

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 11, 2018

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

ABSENT: Thomas Walsh

STAFF ADVISORS AND PARTICIPANTS

Robert R. Hill, Interim Chief Executive Officer

Steven P. Rice, Chief Counsel

Francis J. Boyd, Senior Staff Counsel

Ricki Contreras, Division Manager  
Disability Retirement Services

STAFF ADVISORS AND PARTICIPANTS

Tamara Caldwell, Specialist Supervisor  
Disability Retirement Services

Cassandra Smith, Retiree Health Care Division Manager

Steve Murphy, Consultant, Segal

Vito Triglia, Donna Meredith – SEIU 721

I. CALL TO ORDER

The meeting was called to order by Ms. Gray at 10:12 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was conducted at the joint Board meeting prior to this meeting.

III. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of September 5, 2018

Mr. Adams made a motion, Mr. Bernstein seconded, to approve the minutes of the regular meeting of September 5, 2018. The motion passed unanimously.

B. Approval of the Minutes of the Regular Meeting of September 13, 2018

Mr. Adams made a motion, Mr. Santos seconded, to approve the minutes of the regular meeting of September 13, 2018. The motion passed unanimously.

#### IV. OTHER COMMUNICATIONS

##### A. For Information

##### 1. August 2018 All Stars

Mr. Brekk announced the eight winners for the month of August: Jason Waller, Ana Ronquillo, Jan Bautista, Henry Gonsalves, Michael Peterson, Fabio Ramirez, Eilene Morken, and Eugenia Der for the Employee Recognition Program. Ching Fong was the Web Watcher winner and Jeff Shevlowitz, Beulah Auten, Holly Henderson, and Linda Moss were the winners of LACERA's RideShare Program.

##### 2. Interim Chief Executive Officer's Report (Memo dated October 2, 2018)

Mr. Hill and Mr. Brekk provided an update on recent application updates in the Systems Division and an update to the current vacancies. Furthermore, Mr. Hill shared that new information and data has been added to the CEO Report.

Lastly, Mr. Brekk announced the retirement of Lourdes Diaz from the Systems Division.

#### V. PUBLIC COMMENT

Donna Meredith and Vito Triglia from SEIU 721 expressed their support to the Boards for Proposition 8.

#### VI. CONSENT ITEMS

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

VI. CONSENT ITEMS (Continued)

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board grant the appeal and request for an administrative hearing for applicants Angelina Love, Monica E. Jacobs, and Lauren J. Hoyt. (Memo dated September 26, 2018)
- C. Recommendation as submitted by the Disability Procedures & Services Committee: That the Board adopt the recommended procedures for members to apply for a correction appeal in regard to their effective date of disability retirement under Government Code Section 31541.1. (Memo dated September 27, 2018)
- D. Recommendation as submitted by Robert R. Hill, Interim Chief Executive Officer: That the Board approve attendance of Board members at the Harvard Business School – Executive Education: Women on Boards: Succeeding as a Corporate Director on November 26-30, 2018, in Boston, Massachusetts, and approve reimbursement of all travel costs incurred in accordance with LACERA’s Education and Travel Policy. (Memo dated September 13, 2018) (Placed on the agenda at the request of Ms. Gray)

VII. NON-CONSENT ITEMS

- A. Recommendation as submitted by Steven P. Rice, Chief Counsel: That the Board provide direction as to whether to take a position on Proposition 8 and, if so, what additional action should be taken. (Memo dated October 4, 2018)

Messrs. Rice, Lew, Murphy and Ms. Smith were present and answered

questions from the Board.

Mr. Santos made a motion to support Proposition 8. The motion failed without a seconded.

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Kehoe, 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>                |
|------------------------|----------------------------|
| 893C                   | RICHARD G. BURGESS         |
| 894C                   | KEVIN J. FORCIER           |
| 895C                   | NICOLE V. HARRISON         |
| 896C                   | KAMRAN KAMALYAN            |
| 897C                   | WILLIAM H. BRAUBERGER, JR. |
| 898C                   | TIMOTHY LEON               |
| 899C*                  | LARRY G. VANDEN BOSCH      |
| 900C                   | OLLIE E. BRASHEARS, JR.    |
| 901C                   | MEGAN E. DELANEY           |
| 902C                   | DORIS D. WALKER            |
| 903C*                  | JAMES B. HARTMANN          |
| 904C                   | ADAM ARTEAGA               |

\* Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)  
Service-Connected Disability Applications

| <u>APPLICATION NO.</u> | <u>NAME</u>       |
|------------------------|-------------------|
| 905C                   | JOHN D. PEREZ     |
| 906C                   | KIMBERLY L. BRINK |
| 907C                   | LARRY QUIROL, JR. |
| 908C                   | PATRICK R. TAPIA  |
| 909C                   | JORGE CHAVEZ      |

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>       |
|------------------------|-------------------|
| 1021B                  | PETER MARDESICH   |
| 1022B                  | ERNEST A. MARQUEZ |
| 1023B                  | CHRISTIAN L. MAYO |
| 1024B                  | ALAN F. ROBNETT   |
| 1025B                  | ROBERT R. MARIS   |
| 1026B                  | WAYNE A. MILLER   |

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

| <u>APPLICATION NO.</u> | <u>NAME</u>           |
|------------------------|-----------------------|
| 1027B                  | GREGORY J. HISEL      |
| 1028B                  | JOHN M. YOUNG         |
| 1029B                  | DANIEL L. GORDON, JR. |
| 1030B                  | WERNER D. REIMER      |
| 1031B*                 | MICHAEL H. CARNES     |
| 1032B                  | JOSEPH E. KINNEY      |
| 1033B                  | MARK J. GOCKE         |
| 1034B                  | JEFFREY T. FORD       |
| 1035B                  | DAVID P. WIESE        |

General Members  
Service-Connected Disability Applications

On a motion by Mr. Santos, 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>       |
|------------------------|-------------------|
| 2886B                  | MICHELLE CASTILLO |

\* Granted SCD – Employer Cannot Accommodate

VIII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)  
Service-Connected Disability Applications

| <u>APPLICATION NO.</u> | <u>NAME</u>       |
|------------------------|-------------------|
| 2887B*                 | ALAN W. CORMICK   |
| 2888B*                 | LESLIE E. COX     |
| 2889B*                 | MICHAEL PUGRAD    |
| 2890B**                | WILLIE STEWARD    |
| 2891B**                | GEORGE S. REID    |
| 2892B                  | LULA M. TAVE      |
| 2893B                  | ABDUL M. HAOLADER |

General Members  
Non-Service-Connected Disability Applications

The following application was pulled by staff for further development.

| <u>APPLICATION NO.</u> | <u>NAME</u>     |
|------------------------|-----------------|
| 4378                   | HARRY B. SOLANO |

IX. REPORTS

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated September 14, 2018)

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

This Item was received and filed.

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



IX. REPORTS (Continued)

- B. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding the 2018 Year-End Legislative Report. (Memo dated October 1, 2018)

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

This Item was received and filed.

- C. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the September 2018 Fiduciary Counsel Contact and Billing Report. (Memo dated October 1, 2018) (Privileged and Confidential Attorney-Client Communication/Attorney Work Product)

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

This Item was received and filed.

X. ITEMS FOR STAFF REVIEW

There was nothing to report.

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

Mr. Bernstein shared that he is now a NACD Governance Fellow. In addition, Mr. Kehoe recognized the month of October as being Breast Cancer awareness month.

Lastly, Mr. Kelly shared that he is now designated as an official trainer for the County's Center for Financial Empowerment that helps constituents with services and resources to help them make effective money management decisions.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5034B – DARRICK D. WOOLEVER

Mr. Pryor made a motion, Mr. Kelly seconded, to hold this case over till next month when LACERA's medical advisor is present. The motion passed unanimously.

5035B – PAULINE YOUNG

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

5036B – GALE BENJAMIN

Mr. Harris made a motion, Mr. Robbins seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31724.

Mr. Kehoe made a substitute motion, Mr. Bernstein seconded, to refer back to staff for further development. The motion passed unanimously.

5037B – SANG W. KIM

Mr. Kehoe made a 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. Staff Recommendations

1. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board 1) Find that Steven E. Belanger's death occurred as the result of a gunshot wound injury caused by external violence or physical force in the performance of his duty as a Deputy Sheriff; and 2) Grant the special death benefit to Mr. Steven E. Belanger's survivor under Government Code Section 31787.6. (Memo dated September 26, 2018)

Mr. Kehoe made a motion, Mr. Santos seconded, to approve the agenda item. The motion passed unanimously.

2. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board find Olivia Shelmon permanently incapacitated from the performance of her duties for service-connected reasons, and grant her a service-connected disability retirement. (Memo dated September 21, 2018)

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

3. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoices for Winet Patrick Gayer Creighton & Hanes. (Memo dated September 24, 2018)

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

## XIII. EXECUTIVE SESSION

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

XIII. EXECUTIVE SESSION (Continued)

1. Winifred McCloud vs. LACERA  
LASC. Case No. BS 170407

The Board met in Executive Session with counsel, pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9. The Board unanimously by all members present voted by a motion made by Mr. Santos, seconded by Mr. Adams, to comply with the Writ of Mandate issued by the Superior Court finding that Winifred McCloud was unable to ascertain the permanency of her incapacity on the day following her last day of regular compensation; and grant her an earlier effective date for her disability retirement allowance. Mr. Walsh was absent from the vote.

2. Tod Hipsher vs. LACERA, County of Los Angeles and State of California  
LASC Case No. BS 153372; Court of Appeal No. B276486  
(For Information Only)

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

3. LACERA's Amicus Brief – Alameda County Deputy Sheriff's Association, et al., v. Alameda County Employees Retirement Association et al., Case No. S247095  
(For Information Only)

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

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#### XIV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:31a.m.

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

1. Retirement Board Listing dated October 11, 2018
2. Report on Public Records Act Response (Memo dated October 3, 2018)

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MARVIN ADAMS, SECRETARY

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VIVIAN H. GRAY, CHAIR