

August 2, 2014

## **Open Letter to Louisiana State Police Retirement System Board Members**

### **Re: Emergency Board Meeting to deal with SB 294**

Soon, you will be meeting to decide what action is appropriate to deal with the negative impacts to the Retirement System and the State Bond Ratings of SB 294. Although the meeting will be short, the effects of your decisions will be felt for a long time.

SB294 was amended in Conference Committee on June 2, 2014, from a bill dealing with investigation standards in law enforcement complaints to a Bill making changes to existing Retirement Law.

The State Constitution, Article X, Section 29 (C) states:

(C) Retirement Systems; Change; Notice. No proposal to effect any change in existing laws or constitutional provisions relating to any retirement system for public employees shall be introduced in the legislature unless notice of intention to introduce the proposal has been published, without cost to the state, in the official state journal on two separate days. The last day of publication shall be at least sixty days before introduction of the bill. The notice shall state the substance of the contemplated law or proposal, and the bill shall contain a recital that the notice has been given.

The final version signed into law had the effect of enabling Colonel Edmonson and one other Trooper to revoke what was heretofore an irrevocable decision for them and many other Troopers who retired under those guidelines. Regardless of intent, this law was narrowly written to only apply to two individuals and does not address any others who had already retired within the same original guidelines. Signed by the Governor on June 2, 2014 it became Act 859 of the 2014 Regular Session. These are all documented facts.

We call your attention to some things that should guide you in your decision.

For commissioned officers, You took an Oath as a Louisiana State Trooper to support the Louisiana Constitution, and to faithfully and impartially discharge and perform all duties according to the best of your ability and understanding.

For all Trustees, your oath as Trustees on the Board binds you to Fiduciary Responsibility and the Louisiana Code of Governmental Ethics. Here is an excerpt from your Handbook:

### **II. ETHICS**

The Louisiana State Police Retirement System Trustees shall conform to the standard of ethics as established under the **Louisiana Code of Governmental Ethics (R.S. 42:1101 et seq)**, and perform all their duties and obligations in accordance with their fiduciary

obligations as established under Louisiana law and the standard of conduct for business relations which each Trustee shall sign upon taking office.

Be aware, the Ethics laws are binding on you personally and your decisions and conduct must conform to these statutes and your Fiduciary Responsibility. Failure to adhere to these subjects you as an individual to possible civil and/or criminal penalties. We recommend each Board Member, if they haven't already; familiarize yourself with these Statutes, as they are your protection as long as you abide by them

And lastly, your decision should be based on what is best for the Retirement System and those Retirees and Surviving Spouses and Children who depend on this Board to protect their future. The funding for SB 294/ Act 859 comes from the account used for Cost of Living Adjustments (COLAs) which has a direct negative impact on those Retirees, Widows/Widowers, and Children who most need and deserve these increases.

Administrations and people come and go. What we are left with is our Integrity and our Honor. No one can forcibly take those from you, you have to choose to give them up. How you handle this situation will define and follow you.

Regardless of all the other issues related to this, your responsibility is to defend the Integrity of the State Police Retirement System with Fairness and Impartiality.

The only Course of Action that protects the System, its participants, the State, and you as a Trustee is to immediately initiate legal action. You must seek to enjoin this Unconstitutional and damaging law and further pursue a permanent ruling by the courts to strike this law down on Constitutional, and Dual Object grounds.

**We request this be provided to each Board Member at the meeting dealing with this issue and that the Board Members affirmatively add this into the regular record and minutes.**