

MercedCERA ADMINISTRATIVE RETIREMENT BOARD AGENDA
THURSDAY, AUGUST 13, 2020
MERCED COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
TELEPHONE NUMBER: 1-310-372-7549, CONFERENCE CODE: 975839

CALL TO ORDER: 8:15 A.M.

Board Members Present: Ryan Paskin, Scott Johnston, Al Peterson, David Ness, Darlene Ingersoll, Scott Silveira, Michael Rhodes, Karen Adams, Kalisa Rochester, Janey Cabral, Jason Goins, **Counsel:** Jeff Grant. **Staff:** Kristen Santos, Mark Harman, Martha Sanchez, Ninebra Maryoonani, Sheri Villagrana, Brenda Mojica.

APPROVAL OF MINUTES – July 23, 2020.

Motion to approve the July 23, 2020 meeting minutes with correction to the prior meeting minutes approval date (July 9, 2020).

Adams/Silveira U/A (8-0), Trustee Cabral abstained.

PUBLIC COMMENT

No Comment.

CLOSED SESSION

As provided in the Ralph M. Brown Act, Government Code sections 54950 et seq., the Board may meet in closed session with members of its staff, county employees and its attorneys. These sessions are not open to the public and may not be attended by members of the public. The matters the Board will meet on in closed session are identified below. Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1.

(1) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Govt. Code § 54956.9(d)(1))

Name of Case: AFSCME Local 2703, et al. v. MCERA, et al., Cal. Supreme Court

Case No. S247095.

- **No Action Taken**

(2) DISABILITY RETIREMENT APPLICATIONS: PERSONNEL EXCEPTION

(Govt. Code § § 54957, 31532; Cal Const. art. I, § 1)

- The MercedCERA Board voted unanimously via roll call vote to deny a service connected disability and deny a non-service connected disability for Mary Kay Cruz (Kim).
Ingersoll/Silveira UN (9-0).
- **The MercedCERA Board voted unanimously via roll call vote to approve a service connected and deny a non-service connected disability for David Pitts.**
Rhodes/Adams UN (9-0).

CONSENT CALENDAR

Consent matters are expected to be routine and may be acted upon, without discussion, as one unit. If an item is taken off the Consent Calendar for discussion, it will be heard as the last item(s) of the Board Action/Discussion as appropriate.

RETIREMENTS: Pursuant to Govt. Code § 31663.25 or § 31672

All items of earnable compensation for service or disability retirements listed below are in compliance with the pay code schedule approved by the Board of Retirement. The retirement is authorized; however, administrative adjustments may be necessary to alter the amount due to: audit, late arrival of data, court order, etc.

a. Evans, Kelley	Sup Court	13 Yrs. Svc.	Eff. 07/11/2020
b. Pinker, Merete	Health	20 Yrs. Svc.	Eff. 07/31/2020
c. Linder, Frederick	Admin Svcs	14 Yrs. Svc.	Eff. 07/07/2020
d. Valentine, Lisa	H.S.A.	18 Yrs. Svc.	Eff. 07/13/2020
e. Plascencia, Marcelino	SCD Probation	17 Yrs. Svc.	Eff. 03/25/2020*
f. Plascencia, Ramon	SCD Juv Hall	15 Yrs. Svc.	Eff. 01/15/2019**

YTD fiscal year 2020/2021 retirees: 6

YTD fiscal year 2019/2020 retirees: ~~104~~ 103*

YTD fiscal year 2018/2019 retirees: ~~102~~ 103**

*Counts corrected in FY 2019/2020 to add disability retirement approved by the MercedCERA Board.

**Counts corrected in FY 2018/2019 to add disability retirement approved by the MercedCERA Board.

The Merced CERA Board voted unanimously via roll call vote to approve the consent calendar.

Ingersoll/Rhodes UN (9-0)

BOARD ACTION¹/DISCUSSION

1. Discussion and possible action to rescind Resolutions 2018-1 and 2018-3 in accordance with *Alameda County Deputy Sheriff's Assoc. et al., v. Alameda County Employees' Retirement Assn., et al.* (2020) __ P.3d. __ (WL 4360051) (S247095) (the "*Alameda Decision*") and to adopt Board Resolution implementing the *Alameda Decision*. – Ashley Dunning, Nossaman LLC.

The MercedCERA Board voted unanimously via roll call vote to approve Resolution 2020-1 as presented (which includes rescinding Resolutions 2018-1 and 2018-3).

Ingersoll/Ness UN (9-0)

2. Discussion and possible action to adopt pay codes 3303, 3304, 3305, 3308 and 3350/VPO as non-pensionable due to the *Alameda Decision*– Staff.

The MercedCERA Board voted unanimously via roll call vote to approve the updated pay codes.

Goins/Silveira UN (9-0)

3. Discussion and possible action to adopt new employee contribution rates for members in Tiers 1-3 due to the *Alameda Decision* – Staff.

The MercedCERA Board voted unanimously via roll call vote to approve the updated employee contribution rates for general and safety members for Tiers 1-3.

Adams/Ingersoll UN (9-0)

4. Discussion and possible action to postpone the consideration of the feasibility of new building construction potentially located at 690 W. 19th Street, in Merced – Staff.

¹ "Action" means that the Board may dispose of any item by any action, including but not limited to the following acts: approve, disapprove, authorize, modify, defer, table, take no action, or receive and file.

No action taken and direction given to staff.

5. Discussion and possible action to adopt SACRS Board of Directors election ballot – Staff.
The MercedCERA Board voted unanimously to approve the SACRS Board of Directors ballot and approve the Plan Administrator to vote for two regular members on behalf of the board.

Adams/Ness UN (9-0)

6. Discussion on Election Timeline and Information for Seats 3 (General Member), 8 (Retiree) and 8A (Alternate Retiree) – Staff.

Information item only – correction on agenda item to change year to 2020.

7. Discussion and possible action on Legislative Reports – Staff.

No action taken.

INFORMATION ONLY

No information items.

ADJOURNMENT

The meeting adjourned at 11:35AM

Respectfully submitted,

Ryan Paskin, Chair



Al Peterson, Secretary

Date

No action taken and direction given to staff.

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Information item only – correction on agenda item to change year to 2020.

7. Discussion and possible action on Legislative Reports – Staff.

No action taken.

INFORMATION ONLY

No information items.

ADJOURNMENT

The meeting adjourned at 11:35AM

Respectfully submitted,



Ryan Paskin, Chair

Al Peterson, Secretary

9/9/2020

Date