

**ATU LOCAL 1596 PENSION FUND
MINUTES OF MEETING HELD
January 20, 2004**

Board Members Present:

Thomas Lapins - Chairman
Edward Johnson - LYNX Appointee
Blanche Sherman - LYNX Appointee (1:25 PM)
Frank Lacock - Union Appointee
Brian Anderson - LYNX Appointee

Others Present

Nick Schiess- Fund Administrator
Jill Hanson - Fund Attorney
Joyce Baldi – LYNX (1:25 PM)
Paul Helmick – Participant (1:25 PM)

| Agenda Item | Discussion | Decision | Follow-up |
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| * | Meeting called to order at 10:20 A.M. | | |
| 4. | The Trustees reviewed the Minutes and Addendum for the meeting of December 16, 2003 noting a correction on the motion to approve the minutes of November 18, 2003 and a typographical error on page 2. | Edward Johnson made a motion to approve the minutes for December 16, 2003 as corrected, seconded by Frank Lacock, approved by the Trustees 4-0. | PRC |
| 7. | The Board discussed the circumstances of Mike Donnelly who had been recently incapacitated to serve as Trustee. A discussion ensued to a contingency plan in the event that Mr. Donnelly was unable to return to service as Trustee. It was noted that Mr. Donnelly had provided exceptional service to the Plan and that his immediate replacement was not necessary. Jill Hanson recommended that Mr. Donnelly be afforded at least three months to return prior to the consideration of his replacement. | The Board decided to defer discussion of the replacement of Mike Donnelly for one quarter. | None Required |
| 4. | The Trustees discussed the periodic review of service providers. Mr. Lapins discussed the retention of a back up Attorney, not as a replacement but rather a supplement to the Plan's current Attorney, Jill Hanson. It was noted that the Plan currently utilizes the legal services of Hanson, Perry & Jensen P.A., and had already received services from Ms. Hanson's partner, Bonnie Jensen. It was noted that the Plan would occasionally benefit from an additional and objective opinion on issues before the Board and that Ms. Jensen was more familiar with the Plan than other Attorneys. | The Board requested the attendance of Bonnie Jensen at the next meeting and Mr. Hanson agreed to request Ms. Jensen's attendance. | Jill Hanson |

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| | A question arose to whether the retainer agreement would change as a result of the additional consultation of Ms. Jensen and Ms. Hanson stated that the fees would not change. However, Ms. Hanson noted that legal service fees had not increased in many years and recommended that the fee arrangement should be reviewed and the Board agreed. Mr. Johnson expressed concerns over a possible contradiction of legal opinions from two Attorneys on the same issue | Ms. Hanson agreed to provide a revised fee proposal for the Board's consideration at the next meeting. | Jill Hanson |
| 3. | The Trustees discussed providing retirement seminars for participants. Brian Anderson that he was unable to provide an update on this matter at this time, as additional information was needed. Ms. Hanson noted that Universities and Community Colleges provide retirement seminars at no charge, which could be utilized in conjunction with the Plan's service providers to provide retirement seminars to the Plan. | Brian Anderson agreed to discuss the matter with Scott Baur and research the services offered by Universities and Community Colleges. | Brian Anderson Scott Baur |
| 5. | The Trustees reviewed the list of disbursements presented for approval. | Edward Johnson made a motion approve the disbursements. Brian Anderson seconded the motion, approved by the Trustees 4-0. | None Required |
| | The Trustees reviewed the list of benefit applications presented for approval. It was noted that two Participants receiving refunds of pension contributions were partially vested in the Plan. Ms. Hanson recommended that partially vested Participants requesting a refund of pension contributions complete an additional form waiving rights and benefits under the Plan and the Board agreed. | Edward Johnson made a motion approve the benefit applications as presented. Brian Anderson seconded the motion, approved by the Trustees 4-0. Ms. Hanson agreed to provide a draft copy of the form waiving rights and benefits under the Plan for the Board's consideration at the next meeting. | Jill Hanson |
| 11.a. | Nick Schiess reported that the annual Benefit Statements and Addendum to the Summary Plan Description had been mailed to Participants. Mr. Schiess provided the Board with the cover letters accompanying the statements, which described a change in methodology used to compute the benefits. | | |
| b. | Mr. Schiess provide the Board with a list of upcoming educational conferences. The Board discussed the benefits of continuing education and attendance at various conferences throughout 2004. | Mr. Lacock requested arrangements be made for the FPPTA conference scheduled for January 15-28, 20004. All Trustees with the exception of Tom Lapins and Mike Donnelly confirmed their anticipated attendance at the FPPTA Conference in June 2004. | PRC |

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| d. | Mr. Schiess provided the Board with an update on the Administrator's web-based benefit calculator, which Participants could utilize to create accurate projections of their retirement benefits. He requested the Board's consideration of the partial reimbursement of development cost noting that the Administrator was attempting to spread this cost over many Plans. He advised that the Administrator would present an invoice in the approximate amount of \$400 at a future meeting for the Board's consideration | | PRC |
| * | The morning session for the meeting ended at 11:20 AM and the afternoon session convened at 12:50 PM. | | |
| 13. | Retired Participant Paul Helmick appeared before the Board and submitted a written request to change his beneficiary for pension benefits. Mr. Helmick explained that he had recently divorced and provided the Board with the divorce agreement. A lengthy discussion ensued regarding Mr. Helmick's request and whether the Plan provisions permitted such changes. A discussion arose to the recalculation of Mr. Helmick's pension benefits and it was noted that the Participant would be responsible for the cost of the recalculation, provided that the Plan provisions allowed the change. Blanche Sherman joined the meeting. | Ms. Hanson agreed to review the applicable Plan provisions and divorce settlement and then provide the Board with a recommendation at the next meeting. | Jill Hanson |
| 11. e. | Mr. Schiess provided the Board with a memo titled Internal Control Framework for Public Pension Plans, which contained policies and procedures for financial reporting and internal controls. | The Board was determined that the memo be placed on the agenda for the next meeting for further discussion. | PRC |
| 12. a. | A discussion arose to whether a report had been prepared by LYNX for participant contributions owed to the Plan. A question arose to whether share account data was now received by the Administrator in an electronic format and Mr. Schiess noted that it was now received electronically. | Blanche Sherman made a motion to table the item until the next meeting. | PRC |
| 13. | A discussion arose to the employment status of Participant Rudolph Queeman, who was recently awarded a disability pension and is receiving benefits. Joyce Baldi reported that Mr. Queeman is officially on a leave of absence. She explained that per the provisions of the employment contract, Mr. Queeman's position | Ms. Hanson would review the applicable Plan provisions provide the Board with a recommendation at the next meeting. | Jill Hanson |

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| | and seniority status would be maintained during a leave of absence for a two-year period. She added that Mr. Queeman hoped to recover from his disability and return to service and he had stated that he would not agree to voluntary termination. A lengthy discussion ensued to the status of employment as it relates to the Plan provisions for disability pension benefits. It was noted that Participant John Pratt was also on a leave of absence and receiving disability pension benefits. | | |
| 8. | Mr. Schiess provided the Board with financial statements for the period ending November 30, 2003. The Trustees reviewed the financial statements presented for approval. The Trustees confirmed their prior request to receive meeting materials seven days in advance of the meeting. | Frank Lacock made a motion to receive and file the financial statements. Brian Anderson seconded the motion, approved by the Trustees 5-0. Ms. Sherman requested that the information regarding benefit payments and detail regarding any miscellaneous expenses accompany the financial statements provide to her in advance of the meeting. | PRC |
| 9. | Mr. Schiess provided the Board with a report of benefits that have been incorrectly paid and a discussion ensued regarding the circumstances behind the erroneous payments. Edward Johnson departed the meeting. | Brian Anderson made a motion to table the issue until the next meeting. | None Required |
| * | The meeting adjourned at 2:45 PM and reconvened at 3:15 PM. | | |
| 10. b c a | Ms. Hanson reported that notification had been mailed to Phil Ingram of the Board's decision to deny Mr. Ingram's claim for either a refund of contributions or reimbursement of lost wages. She noted that Mr. Ingram's deadline to file an appeal with the Board was March 26, 2004. Ms. Hanson reported that notice of the IRS tax determination letter had been sent to LYNX for posting. It was noted that the notice was duly posted. Ms. Hanson provided the Board with a report comparing the Local 1596 Pension Plan's disability pension provisions and benefits with other transit authorities in Florida and other states. A discussion arose regarding the comparison of benefits and language of the provisions. | | |

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| | <p>Mr. Lapins expressed concerns over specific language of the Local 1596 Pension Plan, which appears to be arbitrary and inconsistent regarding the employment with LYNX in a capacity other than operator or mechanic in the event of a disability. If an operator or mechanic can no longer perform the duties of their position, they may or may not be placed in another position with LYNX, contingent upon whether there is an available position. As such, the Participant may be forced to accept a lower paid position and the provision is arbitrary and inconsistent in the respect that a position may or may not be available at the date of one Participant's disability but not the next.</p> <p>A question arose to whether Affidavits were mailed to Participants receiving disability pension benefits. Mr. Schiess reported that the affidavits were mailed and returned to the Administrator. A discussion arose to the continuing proof of disability as required by the Plan. It was noted that although affidavits were mailed annually to Participants, the process does not require independent verification of a continued disability. It was also noted that many Participants receiving disability pension originally provided verification of social security disability benefits at the date of application. The Board discussed the payment of disability pensions to only those Participants who have continuing disabilities.</p> | <p>The Board decided that the issue be placed on the agenda for the next meeting for additional discussion</p> <p>For Participants awarded a disability pension who also provided verification of social security benefits at the date of application, the Board determined that verification of continuing social security benefits be required in addition to the annual Affidavit. In the event that said participants no longer receive social security disability benefits, an investigation would be launched to determine their qualifications for the continued receipt of benefits under the Plan.</p> | PRC |
| 14. | Ms. Sherman discussed changes in actuarial assumptions as recommended by the Plan's Actuary in a letter dated October 20, 2003. | Ms. Sherman requested that changes in the plan's actuarial assumptions be placed on the agenda for the next meeting. | PRC |
| 16. | There being no other business and the next meeting having been previously scheduled for Tuesday, February 10, 2004 at 10:00 AM, the meeting adjourned at 4:15 PM. | Blanche Sherman made a motion to adjourn, seconded by Frank Lacock, approved by the Trustees 4-0. | |

Sincerely,

Edward Johnson
Secretary