

## SAN BERNARDINO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

The regular meeting of the San Bernardino County Employees' Retirement Board was held August 6, 2009, in the Board of Retirement Board Room, 348 West Hospitality Lane, First Floor, San Bernardino, California.

Those present were:

ELLEN WEISSER, Appointed Member (Chairman)  
DAWN STAFFORD, General Member (Vice Chairman)  
ANNETTE KERBER, Assistant Treasurer  
ROBERT MCDONALD, Retired Member  
DON NEELY, General Member  
MARVIN REITER, Appointed Member  
PAUL RUSS, Appointed Member  
DAVID WILLIAMS, Safety Member  
BRET HENRY, Alternate Member

Also present were:

TIMOTHY BARRETT, Executive Director/CIO  
LANCE KJELDGAARD, Chief Counsel  
CHRISTIE PORTER, Chief Member Services  
MICHAEL O'KELLY, Chief Fiscal Services  
BRIAN LONG, Investment Officer  
CAROL FENN, Recorder

Not present was:

CHRISTOPHER LEGGIO, Appointed Member

1. Chairman Weisser called the meeting to order at 9:00 a.m.

Weisser requested that item #6a be moved to Closed Session and item #11c be moved to the beginning of Open Session.

Weisser welcomed Annette Kerber, Assistant Treasurer, to the Board.

**CONSENT:**

Russ moved, Neely seconded, to approve the consent items as follows:

2. Approve minutes of regular meeting of July 2, 2009.

3. Service Retirements:		<u>Effective Date</u>
ANNAGUEY, Eleno	ISD	06/30/09
BLACKWOOD, Jorge A.	ISD	06/26/09
BLUM, Cynthia	Human Services (Def)	07/08/09
BLUM, Frederick	Behavioral Health (Def)	07/08/09
BOTTRELL, Gregory G.	Sheriff	08/15/09
BURKE, Kevin W.	Sheriff	09/12/09
CAMERON, Victoria	District Attorney (Def)	07/27/09
CHUDICH, Ann M.	Superior Court	07/18/09
CONTAOI, George V.	SCAQMD	07/16/09
DANIELS, Charlene	Behavioral Health	06/30/09
DUBOSE, Johnny L.	Public Health	06/30/09
GRAHAM, Walter J.	Facilities Management	06/30/09
HAMILTON, Darlene	Behavioral Health	06/30/09
HERNANDEZ, Bertha M.	SCAQMD	08/08/09
HODGES, Rose Marie	TAD	06/30/09
HOULE, Leta D.	Sheriff (Def)	06/30/09
HUFFMAN, Nancy E.	ARMC	07/29/09
KAY, Martin L.	SCAQMD	07/08/09
KING, Katherine	ARMC	07/18/09
KRASOVEC, Vera J.	Assessor	06/30/09
LAUB, Lauren L.	Human Services	09/15/09
LEVARIO, Mary Louise	Clerk of the Board	06/30/09
LEWIS, David R.	Public Works (Def)	08/24/09
LOTT, Marilyn	Children's Services	06/30/09
LUPO, Vicki J.	TAD	06/30/09
MARSHALL, Dorothy L.	ARMC	08/01/09
MARSHALL, Virginia T.	Public Health	06/30/09
MCDONALD, Connie	Behavioral Health (Def)	07/31/09
MELLA, Sandra L.	Human Services	06/30/09
MENSEN, Constance	Land Use Services	06/30/09
RAVGIALA, John J.	Human Services	06/30/09
RUDALF, Christine	Public Defender	06/30/09
RUSE, Phyllis L.	City of Chino Hills (Def)	08/31/09
SCARPELLI, Michael A.	City of Chino Hills	09/09/09
SIMMONS, Darla	Fleet Management (Def)	07/09/09
SLAGERMAN, Linda	Behavioral Health (Def)	07/08/09
SMITH, Bruce	Public Health (Def)	08/17/09
STEVENSON, Stacotto R.	Sheriff	08/01/09
WINGFIELD, Donald G.	Public Defender	06/30/09
YUHAS, Louis D.	SCAQMD	08/05/09

## 4. Rescind Retirement Application:

NICHOLLS, Edward	City of Chino Hills (Def)	07/05/09
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## 5. Staff Travel:

- a. Approve the attendance of Mark Jolicoeur to the PensionGold National Users Group Conference, to be held in Springfield, IL on September 16 - 18, 2009.

- b. Approve the attendance of Timothy Barrett to the CALAPRS Administrators' Institute, to be held in King's Beach, CA on September 23 - 25, 2009.

Motion carried.

### **CLOSED SESSION**

DISABILITY APPLICATIONS - [Article 1, Section 1, California Constitution (Right to Privacy) and California Government Code Section 54957]:

#### 6. Initial Decision:

##### a. SKLADANY, James D.

Russ moved, Neely seconded, to approve staff recommendation that:

1. Mr. Skladany is permanently incapacitated for the performance of duties and disability retirement be granted.
2. Mr. Skladany's disability is nonservice-connected based on Crohn's disease.
3. Mr. Skladany is not capable of gainful employment.
4. No medical review is necessary as specified by the medical advisor.
5. Staff shall initiate disability benefit payments with an effective date of September 10, 2008, the date of application.

Motion carried.

#### 7. Initial Decision:

##### a. MELAMED, Madelyn

Russ moved, Stafford seconded, to approve staff recommendation that:

1. Ms. Melamed is not permanently incapacitated for the performance of duties based on heart attack, high blood pressure, type II diabetes and breast cancer.
2. Disability retirement is denied.
3. If a disability retirement is determined at a future hearing stage, the effective date will be September 1, 2007, the day after the last date compensated.

Motion carried.

**OPEN SESSION**

Kjeldgaard announced that Pursuant to Government Code Section 54954.5, a matter arose subsequent to the filing of the Board agenda. On Tuesday the trial court took action on a demurrer in the case of SBPAA v. SBCERA, and the SBCERA Board now needs to take immediate action. On this basis, I request the Board to add a closed session item Pursuant to Government Code section 54956.9(a) - Conference with Legal Counsel - Existing Litigation - SBPAA v. SBCERA.

Russ moved, Reiter seconded, to add requested Closed Session item. Motion carried.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a))

SBPAA v. SBCERA

**OPEN SESSION**

The Chairman called a recess at 9:35 a.m. The meeting resumed at 9:40 a.m.

11. Administrative Committee Report.

c. Stafford reviewed amendment to Board Benefits Policy No. 003 - Discretionary Retiree Subsidy. John Michaelson, Dorothy Leuking and Mike Eagleson provided public comment. Stafford moved, McDonald seconded, to approve. Kerber, Neely, Russ and Williams voted no. Motion failed.

8. Alan Martin, New England Pension Consultants, presented their Quarterly Investment Performance Review for the period ending June 30, 2009.

The Chairman called a recess at 11:00 a.m. The meeting resumed at 11:12 a.m.

9. Barrett reviewed SBCERA opposition to AB1584. Russ moved, Neely seconded, to approve SBCERA opposition to AB1584. Motion carried.

10. Barrett reviewed amended contract with Delta Partners, LLC. Reiter moved, Russ seconded, to approve. Motion carried.

11. Administrative Committee Report.

- a. Weisser reported on the meeting conducted July 20, 2009.
- b. McDonald moved, Reiter seconded, to approve Board General Policy No. 014 - Protection and Confidentiality of Information Stored on Mobile Computers, and Board General Policy No. 015 - Mobile Computer Device Connection Policy. Motion carried.
- d. O'Kelly reviewed the Cost Allocation Plan for FY 2009-10. McDonald moved, Russ seconded, to approve. Motion carried.

12. Audit Committee Report.

- a. Reiter reported on the meeting conducted July 20, 2009.

13. Reiter moved, Russ seconded, to approve the attendance of Henry, McDonald, Neely and Stafford to Opal Financial Group's Emerging Manager's Summit, to be held in San Antonio, Texas on October 15 - 16, 2009. Motion carried.

14. No reports by the Trustees concerning conferences attended were made.

15. Staff Reports:

- a. Barrett discussed items on his written report covering significant administrative events during July.
- b. Kjeldgaard presented the Legislative Update.
- c. O'Kelly provided the Administrative Expenses - Fourth Quarter Budget vs. Actual for Fiscal Year 2008/2009.
- d. Long and Perry reported on the Los Angeles Due Diligence Trip.

16. Public Comment - Gary McBride, Deputy Administrative Officer, commended staff for their hard work with the Retirement Incentive Program.

17. Russ moved, McDonald seconded, to approve the attendance of trustees, Tim Barrett and Lance Kjeldgaard to the San

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Bernardino Area Chamber of Commerce State of the State meeting, to be held in San Bernardino, CA on Friday, August 7, 2009. Motion carried.

There being no further business, the meeting adjourned at 12:00 p.m.

Respectfully submitted,

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ELLEN WEISSER, Chairman

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TIMOTHY BARRETT, Secretary

DATED \_\_\_\_\_