

**ATU LOCAL 1596 PENSION FUND
MINUTES OF MEETING HELD
JANUARY 9, 2013**

Board Members Present:

Frank Luna – Chairman, Union Appointee
 Lisa Darnall – Secretary, LYNX Appointee
 Tom Lapins - Union Appointee
 Donna Tefertiller - LYNX Appointee
 Bert Francis - LYNX Appointee
 Ronald Morgan – Union Appointee

Others Present

Nick Schiess - Plan Administrator (via Skype)
 Robert Sugarman – Plan Attorney (via Skype)
 Edward Johnson, LYNX
 Norm Audet – Union President

Agenda Item	Discussion	Decision	Status	Follow-up
1.	The meeting was called to order at 3:01 P.M. in the Board Room, Lynx Central Station, 455 N. Garland Av. Orlando, FL 32801.			
2.	<p>Robert Sugarman reviewed the deliberations within the last meeting, which resulted in the Trustees tabling a vote to close the Plan to new entrants as set forth in the recently adopted Collective Bargaining Agreement. He provided and reviewed a final draft of the Plan Document with amended language for the proposed closure of the Plan with the suggested changes of the Trustees at the last meeting.</p> <p>Mr. Sugarman discussed the transference of pension liability and benefits in the scenario of a move to privatization, which is governed under the Urban Mass Transportation Act.</p> <p>A lengthy discussion arose regarding language within the Collective Bargaining Agreement which specified that additional costs as a direct consequence of Plan closure to new entrants shall be paid by LYNX and the definition and classification of those additional costs. It was noted that the Board must define the additional costs since this</p>			

	<p>was not addressed with any specificity within the Collective Bargaining Agreement. Norm Audet was questioned regarding the Union's interpretation of the additional costs of associated with closing the Plan. Edward Johnson expressed concerns over reopening negotiations.</p> <p>Tom Lapins questioned the urgency of closing the Plan and expressed concerns that all the implications be carefully considered beforehand. Edward Johnson noted that the agreement through collective bargaining was that the Plan was supposed to be closed to new entrants effective January 1, 2013</p> <p>Mr. Sugarman provided and discussed rules of arbitration through the American Arbitration Association.</p> <p>A discussion arose regarding Sunshine Law considerations and Mr. Sugarman explained that the Trustees on each side may consult in private for the purposes of preparing the case, but not discuss the settlement of the deadlock.</p> <p>A discussion arose regarding the engagement of attorneys for each side and Mr. Sugarman explained that he must remain neutral and the attorney representing the Board.</p>	<p>A vote was called and the motion to close the Plan did not pass 3-3 with Ronald Morgan, Tom Lapins and Frank Luna dissenting.</p> <p>Donna Tefertiller demanded arbitration of the matter, which was noted as all that was required to proceed with arbitration. Robert Sugarman agreed to commence filing for arbitration with the American Arbitration Association.</p> <p>Tom Lapins made a motion to engage attorneys to represent each side in the deadlock at the arbitration hearing, with the fees of the lawyers and expert witnesses to be paid by the Plan and approved at the next meeting. A discussion arose regarding the communication of the matter and dissemination of information to prospective attorneys. Ronald Morgan seconded the motion, approved by the Trustees 6-0.</p> <p>The Trustees granted Robert Sugarman the authority to discuss the matter with prospective attorneys. Tom Lapins made a motion to authorize the Plan's Attorney and Plan Administrator to release information pertaining to the matter to prospective</p>	<p>Deadlocked</p> <p>Open</p> <p>Open</p> <p>Open</p>	<p>Board</p> <p>All</p> <p>Board</p> <p>All</p>
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		attorneys. Ronald Morgan seconded the motion, approved by the Trustees 6-0.		
	The meeting adjourned at 4:15 P.M.			

Respectfully submitted,

Secretary