

MINUTES OF THE REGULAR MEETING OF THE BOARD OF RETIREMENT

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, MARCH 2, 2016

PRESENT: Shawn R. Kehoe, Chair
Vivian H. Gray, Vice Chair (Arrived at 9:07 a.m.)
William de la Garza, Secretary
Marvin Adams
Anthony Bravo
Yves Chery
Les Robbins
William Pryor (Alternate Member)
Ronald A. Okum

ABSENT: David L. Muir (Alternate Retired)
Joseph Kelly

STAFF ADVISORS AND PARTICIPANTS

Robert Hill, Assistant Executive Officer

JJ Popowich, Assistant Executive Officer

STAFF ADVISORS AND PARTICIPANTS (Continued)

Steven Rice, Chief Counsel

Dr. Vito Campese, Medical Advisor

Ricki Contreras, Division Manager
Disability Retirement Services

Vickie Neely, Specialist Supervisor
Disability Retirement Services

Francis J. Boyd, Senior Staff Counsel
Legal Division

Vincent A. Lim, Chief Counsel
Disability Litigation

Allison E. Barrett, Senior Staff Counsel
Disability Litigation

Eugenia W. Der, Senior Staff Counsel
Disability Litigation

Barry W. Lew, Legislative Affairs Officer

Leilani Ignacio, Administrative Services Officer
Retiree Healthcare

Thomas J. Wicke, Attorney at Law
Lewis, Marenstein, Wicke & Sherwin, LLP

Michael Treger, Attorney at Law

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. PLEDGE OF ALLEGIANCE

Mr. Kehoe led the Board Members and staff in reciting the Pledge of Allegiance.

III. APPROVAL OF MINUTES

- A. Approval of the Minutes of the Regular Meeting of February 3, 2016
- B. Approval of the Minutes of the Regular Meeting of February 11, 2016

Mr. de la Garza made a motion, Mr. Robbins seconded, to approve the minutes of the regular meeting of February 3, 2016 and February 11, 2016. The motion passed with Mr. Adams abstaining.

IV. REPORT ON CLOSED SESSION ITEMS

No items were reported.

V. OTHER COMMUNICATIONS

- A. For Information

- 1. January 2016 All Stars

Mr. Popowich announced the eight winners for the month of January:

Hubert Brooks, Johanna Fontenot, Darla Davis, Koreana Wong, Paul Lurina, Jan Bautista, Dayana Amaya, and Tatiana Bayer for the Employee Recognition Program and J.P. Harris for the Webwatcher Program. Mariela Mariscal, Ervin Wu, Paul Lurina, and Dale Johnson were the winners of LACERA's RideShare Program.

V. OTHER COMMUNICATIONS (Continued)

2. Chief Executive Officer's Report
(Memo dated February 22, 2016)

There was nothing to report at this time.

VI. PUBLIC COMMENT

LACERA member, Teresa Sanchez, addressed the Board regarding her request for a service connected disability retirement.

Lastly, Deputy Gabriel announced his retirement from the Los Angeles County Sheriff's Department.

VII. CONSENT AGENDA

Mr. Chery made a motion, Mr. Robbins 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 February 5, 2016)
- 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 **Michelle C. Canchola**.
(Memo dated January 26, 2016)
- D. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated February 16, 2016)

VIII. NON-CONSENT AGENDA

- A. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board adopt a “Watch” position on Assembly Bill 1640, which indefinitely extends the exemption of certain public employees from the provisions of the California Public Employees’ Pension Reform Act of 2013. (Memo dated February 22, 2016) (Ms. Gray arrived at 9:07 a.m.)

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

Mr. Okum made a motion, Mr. Robbins seconded, to approve the recommendation. The motion passed unanimously.

- B. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board adopt a “Watch” position on Assembly Bill 1692, which applies the terms and conditions of disability retirement under Tier Three of the Contra Costa Employees’ Retirement Association to nonsafety PEPRA plan members for whom the Board of Supervisors of Contra Costa County is the governing body. (Memo dated February 22, 2016)

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

Mr. Adams made a motion, Mr. de la Garza seconded, to approve the recommendation. The motion passed unanimously.

- C. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board adopt a “Watch” position on Senate Bill 24, which clarifies the treatment of pension benefits for employees who transfer from an employer to a joint powers authority. (Memo dated February 22, 2016)

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

Mr. Adams made a motion, Mr. Robbins seconded, to approve the recommendation. The motion passed unanimously.

VIII. NON-CONSENT AGENDA (Continued)

- D. Recommendation as submitted by Cassandra Smith, Director, Retiree Healthcare: That the Board approve the FYE 2017-2019 Retiree Healthcare Strategic Plan. (Memo dated March 2, 2016)

Ms. Leilani was present to answer questions from the Board.

Mr. Okum made a motion, Mr. Robbins seconded, to approve the recommendation. The motion passed unanimously.

- E. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board receive and file the SACRS Nominating Committee's recommended officer slate notice and consider providing direction to SACRS on additional officer nominations. (Memo dated February 24, 2016)

Chair Kehoe made a motion, Mr. Chery seconded, to approve the recommendation. The motion passed unanimously.

- F. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board review the 2016 meeting calendar and consider rescheduling the Thursday, April 14, 2016 meeting. (Memo dated January 25, 2016)

After a brief discussion among staff and Board Members, the Board approved to combine the April Disability and Administrative Meeting to meet on Wednesday, April 6, 2016.

- G. For Information Only as submitted by Francis J. Boyd, Senior Staff Counsel, regarding the Publication of *Astorga v. Retirement of the Santa Barbara County Employees Retirement System*. (Memo dated February 22, 2016)

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

IX. REPORT ON STAFF ACTION ITEMS

The Board requested staff to agendaize Dr. Caputo's participation as a LACERA Panel Physician on the next Disability Committee Meeting.

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

There was nothing to report during Good of the Order.

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Chair Kehoe, seconded by Mr. Chery, 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>
440C	RANDALL W. MASON
441C	TAMMIE S. ANDREWS
442C	JEFFREY S. TREVILLYAN
443C	PETER J. SANZONE
444C	JESUS RODRIGUEZ
445C	RUBEN L. GUKASOV
446C*	GLORIA R. SEPULVEDA

* Granted SCD – Employer Cannot Accommodate

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
447C	JONATHAN W. WHITE
448C	NANCY E. DRAKE

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Mr. Robbins, seconded by Mr. Chery, 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>
1738A	ARTHUR LOPEZ
1739A	ERIC G. MCKELLAR
1740A	MICHAEL E. MORALES
1741A	LENKO SPALETA
1742A	ANTONIO DOMINGUEZ
1743A*	PAUL ASQUINI
1744A**	RICARDO F. RODRIGUEZ
1745A	JAVIER S. ZAVALA

* Granted SCD – Employer Cannot Accommodate
** Granted SCD – Survivor Benefits

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

On a motion by Mr. Chery, seconded by Mr. Pryor, 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>
2595B*	REYNA PERALTA
2596B**	DONNA J. TERRY
2597B	DOLORES A. HERNANDEZ
2598B***	BETRINA L. WARREN
2599B****	MARY L. HOWARD
2600B*	BARBARA B. MCGEEHAN
2601B**	DARLENE LUCAS
2602B	CHRISTINE J. MEYERS

* Granted SCD – Retroactive Since Employer Cannot Accommodate

** Granted SCD – Retroactive

*** Granted SCD – Salary Supplemental

**** Granted SCD – Employer Cannot Accommodate

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6874A – JOSINE E. JONES

Mr. Pryor made a motion, Mr. Bravo seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

6875A – REBECCA DE ANDA*

Ms. Gray made a motion, Mr. Chery seconded, to grant a service connected disability retirement. The makers of the motion amended their motion to a salary supplement pursuant to Government Code Section 31725.65. The motion passed with Messrs. Robbins and de la Garza voting no.

6876A – MARCUS FRIEDMANN

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

6877A – SUNDAY ALEKHUOGIE*

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

Chair Kehoe made a substitute motion, Mr. Chery seconded, to refer back to staff for additional information. The motion passed with Mr. de la Garza voting no.

6878A – SHEILA D. HANKINS

Ms. Gray made a motion, Mr. Okum seconded, to grant a non-service connected disability retirement and the option for an earlier effective date pursuant to Government Code Section 31720 and 31724.

* Applicant Present

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6879A – MARY H. TIEN

Mr. de la Garza made a motion, Mr. Okum seconded, to deny a service connected disability retirement since the employer can accommodate. The motion passed unanimously.

6880A – KIM C. LINO

Mr. Okum made a motion, Mr. Adams seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated since the employer can accommodate. The motion passed unanimously.

6881A – JOSEPH H. GARLAND

Chair Kehoe made a motion, Mr. Chery seconded, to return to staff for additional information.

The makers of the motion amended their motion to grant a service connected disability retirement. The motion passed with Mr. de la Garza voting no.

6781A – TERESA SANCHEZ*

Chair Kehoe made a motion, Mr. Adams seconded, to refer back to staff for additional information. The motion passed unanimously.

6860A – FRANK DEGREGORIO

Mr. Okum made a motion, Chair Kehoe seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

* Applicant Present

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6842A – JERRY BROWN

Ms. Gray made a motion, Mr. Chery seconded, to refer back to staff for additional information. The motion passed with Messrs. Okum and de la Garza voting no.

6869A – PAUL D. COOKE

Mr. Pryor made a motion, Chair Kehoe seconded, to grant a service connected disability retirement with survivor benefits. The motion passed unanimously.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

Armando Carrillo – Michael Treger for applicant
Allison E. Barrett for respondent

Mr. Adams made a motion, Chair Kehoe seconded, to deny the option of an earlier effective date. The motion passed unanimously.

Shawn P. Corbeil – Michael Treger for applicant
Allison E. Barrett for respondent

Mr. Adams made a motion, Ms. Gray seconded, to deny the option of an earlier effective date. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Michael J. Singer – Michael Treger for applicant
Allison E. Barrett for respondent

Chair Kehoe made a motion, Mr. Okum seconded, to deny the option of an earlier effective date.

Chair Kehoe made a substitute motion, Mr. Pryor seconded, to grant an earlier effected date. The motion passed unanimously.

Kenneth C. Ruffcorn – Thomas J. Wicke for applicant
Eugenia W. Der for respondent

Mr. Chery made a motion, Chair Kehoe seconded, to deny a service connected disability retirement and grant a non-service connected disability retirement.

Chair Kehoe made a substitute motion, Mr. Adams seconded, to grant a service connected disability retirement. The motion passed with Mr. Robbins voting no.

Yvonne Dawson – Thomas J. Wicke for applicant
Eugenia W. Der for respondent

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

Mr. Chery made a substitute motion, Mr. Adams seconded, to grant a service connected disability retirement. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Michael M. Mejia, Deceased – Thomas J. Wicke for applicant
Rosa Mejia, Survivor Eugenia W. Der for respondent

Mr. Okum made a motion, Chair Kehoe seconded, to deny a service connected disability retirement and grant a non-service connected disability retirement and continue the survivor allowance benefit.

Mr. Chery made a substitute motion, Chair Kehoe seconded, to refer back to staff for additional information. The motion failed (roll call) with Messrs. Adams, Bravo, Okum, Robbins, de la Garza voting no; and Mr. Chery, Chair Kehoe, and Ms. Gray voting yes.

The motion to deny a service connected disability retirement and grant a non-service connected disability retirement and continue the survivor allowance benefit passed (roll call) with Messrs. Adams, Bravo, Okum, Robbins, de la Garza, Chair Kehoe voting yes; and Mr. Chery and Ms. Gray voting no.

C. Staff Recommendations

1. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board reject the application of **Feira G. Villalba** for processing.
(Memo dated February 22, 2016)

Mr. Okum made a motion, Mr. Pryor seconded, to approve the recommendation. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

2. Recommendation as submitted by Vincent A. Lim, Chief Counsel, Disability Litigation: That the Board find that **Felicia Myers** delayed the filing of her application for disability retirement because she was unable to ascertain the permanency of her incapacity and that her application be deemed filed on the day after the last day of regular compensation in accordance with Government Code Section 31724. (Letter dated February 10, 2016)

Mr. Chery made a motion, Mr. Robbins seconded, to approve the recommendation. The motion passed unanimously.

3. Recommendation as submitted by Vincent A. Lim, Chief Counsel, Disability Litigation: That the Board find that **Robert D. Campbell** delayed the filing of his application for disability retirement because he was unable to ascertain the permanency of his incapacity and that his application be deemed filed on the first day of incapacity, September 30, 2010. (Letter dated February 2, 2016)

This item was pulled at the request of the applicant's counsel.

4. Recommendation as submitted by Vincent A. Lim, Chief Counsel, Disability Litigation: That the Board find **Danny Bullocks** permanently incapacitated for service-connected reasons and grant him a service-connected disability retirement. (Letter dated January 29, 2016)

Mr. Pryor made a motion, Mr. Chery seconded, to approve the recommendation. The motion passed unanimously.

XIII. EXECUTIVE SESSION

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

1. Agneta Dobos v. Board of Retirement

The Board met in Executive Session pursuant to Government Code Section 54956.9 in regards to the existing litigation in which there is nothing to report at this time.

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

1. Retirement Board Listing dated March 6, 2016
2. Education Information – In a Nutshell Series of Articles: Effective Date of a Disability Retirement (Memo dated February 29, 2016)

XIV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:45 p.m.

WILLIAM DE LA GARZA, SECRETARY

SHAWN R. KEHOE, CHAIR