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BOARD OF RETIREMENT MINUTES

October 10, 2007

Members Present: Maria De Anda, Jim De Martini, Mike Fisher, Gordon Ford, Darin Gharat, Wes Hall, Ron Martin, and Steve Yauch

Alternate Member Present: Linda Stotts-Burnett (Alternate Retiree Representative)

Members Absent: *Mike Lynch*

Others Present: Kelly Cerny, Deirdre McGrath, Michele Silva, and Tom Watson

1. Meeting called to order at 2:00 p.m. by Wes Hall, Chair

2. **Announcements**

Tom Watson, Administrator, announced the Continuing Education Report Form was distributed to those board members who had attended the September 19, 2007 Board Governance Workshop. Mr. Watson encouraged board members to complete the form to receive the 5.0 continuing education hours, and return it to Kelly Cerny, Board Secretary.

3. **Public Comment**

None.

4. **Consent Items**

Motion was made by Maria De Anda and seconded by Steve Yauch to approve the following items as listed.

Motion carried.

a. Approval of the September 25, 2007, Meeting Minutes

4. **Consent Items (cont.)**

b. Approval of Service Retirement(s) – **Sections 31499.14, 31670, 31662.2 & 31810 (cont.)**

1. Babetta Daddino, HSA, Effective 10-01-07
2. Fred deAnda, CSA Effective 10-13-07
3. Andrea Fantacone, Superior Court, Effective 10-18-07
4. Mary Kramarz, HSA, Effective 10-01-07
5. Michael McFarland, Animal Services, Effective 10-06-07
6. Carol Merritt, Sheriff, Effective 10-06-07
7. Carolyn Murphy, Superior Court, Effective 10-05-07
8. Donna Pangelina, CSA, Effective 09-29-07
9. Sally Potts, County Counsel, Effective 10-16-07
10. Yvonne Powers, CSA, Effective 10-06-07
11. Michael Sabia, HSA, Effective 10-02-07
12. Ronald Thissen, City of Ceres, Effective 09-17-07

c. Approval of Deferred Retirement(s) – **Section 31700**

1. Jackie Z. Bernal, Sheriff, Effective 08-24-07
2. Cindy Branshaw, Superior Court, Effective 09-07-07
3. Elka Chase, HSA, Effective 09-15-07
4. Bart L. Conner, Sheriff, Effective 01-19-07
5. Elizabeth Contreras, LAFCO, Effective 02-10-07
6. Michelle Dias, BHRS, Effective 08-31-07
7. Martha Escutia, CSA, Effective 09-06-07
8. Lam Inthavong, Env. Resources, Effective 08-16-07
9. Jennifer Johnson, BHRS, Effective 09-11-07
10. James Kempvane, City of Ceres, Effective 05-18-07
11. Candi Mayfield, CSA, Effective 08-15-07
12. Brook M. Mercer, Sheriff, Effective 03-19-07
13. Sanaz Nikaein, District Attorney's Office, Effective 03-17-07
14. Nora Rice, CSA, Effective 12-05-06
15. Jennifer Warren, DCSS, Effective 08-30-07
16. Barbara Williams, DCSS, Effective 09-13-07
17. John S. Wilson, City of Ceres, Effective 08-24-07

d. Approval of Deferred Retirement Refund(s) **Section 31701**

1. Carolyn Davila
2. Michelle Kaback

5. **Closed Session**

Motion was made by Maria De Anda and seconded by Steve Yauch to commence to Closed Session at 2:01 p.m.

Ron Martin arrived at 2:07 p.m.

Upon returning to Regular Session at 2:26 p.m., Deirdre McGrath, Deputy County Counsel, read the findings of the Closed Session.

The Board of Retirement took action to join with other retirement systems in a letter of support of the petition for Supreme Court review of the decision rendered on September 7, 2007, in Lexin, et al v. Superior Court of San Diego County, Respondent, The People, Real Party in Interest, Case No. D049251, and if review is granted, join in an amicus brief.

Substance of the litigation: Alleged violations of Government Code section 1090.

Vote or abstention of each member present: All board members present voted in favor of the action.

6. **Administrator**

- a. Discussion and Action on the State Association of County Retirement Systems' (SACRS) November 13-16, 2007, Fall Conference Voting Proxy Form

Mr. Watson informed the Board of the list of board members planning to attend the SACRS Fall Conference.

Motion was made by Gordon Ford and seconded by Mike Fisher to designate Wes Hall, Chair, and Linda Stotts-Burnett, Alternate, Retired Employees, as the voting delegate(s) and Mike Lynch as the alternate voting delegate for the SACRS November 13-16, 2007, Fall Conference Business Meeting.

Motion carried.

- b. The Retirement Administrator's 2007 Goals Report for the Quarter Ending September 30, 2007

Mr. Watson gave a brief overview of the written report of goals completed for the quarter ending September 30, 2007.

7. **Correspondence**

- a. State Association of County Retirement Systems' (SACRS) Fall 2007 Conference Memorandums

Mr. Hall, Chair, reported board members received the various memorandums from SACRS regarding the upcoming Fall Conference, November 13-16, 2007. Of note was a change to the conference dress code, and the offering of AB1234 Ethics Training. Mr. Hall encouraged Board members who had not taken ethics training either through SACRS or Stanislaus County to do so. AB1234 ethics training is for all elected and appointed officials who receive compensation for their service or are reimbursed for their expenses. Officials must complete two hours of ethics training every two years, beginning with the year 2006.

- b. Discussion and Action on the SACRS' Proposed Resolution Opposing Richman's 2007 Initiative on Public Employees' Pensions and Health Plans

Mr. Watson gave a brief summary of the SACRS proposed resolution that Board members had previously received and reviewed. On June 21, 2007, a proposed initiative was filed with the State Attorney General's Office by former Assemblymember Richman, Orange County Board Supervisor John Moorlach, and the Contra Costa County Taxpayers Association's Executive Director Kris Hunt. The initiative asks California voters to approve a mandated reduction of public employees pensions, increase the minimum qualified retirement age, and limit retiree health care coverage.

On August 21, 2007, the SACRS' Board of Directors voted unanimously to send a resolution to the SACRS' membership for its consideration to oppose this initiative on the basis it undermines the authority of plan sponsors at the local level to negotiate the type and level of benefits they deem appropriate for their employees. It would also amend the California Constitution for newly hired public employees beginning January 1, 2009, but would not effect current employees and retirees. Mr. Watson stated the voting on SACRS opposing resolution will take place during its Business Meeting on Friday, November 16, 2007, at the end of the SACRS Fall Conference.

Board members further reviewed and discussed the proposed initiative and resolution.

Motion was made by Darin Gharat and seconded by Steve Yauch to support the SACRS' Proposed Resolution opposing Richman's 2007 Initiative on Public Employees' Pensions and Health Plans to be voted upon at the SACRS November 13-16, 2007 Fall Conference Business Meeting by StanCERA's voting delegate.

Motion carried.

8. **Committee Reports and Recommendations for Action**

STANDING COMMITTEES

a. Bylaws Revision Committee – Steve Yauch, Chair

i. Discussion and Action on the Report of Biennial Recommendations for Changes to the Bylaws

Steve Yauch, Chair, informed the Board that the Committee had met several times throughout the year, and thanked staff for their assistance. He briefly reviewed the written report of the Committee's recommendations that Board members had previously received. Deirdre McGrath, Deputy County Counsel, additionally asked the Board to consider amending the last paragraph of section 5.1, due to an update to Government Code section 31762.

Mr Yauch requested that in the future, the Education Committee re-evaluate two items in the current StanCERA Bylaw 14.3 - Education Requirement. In particular, to look at increasing the attendance at SACRS conferences to more than two (2) times during a board member's three-year term; and increasing the requirement of 36 continuing education hours.

Motion was made by Darin Gharat and seconded by Ron Martin to approve the biennial changes to the bylaws as noted; and to include section 5.1, last paragraph amended to read, *"Pursuant to Government Code section 31762, a member's retirement date cannot be effective earlier than the date the official retirement application is filed with the Retirement Board, and not more than 60 days after filing the application;"* and to send these changes to the Stanislaus County Board of Supervisors for approval pursuant to Government Code section 31525.

Motion carried.

9. **Members' Forum (Information and Future Agenda Requests Only)**

Darin Gharat, Trustee, welcomed Mark Loeser, Chief Executive Office, to the meeting. Mr. Gharat extended an open invitation to all Chief Executive Office staff to attend Board of Retirement meetings.

Mr. Hall, Chair, stated it was time for the Administrator's Performance Review Committee to look at scheduling a meeting.

10. **Adjournment**

Meeting adjourned at 2:53 p.m.

Respectfully submitted,

Tom Watson, Retirement Administrator

APPROVED AS TO FORM:
MICHAEL KRAUSNICK, COUNTY COUNSEL

Deirdre McGrath, Deputy County Counsel