

AGENDA

A REGULAR MEETING OF THE BOARD OF RETIREMENT

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

300 N. LAKE AVENUE, SUITE 810, PASADENA, CA

9:00 A.M., WEDNESDAY, FEBRUARY 1, 2017

*The Board may take action on any item on the agenda,
and agenda items may be taken out of order.*

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF MINUTES
 - A. Approval of the Minutes of the Regular Meeting of January 4, 2017
- IV. REPORT ON CLOSED SESSION ITEMS
- V. PUBLIC COMMENT
- VI. CONSENT AGENDA
 - A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
 - B. Requests for an administrative hearing before a referee.
(Memo dated January 19, 2017)
 - C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for an earlier effective date in the case of **Monica R. Molinar**.
(Memo dated January 10, 2017)

VII. FOR INFORMATION ONLY

- A. For information only as submitted by Gregg Rademacher, Chief Executive Officer, regarding the SACRS Board of Director Elections. (Memo dated January 23, 2017)
- B. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated January 19, 2017)

VIII. REPORT ON STAFF ACTION ITEMS

IX. GOOD OF THE ORDER

(For information purposes only)

X. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

B. Referee Reports

C. Staff Recommendations

1. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board adopt the Proposed Findings of Fact and Conclusions of Law granting **Gina L. McDowell** a non-service connected disability retirement with the option for an earlier effective date pursuant to Government Code Section 31720 and 31724. (Memo dated January 12, 2017)
2. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board reject the application of **Esteban C. Esposito** for processing. (Memo dated January 19, 2017)
3. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board reject the application of **Belinda F. Gibson** for processing. (Memo dated January 19, 2017)

XI. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

4. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel, Disability Litigation: That the Board find **Lynn Davis** permanently incapacitated for service-connected causes and grant her a service-connected disability retirement.
(Letter dated January 10, 2017)
5. Recommendation as submitted by Jason E. Waller, Senior Staff Counsel, Disability Litigation: That the Board find **Kimberly Chung** permanently incapacitated due to service-connected injuries and grant her a service-connected disability retirement in accordance with Government Code Section 31720. (Letter dated January 19, 2017)
6. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the 2016 Quarterly Reports of Paid Invoices for 4th Quarter – October 1, 2016 to December 31, 2016. (Memo dated January 12, 2017)

XII. EXECUTIVE SESSION

- A. Conference with Legal Counsel - Existing Litigation
(Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9)
 1. Kenneth Siers v. Board of Retirement

XIII. ADJOURNMENT

Documents subject to public disclosure that relate to an agenda item for an open session of the Board of Retirement that are distributed to members of the Board of Retirement less than 72 hours prior to the meeting will be available for public inspection at the time they are distributed to a majority of the Board of Retirement Members at LACERA's offices at 300 N. Lake Avenue, Suite 820, Pasadena, CA 91101, during normal business hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.

Persons requiring an alternative format of this agenda pursuant to Section 202 of the Americans with Disabilities Act of 1990 may request one by calling Cynthia Guider at (626) 564-6000, from 8:30 a.m. to 5:00 p.m. Monday through Friday, but no later than 48 hours prior to the time the meeting is to commence. Assistive Listening Devices are available upon request. American Sign Language (ASL) Interpreters are available with at least three (3) business days notice before the meeting date.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF RETIREMENT

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

300 N. LAKE AVENUE, SUITE 810, PASADENA, CA

9:00 A.M., WEDNESDAY, JANUARY 4, 2017

PRESENT: Shawn R. Kehoe, Chair
Vivian H. Gray, Vice Chair
William de la Garza, Secretary
Marvin Adams
Anthony Bravo
Alan Bernstein
Yves Chery
Joseph Kelly
David L. Muir (Alternate Retired)
Ronald A. Okum
William Pryor (Alternate Member)

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

John Popowich, Assistant Executive Officer

Steven P. Rice, Chief Counsel

Dr. Vito Campese, Medical Advisor

STAFF ADVISORS AND PARTICIPANTS (Continued)

Ricki Contreras, Division Manager
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

Francis J. Boyd, Senior Staff Counsel
Legal Division

I. CALL TO ORDER

The meeting was called to order by Chair Kehoe at 9:00 a.m., in the Board Room of Gateway Plaza.

II. ELECTION OF OFFICERS

(Election of Chair, Vice Chair, Secretary, and Audit Committee Member)

The election of officers was conducted by Secretary de la Garza:

A) Chair of the Board

Mr. Kehoe was nominated to the position of Chair of the Board of Retirement by Mr. Chery.

Hearing no other nominations the nominations were closed on a motion by Mr. Chery, seconded by Ms. Gray.

Secretary de la Garza announced that Mr. Kehoe was elected to the position of Chair of the Board of Retirement.

B) Vice Chair of the Board

Ms. Gray was nominated to the position of Vice Chair of the Board of Retirement

II. ELECTION OF OFFICERS (Continued)

by Mr. Okum.

Hearing no other nominations the nominations were closed on a motion by Mr. Okum, seconded by Mr. Kehoe.

Secretary de la Garza announced that Ms. Gray was elected to the position of Vice Chair of the Board of Retirement.

C) Secretary of the Board

Mr. de la Garza was nominated to the position of Secretary of the Board of Retirement by Mr. Kelly.

Hearing no other nominations the nominations were closed on a motion by Mr. Kelly, seconded by Mr. Bernstein.

Secretary de la Garza announced that he was elected to the position of Secretary of the Board of Retirement.

D) Audit Committee Member

Mr. Kelly was nominated to the position of Audit Committee Member by Mr. Chery.

Hearing no other nominations the nominations were closed on a motion by Mr. Chery, seconded by Mr. Kehoe.

Secretary de la Garza announced that Mr. Kelly was elected to the position of Audit Committee Member.

III. PLEDGE OF ALLEGIANCE

Mr. de la Garza led the Board Members and staff in reciting the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of December 7, 2016

Mr. Chery made a motion, Mr. Okum seconded, to approve the minutes of the regular meetings of December 7, 2016. The motion passed with Chair Kehoe and Mr. Kelly abstaining.

V. REPORT ON CLOSED SESSION ITEMS

No items were reported.

VI. PUBLIC COMMENT

There were no requests from the public to speak.

VII. CONSENT AGENDA

Mr. Adams made a motion, Chair Kehoe seconded, to approve the following agenda items. The motion passed unanimously.

A. Ratification of Service Retirement and Survivor Benefit Application Approvals.

B. Requests for an administrative hearing before a referee.
(Memo dated December 19, 2016)

C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice the appeal for a service-connected disability retirement in the case of **Freddie D. Duggan**. (Memo dated December 21, 2016)

VIII. NON-CONSENT AGENDA

- A. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board review the 2017 meeting calendar and reschedule meeting dates as needed. (Memo dated December 22, 2016)

Mr. Rademacher addressed the Board noting education conferences that could potentially create a conflict with the Board of Retirement's current scheduled meetings.

After a brief discussion among staff and Board Members, the following changes were made to the Board's regularly scheduled meeting dates. The Board of Retirement's March Disability and Administrative Meetings were combined and scheduled to meet on Friday, March 3; the Board of Retirement's May Disability and Administrative Meetings were combined and scheduled to meet on Thursday, May 11; the Board of Retirement's June Disability Meeting was rescheduled to Thursday, June 1; the Board of Retirement's September Disability and Administrative Meetings were combined and scheduled to meet on Wednesday, September 6; and the Board of Retirement's November Disability and Administrative Meetings were combined and scheduled to meet on Thursday, November 9.

IX. FOR INFORMATION ONLY

- A. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the Application Processing Time Snapshot Reports. (Memo dated December 20, 2016)

X. REPORT ON STAFF ACTION ITEMS

The Board requested staff to survey the Board for Board Offsite presentation material delivery preferences.

XI. GOOD OF THE ORDER
(For information purposes only)

Mr. Rademacher congratulated LACERA staff members, Graciela Mecado, Ramon Reyes, and Carol Nakamoto-Zitter, on their recent retirement.

The Board welcomed Mr. Alan Bernstein for another term on the Board of Retirement.

Mr. Rademacher shared that the First District Court of Appeal upheld the legality Of PEPPRA's elimination of airtime credit purchases in the Cal Fire Local 2881 vs. CalPERS case.

Furthermore, Mr. Rademacher briefed the Board on Assembly Bill 2376 that expands the voting rights of the alternate retired member effective January 1, 2017.

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Chair Kehoe, seconded by Mr. de la Garza, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
572C	STEVEN P. WILKINSON
573C*	RICHARD D. MYERS, III

* Granted SCD – Retroactive

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
574C*	PETER R. NICHOLAS
575C	LEONARD RIVAS
576C	DANIEL R. ZUMER
577C	MICHAEL L. BRYANT, JR.
578C	TROY C. ROYER
579C	MICHAEL A. PAYNE
580C**	MARIO F. ESTRADA
581C	JOSE L. PONCE, JR.
582C	ANTONIO E. REBUENO
583C	MICHAEL L. WINTER
584C	FRANK M. LEAL

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Retroactive

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR
(Continued)

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Mr. de la Garza, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
1815A	BERNARD E. WESTON
1816A	TANEN ANDERSON
1817A	GREG S. CROSSEN
1818A	JON R. ROBINSON
1819A	BRIAN K. HINSLEY

General Members
Service-Connected Disability Applications

On a motion by Mr. Chery, seconded by Mr. de la Garza, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
2684B*	HOLLY D. GULLEY

* Granted SCD – Employer Cannot Accommodate

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2685B*	CARMEN M. AGUIRRE
2686B*	TINA M. MAYS
2687B*	ROGER K. ROBINSON
2688B**	ANTHONY D. SERENA

General Members

Non-Service Connected Disability Applications

On a motion by Mr. Bernstein, seconded by Mr. Bravo, the Board of Retirement approved a non-service connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
4354	CARMEN M. MARTINEZ
4355	KASIE F. BOONE

* Granted SCD – Retroactive

** Granted SCD – Employer Cannot Accommodate

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6928A – GLORIA J. YOUNG

Mr. de la Garza made a motion, Mr. Adams seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31726(b)(2) and 31724. The motion passed unanimously.

6929A – JENNIFER T. WEBB

Mr. de la Garza made a motion, Mr. Adams seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720.

Chair Kehoe made a substitute motion, Mr. Muir seconded, to return to staff for additional information. The motion passed with Messrs. Kelly, de la Garza, Okum, and Chery voting no.

6930A – CHARITY D. HOWARD

Mr. Pryor made a motion, Chair Kehoe seconded to deny a service connected disability retirement and find the applicant not permanently incapacitated.

Ms. Gray made a substitute motion, Mr. Chery seconded, to deny a service connected disability retirement without prejudice. The motion passed unanimously.

6931A- SHEILA L. SMITH

Mr. de la Garza made a motion, Chair Kehoe seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
6932A – BEVERLY JACOBS	Mr. de la Garza made a motion, Mr. Okum seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.
6899A – ROBERT E. JONES(DEC'D)*	Mr. Muir made a motion, Mr. Adams seconded, to refer back to staff for additional information. The motion passed (roll call) with Messrs. Adams, Bravo, Okum, Chery, Ms. Gray and Chair Kehoe voting yes; and Messrs. Kelly, Bernstein, and de la Garza voting no.
6927A – JUDITH B. CITRON	Chair Kehoe made a motion, Mr. Adams seconded, to grant a service connected disability retirement with retroactive benefits. The motion passed with Messrs. Kelly, de la Garza, and Okum voting no.

B. Referee Reports

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
NAZENE N. GREEN – Marvin I. Schlackman for the applicant Eugenia Der for the respondent	Mr. Adams made a motion, Mr. Chery seconded, to grant a non-service connected disability retirement. The motion passed unanimously.

* Applicant Spouse Present

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

WAYNE A. ENCINAS – Michael Treger for the applicant
Allison E. Barrett for the respondent

Mr. Chery made a motion, Chair Kehoe seconded, to grant a service connected disability retirement with an option for an earlier effective date. The motion passed unanimously.

XIII. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:10 a.m.

WILLIAM DE LA GARZA, SECRETARY

SHAWN R. KEHOE, CHAIR



January 19, 2017

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager
Disability Retirement Services

SUBJECT: **APPEALS FOR THE BOARD OF RETIREMENT'S MEETING
OF FEBRUARY 1, 2017**

IT IS RECOMMENDED that your Board grant the appeals and requests for administrative hearing received from the following applicants, and direct the Disability Retirement Services Manager to refer each case to a referee:

6896A	Linda H. Griffin	In Pro Per	Deny SCD Employer Can Accommodate
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6928A	Gloria J. Young	Mark Singer	Deny SCD – Grant NSCD
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6932A	Beverly Jacobs	Mark Singer	Deny SCD
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January 10, 2017

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Manager 
Disability Retirement Services Division

FOR: February 1, 2017 Board of Retirement Meeting

SUBJECT: DISMISS WITH PREJUDICE THE APPEAL OF MONICA R. MOLINAR

Ms. Monica R. Molinar applied for service-connected disability retirement on November 2, 2015. On August 3, 2016, the Board granted Ms. Molinar's application for service-connected disability retirement.

Ms. Molinar's attorney filed a timely appeal regarding the effective date of his client's service-connected disability retirement. On January 5, 2017, the applicant's attorney advised LACERA that his client did not wish to proceed with her appeal.

IT IS THEREFORE RECOMMENDED THAT YOUR BOARD:

Dismiss with prejudice Monica R. Molinar's appeal for an earlier effective date.

FJB: RC:mb

Molinar, Monica R. doc

Attachment

NOTED AND REVIEWED:



Francis J. Boyd, Sr. Staff Counsel

Date: 1/12/17

**FOR YOUR INFORMATION**

January 23, 2017

TO: Each Member
Board of Retirement

FROM: Gregg Rademacher
Chief Executive Officer

FOR: Meeting of February 1, 2017

SUBJECT: **SACRS BOARD OF DIRECTOR ELECTIONS**

The State Association of County Retirement Systems (SACRS) will be holding their Board of Director elections at the upcoming Spring Conference on May 16-19, 2017 at the Napa Valley Marriott Hotel & Spa. The SACRS Nominating Committee would like candidates who are interested in serving on the SACRS Board of Directors to submit a request via email no later than Wednesday, February 1, 2017. For more information on this opportunity to serve the California pension community, please see the attached letter from the SACRS Nomination Committee Chair, Yves Chery.

GR:nm
SACRS Officer Election Notification 2017.doc

Attachment

October 14, 2016

To: SACRS Trustees & SACRS Administrators/CEO's
 From: Yves Chery, SACRS Immediate Past President, Nominating Committee Chair
 SACRS Nominating Committee
 Re: SACRS Board of Director Elections 2017-2018 Elections

SACRS BOD 2017-2018 election process will begin January 2017. Please review the following timeline and distribute to your Board of Trustees, per the bylaws:

DEADLINE	DESCRIPTION
February 1, 2017	Nominating Committee receives nominations from SACRS membership
March 1, 2017	Nominating Committee submits its recommended ballot to each 1937 Act Board
March 25, 2017	Nominating Committee receives nominations from any 1937 Act Board
April 1, 2017	Nominating Committee submits final ballot to each 1937 Act Board – ballot consists of recommended ballot plus anybody else who is nominated but not recommended by the Nominating Committee (April 1 is a Saturday; next business day applies)
May 19, 2017	Conduct elections during the SACRS Business Meeting (At end of the May 2017 conference)
May 19, 2017	Board of Directors take office for 1 year

Per SACRS Bylaws, Article VI ~ Section 2 – Election, Qualification and Term of Office

“The officers of SACRS shall be regular members of SACRS. The officers shall be elected by majority vote of the quorum of delegates and alternate delegates present at the first meeting in each calendar year and shall hold office for one (1) year and until a successor is elected.”

Per SACRS Bylaws, Article VI ~Section 4 - Officer Elections

“...The Board of any regular member County Retirement System may submit write-in candidates to be included in the Nominating Committee’s final ballot provided the Nominating Committee receives those write-in candidates prior to March 25th.

The Nominating Committee will report a final ballot to each regular member County Retirement System prior to April 1.

The Administrator of each regular member County Retirement System shall be responsible for communicating the Nominating Committee's recommended ballot and final ballot to each trustee and placing the election of SACRS Officers on his or her Board agenda. The Administrator shall acknowledge the completion of these responsibilities with the Nominating Committee..."

Interested candidates should submit their letter of intent and brief bio to the Nomination Committee no later than the cut-off dates listed in the schedule. The elections will be held at the SACRS Spring Conference May 16-19, 2017, at the Napa Valley Marriott in Napa, CA. Elections will be held during the Annual Business meeting on Friday, May 19, 2017.

If you have any questions, please contact me directly at ychery2013@gmail.com. Thank you for your prompt attention to this timely matter.

Sincerely,


Yves Chery

Yves Chery, Los Angeles CERA Trustee
SACRS Nominating Committee Chair

CC: SACRS Board of Directors
SACRS Nominating Committee Members
Sulema H. Peterson, SACRS Administrator

January 19, 2017

TO: Each Member
Board of Retirement

FROM: Ricki Contreras, Division Manager
Disability Retirement Services 

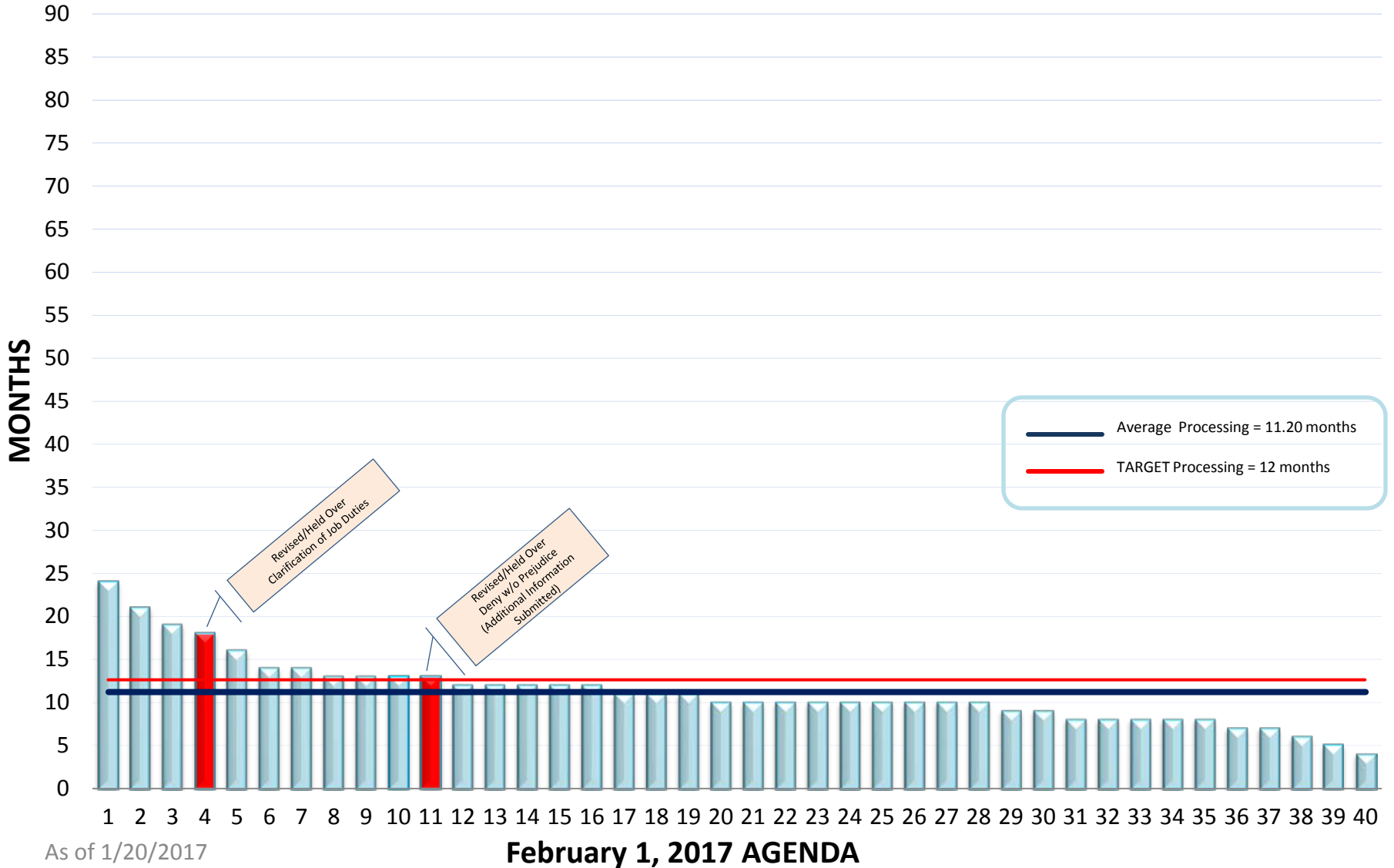
FOR: February 1, 2017 Board of Retirement Meeting

SUBJECT: **Application Processing Time Snapshot Reports**

The following chart shows the total processing time from receipt of the application to the first Board action for all cases on the February 1, 2017 Disability Retirement Applications Agenda.

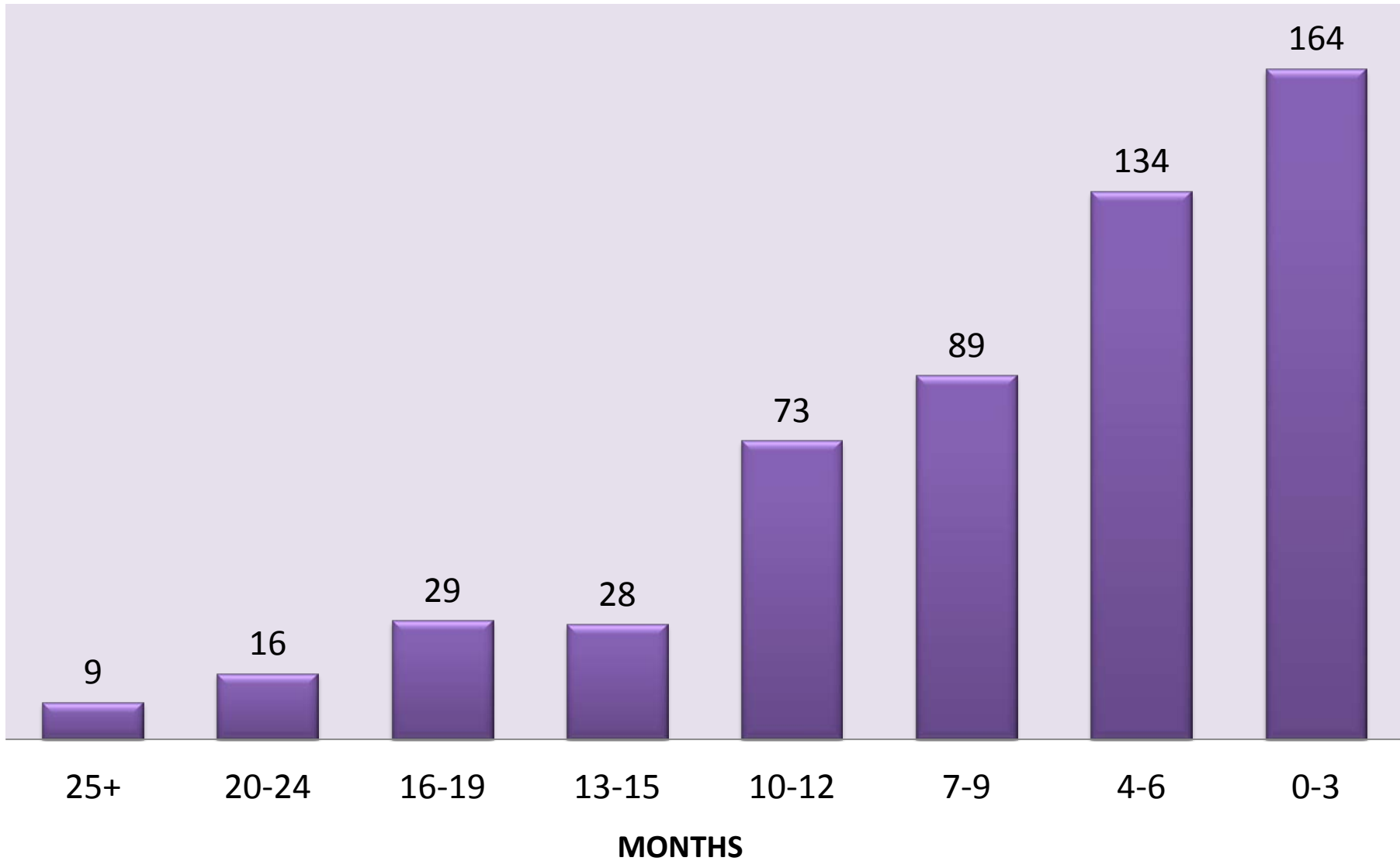
Consent & Non-Consent Calendar		
Number of Applications	38	
Average Processing Time (in Months)	10.97	
Revised/Held Over Calendar		
Number of Applications	2	
Average Processing Time (in Months)	Case 1 18	Case 2 13
Total Average Processing Time for Revised/Held Over Calendar	15.5	

ACTUAL vs. AVERAGE PROCESSING TIME



TIME ELAPSED FOR PENDING APPLICATIONS

NUMBER OF APPLICATIONS



As of 1/20/2017



Documents not attached are exempt from disclosure under the California Public Records Act and other legal authority.

**For further information, contact:
LACERA
Attention: Public Records Act Requests
300 N. Lake Ave., Suite 620
Pasadena, CA 91101**



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