



STANISLAUS COUNTY
EMPLOYEES' RETIREMENT ASSOCIATION
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BOARD OF RETIREMENT MINUTES

October 13, 2010

Members Present: Lyn Bettencourt, Gordon Ford, Darin Gharat, Mike Lynch, Ron Martin, and Clarence Willmon

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

Members Absent: *Maria De Anda, Jim DeMartini, and Mike Fisher*

Staff Present: Tom Watson, Retirement Administrator
Michele Silva, Benefits Manager
Kelly Cerny, Executive Secretary
Joyce Parker, I.T. Coordinator

Others Present: Fred Silva, General Legal Counsel

1. Meeting called to order at 2:01 p.m. by Ron Martin, Vice-Chair
2. **Roll Call**
3. **Announcements**
None.
4. **Public Comment**
None.

5. **Consent Items**

Ms. Cerny stated that #8 under #5d. of the Consent Items should be Le Roy Unruh.

Mr. Ford inquired about the September 28, 2010 Minutes. In particular, why Item #8b showed no action taken when discussion of obtaining a side letter occurred.

Ms. Cerny responded that per The Brown Act, only action items are recorded in the Minutes. After Board discussion, the general consensus regarding Item #8b was that no action was taken due to the Board's request for additional facts and that the item be brought back to the Board for action.

Motion was made by Darin Gharat and seconded by Linda Stotts-Burnet to approve the following items as listed.

Motion carried.

M. Lynch abstained.

G. Ford opposed.

- a. Approval of the September 28, 2010, Investment Meeting Minutes
- b. Receipt of the 2010-2012 Action Plan Quarterly Update
- c. Report on Assembly Bills 1987 and 609
- d. Approval of Service Retirement(s) – **Sections 31499.14, 31670, 31662.2 & 31810**
 1. William Boyland, Public Defender, Effective 10-07-10
 2. Jeffrey Brown, Alliance Worknet, Effective 10-01-10
 3. Deborah Hiebert, CSA, Effective 10-09-10
 4. Linda Lown, CSA, Effective 10-31-10
 5. Maria Malik, CSA, Effective 10-02-10
 6. Britt Moore, Alliance Worknet, Effective 10-01-10
 7. Laura Skolnick, CSA, Effective 06-30-10
 8. Le Roy Unruh, Salida Sanitary District, Effective 10-23-10
 9. Linda Walden, Library, Effective 10-08-10
- e. Approval of Deferred Retirement(s) – **Section 31700**
 1. Ann Ameral, Superior Courts, Effective 04-10-10
 2. Debra Grisham, CSA, Effective 08-25-10
 3. Misty Leach, Sheriff-Coroner, Effective 06-24-10
 4. Julie Mefferd, GSA, Effective 08-31-10
 5. Sean Purciel, Planning, Effective 09-11-10

6. **Closed Session**

Motion was made by Clarence Willmon and seconded by Darin Gharat to commence to Closed Session at 2:07 p.m.

Motion carried.

Item #6b. Heard Out of Order

- b. Conference with Legal Counsel – Anticipated Litigation and/or Anticipated Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9: One Case

Mr. Bettencourt arrived at 2:13 p.m.

Item #6c. Heard Out of Order

- c. Conference with Legal Counsel – Anticipated Litigation and/or Anticipated Initiation of Litigation Pursuant to Subdivision (c) of section 54956.9: One Matter

Ms. Stotts-Burnett recused herself at 2:14 p.m.

Mr. Bettencourt recused himself at 2:14 p.m.

Item #6a. Heard Out of Order

- a. Conference with Legal Counsel - Pending Litigation – One Case:
Michael O’Neal et al. v. StanCERA
Stanislaus County. Superior Court Case No. 648469
Government Code Section 54956.9 (a)

Motion was made by Darin Gharat and seconded by Clarence Willmon to return to Open Session at 2:24 p.m.

Motion carried.

Mr. Bettencourt returned at 2:25 p.m.

Mr. Silva read the findings of the Closed Session:

In the matter of Item #6a., Michael O’Neal et al v. StanCERA, the time for the plaintiffs to amend their complaint has lapsed and the plaintiffs have not filed an amended complaint. The court has been sent a judgment whereby judgment is to be entered in favor of StanCERA and against the plaintiffs. StanCERA is waiting for the judgment to be signed. The plaintiffs will have 60 days to decide whether to appeal after the judgment is entered.

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

Mr. Ford distributed his memorandum dated October 13, 2010, entitled, "Mass Media Policy Conflict." Mr. Ford informed the Board he has had conflict and concern regarding the Board's Mass Media Policy adopted on June 11, 2008.

Mr. Bettencourt stated he too had concerns about the mass media policy.

Mr. Bettencourt inquired about the status of opinions requested from the Fair Political Practices Commission and the Attorney General's Office regarding his recusals during closed sessions on the Michael O'Neal et al v. StanCERA matter. Mr. Silva responded that continuous follow-up has been done with the state agencies, with no responses from them to date.

Mr. Bettencourt requested a closed session item be placed on the October 26, 2010, Board of Retirement meeting agenda regarding the potential to make public a former County Counsel legal opinion.

Mr. Gharat requested Mr. Ford's memorandum dated October 13, 2010, be placed as a closed session item on the October 26, 2010, Board of Retirement meeting agenda.

Mr. Gharat also requested that a request for filing an amicus curiae brief be placed as a closed session item on the October 26, 2010, Board of Retirement meeting agenda.

8. **Adjournment**

Meeting adjourned at 2:44 p.m.

Respectfully submitted,



Tom Watson, Retirement Administrator

APPROVED AS TO FORM:
FRED A. SILVA, GENERAL LEGAL COUNSEL


Fred A. Silva, General Legal Counsel