

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., FRIDAY, MARCH 3, 2017

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

ABSENT: Shawn R. Kehoe, Chair

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer

Robert Hill, Assistant Executive Officer

Steven P. Rice, Chief Counsel

Dr. Vito Campese, Medical Advisor

Fern M. Billingsy, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Jill P. Rawal, Staff Counsel

Jason E. Waller, Senior Staff Counsel

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 Vice Chair Gray at 9:01 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. de la Garza 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 1, 2017

Mr. Chery made a motion, Mr. Muir seconded, to approve the revised minutes of the regular meeting of February 1, 2017. The motion passed with Ms. Gray and Mr. de la Garza abstaining.

B. Approval of the Minutes of the Regular Meeting of February 9, 2017

Mr. Chery made a motion, Mr. Bernstein seconded, to approve the minutes of the regular meeting of February 9, 2017. The motion passed with Mr. de la Garza abstaining.

IV. REPORT ON CLOSED SESSION ITEMS

No items were reported.

V. OTHER COMMUNICATIONS

A. For Information

1. January 2017 All Stars

Mr. Hill announced the eight winners for the month of January: Paola Villegas, Dmitriy Khaytovich, Cynthia LeShay, Darla Davis, Norma Minjarez, Amit Aggarwal, Katy O'Brien, and Debra Rendon for the Employee Recognition Program and Indee Brooke for the Webwatcher Program. Elda Villarroel, Rachel Sacramento, Ted Granger, and Rosalind White were the winners of LACERA's RideShare Program.

2. Chief Executive Officer's Report (Memo dated February 22, 2017)

Mr. Rademacher recognized and congratulated LACERA staff member, David Redman on his retirement.

In addition, Mr. Rademacher recognized Allison Barrett for co-hosting an upcoming Disability Retirement Roundtable and also thanked Theodore King for co-hosting the Reciprocity Roundtable. Mr. Rademacher also recognized James Pu for his assistance in preparing staff for a LACERA wide software and email program migration. Furthermore, Mr. Rademacher thanked the Benefits and support teams for their work during the annual retirement processing workload increase known as March Madness.

Lastly, Mr. Rademacher highlighted the recent California Supreme Court decision

V. OTHER COMMUNICATIONS

A. For Information

2. Chief Executive Officer's Report (Continued)

making communications regarding the conduct of public business made from personal accounts subject to possible disclosure under the California Public Records Act. Staff will be looking into LACERA's practices and provide guidance in light of this new ruling.

VI. PUBLIC COMMENT

LACERA member, Alba Zazueta, addressed the Board regarding her disability application.

VII. CONSENT AGENDA

Mr. Okum made a motion, Mr. Adams seconded, to approve agenda items A-B, and D. 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 16, 2017)
- C. Recommendation as submitted by Marvin Adams, Chair, Travel Policy Committee: That the Board adopt the proposed revised Education and Travel Policy. (Memo dated February 17, 2017)

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

Mr. Kelly made a motion, Mr. Bernstein seconded, to approve the recommendation. The motion passed with Mr. Pryor voting no and Mr. Chery abstaining.

VII. CONSENT AGENDA (Continued)

- D. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board approve attendance of Board members at the Pension Bridge Annual Conference on April 18-19, 2017 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 Ms. Gray) (Memo dated January 27, 2017)

VIII. NON-CONSENT AGENDA

- A. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures and Services Committee: That the Board approve the expansion of the Priority-One Case Processing Criteria to classify cases with applicants in a Class 4 Arduous position, who have met specific age, service, medical history and legal review requirements as a Priority One. (Memo dated February 16, 2017)

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

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

- B. Recommendation as submitted by Fern M. Billingsy, Senior Staff Counsel: 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 February 14, 2017)

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

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

VIII. NON-CONSENT AGENDA (Continued)

- C. Recommendation as submitted by Gregg Rademacher, Chief Executive Officer: That the Board 1) Approve amending the current Management Appraisal and Performance Plan Tier I Salary Structure Table – LR Schedule to include salary ranges LR26 through LR28; 2) Direct staff to submit to the Board of Supervisors the necessary salary ordinance language to implement the revised Salary Structure Table and the Chief Investment Officer salary range at LR28; and 3) Delegate authority to the Chief Executive Officer to set the Chief Investment Officer initial salary in the fourth quartile of the salary range LR28. (Memo dated February 23, 2017)

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

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

- D. 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 23, 2017)

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

Mr. Chery made a motion, Mr. de la Garza seconded, to approve the voting delegate to support the SACRS Nominating Committee's ballot at the SACRS Business Meeting.

Mr. Chery amended his motion, Mr. Pryor seconded, to approve staff's recommendation. The motion passed with Mr. Kelly abstaining.

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 February 13, 2017)

This item was received and filed.

X. REPORT ON STAFF ACTION ITEMS

The Board requested additional information regarding the recent Supreme Court decision on using personal devices for business related matters. In addition, the Board requested staff to inquire on using the word “university” when it relates to educational topics provided on the LACERA website.

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

Mr. Kelly shared that he will be participating in a gender diversity event in Los Angeles which focuses on gender diversity in the workplace.

Mr. Rice stated that the California Supreme Court has made a decision regarding *Flethez vs. San Bernardino County Employees Retirement Association (SBCERA)*, which addresses prejudgment interest in disability litigation matters. Frank Boyd will be bringing this topic for a full report at the next Disability Procedures and Services Committee meeting.

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Mr. Bernstein, 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:

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
601C	BARDO C. ORTIZ
602C*	ISMAEL LOYA (DECEASED)
603C	HILBRAND W. GOEDHART
604C	STEVEN R. FREIWIRTH
605C**	STEVEN E. BIAGINI
606C***	KEVIN J. LIEBERMAN
607C***	IRENE J. HAMPTON
608C	RALPH J. GAMA
609C**	CATALINA I. PRITCHARD

*Granted SCD – Survivor Benefit

**Granted SCD – Employer Cannot Accommodate

***Granted SCD – Retroactive

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Mr. Okum, 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>
1834A	PARI T. MOORE
1835A	DIRK A. WEGNER
1836A	DON A. JOHNSON
1837A	RONALD W. SHARP
1838A	DONALD A. CURTIS
1839A	DAVID B. SCHAEFER
1840A	STEVEN P. KREAGER
1841A	RICHARD R. SOLOMON
1842A	BRIAN T. HOGUE
1843A*	STEVEN M. CASLAVKA
1844A	BRYAN J. MCILREVEY

*Granted SCD – Retroactive

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

On a motion by Mr. Chery, 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>
2695B*/**	AMANDA A. TREJO
2696B***	ERNESTINE P. ALLEN
2697B**	CYNTHIA S. CRUZ
2698B****	CAMALA D. JOHNSON
2699B*****	LA TONYA M. GARDNER
2700B*****	LETICIA C. SMITH

* Applicant Present

** Granted SCD – Retroactive Since Employer Cannot Accommodate

*** Granted SCD – Retroactive

**** Granted SCD – Salary Supplemental

***** Granted SCD – Employer Cannot Accommodate

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

6934A – KATHLEEN D. KOSKY

Mr. Kelly made a motion, Mr. Okum, seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31720 and 31724.

Ms. Gray made a substitute motion, Mr. Adams seconded, to return to staff for additional information. The motion passed with Mr. de la Garza voting no.

6935A – TOMAS H. CROUCIER

Mr. Bernstein made a motion, Mr. Pryor 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 return to staff for additional information. The motion passed (roll call) with Messrs. Adams, Bravo, Chery, Kelly, Okum, and Ms. Gray voting yes; and Messrs. Bernstein, de la Garza and Pryor voting no.

6936A – ANA UEHARA

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

6937A – JESSIE M. HACKETT

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

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6938A – DIANA CAZARES

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

6939A – ALBA L. ZAZUETA*

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

6940A – LORI A. AVILA

(Per applicant's request this item was held in open session under Item XII.)

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

Mr. Chery made a substitute motion, Mr. Adams seconded, to return to staff for additional information. The motion passed with Messrs. Kelly and Okum voting no.

6941A – ARETHA L. BROOKS

Mr. Adams made a motion, Mr. Kelly seconded, to deny a service connected disability retirement without prejudice.

Ms. Gray made a substitute motion, Mr. Okum seconded, to return to staff for additional information. The motion passed unanimously.

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

APPLICATION NO. & NAME

BOARD ACTION

2664B – JUAN A. NOLAN

Mr. Okum made a motion, Mr. Adams seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed with Messrs. Chery, Bravo and Ms. Gray voting no.

B. Staff Recommendations

1. Recommendation as submitted by Jason E. Waller, Senior Staff Counsel, Disability Litigation: That the Board find **Larry L. Waldie** permanently incapacitated due to service-connected injuries and grant a service-connected disability retirement in accordance with Government Code Section 31720. (Letter dated February 14, 2017)

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

Mr. Adams made a motion, Mr. Pryor seconded, to approve the recommendation. The motion passed with Messrs. Bernstein and Kelly voting no and Mr. Okum abstaining.

XIV. EXECUTIVE SESSION

- #### A. 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 Eugenia Ditu

The Board met in Executive Session pursuant to Government Code Section 54956.9(d)(2). It was reported that the Board voted unanimously, on a motion by Mr. Bernstein, seconded by Mr. Okum, to grant the appeal of Eugenia Ditu.

XIV. EXECUTIVE SESSION (Continued)

2. One Unnamed Potential Case

The Board met in Executive Session pursuant to Government Code Section 54956.9(d)(2), and there was nothing to report.

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

1. Retirement Board Listing dated February 1, 2017
2. Board of Retirement Revised Meeting Minutes of February 1, 2017
3. Disability Retirement Evaluation Summary – Correction Memo: Jessie M. Hackett (Memo dated March 2, 2017)
4. Disability Retirement Evaluation Summary – Correction Memo: Aretha L. Brooks (Memo dated March 2, 2017)
5. LACERA Legislative Report – Other (Dated March 2, 2017)
6. LACERA Legislative Report - Bills Amending CERL/PEPRA (Dated March 2, 2017)
7. Tod Hipsher vs. LACERA, County of Los Angeles and State of California (Privileged and Confidential Attorney-Client Communication) (Memo dated March 1, 2017)

XV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:23 a.m.

WILLIAM DE LA GARZA, SECRETARY

SHAWN R. KEHOE, CHAIR