

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM  
BOARD OF RETIREMENT  
2223 E. WELLINGTON AVENUE, SUITE 100  
SANTA ANA, CALIFORNIA

REGULAR MEETING  
Monday, December 18, 2017  
9:00 a.m.

MINUTES

Chair Ball called the meeting to order at 9:00 a.m.

Attendance was as follows:

Present: David Ball, Chair Chris Prevatt, Vice Chair; Eric Gilbert, Chuck Packard, Wayne Lindholm, Shawn Dewane, Roger Hilton; Frank Eley and Shari Freidenrich

Also Present: Steve Delaney, Chief Executive Officer; Brenda Shott, Assistant CEO, Finance and Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Molly Murphy, Chief Investment Officer; Jenny Sadoski, Director of Information Technology; Gina Ratto, General Counsel; Lee Fink, Deputy General Counsel; Javier Lara, Visual Technician; Megan Cortez; Disability Coordinator; Cammy Danciu, Recording Secretary.

Guests: Harvey Leiderman

Absent: Russell Baldwin

*Mr. Hilton led the Pledge of Allegiance.*

*The Board adjourned into closed session at 9:02a.m.*

*Mr. Gilbert arrived at 9:04a.m.*

*Ms. Freidenrich arrived at 9:15a.m.*

CLOSED SESSION

**E-1 CONFERENCE REGARDING SIGNIFICANT EXPOSURE TO LITIGATION (ONE MATTER)  
(GOVERNMENT CODE SECTION 54956.9)**

Adjourn pursuant to Government Code section 54956.9(d)(2)

**Recommendation:** Take appropriate action.

**No reportable action taken.**

**E-2 CONFERENCE REGARDING LITIGATION THAT HAS BEEN INITIATED**

**(GOVERNMENT CODE SECTION 54956.9(d)(1))**

**Jeffrey Gross v. OCERS, et al., CA Superior Court, Orange County (Case No. 30-2017-00944959CU WT-CJC); US District Court, Central District of California (Case No. 8:17-cv-02020-JVS (DFMx))**

**Recommendation:** Take appropriate action

**No reportable action taken.**

***The Board reconvened from closed session at 9:56a.m.***

**OPEN SESSION**

**COUNSEL COMMENTS**

Ms. Ratto explained the revised structure and formatting of the new Regular Board Meeting Agenda.

The agenda will be discussed at the Governance Committee in January for any potential modifications that would need to be made.

**CONSENT AGENDA**

All matters on the Consent Agenda are to be approved by one action unless a Board Member or a member of the public requests separate action on a specific item.

Following discussion, a **motion** was made by Mr. Dewane **seconded** by Mr. Packard to move the consent agenda.

Motion passed **unanimously**.

**BENEFITS**

**C-1 OPTION 4 RETIREMENT ELECTION**

**Recommendation:** Grant election of retirement benefit payment, Option 4, based on Segal Consulting's actuarial report.

(1) Spencer Muir

**ADMINISTRATION**

**C-2 BOARD MEETINGS AND COMMITTEE MEETINGS**

Regular Board Meeting Minutes  
Governance Committee Minutes

November 13, 2017  
November 29, 2017

**Recommendation:** Authorize meeting and approve minutes.

**C-3 GOVERNANCE COMMITTEE OUTCOMES FROM NOVEMBER 29, 2017 MEETING**

**Recommendation:**

The Governance Committee recommends that the Board of Retirement adopt revisions to the Reserves and Interest-Crediting Policy (formerly known as the Undistributed Earnings Policy) as approved by the Governance Committee.

**C-4 NAPO'S 30TH ANNUAL POLICE, FIRE, EMS, AND MUNICIPAL EMPLOYEES PENSION AND BENEFITS SEMINAR**

**Recommendation:** Approve Steve Delaney and Roger Hilton's attendance and related expenses including overnight accommodations for the Napo's 30th Annual Police, Fire, Ems, and Municipal Employees Pension and Benefits Seminar, January 28-30, 2018, at the Caesars Palace Hotel and Casino, in Las Vegas, Nevada.

**C-5 2018 ANNUAL OCERS BOARD WORKPLAN**

**Recommendation:** Adopt Annual Workplan for 2018.

**INFORMATION ITEMS**

The following matters are informational only and no action by the Board is necessary. However, as stated above, the Board may discuss and take action on any item included in the agenda.

Ms. Freidenrich pulled item I-5 for discussion.

Mr. Packard pulled item I-6 for discussion.

**I-1 MEMBER MATERIALS DISTRIBUTED**

*Written report only*

Application Notices

December 18, 2017

Death Notices

December 18, 2017

**I-2 CEO FUTURE AGENDAS AND 2017 OCERS BOARD WORK PLAN**

*Written report only*

**I-3 QUIET PERIOD – NON-INVESTMENT CONTRACTS**

*Written report only*

**I-4 OCERS TRUSTEE EDUCATION SUMMARY REPORT**

*Written report only*

**I-5 EXPLANATION OF THE CALIFORNIA GIFT REPORTING RULES**

*Written report only*

**I-6 RVK PUBLIC FUND UNIVERSE ANALYSIS REPORT**

*Written report only*

**I-7 BOARD COMMUNICATIONS**

*Written report only*

**I-8 RETIRED EMPLOYEES ASSOCIATION OF ORANGE COUNTY – ISSUES UPDATE**

*Presentation by Linda Robinson and Doug Storm, Co-Presidents, REAOC*

Doug Storm and Linda Robinson updated the OCERS Board on retirees' concerns as well as suggestions they would like OCERS to consider in 2018. They asked if OCERS staff can explain how the system really works to the retirees in laymen's terms. In their monthly newsletter, REAOC would like to highlight one of the OCERS Board Members in order to allow retirees to get to know the individuals on the OCERS Board better. Lastly, Mr. Storm and Ms. Robinson asked if the OCERS by the Numbers document broke out general member statistics in such a way that line staff benefits were more clearly understood compared to highly payed general members such as attorneys and doctors. Mr. Delaney stated he would look into that possibility when preparing the next edition.

Ms. Prevatt asked how retirees feel about OCERS online experience and if OCERS can do anything different.

Mr. Storm stated there's a drastic split in approach to computers among retirees. Some refuse to use a computer while others are more than willing to use computers.

**I-9 OPERATIONAL RISK MANAGEMENT PRESENTATION**

*Presentation by Brenda Shott, Assistant Chief Executive Officer of Internal Operations and Jim Doezie, Contracts Administrator.*

Ms. Shott and Mr. Doezie summarized the OCERS Operation Risk Management Program that will be going into effect in 2018. This program is to ensure that OCERS is managing risk within the organization on an enterprise-wide basis.

*Mr. Ball stepped out at 10:47am*

*Mr. Ball returned at 10:51am*

Mr. Prevatt encouraged staff to add line staff into the process as that will allow for identifying risk factors where otherwise it would be difficult to recognize.

Mr. Ball stated that he would like the Audit Committee to be involved in this process. He would also like a practical live test to be conducted once a year to measure risk and to see if the disaster recovery and business continuity plan that has been put in place works.

**Board recessed for break at 10:56a.m.**

**Board reconvened from break at 11:05a.m.**

### ACTION ITEMS

#### **A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA**

##### I-5 - EXPLANATION OF THE CALIFORNIA GIFT REPORTING RULES

Ms. Freidenrich clarified that due to her position as Treasurer, she must follow the more restrictive County limitation reporting rules and guidelines in regards to the gift reporting rules, a requirement not placed on other Trustees.

##### I-6 - RVK PUBLIC FUND UNIVERSE ANALYSIS REPORT

Mr. Packard asked Mr. Delaney how OCERS stands on the RVK report.

Mr. Delaney stated that in general, 2017 was a good year.

Ms. Murphy added that a high point for OCERS were the real estate holdings.

#### **A-2 ELECTION OF BOARD VICE-CHAIR**

*Presentation by Steve Delaney, Chief Executive Officer, OCERS*

**Recommendation:** Elect a new OCERS Board Vice-Chair for calendar year 2018.

A **motion** was made by Mr. Lindholm **seconded** by Mr. Prevatt to nominate Charles Packard as the new OCERS Board Vice-Chair for calendar year 2018.

Motion passed **unanimously**.

**The Board recessed for lunch at 12:01p.m.**

**The Board reconvened from lunch at 1:01p.m.**

#### **A-3 GOVERNANCE COMMITTEE OUTCOMES REGARDING REFORM OF THE ADMINISTRATIVE HEARING PROCESS**

*Presentation by Gina M. Ratto, General Counsel, and Lee Fink, Deputy General Counsel*

**Recommendation:** The Governance Committee approved, and recommends that the Board of Retirement consider on a first reading, the following:

- (1) Creation of a Disability Committee;
- (2) The Disability Committee Charter;
- (3) The Adjudication Policy and Administrative Hearing Rules for Disability and Non-Disability Benefits to supersede and replace the existing Administrative Hearing Procedures Policy and OCERS Administrative Procedure on Appeals; and
- (4) Revisions to the Hearing Officer Selection Policy.

Ms. Ratto presented the Board with the Governance Committee's recommendations to revise the OCERS appeals process. She presented the proposed Adjudication Policy and Administrative Hearing Rules (Disability and Non-Disability Retirement Benefits), Hearing Officer Selection Policy, and Disability Committee Charter.

Ms. Ratto explained the Governance Committee's process for devising these. The Legal staff has been working on this for several months, and the Governance Committee had three meetings with substantial discussions in September, October, and November. The final product includes the policy documents before the Board and the plan for implementation following the Board adoption. Ms. Ratto explained that the Governance Committee had recommended that the proposal be brought to the Board for a "first read" so that the staff could take input from the Board now as well as solicit input from stakeholders in the process.

Ms. Ratto commented that the new process, once approved by the Board, could be implemented as soon as June 2018.

Board members raised numerous questions and issues for staff to consider and respond to:

1. What can we learn from other CERL systems to improve our process?
2. How many members should the Disability Committee have?
3. Should the Disability Committee have two elected members and one appointed member?
4. Should the membership of the Disability Committee be defined in the charter?
5. How does the "on-call" alternate member of the Disability Committee work?
6. Should there be a prohibition on Disability Committee members discussing disability applications with Board members?
7. Would there be training for Disability Committee members?
8. Will meetings of the Disability Committee be subject to the Brown Act?
9. How frequently will the Disability Committee meet?
10. Should the Disability Committee have a member that is not a Board member – perhaps a medical professional?
11. Should the Chair or Vice Chair of the Disability Committee be Non-Voting members of the Hearing Officer Selection Panel?
12. Should the member on the Hearing Officer Selection Panel be a non- Disability Committee member?
13. Should OCERS forego its own peremptory challenge of Hearing Officers?
14. Does Closed Session slow down the process?
15. Can Plan Sponsors be included in the Closed Hearings?
16. How would the logistics of the closed hearing be handled – e.g., people waiting for next Closed Session item?
17. What level of information is going to be sent or available to the Board from the Disability Committee?
18. Should there be a shorter time to appeal denials of disability applications?
19. Should there be a shorter (30 day) time period for members to appeal non-disability benefit determinations?
20. Does having the appeals go from Disability Committee to an Administrative Hearing really save time?

Staff was given direction to respond to these questions and any other issues raised during the effort to solicit feedback and report back to the Board at its next meeting.

Following discussion, a **motion** was made by Mr. Eley, **seconded** by Mr. Prevatt to approve the Governance Committee recommendation of the following on a “first reading” basis, to schedule further discussion and possible adoption of the proposal at the next Board meeting, and to direct staff to solicit feedback from stakeholders on the proposal.

- (1) Creation of a Disability Committee;
- (2) The Disability Committee Charter;
- (3) The Adjudication Policy and Administrative Hearing Rules for Disability and Non-Disability Benefits to supersede and replace the existing Administrative Hearing Procedures Policy and OCERS Administrative Procedure on Appeals; and
- (4) Revisions to the Hearing Officer Selection Policy.

Motion passed **unanimously**.

**A-4 OCERS’ INTERNAL REVENUE CODE SECTION 415(M) AMENDED AND RESTATED REPLACEMENT BENEFIT PLAN**

*Presentation by Gina M. Ratto, General Counsel and Joe Fletcher, Counsel*

**Recommendation:** Adopt an Amended and Restated Replacement Benefit Plan for OCERS, as an employer, to further document and supplement existing policies and practices of OCERS as an employer and retirement system administrator governing the payment of retirement benefits to OCERS members that are otherwise capped by Internal Revenue Code section 415(b).

Ms. Ratto explained OCERS’ Internal Revenue Code (IRC) section 415(b) (Section 415(b)) as it imposes a cap on the amount of retirement benefits that can be paid to governmental plan retirees.

In 2004 and 2005, OCERS staff engaged with OCERS’ participating employers to draft and implement internal procedures to ensure compliance with the 415(b) Limit and Section 31899.4. In January 2006 OCERS adopted a detailed 415(b) Policy & Operational Process (the “415(b) Policy”) designed to ensure that the retirement benefits paid by OCERS will conform to the 415(b) Limit.

Although staff believes a strong argument can be made that the 415(b) Policy constitutes acceptable written documentation of OCERS’ replacement benefit plan, staff and external tax counsel recommend, out of an abundance of caution, that OCERS, as an employer, formally adopt an Amended and Restated Replacement Benefit Plan (Plan), that is separate from the 415(b) Policy.

Following discussion, a **motion** was made by Mr. Dewane **seconded** by Mr. Ball to adopt an Amended and Restated Replacement Benefit Plan for OCERS, as an employer, to further document and supplement existing policies and practices of OCERS as an employer and retirement system administrator governing the payment of retirement benefits to OCERS members that are otherwise capped by Internal Revenue Code section 415(b).

Motion passed **unanimously**.

**A-5 2018 OCERS BOARD MEETING CALENDAR**

*Presentation by Steve Delaney, Chief Executive Officer*

**Recommendation:** Approve the 2018 OCERS Board and Investment Committee Meeting Calendars.

The Board decided on the following 2018 Board Meeting dates:

Regular Board Meetings – 9:00 a.m.

Tuesday - January 16

Tuesday - February 13

Monday - March 19

Wednesday - April 18

Monday - May 14

Monday - June 18

Monday - July 16

Monday - August 20

Monday - October 15

Monday - November 19

Monday - December 17 (combined Regular Board and Investment Committee meeting)

Investment Committee Meetings – 9:00 a.m.

Wednesday - January 24

Tuesday - February 20

Thursday - March 29

Tuesday - April 24

Thursday - May 24

Wednesday - June 27

Thursday - July 26

Thursday - August 30

Thursday - October 25

Wednesday - November 28

**A-6 ANNUAL CEO COMPENSATION REVIEW**

*Presentation by OCERS Board Chair, David Ball*

**Recommendation:** Take appropriate action.

Mr. Prevatt presented the annual CEO compensation review materials.

Following discussion, a **motion** was made by Mr. Prevatt **seconded** by Mr. Packard to adopt a 4% annual increase to the CEO's salary.

A substitute **motion** was made by Mr. Ball **seconded** by Mr. Dewane to adopt a \$12,000 annual increase to the CEO's salary.

The substitute motion passed **unanimously**.

\*\*\*\*\* END OF INDIVIDUAL ITEMS AGENDA \*\*\*\*\*



**DISABILITY APPLICATIONS/MEMBER APPEALS AGENDA**

**11:00 A.M.**

**NOTE: WHEN CONSIDERING DISABILITY RETIREMENT APPLICATIONS OR MEMBER APPEALS OF BENEFIT OR DISABILITY RETIREMENT DETERMINATIONS, THE BOARD MAY ADJOURN TO CLOSED SESSION TO DISCUSS MATTERS RELATING TO THE MEMBER’S APPLICATION OR APPEAL, PURSUANT TO GOVERNMENT CODE SECTIONS 54957 OR 54956.9. IF THE MATTER IS A DISABILITY APPLICATION UNDER SECTION 54957, THE MEMBER MAY REQUEST THAT THE DISCUSSION BE IN PUBLIC.**

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**DISABILITY CONSENT AGENDA**

All matters on the Disability Consent Agenda are to be approved by one action unless a Board Member or a member of the public requests separate action on a specific item.

Megan Cortez, Disability Coordinator, presented the Disability Consent Agenda.

Following discussion, a **motion** was made by Mr. Dewane, **seconded** by Mr. Packard to approve the disability consent agenda. The motion carried **9-0** with voting as follows:

| <b><u>AYES</u></b> | <b><u>NAYS</u></b> | <b><u>ABSTAIN</u></b> | <b><u>ABSENT</u></b> |
|--------------------|--------------------|-----------------------|----------------------|
| Mr. Packard        |                    |                       | Mr. Baldwin          |
| Mr. Prevatt        |                    |                       |                      |
| Mr. Hilton         |                    |                       |                      |
| Ms. Freidenrich    |                    |                       |                      |
| Mr. Dewane         |                    |                       |                      |
| Mr. Eley           |                    |                       |                      |
| Mr. Lindholm       |                    |                       |                      |
| Mr. Gilbert        |                    |                       |                      |
| Chair Ball         |                    |                       |                      |

**D-1: Amalia Netto**  
 Eligibility Technician, Orange County Social Services Agency  
 Date of employer filed application for service and non-service connected disability retirement:  
 05/18/2015  
 Date of employee filed application for service and non-service connected disability retirement:  
 05/20/2016

**Recommendation: Deny service and non-service connected disability retirement without prejudice due to the member’s failure to cooperate. (General Member)**

*Item D-1 was pulled from the agenda.*

**D-2: Darrell Ennis**

**Recommendation: Dismiss the appeal for the member's failure to participate pursuant to Rule 23.**

**DISABILITY INDIVIDUAL AGENDA**

**D-3: INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA**

Megan Cortez, Disability Coordinator, presented item D-4.

**D-4: Keith Anderson**

Group Counselor II, Orange County Social Services Agency

Date of employer filed application for service connected disability retirement: 02/05/2016

Date of employee filed application for service connected disability retirement: 04/27/2016

**Recommendation: Grant service connected disability retirement with an effective date of January 7, 2016, the day following the last day of regular compensation as a Group Counselor II.**

Find the Applicant is capable of performing other duties in the service of the County of Orange pursuant to Government Code Section 31725.65.

**Grant a supplemental disability retirement payment allowance in the amount of the salary difference between the higher and lower paying positions effective January 7, 2016, the date of the position change until the day Mr. Anderson wishes to retire from the new position. (General Member)**

Following discussion, a **motion** was made by Mr. Prevatt, **seconded** by Mr. Dewane to grant service connected disability retirement with an effective date of January 7, 2016, the day following the last day of regular compensation as a Group Counselor II. The motion carried **9-0** with voting as follows:

**AYES**

Mr. Packard  
Mr. Prevatt  
Mr. Hilton  
Ms. Freidenrich  
Mr. Dewane  
Mr. Eley  
Mr. Lindholm  
Mr. Gilbert  
Chair Ball

**NAYS**

**ABSTAIN**

**ABSENT**

Mr. Baldwin

Megan Cortez, Disability Coordinator, presented item D-5.

**D-5: Kenneth Bonfadini**

Kennel Attendant I, Orange County Community Resources

Date of employee filed application for service and non-service connected disability retirement:  
11/01/2016

**Recommendation: Grant service connected disability retirement with an effective date of November 1, 2016. (General Member)**

Following discussion, a **motion** was made by Mr. Prevatt, **seconded** by Mr. Eley to grant service connected disability retirement with an effective date of November 1, 2016. The motion carried **9-0** with voting as follows:

**AYES**

**NAYS**

**ABSTAIN**

**ABSENT**

Mr. Packard

Mr. Baldwin

Mr. Prevatt

Mr. Hilton

Ms. Freidenrich

Mr. Dewane

Mr. Eley

Mr. Lindholm

Mr. Gilbert

Chair Ball

Megan Cortez, Disability Coordinator, presented item D-6.

**D-6: Deon Carrico**

Source Control Inspector II, Orange County Sanitation District

Date of employee filed application for service connected disability retirement: 01/13/2016

**Recommendation: Grant service connected disability retirement with an effective date of January 13, 2016. (General Member)**

Following discussion, a **motion** was made by Mr. Prevatt, **seconded** by Mr. Gilbert to grant service connected disability retirement with an effective date of January 13, 2016. The motion carried **9-0** with voting as follows:

**AYES**

**NAYS**

**ABSTAIN**

**ABSENT**

Mr. Packard

Mr. Baldwin

Mr. Prevatt

Mr. Hilton

Ms. Freidenrich

Mr. Dewane

Mr. Eley

Mr. Lindholm

Mr. Gilbert

Chair Ball

Megan Cortez, Disability Coordinator, presented item D-7.

**D-7: Tawiana Davis**

Coach Operator, Orange County Transportation Authority

Date of employee filed application for service connected disability retirement: 03/29/2017

**Recommendation: Grant service connected disability with an effective date of December 14, 2014. (General Member)**

Following discussion, a **motion** was made by Mr. Prevatt, **seconded** by Mr. Gilbert to grant service connected disability with an effective date of December 14, 2014. The motion carried **8-1** with voting as follows:

**AYES**

Mr. Packard  
Mr. Prevatt  
Ms. Freidenrich  
Mr. Dewane  
Mr. Eley  
Mr. Lindholm  
Mr. Gilbert  
Chair Ball

**NAYS**

Mr. Hilton

**ABSTAIN**

**ABSENT**

Mr. Baldwin

Megan Cortez, Disability Coordinator, presented item D-8.

**D-8: Shila Lee**

Section Supervisor IV, Orange County Transportation Authority

Date of employee filed application for non-service connected disability retirement: 09/12/2016

Date of employer filed application for non-service connected disability retirement:  
04/08/2016

**Recommendation Grant non-service connected disability retirement with an effective date of April 8, 2016. (General Member)**

Following discussion, a **motion** was made by Mr. Lindholm, **seconded** by Mr. Packard to grant service connected disability retirement with an effective date of April 8, 2016. The motion carried **9-0** with voting as follows:

**AYES**

Mr. Packard  
Mr. Prevatt  
Mr. Hilton  
Ms. Freidenrich  
Mr. Dewane  
Mr. Eley  
Mr. Lindholm  
Mr. Gilbert  
Chair Ball

**NAYS**

**ABSTAIN**

**ABSENT**

Mr. Baldwin

Megan Cortez, Disability Coordinator, presented item D-9.

**D-9: Victor Nguyen**

Dental Officer, Orange County Health Care Agency

Date of employee filed application for non-service connected disability retirement: 10/23/2017

**Recommendation Grant non-service connected disability retirement with an effective date of the day after the last date of regular compensation. (General Member)**

Following discussion, a **motion** was made by Mr. Eley, **seconded** by Mr. Lindholm to grant non-service connected disability retirement with an effective date of the day after the last date of regular compensation. The motion carried **9-0** with voting as follows:

**AYES**

Mr. Packard  
Mr. Prevatt  
Mr. Hilton  
Ms. Freidenrich  
Mr. Dewane  
Mr. Eley  
Mr. Lindholm  
Mr. Gilbert  
Chair Ball

**NAYS**

**ABSTAIN**

**ABSENT**

Mr. Baldwin

Megan Cortez, Disability Coordinator, presented item D-10.

**D-10: Perla Peralta**

Mental Health Specialist, Orange County Health Care Agency

Date of employee filed application for service connected disability retirement: 09/19/2016

**Recommendation Grant service connected disability retirement with an effective date of September 19, 2016. (General Member)**

Following discussion, a **motion** was made by Mr. Prevatt, **seconded** by Mr. Eley to grant service connected disability retirement with an effective date of September 19, 2016. The motion carried **8-1** with voting as follows:

**AYES**

Mr. Packard  
Mr. Prevatt  
Mr. Hilton  
Ms. Freidenrich  
Mr. Dewane  
Mr. Eley  
Mr. Gilbert  
Chair Ball

**NAYS**

Mr. Lindholm

**ABSTAIN**

**ABSENT**

Mr. Baldwin

Megan Cortez, Disability Coordinator, presented item D-11.

**D-11: Lisa Samsel-Weitze**

Deputy Sheriff II, Orange County Sheriff's Department

Date of employer filed application for service and non-service connected disability retirement: 04/05/2016

Date of employee filed application for service and non-service connected disability retirement:  
06/06/2017

**Recommendation Grant service connected disability retirement with an effective date of the day after the last date of regular compensation. (Safety Member)**

Following discussion, a **motion** was made by Mr. Hilton, **seconded** by Mr. Packard to grant service connected disability retirement with an effective date of the day after the last date of regular compensation. The motion carried **8-1** with voting as follows:

| <u>AYES</u>     | <u>NAYS</u>  | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-----------------|--------------|----------------|---------------|
| Mr. Packard     | Mr. Lindholm |                | Mr. Baldwin   |
| Mr. Prevatt     |              |                |               |
| Mr. Hilton      |              |                |               |
| Ms. Freidenrich |              |                |               |
| Mr. Dewane      |              |                |               |
| Mr. Eley        |              |                |               |
| Mr. Gilbert     |              |                |               |
| Chair Ball      |              |                |               |

Megan Cortez, Disability Coordinator, presented item D-12.

**D-12: Janet Tott**

Park Ranger II, Orange County Community Resources

Date of employee filed application for service connected disability retirement: 01/24/2017

**Recommendation Grant service connected disability retirement with an effective date of March 3, 2017. (General Member)**

Following discussion, a **motion** was made by Mr. Prevatt, **seconded** by Mr. Packard to grant service connected disability retirement with an effective date of March 3, 2017. The motion carried **9-0** with voting as follows:

| <u>AYES</u>     | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-----------------|-------------|----------------|---------------|
| Mr. Packard     |             |                | Mr. Baldwin   |
| Mr. Prevatt     |             |                |               |
| Mr. Hilton      |             |                |               |
| Ms. Freidenrich |             |                |               |
| Mr. Dewane      |             |                |               |
| Mr. Eley        |             |                |               |
| Mr. Lindholm    |             |                |               |
| Mr. Gilbert     |             |                |               |
| Chair Ball      |             |                |               |

**D-13: Walter Rios**

Maintenance Worker, Orange County Sanitation District

Date of employer filed application for service and non-service connected disability retirement:  
05/11/2016

Date of employee filed application for service and non-service connected disability retirement:  
06/20/2016

**Recommendation Deny service and non-service connected disability retirement due to insufficient evidence of permanent incapacity. (General Member)**

***Item D-13 was pulled from the agenda.***

**D-14: Paula Snyder**

Office Services Specialist, Orange County Fire Authority

Date of employee filed application for service connected disability retirement: 10/26/2016

**Recommendation Deny service connected disability retirement due to insufficient evidence of permanent incapacity. (General Member)**

***Item D-14 was pulled from the agenda.***

Megan Cortez, Disability Coordinator, presented item D-15.

**D-15: Rod Couey**

**Recommendation: Adopt the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Recommended Decision of July 7, 2017 ("Findings") with the exception of Proposed Conclusion of Law Number 3 and the legal argument supporting that conclusion; Adopt as an alternative Conclusion of Law that "For purposes of Government Code section 31724, 'regular compensation' does include payments resulting from other employees' voluntary donations of catastrophic leave time" and adopt the legal argument in this memorandum as support; Fix as November 1, 2013 the effective date for Applicant's disability benefits.**

Ms. Freidenrich asked staff explain the catastrophic leave time and how it relates to regular compensation. She asked how other agencies operate the catastrophic leave program.

Mr. Fink elaborated on the catastrophic leave program.

Mr. Ball asked if there's a financial impact to compress the period of time.

Ms. Jenike explained the compress time and its effective date process. She also stated that this is very much a standard practice with the other pension systems.

Mr. Ball stated that it would make sense to have this item as a study and education session item for the Board in the future.

Following discussion, a **motion** was made by Mr. Eley, **seconded** by Mr. Prevatt to adopt the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Recommended Decision of July 7, 2017 ("Findings") with the exception of Proposed Conclusion of Law Number 3 and the legal argument supporting that conclusion; Adopt as an alternative Conclusion of Law that "For purposes of Government Code section 31724, 'regular compensation' does include payments resulting from other employees' voluntary donations of catastrophic leave time" and adopt the legal argument in this memorandum as support; Fix as November 1, 2013 the effective date for Applicant's disability benefits. The motion carried **9-0** with voting as follows:

**AYES**

**NAYS**

**ABSTAIN**

**ABSENT**

Mr. Packard  
Mr. Prevatt  
Mr. Hilton  
Ms. Freidenrich  
Mr. Dewane  
Mr. Eley  
Mr. Lindholm  
Mr. Gilbert  
Chair Ball

Mr. Baldwin

Megan Cortez, Disability Coordinator, presented item D-16.

**D-16: Dana Ohanesian**

**Recommendation: Affirm staff's determination to deny Mr. Ohanesian's request to have his 4.4730 years of Plan B (1.667% @ 57.5) while at the Orange County Vector Control District (OCVCD) upgraded to Plan J (2.7% @ 55).**

Mr. Prevatt wanted to confirm that Mr. Ohanesian was aware of this item being brought to the Board.

Ms. Cortez stated yes, he was notified..

Following discussion, a **motion** was made by Mr. Dewane, **seconded** by Mr. Packard to affirm staff's determination to deny Mr. Ohanesian's request to have his 4.4730 years of Plan B (1.667% @ 57.5) while at the Orange County Vector Control District (OCVCD) upgraded to Plan J (2.7% @ 55). The motion carried **9-0** with voting as follows:

**AYES**

**NAYS**

**ABSTAIN**

**ABSENT**

Mr. Packard  
Mr. Prevatt  
Mr. Hilton  
Ms. Freidenrich  
Mr. Dewane  
Mr. Eley  
Mr. Lindholm  
Mr. Gilbert  
Chair Ball

Mr. Baldwin

**PUBLIC COMMENTS:** At this time members of the public may address the Board of Retirement regarding any items within the subject matter jurisdiction of the Board, provided that no action may be taken on non-agendized items unless authorized by law.

N/A

**BOARD MEMBER COMMENTS**

N/A



**CHIEF EXECUTIVE OFFICER/STAFF COMMENTS**

N/A

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**ADJOURNMENT: (IN MEMORY OF THE ACTIVE MEMBERS, RETIRED MEMBERS, AND SURVIVING SPOUSES WHO PASSED AWAY THIS PAST MONTH)**

**Active Members**

Olson, Ronald  
Perry, Andrew  
Sakoguchi, Richard

**Retired Members**

Allshouse, Richard  
Arciga, Reyna  
Avila, Concepcion  
Bourdy, Patrick  
Bouyear, George  
Byrd, Sylvia  
Cantrell, Kay  
Corrao, Dawn  
Dallman, Darold  
Daywalt, Lester  
De Guzman, Irma  
Dunham, Joan  
Dunlap, Ronald  
Eugley, Frank  
Fiorina, Velma  
Fuentez, Vincent  
Funicello, James  
Griffiths, Richard  
Helland, Lavada  
Jones, Patricia  
Kimbell, Charles  
Mauerman, Dorcas  
Moore, Linda  
Muchow, Keith  
Novella, Ronald  
O'Brien, Jackie  
Satkin, Harriet  
Scales, Walter  
Shook, Brandon  
Smith, Richard  
Sontag, Arlene  
Sterns, Eileen  
Sylvester, John

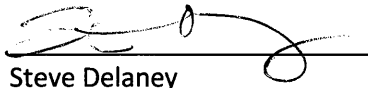
Temple, Ralph  
Vane, Doris  
Weber, Susan  
White, Stephen

**Surviving Spouses**

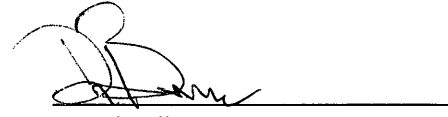
Beddingham, Hilda  
Blosk, Stanely  
Lawton, Mary  
Person, Nettie  
Schiebeck, Carlos  
Waters, Leslie

There being no further business to bring before the Board, the meeting adjourned at 2:37 p.m.

Submitted by:

  
\_\_\_\_\_  
Steve Delaney  
Secretary to the Board

Approved by:

  
\_\_\_\_\_  
David Ball  
Chairman