

# CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

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June 10, 2009

The Board of Retirement met in regular session at 9:00 a.m. on Wednesday, June 10, 2009 in the Conference Room of the Contra Costa County Employees' Retirement Association, 1355 Willow Way, Suite 221, Concord, CA.

Present: Terry Buck, Richard Cabral, Dave Gaynor, John Gioia, Brian Hast, Jerry Holcombe, Paul Katz, Sharon Naramore, William J. Pollacek, Jim Remick, Jerry Telles, and Maria Theresa Viramontes.

Staff: Marilyn Leedom, Retirement Chief Executive Officer; Cary Hally, Retirement Chief Investment Officer; Rick Koehler, Retirement Accounting Manager; Kathy Somsen, Retirement Benefits Manager; Toni Warren, Retirement Administration Manager; Karen Levy, Counsel

Outside Professional Support: Representing:  
Harvey Leiderman Reed Smith LLP

## Other Attendees:

Luz Casas	Contra Costa County Employees' Retirement Association (CCCERA) Staff
Joelle Luhn	CCCERA Staff
Ed Irwin	Retiree Support Group
Donna Irwin	Retiree Support Group
Bill Hamilton	Retiree Support Group
Silvina Leroux	Self
Matt Guichard	Donna Irwin
Erika Portillo	Donna Irwin

## 1. Pledge of Allegiance

Remick led all in the *Pledge of Allegiance*.

## 2. Public Comment

Matt Guichard from Guichard, Teng & Portello Law Firm, representing Donna Irwin, stated he filed a Complaint for injunctive relief with the Contra Costa County Superior Court. The Complaint was filed on behalf of Donna Irwin and all those receiving a pension of over \$100,000 per year from CCCERA. The complaint was filed because Guichard believes that the cases speak only to the names and salary of current active employees and do not apply to retirees' pension. He discussed some of the reasons he feels releasing retirement amounts and names would be erroneous. He has filed for a preliminary injunction and will serve counsel with the paperwork he brought into today's meeting. A hearing on the merits of the preliminary injunction will be held on July 2, 2009. He plans to file a Second Amended Complaint today with new points and authorities.

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Guichard noted the group seeking the pension information has sought to intervene in the action. He noted, even though the group states they represent the public interest, they are not the parties impacted by this action. The Board and individual retirees are the impacted parties. Guichard therefore believes the requestor should not be allowed to be party to the action. The hearing on whether the requestor may intervene in the action will be held on June 25, 2009. He noted this case is of interest throughout California.

Guichard noted he feels the Board should have protected the retirees' privacy rights. He noted that, given his client's allegations in this action, it would be improper for the Board to pay for his representation of Donna Irwin.

Leedom introduced CCCERA's new Deputy Retirement Chief Executive Officer, Silvina Leroux, who will begin employment on July 13, 2009.

#### 4. Routine Items

After noting a correction on item "B, Service and Disability Retirement Allowances", adding "Patricia" after "Aliotti-Scearcy", it was **M/S/C** to approve the routine items of the June 10, 2009 meeting as amended. (Yes: Buck, Cabral, Gaynor, Gioia, Hast, Katz, Pollacek, Telles, and Viramontes)

#### 3. Approval of Minutes

It was **M/S/C** to approve the minutes of the April 29, 2009 meeting. (Yes: Buck, Cabral, Gaynor, Gioia, Hast, Katz, Pollacek, Telles, and Viramontes)

It was **M/S/C** to approve the minutes of the May 27, 2009 meeting. (Yes: Buck, Cabral, Gaynor, Gioia, Hast, Katz, Pollacek, Telles, and Viramontes)

#### 9. Conference Seminar Attendance

- (a) No one was able to attend the Certificate of Achievement in Public Plan Policy Parts I and II, IFEBP, September 28 - October 1, 2009, New York, NY.

It was determined that Items b and c should be voted with one motion.

- (b) It was **M/S/C** to authorize the attendance of Remick at the Workshop in Core Investment Concepts, Wharton, September 20, 2009, Philadelphia, PA.
- (c) and the Advanced Investments Management, Wharton, September 21 - 24, 2009, Philadelphia, PA. (Yes: Buck, Cabral, Gaynor, Gioia, Hast, Katz, Pollacek, Telles, and Viramontes)

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- (d) It was **M/S/C** to authorize the attendance of one staff member at Market Makers 2009, Institute for Fiduciary Responsibility, June 28 - July 1, 2009, Carlsbad, CA. (Yes: Buck, Cabral, Gaynor, Gioia, Hast, Katz, Pollacek, Telles, and Viramontes)
- (e) It was **M/S/C** to authorize the attendance of Cruz at the Annual Conference, Association of Government Accountants, June 21 - June 24, 2009, New Orleans, LA. (Yes: Buck, Cabral, Gaynor, Gioia, Hast, Katz, Pollacek, Telles, and Viramontes)

The Board moved into closed session pursuant to Gov. Code Section 54957 to consider the Hearing Officers, Medical Advisor and or staff's recommendation regarding disability retirement applications and under Gov. Code Section 54956.9(a) to consult with counsel regarding Irwin vs. Contra Costa County Employees' Retirement Association, et al.

The Board moved into open session.

**5. Disability Retirements**

It was **M/S/C** to accept the Medical Advisor's recommendation and grant the following disability benefits:

- (a) Linda Wenneker Service Connected (Yes: Buck, Cabral, Gaynor, Gioia, Hast, Katz, Pollacek, Telles, and Viramontes)

**6. Ruth Skaggs**

It was **M/S/C** to accept the recommendation of the Hearing Officer to deny the application of Ruth Skaggs for a non-service connected disability retirement. (Yes: Buck, Cabral, Gaynor, Gioia, Hast, Katz, Pollacek, Telles, and Viramontes)

**7. Irwin vs. Contra Costa County Employees' Retirement Association, et al**

No reportable action taken.

**8. Request from Retiree Support Group of Contra Costa County (RSG)**

This item was pulled from the agenda until the June 24, 2009 Meeting.

**10. Miscellaneous**

- (a) Staff Report - Leedom distributed a report received from Rich Goss regarding the proposed statutory initiative related to the taxation of pension income (A.G. File No. 09-0006).
- (b) Outside Professionals' Report - nothing further to report

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- (c) Trustees' Comments - Viramontes noted she, Buck and Holcombe will not be present at the June 24, 2009 Board Meeting as they will be attending the Educational Symposium at Berkeley.

Katz discussed the means and medians provided by Leedom. Leedom noted staff would be adding an article to the website regarding this issue.

Katz also asked for further information regarding the actuarial audit and results at Stanislaus County. Leiderman noted that an incorrect assumption had been made by the existing actuary, resulting in a finding during the actuarial audit.

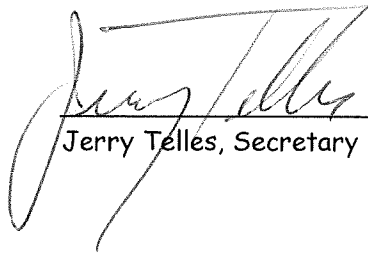
The Board moved back into closed session under Gov. Code Section 54956.9(a), to continue discussion of Irwin vs. Contra Costa County Employees' Retirement Association, et. al.

**7. Irwin vs. Contra Costa County Employees' Retirement Association, et al (Continued)**

No reportable action taken.



Brian Hast, Chairman



Jerry Telles, Secretary