

APPROVED

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, OCTOBER 12, 2017

PRESENT: Shawn R. Kehoe, Chair  
Vivian H. Gray, Vice Chair  
Marvin Adams  
Alan Bernstein  
Anthony Bravo  
Joseph Kelly  
David L. Muir (Alternate Retired)  
Ronald A. Okum  
Herman Santos

ABSENT: William de la Garza, Secretary  
William Pryor (Alternate Member)

STAFF ADVISORS AND PARTICIPANTS

Robert Hill, Interim Chief Executive Officer  
James Brekk, Interim Deputy Chief Executive Officer  
Steven P. Rice, Chief Counsel  
John Popowich, Assistant Executive Officer  
Michael Herrera, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Johanna M. Fontenot, Senior Staff Counsel

Barry W. Lew, Legislative Affairs Officer

Ted Granger, Assistant Financial Officer

John Nogales, Human Resources Director

Francis J. Boyd, Senior Staff Counsel  
Legal Division

Ricki Contreras, Division Manager  
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor  
Disability Retirement Services

Reed Smith LLP  
Harvey L. Leiderman

I. CALL TO ORDER

Chair Kehoe called the meeting to order at 9:06 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Santos 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 September 6, 2017

Mrs. Gray made a motion, Mr. Muir seconded, to approve the minutes of the regular meeting of September 6, 2017. The motion passed with Mr. Santos abstaining.

#### IV. REPORT ON CLOSED SESSION ITEMS

Steven Rice, Chief Counsel, reported that, in closed session at the September 11, 2017 special joint meeting of the Board of Retirement and Board of Investments, pursuant to Government Code Section 54957, on a motion by Mr. Kehoe, seconded by Mr. Okum, the Board voted unanimously by all members present to: 1) Authorize the Board Chairs to complete discussions and execute an agreement consistent with the terms negotiated by the Chairs with Gregg Rademacher concerning his retirement, 2) Negotiate an employment contract with Robert R. Hill as Interim Chief Executive Officer to be approved by the Boards, and 3) to direct the Joint Organizational Governance Committee to conduct a nationwide search for a new Chief Executive Officer. Mr. Muir and Mr. de la Garza were absent from the September 11, 2017 meeting.

#### V. OTHER COMMUNICATIONS

##### A. For Information

##### 1. August 2017 All Stars

Mr. Brekk announced the eight winners for the month of August: Elsy Gutierrez, Mathew Stramer, Tina Young, Dina Lejano, Annette Cleary, Anna Collay, Mary Ann Valenzuela and Ruby Minjares for the Employee Recognition Program and Tess Marinan for the Webwatcher Program. Vanessa Cruz, Gena Fuller, Remigio Feliciano and Michael Romero were the winners of LACERA's RideShare Program.

## V. OTHER COMMUNICATIONS

### A. For Information

#### 2. Interim Chief Executive Officer's Report (Memo dated October 3, 2017)

Mr. Hill welcomed Board member, Herman Santos, to the Board of Retirement.

Mr. Hill provided a brief discussion on the Interim Chief Executive Officer's Report and announced the following interim assignments: Benefits Manager, Vanessa Gonzalez, Assistant Executive Officer, Bernie Buenaflor, and Deputy Chief Executive Officer, James Brekk.

Mr. Hill provided an update to the Board regarding the Chief Executive Officer search.

## VI. PUBLIC COMMENT

LACERA member, Diane Santiago, addressed the Board regarding her pension.

LACERA member, Glenn Zoppa, addressed the Board regarding his pension.

## VII. CONSENT AGENDA

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

- A. Request of Service Retirement and Survivor Benefit Application Approvals
- B. Request for an administrative hearing before a referee  
(Memo dated October, 2, 2017)
- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice **Adela C. Campbell's** appeal for a service-connected disability retirement.  
(Memo dated September 27, 2017)

VII. CONSENT AGENDA (Continued)

- D. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice **Esther Mankowski's** appeal for service-connected disability retirement. (Memo dated September 28, 2017)
- E. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice **Donna E. Lopez'** appeal for service-connected disability retirement. (Memo dated September 28, 2017)
- F. Recommendation as submitted by Robert Hill, Interim Chief Executive Officer: That the Board approve attendance of Board members at the Healthcare Information and Management Systems Society Conference & Expo on March 5-9, 2018 in Las Vegas, Nevada and approve reimbursement of all travel costs incurred in accordance with LACERA's Education and Travel Policy. (Memo dated September 20, 2017)  
(Placed on the agenda at the request of Mr. Kehoe)
- G. Recommendation as submitted by Robert Hill, Interim Chief Executive Officer: That the Board approve attendance of Board members at the InfoSecWorld Conference & Expo 2018 on March 19-21, 2018 in Lake Buena Vista, Florida and approve reimbursement of all travel costs incurred in accordance with LACERA's Education and Travel Policy. (Memo dated September 22, 2017)  
(Placed on the agenda that request of Mr. Kehoe)

VIII. NON-CONSENT AGENDA

- A. Recommendation as submitted by William de la Garza, Chair, Insurance, Benefits & Legislative Committee: That the Board adopt an "Oppose" position on ACA 15, which would enact The Protecting Schools and Keeping Pension Promises Act of 2018. (Memo dated September 6, 2017)

Mr. Lew was present and answered questions from the Board.

VIII. NON-CONSENT AGENDA

Mrs. Gray made a motion, Mr. Adams seconded, to approve the agenda item. The motion passed unanimously.

- B. Recommendation as submitted by William de la Garza, Chair, Insurance, Benefits & Legislative Committee: That the Board approve the Other Post-Employment Benefits (OPEB) Actuarial Valuation and Audit Policy. (Memo dated September 11, 2017)

Mr. Granger was present and answered questions from the Board.

Mr. Muir made a motion, Mr. Kelly seconded, to approve the agenda item. The motion passed unanimously.

- C. Recommendation as submitted by Vivian H. Gray, Chair, Disability Procedures & Services Committee: That the Board terminate LACERA's Late-Filed Application Policy. (Memo dated September 27, 2017)

Mr. Boyd was present and answered questions from the Board.

Mr. Adams made a motion, Mr. Muir seconded, to approve the agenda item. The motion passed unanimously.

- D. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board approve reinstatement for physician, Edward Green III, M.D. – Board Certified Orthopedist, to the LACERA Panel of Physicians for the purpose of examining disability retirement applicants. (Memo dated September 28, 2017)

Mr. Boyd and Ms. Contreras were present and answered questions from the

Board.

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

VIII. NON-CONSENT AGENDA (Continued)

- E. Recommendation as submitted by Robert Hill, Interim Chief Executive Officer: That the Board review the December 2017 meeting schedule and consider rescheduling the Wednesday, December 6, 2017 meeting. (Memo dated September 26, 2017)

Mr. Okum made a motion, Mrs. Gray seconded, to approve rescheduling the Wednesday, December 6, 2017 meeting to a combined Disability and Administrative meeting on Thursday, December 14, 2017. The motion passed unanimously.

- F. Recommendation as submitted by John Nogales, Director, Human Resources: That the Board 1) Approve compensation for Interim Chief Executive Officer, Robert Hill, including monthly salary of \$21,521 and “L” Item Benefits, excluding the automobile allowance, Mr. Hill will retain his existing LACERA vehicle; 2) Ratify the Employment Agreement with Mr. Hill as Interim Chief Executive Officer. (Memo dated October 2, 2017)

Mr. Nogales and Mr. Steven Rice were present and answered questions from the Board.

Mr. Muir made a motion, Mr. Okum seconded, to approve the agenda item. The motion passed unanimously.

- G. Recommendation as submitted by John Nogales, Director, Human Resources: That the Board:

- 1. Approve the following new LACERA classification and salary recommendation:

<u>Classification</u>	<u>Salary Schedule</u>
Executive Board Assistant, LACERA (Memo dated October 3, 2017)	100F

Messrs. Nogales, Hill and Rice were present and answered questions from the Board.

VIII. NON-CONSENT AGENDA (Continued)

Mr. Santos made a motion, Mr. Muir seconded, to include the following minimum requirements to the Job Classifications:

- 1) Graduation from an accredited four-year college or university, or
- 2) Three (3) years' complex and highly responsible secretarial experience at the level of Executive Secretary, LACERA. The motion passed unanimously.

IX. REPORTS

- A. As submitted by Steven P. Rice, Chief Counsel: Report on Work Plan for Proposal that Chief Counsel Report Jointly to Board of Retirement and Board of Investments.  
(Memo dated October 2, 2017)

Mr. Steven Rice and Mr. Leiderman of Reed Smith LLP were present

and answered questions from the Board.

- B. As submitted by Steven P. Rice, Chief Counsel: Report on Work Plan for Proposal that Chief Investment Officer Report to Board of Investments.  
(Memo dated October 2, 2017)

Mr. Steven Rice and Mr. Leiderman of Reed Smith LLP were present

and answered questions from the Board.

The following items were received and filed:

- C. For information only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated September 20, 2017)
- D. For Information only as submitted by Barry Lew, Legislative Affairs Officer, regarding the 2017 Year-End Legislative Report.  
(Memo dated October 2, 2017)

X. REPORT ON STAFF ACTION ITEMS

There was nothing to report.

XI. GOOD OF THE ORDER

(For information purposes only)

The Board welcomed Mr. Herman Santos to the Board of Retirement.

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Mr. Okum, 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>
701C*	ROBERT J. TUBBS
702C*	ROBERTO HOLGUIN JR.
703C	JEFFREY R. FLEMING
704C	ANTHONY M. LUCIA
705C*	THOMAS Y. YU
706C	KEVIN P. RASMUSSEN
707C*	ROBERT G. FRAILING
708C	RANDAL J. STOVER

\* Granted SCD – Employer Cannot Accommodate

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)  
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>
709C	TOMAS F. NAVARRETE
710C	DAVID WATERS

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

On a motion by Mrs. Gray 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>
2749B*	LINDA A. FRANKLIN-JONES
2750B *	TRACY S. WIGGINS
2751B**	SONYA T. GORE
2753B*	PATRICIA D. BOULWARE-MILLS
2754B***	EDWIN A. LISTANA

\* Granted SCD – Retroactive

\*\* Granted SCD – Salary Supplemental

\*\*\* Granted SCD – Since Employer Cannot Accommodate

XII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)

Service-Connected Disability Applications

On a motion by Mr. Muir 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:

APPLICATION NO.

NAME

4360\*

WAYNE T. FELTON

\* Granted NSCD – Retroactive

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

(This Item was handled out of order, after Item XIV.A.)

A. Applications for Disability

<u>APPLICATION NO. &amp; NAME</u>	<u>BOARD ACTION</u>
6974A – JULIE LIONG	Mr. Okum made a motion, Mrs. Gray seconded, to grant a non-service connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed unanimously.
6975A – LA SHELL D. LONG	Mrs. Gray made a motion, Mr. Santos seconded, to find the applicant ineligible for a service disability retirement. The motion passed unanimously.
6976A – EVELYN BATISTE-BRYANT	Mr. Okum made a motion, Mr. Muir seconded, to deny a service connected disability retirement since the employer can accommodate. The motion passed unanimously.
6977A – MALCOLM E. KENNEDY	Mr. Kehoe made a motion, Mrs. Gray seconded, to find the applicant not permanently incapacitated. The motion passed unanimously.
6978A – CORRINE S. PIRIE	Mr. Kehoe made a motion, Mrs. Gray seconded, to grant a service connected disability retirement pursuant to Government Code Sections 31720 and 37124. The motion passed with Mr. Okum voting no.
6979A – UMAR S. AFRIDI	Mrs. Gray made a motion, Mr. Santos seconded, to grant a service connected disability retirement pursuant to Government Code Sections 31720 and 37124. The motion passed unanimously.

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6980A – DIANE SANTIAGO\*

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

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

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

6981A – FLORY M. DIAZ

This case was pulled from the agenda by the request of staff.

6982A – ANGELINA LOS BANEZ

Mr. Bernstein made a motion, Mr. Okum seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720 and 37124. The motion passed unanimously.

6983A – ZAMSUR D. GOMONIT

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

\*Applicant Present

XIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

<u>APPLICATION NO. &amp; NAME</u>	<u>BOARD ACTION</u>
6677A – KATHRYN S. NAVE ELLIOTT	Mr. Okum made a motion, Mr. Bernstein seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.
6700A – FRED L. BEHRENDT	Mr. Kehoe made a motion, Mr. Okum seconded, to return to staff for additional information. The motion passed unanimously.
6907A – ROBERT L. MINER	Mr. Bernstein made a motion, Mr. Kehoe seconded, to find the applicant not permanently incapacitated. The motion passed unanimously.
6630A – SHARON M. DANIEL	Mr. Okum made a motion, Mr. Bernstein seconded to grant a service-connected disability retirement since the employer cannot accommodate pursuant to Government Code Section 31720. The motion passed unanimously.

B. Staff Recommendations

1. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoice for Gutierrez, Preciado & House, LLP. (Memo dated September 28, 2017)

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

XIV. EXECUTIVE SESSION

(This Item was handled out of order, after Item XII.)

- 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 Glenn T. Zoppa

The Board met in Executive Session pursuant to Paragraph (2) of Subdivision (d)  
of California Government Code Section 54956.9. The Board voted unanimously 9 – 0 on  
a motion by Mr. Santos, seconded by Mr. Bernstein to grant the appeal which includes a  
payment to Mr. Zoppa of \$72,980.29 in after tax dollars that he paid to purchase his ARC.

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

1. United States of America v. Gary Ordog  
Case No. CV 17-1664-FMO (C.D. Cal.)

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.

2. Sarah Marks v. LACERA  
Case No. BC598957 (L.A. Super.)  
Case No. B281110 (Ct. App. 2<sup>nd</sup> Dist.)

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.

XV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:20 p.m.

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

1. Disability Retirement Evaluation Report Correction Memo  
(Memo dated October 11, 2017) (Confidential)
2. Disability Retirement Applications Agenda Correction  
(Memo dated October 11, 2017) (Confidential)
3. Panel Physicians Examination Report  
(Memo dated October 11, 2017) (Confidential)
4. Dismiss with Prejudice the appeal Of Adela Campbell Correction Memo  
(Memo dated October 10, 2017) (Confidential)

*Signature on file*

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WILLIAM DE LA GARZA, SECRETARY

*Signature on file*

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SHAWN R. KEHOE, CHAIR