

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., THURSDAY, JANUARY 11, 2018

PRESENT: Vivian H. Gray, Chair
Herman Santos, Vice Chair
Marvin Adams, Secretary
Alan Bernstein
JP Harris (Alternate Retired)
Joseph Kelly
William Pryor (Alternate Member)
Les Robbins
Thomas Walsh
Gina Zapanta-Murphy

ABSENT: Shawn R. Kehoe

STAFF ADVISORS AND PARTICIPANTS

Robert R. Hill, Interim Chief Executive Officer
James Brekk, Interim Deputy Chief Executive Officer
Bernie Buenaflor, Interim Assistant Executive Officer
Dr. Vito Campese, Medical Advisor
Steven P. Rice, Chief Counsel
Harvey Liederman, Reed Smith LLP, Outside Fiduciary Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Timothy Coates, Managing Partner
Greines, Martin, Stein & Richland LLP

Donald E. Wellington, Partner
Step toe & Johnson LLP

Michael Herrera, Senior Staff Counsel

Johanna Fontenot, Senior Staff Counsel

Barry W. Lew, Legislative Affairs Officer

Francis J. Boyd, Senior Staff Counsel
Legal Division

Ricki Contreras, Division Manager
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

I. CALL TO ORDER

The meeting was called to order by Ms. Gray 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 Mr. Robbins:

A) Chair of the Board

Ms. Gray was nominated to the position of Chair of the Board of Retirement by Mr. Robbins.

II. ELECTION OF OFFICERS (Continued)

Hearing no other nominations the nominations were closed on a motion by Mr. Robbins, seconded by Mr. Adams.

Mr. Robbins announced that Ms. Gray was elected to the position of Chair of the Board of Retirement.

B) Vice Chair of the Board

Mr. Santos was nominated to the position of Vice Chair of the Board of Retirement by Mr. Pryor.

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

Mr. Robbins announced that Mr. Santos was elected to the position of Vice Chair of the Board of Retirement.

C) Secretary of the Board

Mr. Adams was nominated to the position of Secretary of the Board of Retirement by Chair Gray.

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

Mr. Robbins announced that Mr. Adams was elected to the position of Secretary of the Board of Retirement.

D) Audit Committee Member

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

II. ELECTION OF OFFICERS (Continued)

Santos.

Hearing no other nominations the nominations were closed on a motion by Mr. Santos, seconded by Mr. Adams.

Mr. Robbins announced that he was elected to the position of Audit Committee Member.

III. PLEDGE OF ALLEGIANCE

Mr. Kelly 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 14, 2017

Mr. Santos made a motion, Mr. Adams seconded, to approve the minutes of the regular meeting of December 14, 2017. The motion passed unanimously.

V. REPORT ON CLOSED SESSION ITEMS

No items were reported.

VI. OTHER COMMUNICATIONS

A. For Information

1. Awards

Mr. Hill recognized Carlos Barrios for his 25 years of county service and Bertha Bargas for her 30 years of county service.

VI. OTHER COMMUNICATIONS (Continued)

2. November 2017 All Stars

Mr. Brekk announced the eight winners for the month of November: Catherine Lumpkin, Lauren Decoudreaux, Vanessa Gonzalez, Joie Dang, Norma Minjarez, Judy Gonzalez, Renee Copeland, and Helen Wu for the Employee Recognition Program and Barry Lew for the Webwatcher Program. Galina Dorfman, James Hepker, Tina Young, and Julieta Bryan were the winners of LACERA's RideShare Program.

3. Interim Chief Executive Officer's Report
(Memo dated January 2, 2018)

Mr. Hill recognized and welcomed elected Board members, Les Robbins and JP Harris, and appointed members, Gina Zapanta-Murphy and Thomas Walsh, to the Board of Retirement.

Lastly, Mr. Hill provided a friendly reminder to the Board that the Board Offsite will take place on Tuesday, January 30, 2018, Wednesday, January 31, and Thursday, February 1, 2018.

VII. PUBLIC COMMENT

LACERA member, Liz Reyes, addressed the Board regarding her disability case.

VIII. CONSENT AGENDA

Mr. Santos made a motion, Mr. Robbins seconded, to approve the following agenda items. The motion passed unanimously.

VIII. CONSENT AGENDA (Continued)

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Request for an administrative hearing before a referee.
(Memo dated December 20, 2017)
- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice **Juanita A. Moss'** appeal for a service-connected disability retirement.
(Memo dated January 3, 2018)
- D. Recommendation as submitted by Shawn Kehoe, Joint Organizational Governance Committee Chair: That the Board of Retirement approve the Sexual Harassment Prevention Training Policy for Board Members.
(Memo dated January 2, 2018)
- E. Recommendation as submitted by Robert R. Hill, Interim Chief Executive Officer: That the Board approve attendance of Board members at the Pension Bridge Annual Conference on April 10-11, 2018 in San Francisco, California and approve reimbursement of all travel costs incurred in accordance with LACERA's Education and Travel Policy.
(Placed on the agenda at the request of Mrs. Gray)
(Memo dated January 3, 2018)

IX. NON-CONSENT AGENDA

- A. Recommendation as submitted by Robert Hill, Interim Chief Executive Officer: That the Board review the 2018 meeting calendar and reschedule meeting dates as needed. (Memo dated December 29, 2017)

Chair Gray made a motion, Mr. Santos seconded, to approve the recommendation. The motion passed unanimously.

X. REPORTS

These items were received and filed.

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated December 21, 2017)

Mrs. Contreras was present to answer questions from the Board.

- B. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding LACERA-Sponsored Legislation on Effective Date of Disability Retirement Report. (Memo dated January 2, 2018)

Mr. Lew was present to answer questions from the Board.

XI. REPORT ON STAFF ACTION ITEMS

The Board requested that complex cases scheduled for the April Board meeting needing LACERA's Medical Advisor's opinion, be held over to the May Board meeting due to the Medical Advisor's scheduled vacation. In addition, the Board requested that staff be mindful when placing items on the Committee agendas when there is a Joint Board of Retirement meeting scheduled.

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

Board members and staff welcomed the new Board members joining the Board of Retirement.

Mr. Liederman provided an update regarding the CalFire Local 2881 v. CalPERS case.

XIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Bernstein, seconded by Mr. Adams, 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>
734C	TODD F. ANDERSON
735C*	RALPH J. WEBB
736C	JUNG H. LEE
737C*	RICKY A. MYERS
738C	PHILIP C. COOK
739C	STEFANIE R. FREDERICKS
740C	BRIDGETTE M. SIMPSON
741C	BRIAN R. DOW
742C	FERNANDO ACEVES

* Granted SCD – Employer Cannot Accommodate

XIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR
(Continued)

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Pryor seconded by Mr. Bernstein, 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>
1913A	MATTHEW S. HAIDUC
1914A	JOHN W. HOLT
1915A	GILBERT A. NELSON
1916A	MICHAEL B. PONDER
1917A	RONALD P. ENDELENBURG
1918A*	DEVIN L. TRONE
1919A	PAUL M. LOMBARDO
1920A	JOHN M. LOPEZ
1921A*	THEODORE W. CROSS
1922A	RANDE D. SCOTT
1923A	JAVIER DELEON
1924A	RON S. LARRIVA

* Granted SCD – Employer Cannot Accommodate

XIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
1925A	DONALD W. SWEETNAM
1926A	ANTHONY J. VENTI, III
1927A	STEVEN L. TURNER
1928A*	THOMAS L. MISHLER
1929A	MARK J. LANCASTER

General Members
Service-Connected Disability Applications

On a motion by Mr. Santos seconded by Chair Gray, 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>
2783B**	CHARLOTTE M. JUDKINS
2784B	DENNIS L. SHROYER
2785B	ROBERT S. VALENCIA
2786B*	TELMA L. SANTOS

* Granted SCD – Employer Cannot Accommodate
** Applicant Present

XIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2787B	MARYANN S. CASH
2788B*	NAKIA J. DIXON
2789B*/**	JOHN F. TODD, JR.

General Members
Non-Service-Connected Disability Applications

On a motion by Mr. Bernstein seconded by Chair Gray, 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>
4364	NELIDA F. PACORI

XIV. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
6996A – KEVIN TOBIA	Mr. Bernstein made a motion, Mr. Kelly seconded, to deny a service connected disability and find the applicant not permanently incapacitated.

* Granted SCD Retroactive – Employer Cannot Accommodate

** Applicant Present

XIV. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Applications for Disability

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
6996A – KEVIN TOBIA (Continued)	Mr. Santos made a substitute motion, Chair Gray seconded, to return to staff for additional information. The motion passed unanimously.
6915A – BARBARA M. D’ABUSCO	Mr. Pryor made a motion, Chair Gray seconded, to grant a service connected disability retirement pursuant to Government Code 31720 since the employer cannot accommodate. The motion passed unanimously.
6987A – LORINDA J. LE BLANC	Chair Gray made a motion, Mr. Adams seconded, to grant a service connected disability retirement. Mr. Santos made a substitute motion, Mr. Bernstein seconded, to return to staff for additional information. The motion passed with Chair Gray and Mr. Adams voting no.

C. Referee Reports

There were no Referee Reports.

XV. EXECUTIVE SESSION

A. Conference Legal Counsel - Existing Litigation
(Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9)

1. CalFire Local 2881 v. CalPERS
Case No. S239958 (Cal. Sup. Ct.)
2. United States of America v. Gary Ordog
Case No. CV 17-1664-FMO (C.D. Cal.)

XV. EXECUTIVE SESSION (Continued)

The Board met in Executive Session pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9. There was nothing to report at this time.

B. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation (Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9)

1. Administrative Appeal of Lloyd Nash
2. Administrative Appeal of Liz Reyes
3. Number of Other Potential Cases: 1

The Board met in Executive Session pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9. In the case of Mr. Nash, the Board voted on a motion by Mr. Santos, seconded by Mr. Pryor, to grant Mr. Nash's administrative appeal and direct staff to grant him reciprocal benefits for his requested retirement date. The motion passed unanimously. In the case of Ms. Reyes, the Board voted on a motion by Mr. Kelly, seconded by Mr. Adams, to grant Ms. Reyes's appeal and direct staff to adjust her Plan D membership. Lastly, in regards to the last case, there was nothing to report.

XVI. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:40 a.m.

January 11, 2018

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Green Folder Information (Information distributed in each Board Member's Green Folder at the beginning of the meeting)

1. LACERA Board Offsite Meeting Information (Memo dated January 8, 2018)
2. Member Communication Regarding LACERA's Reporting and Tax Withholding Errors (Privileged and Confidential Attorney-Client Communication) (Memo dated December 11, 2017)
3. Retirement Board Listing dated January 3, 2018
4. Potential Issue re PEPRA Compliance of Premium Health Care Premium Subsidy Vesting for New L Items (Privileged and Confidential Attorney-Client Communication/Attorney Work Product – For Information Only) (Memo dated January 8, 2018)

MARVIN ADAMS, SECRETARY

VIVIAN H. GRAY, CHAIR