

**PUBLIC EMPLOYEES' RETIREMENT BOARD**  
**100 N. Park Avenue, Room 201**  
**Helena MT 59601**

**SPECIAL MEETING**  
**Monday, November 18, 2013**

**MINUTES**

*Board Members*

Scott Moore, President (*via telephone*)  
Terrence Smith, Vice President (*via telephone*)  
Mike McGinley, Member (*via telephone*)  
Timm Twardoski, Member (*via telephone*)  
Sheena Wilson, Member (*via telephone*)

*MPERA Staff*

Roxanne Minnehan, Executive Director  
Melanie Symons, Chief Legal Counsel  
Cynthia Pearson, Executive Assistant

*Public*

Michael Black, Assistant Attorney General  
Stuart Segrest, Assistant Attorney General  
Mark Murphy

**Call to Order**

President Scott Moore called the special meeting of the Public Employees' Retirement Board to order at 8:00 a.m.

**Roll Call**

Bob Bugni and Melissa Strecker were excused.

**Public Comment**

There was no public comment on items not appearing on the agenda.

Mark Murphy, representing himself, asked the Board to consider keeping the meeting open as thousands of individuals would be impacted by the outcome of the AMRPE lawsuit, making the meeting's substance of public interest. He proceeded to say that, had the meeting been open to the public, he would have asked the Board to consider during their strategy session that there could be a substantial financial risk to the Board if the plaintiffs prevail in the lawsuit and are awarded attorney fees.

Board President Scott Moore thanked Mr. Murphy for his comments, and closed the meeting for attorney/client privilege and litigation strategy purposes as allowed under § 2-3-203, MCA.

## **CLOSED MEETING SUMMARY**

The following portion of the meeting relates to matters of litigation strategy. The Board President determined that the demands of attorney/client privilege clearly exceed the merits of public disclosure. As such, this portion of the meeting was closed at 8:10 a.m.

### **AMRPE Lawsuit**

AMRPE has filed a lawsuit against the State of Montana, Governor Bullock, the Montana Public Employee Retirement Administration, and the Board regarding recent law changes reducing the guaranteed annual benefit adjustment (GABA) for retirees of the Public Employees' Retirement System (PERS).

Several Board members disclosed that, through their participation in PERS, they could potentially benefit from the lawsuit should the plaintiffs prevail.

Assistant Attorneys General Michael Black and Stuart Segrest discussed the AMRPE lawsuit with the Board. The discussion centered on the litigation strategy the Attorney General's Office intends to use to defend the lawsuit.

The Attorney General's Office, who is defending the State of Montana and Governor Bullock in the AMRPE lawsuit, is willing to also defend MPERA and the Board. The Board agreed to have the Attorney General's Office provide this legal representation.

The meeting was re-opened at 8:50 and the Board publicly stated their intent regarding legal representation by the Attorney General's Office in the AMRPE lawsuit.

### **Adjournment**

There being no further business before the Board, President Scott Moore adjourned the special meeting at 8:52 a.m.