise been paid, the benefit is taxable.

(6) amounts received pursuant to—

(A)

section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796); [1] or

(B)

a program established under the laws of any State which provides monetary compensation for surviving dependents of a public safety officer who has died as the direct and proximate result of a personal injury sustained in the line of duty,

except that subparagraph (B) shall not apply to any amounts that would have been payable if death of the public safety officer had occurred other than as the direct and proximate result of a personal injury sustained in the line of duty