

MINUTES OF THE SPECIAL 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, MAY 5, 2016

PRESENT: Shawn R. Kehoe, Chair  
William de la Garza, Secretary  
Marvin Adams  
Anthony Bravo  
Yves Chery  
Joseph Kelly (Arrived at 9:36 a.m.)  
David L. Muir (Alternate Retired)  
Les Robbins  
William Pryor (Alternate Member)  
Ronald A. Okum

ABSENT: Vivian H. Gray, Vice Chair

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

Robert Hill, Assistant Executive Officer

Steven P. Rice, Chief Counsel

Michael D. Herrera, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Fern M. Billingsy, Senior Staff Counsel

Dr. Vito Campese, Medical Advisor

Ricki Contreras, Division Manager  
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor  
Disability Retirement Services

Francis J. Boyd, Senior Staff Counsel  
Legal Division

Vincent A. Lim, Chief Counsel  
Disability Litigation

Barry W. Lew, Legislative Affairs Officer

Sandra M. Siedenburg, LACERA Member

Vito Triglia, SEIU 721

I. CALL TO ORDER

The meeting was called to order by Chair Kehoe at 9:01 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Pryor 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 April 6, 2016

Mr. Chery made a motion, Mr. Bravo seconded, to approve the minutes of the regular meeting of April 6, 2016. The motion passed unanimously.

### IV. REPORT ON CLOSED SESSION ITEMS

No items were reported.

### V. OTHER COMMUNICATIONS

#### A. For Information

##### 1. March 2016 All Stars

Mr. Hill announced the eight winners for the month of March: Carlos Alonso, Darla Davis, Gladys Asuncion, Elsy Gutierrez, James Beasley, Darren Huey, Ching Fong, and Karina Diaz for the Employee Recognition Program and Christine Roseland for the Webwatcher Program. Allen Molina, Anthony Soto, George Lunde, and Wenona Myers were the winners of LACERA's RideShare Program.

##### 2. Chief Executive Officer's Report (Memo dated April 26, 2016)

Mr. Rademacher congratulated Kent Tondreau from Member Services who will be retiring from LACERA with 16 years of service. In addition, Mr. Rademacher introduced newly hired Staff Counsel, Jason Waller, to the Disability Litigation Division.

Mr. Rademacher recognized LACERA for receiving a 1<sup>st</sup> place award in the

V. OTHER COMMUNICATIONS

A. For Information

2. Chief Executive Officer's Report (Continued)

Los Angeles County Charitable Giving Campaign for greatest employee participation. In addition, he thanked Koleta Caldwell, Julia Ray, and Donna Hansen for being the coordinators for this program.

In addition, Mr. Rademacher thanked Eilene Morken for coordinating and Jacqueline Boute and Jim Alvarez for providing retiree counseling at the LASD Retiree Roundup in Laughlin, Nevada.

Lastly, Mr. Rademacher announced that he will be attending the National Association of State Retirement Administrators Annual Conference and will not be present at the BOR Administrative meeting in August.

VI. PUBLIC COMMENT

Retired member, Sandra Siedenbug, addressed the Board regarding her case.

In addition, Vito Triglia from SEIU 721 addressed the Board in opposition of Assembly Bill 1853.

VII. CONSENT AGENDA

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

VII. CONSENT AGENDA (Continued)

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Requests for an administrative hearing before a referee.  
(Memo dated April 25, 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 **Susan L. Bloom**. (Memo dated April 18, 2016)
- D. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated April 18, 2016)

VIII. NON-CONSENT AGENDA

- A. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures and Services Committee: That the Board approve the proposed changes to the Disability Retirement Appeals Agenda and Disability Retirement Appeal Summary. (Memo dated April 18, 2016)

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

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

- B. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures and Services Committee: That the Board approve the termination of Panel Physician Roy Caputo, M.D.'s contract with LACERA.  
(Memo dated April 22, 2016)

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

Mr. Okum made a motion, Mr. Pryor seconded, to approve the recommendation. The motion passed with Mr. de la Garza voting no.

VIII. NON-CONSENT AGENDA (Continued)

The following items were handled out of order, after Item VII. C. 3.

- C. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board adopt a “Watch” position on Assembly Bill 2257, which relates to the online posting of meeting agendas. (Memo dated April 21, 2016) (Supplemental Agenda – Memo dated April 21, 2016)

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

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

- D. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board adopt a “Support” position on Assembly Bill 2853, which allows a public agency that posts a public record on its website to refer persons requesting that record to its website. (Memo dated April 19, 2016) (Supplemental Agenda – Memo dated April 19, 2016)

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

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

- E. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board adopt a “Watch” position on Assembly Bill 2468, which established an alternative benefit formula under the California Public Employees’ Pension Reform Act of 2013 for new nonsafety members of the Public Employees’ Retirement System. (Memo dated April 20, 2016) (Supplemental Agenda – Memo dated April 20, 2016)

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

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

VIII. NON-CONSENT AGENDA (Continued)

- F. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board adopt an “Oppose” position on HR 4822, which would enact the Public Employee Pension Transparency Act. (Memo dated April 13, 2016)

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

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

- G. Recommendation as submitted by Barry W. Lew, Legislative Affairs Officer: That the Board adopt a “Support” position on Assembly Bill 1853, which would enable any retirement system operating under the County Employees Retirement Law of 1937 to become a district. (Memo dated April 27, 2016)

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

Mr. Pryor made a motion, Chair Kehoe seconded, to approve adopting a “Watch” position on Assembly Bill 1853.

Mr. Chery made a substitute motion, Mr. Bravo seconded, to approve adopting an “Oppose” position, unless amended, on Assembly Bill 1853. The makers of the motion withdrew their motion.

The motion to approve adopting a “Watch” position on Assembly Bill 1853 passed unanimously.

VIII. NON-CONSENT AGENDA (Continued)

- H. Recommendation as submitted by Fern M. Billingsy, Senior Staff Counsel, Legal Division: That the Board 1) Adopt the Resolutions specifying pay items as “compensation earnable” and “pensionable compensation;” and 2) Instruct staff to coordinate with the County of Los Angeles to establish necessary reporting mechanism and procedures to permit LACERA to include the qualifying items in the calculation of final compensation.  
(Memo dated April 25, 2016)

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

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

- I. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board direct its SACRS voting delegate to: 1) Support the SACRS Nominating Committee slate of officers; 2) Support SACRS sponsoring Assembly Bill 1853 addressing 1937 Act Operating Authority and Assembly Bill 2376 addressing sworn statement requirements; and 3) Support the SACRS Bylaws Committee amendments to the SACRS Bylaws.  
(Memo dated April 20, 2016)

Mr. Chery made a motion, Mr. Adams seconded, to approve the recommendation excluding Assembly Bill 1853. The motion passed unanimously.

- J. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding Assembly Bill 1812 – Benefit Limits.  
(Memo dated April 20, 2016)

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



IX. REPORT ON STAFF ACTION ITEMS

In regards to Item VIII. G., Mr. Kelly requested that future legislative items be justified with the 2012 Board approved Platform Policy. In addition, Mr. Muir requested that counsel review that policy. Lastly, Mr. Kelly requested that the Legislative Affairs Officer reach out to LAFCO regarding Assembly Bill 1853 and the subject matter addressed in that bill.

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

Mr. Muir shared that the next RELAC Regional Luncheon will be in Las Vegas on September 20, 2016.

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>
460C*	DAVID T. ROYSTON
461C*	CRAIG A. BERGER

\* 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>
462C	THOMAS W. BROOKS
463C	ARMANDO R. MORALES
464C	PATRICK D. MCKERNAN
465C*	RANDALL A. FORNEY
466C*	MICHAEL B. DYER
467C*	DAVID W. CAMPBELL
468C	TOMMY W. CODY
469C	RANDOLPH L. SPRINGER
470C	VINCENT F. RONDONE
471C	GREGORY S. SALCIDO
472C	MICHAEL L. MANSKAR
473C	DAVID W. VEYLUPEK
474C	MARK A. KOCISKO
475C	STEVEN A. WINTER
476C	ANTHONY A. MOORE
477C	WILLIAM N. MCCORMICK

\* 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>
478C*	MARK C. BAILEY
479C	JEFFREY O. CAVANAUGH
480C	DAVID LARA
481C*	ANDREW J. GUTHRIE

Safety-Fire, Lifeguard  
Service-Connected Disability Applications

On a motion by Mr. Okum, 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>
1755A	JESS M. VARELA
1756A	ROBERT L. ZOMPHIER
1757A	JOHN A. JONES
1758A	EDWARD R. LAZAR
1759A	BENJAMIN M. MARTINEZ

\* Granted SCD – Retroactive

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1760A	ROBERT R. PEGLER
1761A	CHRISTOPHER CASILLAS
1762A	SHAWN M. MCDONALD
1763A	RICHARD A. MURO
1764A*	JOHN R. CHAVES
1765A**	EDGAR W. LONEY
1766A	JOHN P. STEINDLBERGER

\* Granted SCD Retroactive - Employer Cannot Accommodate

\*\* Granted SCD – Employer Cannot Accommodate

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

On a motion by Mr. Chery, seconded by Mr. Bravo, 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>
2611B*	EVERARDO DUARTE
2612B**	ROBERT T. MOORE
2613B	SHANNON L. SPIRES
2614B*/***	ONNE J. GARCIA
2615B	ANNA M. PATRICIO
2616B*	LUCILA I. VALDIZNO

\* Granted SCD – Employer Cannot Accommodate

\*\* Granted SCD Retroactive – Employer Cannot Accommodate

\*\*\* Applicant Present

XI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Non-Service-Connected Disability Applications

On a motion by Mr. Adams, seconded by Mr. de la Garza, 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:

APPLICATION NO.

NAME

4339

ERLINDA B. LEYRAN

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6887A – DAVID P. GEOPFORTH

Chair Kehoe made a motion, Mr. Chery seconded, to deny a service-connected disability retirement without prejudice. The motion passed unanimously.

6888A – CYNTHIA A. CAMPBELL

Mr. Pryor made a motion, Mr. Adams seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720 and grant the option for an earlier effective date pursuant to Government Code Section 31724. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

<u>APPLICATION NO. &amp; NAME</u>	<u>BOARD ACTION</u>
6889A – FREDDIE D. DUGGAN	Mr. de la Garza made a motion, Mr. Adams seconded, to deny a service-connected disability retirement since the employer can accommodate and find the applicant not permanently incapacitated. The motion passed unanimously.
6890A – LEROY PRESTON	Mr. Pryor made a motion, Mr. Adams seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720 and grant an option for an earlier effective date pursuant to Government Code Section 31724. The motion passed unanimously.
6818A – SHAWN E. MADRID	Mr. Pryor made a motion, Mr. Adams seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720 and grant an option for an earlier effective date pursuant to Government Code Section 31724. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Referee Reports (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Joe Esqueda – In Pro Per  
Eugenia W. Der for respondent

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

Karen J. Henkel – Thomas J. Wicke for applicant  
Vincent A. Lim for respondent

Mr. Chery made a motion, Mr. Pryor seconded, to grant a service connected disability retirement and grant the option of an earlier effective date. The motion passed unanimously.

Sandra M. Siedenbug – In Pro Per  
Vincent A. Lim for respondent

(Mr. Kelly arrived at 9:36 a.m.)

Chair Kehoe made a motion, Mr. Pryor seconded, to deny a service connected disability retirement. The motion passed unanimously.



## XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

### 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 **Yvonne Dawson** for an earlier effective date pursuant to Government Code Section 31724. (Memo dated April 18, 2016)

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

Mr. Chery made a motion, Mr. Robbins seconded, to grant the applicant a service-connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

2. 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 **Kenneth C. Ruffcorn** for an earlier effective date pursuant to Government Code Section 31724. (Memo dated April 18, 2016)

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

Mr. Chery made a motion, Mr. Okum seconded, to grant the applicant a service-connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

3. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services regarding the 1<sup>st</sup> Quarter Report of Paid Invoices for January 1, 2016 to March 31, 2016. (Memo dated April 18, 2016)

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

### 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. Michael Herek v. Board of Retirement

The Board met in Executive Session pursuant to Government Code Section 54956.9 in regards to the existing litigation of the above mentioned case. There is nothing to report at this time.

- B. Pursuant to Government Code Section 54957 - Public Employee  
Performance Evaluation:

1. Performance Evaluation  
Title: Chief Executive Officer

The Board met in Executive Session pursuant to Government Code Section 54957 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 May 5, 2016
2. LACERA Legislative Report - Bills Amending CERL/PEPRA  
(Dated May 4, 2016)
3. LACERA Legislative Report – Other (Dated May 4, 2016)
4. LACERA Legislative Report – Federal (Dated May 4, 2016)
5. Proposed Findings of Fact and Conclusions of Law Correction Memo – Kenneth  
C. Ruffcorn (Memo dated May 4, 2016)
6. Proposed Findings of Fact and Conclusions of Law Correction Memo – Yvonne  
Dawson (Memo dated May 4, 2016)
7. Attorney's Fees Report for Invoices Over \$25,000 (Memo dated April 25, 2016)
8. Attorney's Fees Invoices of \$25,000 or Less (Memo dated April 25, 2016)
9. Attorney's Fees Report (Memo dated April 25, 2016)

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IX. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:15 a.m.

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WILLIAM DE LA GARZA, SECRETARY

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SHAWN R. KEHOE, CHAIR