

**MCERA RETIREMENT BOARD MEETING AGENDA
THURSDAY, AUGUST 08, 2019
MERCED COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
3199 M STREET, MERCED, CA 95348**

Please turn your cell phone or other electronic device to non-audible.

CALL TO ORDER: 8:15 A.M.

- ROLL CALL.
- APPROVAL OF MINUTES – July 25, 2019.

PUBLIC COMMENT

Members of the public may comment on any item under the Board's jurisdiction. Matters presented under this item will not be discussed or acted upon by the Board at this time. For agenda items, the public may make comments at the time the item comes up for Board consideration. Persons addressing the Board will be limited to a maximum of five (5) minutes in total. Please state your name for the record.

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 – ANTICIPATED LITIGATION

Significant exposure to litigation. (Govt. Code § 54956.9)

Number of Potential Cases: 1

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8.)

Property: 690 West 19th St. Merced, CA

Agency negotiator: Kristen Santos

Negotiating parties: Merced Designated Local Authority

Under negotiation: Property Purchase

(3) DISABILITY RETIREMENT APPLICATIONS: PERSONNEL EXCEPTION

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

1. Informal Hearing
 - a. None.
2. Formal Hearing
 - a. None.
3. Disability update and possible action:
 - a. Arroyo, Elizabeth
 - b. Burnett, Donald
 - c. Cruz, Mary Kay
 - d. Elias Jr, Robert C.

- e. Estep, Jason
- f. Herrera, Yvonne
- g. Ramirez, Amber
- h. Ramirez, Linda A.
- i. Plascencia, Marcelino
- j. Plascencia, Ramon
- k. Salgado, Jose
- l. Winder, Trudy

RETURN TO OPEN SESSION

Report on any action taken in closed session.

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. Ruiz, Mary	H.S.A.	5 Yrs. Svc.	Eff. 07/12/2019
b. Ruiz, Olga	H.S.A.	15 Yrs. Svc.	Eff. 07/18/2019
c. Kersten, Jack	DPW	15 Yrs. Svc.	Eff. 07/13/2019
d. Gordon, James	Sheriff	1 Yrs. Svc.	Eff. 07/27/2019
e. Arroyo, Elizabeth	H.S.A.	25 Yrs. Svc.	Eff. 07/11/2019
f. Brown, Steven	D.A.	23 Yrs. Svc.	Eff. 07/27/2019
g. Forrest, Catherine	H.S.A.	1 Yrs. Svc.	Eff. 08/01/2019
h. Sandhaus, David	D.A.	20 Yrs. Svc.	Eff. 08/03/2019
i. Harris, Kenneth	DPW	14 Yrs. Svc.	Eff. 11/10/2018*
j. Nutt, Harold	DA	22 Yrs. Svc.	Eff. 01/05/2019*
k. Bedker, David	Admin	30 Yrs. Svc.	Eff. 08/03/2019

YTD fiscal year 2019/2020 retirees: 015

YTD fiscal year 2018/2019 retirees: 100

YTD fiscal year 2017/2018 retirees: 082

*Public reporting members date of retirement. Oversight not previously reported.

REFUND OF SERVICE PURCHASE: None

DEATH BENEFIT: None

MONTHLY BUDGET REPORT: None, due to year end. Will be reported at later date.

REGULAR CALENDAR

BOARD ACTION¹/DISCUSSION

1. Discussion and possible action to recommend Trustees Paskin and Ness for reappointment by the Merced County Board of Supervisor to the MCERA Board of Retirement – Vice Chair.
2. Discussion and possible action on Resolution by MCERA Board of Retirement for purchase of real property located at 690 West 19th St. Merced, CA – Staff.
3. Discussion and Possible action on any piece of legislation in Legislative Review – Staff.
4. Review calendar of any training sessions and authorize expenditures for Trustees and Plan Administrator. Pursuant to Govt. Code § 31522.8 and MCERA’s Trustees Education and Training Policy requirements. Examples of upcoming training and educational sessions:
 - a. Principles of Pension Management for Trustees, August 26-29, 2019 Malibu, CA.
 - b. Nossaman Fiduciary Forum, September 4-5, 2019, Berkeley, CA.
 - c. CALAPRS Administrators Institute (Plan Administrator only), September 25-27, 2019, Carmel, CA.
 - d. Trustee Roundtable, October 25, 2019, Oakland, CA.
 - e. SACRS Fall Conference, November 12-15, 2019, Monterey, CA.
 - f. CALAPRS General Assembly, March 7 -10, 2020, Rancho Mirage, CA.
 - g. SACRS Spring Conference, May 12-15, 2020, San Diego, CA.

INFORMATION ONLY

MCERA Upcoming Board Meetings:

Please note: The MCERA Board Meeting and/or Education Day times and dates may be changed in accordance with the Ralph M. Brown Act by the MCERA Board as required.

- August 22, 2019
- September 12, 2019 (includes half day education session for Trustees)
- September 26, 2019

ADJOURNMENT

All supporting documentation is available for public review in the office of the Merced County Employees’ Retirement Association, 3199 M Street, Merced, California, 95348 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.

The Agenda is available online at www.co.merced.ca.us/retirement

Any material related to an item on this Agenda submitted to the Merced County Employees’ Retirement Association, after distribution of the Agenda packet is available for public inspection in the office of the Merced County Employees’ Retirement Association.

Persons who require accommodation for a disability in order to review an agenda, or to participate in a meeting of the Merced County Employees’ Retirement Association per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to Merced County Employees’ Association, 3199 M Street, Merced, CA 95348 or telephonically by calling (209) 726-2724. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested.

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.

MCERA RETIREMENT BOARD MEETING MINUTES
THURSDAY, JULY 25, 2019
MERCED COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
3199 M STREET, MERCED, CA 95348

ROLL CALL: 8:15 A.M.

Board Members Present: Ryan Paskin, Scott Johnston, Karen Adams, Darlene Ingersoll, Jason Goins, Janey Cabral, Scott Silveira, David Ness, and Al Peterson. **Counsel:** Forrest Hansen. **Staff:** Kristie Santos, Mark Harman, and Michelle Lee. **Other:** Mika Malone and Paola Nealon, Meketa Investment Group.

Absent: Michael Rhodes.

APPROVAL OF MINUTES: July 11, 2019.

Motion to approve the July 11, 2019 meeting minutes.

Peterson /Adams U/A (9-0).

PUBLIC COMMENT

No public comment.

Reorder of Sessions: Regular Calendar Items 1 and 2 were moved before Closed Session.

REGULAR CALENDAR

BOARD ACTION⁴/DISCUSSION

1. Presentation and discussion of the 2019 Monthly Investment Performance Report with possible board action on any funds – Meketa Investment Group.

No action taken.

2. Review calendar of any training sessions and authorize expenditures for Trustees and Plan Administrator. Pursuant to Govt. Code § 31522.8 and MCERA's Trustees Education and Training Policy requirements. Examples of upcoming training and educational sessions:

- a. Principles of Pension Management for Trustees, August 26-29, 2019 Malibu, CA.
- b. Nossaman Fiduciary Forum, September 4-5, 2019, Berkeley, CA.
- c. CALAPRS Administrators Institute (Plan Administrator only), September 25-27, 2019, Carmel, CA.
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- e. SACRS Fall Conference, November 12-15, 2019, Monterey, CA.
- f. CALAPRS General Assembly, March 7 -10, 2020, Rancho Mirage, CA.
- g. SACRS Spring Conference, May 12-15, 2020, San Diego, CA.

No action taken.

CLOSED SESSION

Reorder of Items: Closed Session Item 2 was moved to Closed Session Item 1.

The meeting went into closed session.

RETURN TO OPEN SESSION

(1) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation. (Govt. Code § 54956.9)

Number of Potential Cases: 1

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8.)

Property: 690 West 19th St. Merced, CA

Agency negotiator: Kristen Santos

Negotiating parties: City of Merced/RDA

Under negotiation: Property Purchase

Direction given to staff.

INFORMATION ONLY

Trustee Johnston informed the Board that he would not be in attendance of the August 22, 2019 meeting.

Trustee Ingersoll gave her gratitude and appreciation for previously serving the Board as Chair.

ADJOURNMENT

The meeting adjourned at 10:08 a.m.

Respectfully submitted,

Ryan Paskin, Chair

Al Peterson, Secretary

Date

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**BOARD OF RETIREMENT
MERCED COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
RESOLUTION NO. 2019-07**

**RESOLUTION TO DELEGATE AUTHORITY TO PLAN ADMINISTRATOR FOR
REAL ESTATE PURCHASE**

THIS RESOLUTION, adopted by the Board of Retirement (Board) of the Merced County Employees' Retirement Association (MCERA), hereby delegates signatory authority to the MCERA's Plan Administrator for all disclosures and documents, including closing documents, pertaining to MCERA's real estate purchase at 690 W. 19th Street in Merced, California.

WHEREAS, the Board has exclusive fiduciary authority for the investment and administration of the fund; and

WHEREAS, the Board desires to delegate to the Plan Administrator, authority to sign and execute, on the Board's behalf, all documents, including closing documents, associated with the purchase of the land at 690 W 19th Street, Merced, California.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby delegates authority to the Plan Administrator, to sign and execute, on the Board's behalf, all documents, including closing documents, associated with the purchase of the land at 690 W 19th Street, Merced, California.

ADOPTED: August 8, 2019

Aye:
Nay:
Abstain:
Absent:

Ryan Paskin, Chair

ATTEST:

Kristen Santos, Plan Administrator

Legislative Review of Proposed Legislation for 1937 Act Systems

July 29, 2019

State Legislation

AB 287, Voepel. Public employees’ retirement: annual audits.

Re: Amends section 7512 of the Government Code.

Status: Referred to Com. on P.E. & R. on February 7, 2019.

Existing law creates state and local public pension and retirement systems that provide pension benefits based on age at retirement, service credit, and final compensation. Existing law requires each state and local public pension or retirement system, on and after the 90th day following the completion of the annual audit of the system, to provide a concise annual report on the investments and earnings of the system, as specified, to any member who makes a request and pays a fee, if required, for the costs incurred in preparation and dissemination of that report.

This bill would also require each state and local pension or retirement system to post a concise annual audit of the information described above on that system’s internet website no later than the 90th day following the audit’s completion.

AB 472, Voepel. Public employees’ retirement.

Re: Amends section 7522.56 of the Government Code.

Status: Introduced February 11, 2019.

The bill would make non-substantive changes to this code section. Appears to be a placeholder.

AB 510, Cooley. Local government records: destruction of records.

Re: Amends sections 26202.6, 34090.6, and 53160 of the Government Code.

Status: Referred to Com. on L. Gov. on February 21, 2019.

This bill would exempt the head of a department of a county or city, or the head of a special district from these recording retention requirements if the county, city, or special district adopts a records retention policy governing recordings of routine video monitoring and recordings of telephone and radio communications.

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AB 664, Cooper. County employees' retirement: permanent incapacity.

Re: Adds section 31720.2 of the Government Code.

Status: In Senate, Com. on P.E. & R. Hearing canceled at request of author on June 26, 2019.

This bill would require, for purposes of determining permanent incapacity of certain members employed as officers in the County of Sacramento, that those members be evaluated by the retirement system to determine if they can perform all of the usual and customary duties of a peace officer, as specified. The bill would apply to members who file applications for disability on or after the effective date of the act, except for cases on appeal at that time. The bill would require the board of retirement to develop a method of tracking the costs of providing permanent disability retirement to the members who become eligible for disability retirement pursuant to the bill's provisions. The bill would repeal these provisions on December 31, 2024.

AB 992, Mullin. Relating to local government.

Re: Amends section 54952.2 of the Government Code.

Status: In Com. on L. GOV. First hearing, failed passage. Reconsideration granted.

The Ralph M. Brown Act generally requires that the meetings of legislative bodies of local agencies be conducted openly. That act defines "meeting" for purposes of the act and Prohibits a majority of members of a legislative body, outside a meeting authorized by the act, from using a series of communications of any kind to discuss, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

This bill would provide that the prohibition described above does not apply to the participation, as defined, in an internet-based social media platform, as defined, by a majority of the members of a legislative body, provided that a majority of the members do not discuss among themselves, as defined, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.

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AB 1184, Gloria. Public records: writing transmitted by electronic mail: retention.

Re: Adds section 6253.32 to the Government Code.

Status: In Senate, re-referred to Com. on APPR on July 10, 2019.

The California Public Records Act requires a public agency, defined to mean any state or local agency, to make public records available for inspection, subject to certain exceptions. Existing law specifies that public records include any writing containing information relating to the conduct of the public's business, including writing transmitted by electronic mail. The act requires any agency that has any information that constitutes a public record not exempt from disclosure, to make that public record available in accordance with certain provisions and authorizes every agency to adopt regulations stating the procedures to be followed when making its records available, if the regulations are consistent with those provisions. Existing law authorizes cities, counties, and special districts to destroy or to dispose of duplicate records that are less than two years old when they are no longer required by the city, county, or special district, as specified.

This bill would unless a longer retention period is required by statute or regulation, require a public agency for purposes of the California Public Records Act to retain and preserve for at least 2 years every writing containing information relating to the conduct of the public's business prepared, owned, or used by any public agency that is transmitted by electronic mail.

AB 1198, Stone. Public employees' retirement: pension reform: transit workers.

Re: Amends section 7522.02 of the Government Code.

Status: Com. on P.E. & R. Hearing cancelled at request of author on April 24, 2019.

The California Public Employees' Pension Reform Act of 2013 (PEPRA), among other things, establishes new retirement formulas, which are generally applicable to employees first employed on or after January 1, 2013, and which a public employer offering a defined benefit pension plan is prohibited from exceeding. PEPRA excepts certain public employees from its provisions, including certain transit workers whose interests are protected by specified federal law until a federal district court ruled that a United States Department of Labor determination that the application of PEPRA to these workers violated federal law was in error, or until January 1, 2016, as specified. A district court ruling to this effect occurred on December 31, 2014. This bill would except transit workers hired before January 1, 2016, from PEPRA by removing the federal district court contingency language from the provision excepting certain transit workers from PEPRA.

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AB 1212, Levine. Public employees' retirement: pension fund management: in-state infrastructure.

Re: Amends section 7514.2 of the Government Code.

Status: In Senate, Com. on APPR. Hearing canceled at request of author on July 2, 2019.

The California Constitution confers upon the retirement boards of public retirement systems plenary authority and fiduciary responsibility for the investment of moneys of those systems. Existing law authorizes the Board of Administration of the Public Employees' Retirement System, the Teachers' Retirement Board of the State Teachers' Retirement System, and the board of retirement or the board of investments of a retirement system established pursuant to the County Employees Retirement Law of 1937, consistent with their fiduciary duties and investment standards, to prioritize investment in an in-state infrastructure project over a comparable out-of-state infrastructure project.

This bill would require a state agency as defined, that is responsible for infrastructure projects to produce a list of priority infrastructure projects for funding consideration by the retirement boards, as described above, and to provide it to them. The bill would require a state agency also to provide further project information to a board upon request.

AB 1332, Bonta. Sanctuary State Contracting and Investment Act.

Re: adds Chapter 17.23 (commencing with section 7283.50) to Division 7 of Title 1 of the Government Code relating to local government.

Status: Amended on April 29, 2019. Referred to Com. on APPR, held under submission.

The bill, the Sanctuary State Contracting Act, would, among other things, require the Department of Justice, commencing on January 1, 2020, and quarterly thereafter, to publish a list on its internet website, based upon specified criteria, of each person or entity that, in the opinion of the Department of Justice, is providing data broker, extreme vetting, or detention facilities support to any federal immigration agency, as specified. The bill would prohibit a state or local agency from entering into a new, amended, or extended contract or agreement with any person or entity that appears on the list published by the Department of Justice unless the state or local agency has made a finding that no reasonable alternative exists, as specified. The bill would exempt certain contracts or agreements from these provisions related to the administration of retirement benefits and investment of moneys for retirement benefits, as specified. The bill would authorize the Department of Justice to initiate, and require

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the department to receive and investigate, all complaints regarding violations of these provisions, and would require the department to issue findings regarding any alleged violation and notify any affected state or local agency. By increasing the duties of local officials, this bill would impose a state-mandated local program. Additionally, this bill would make a violation of these provisions subject to civil and criminal penalties, thereby imposing a state-mandated local program.

AB 1819, Committee on Judiciary. Inspection of public records: use of requester's reproduction equipment.

Re: Amends section 6253 of the Government Code.

Status: In Senate, re-referred to Com. on APPR on July 3, 2019.

Existing law, the California Public Records Act, requires state and local agencies to make public records available upon receipt of a request that reasonably describes an identifiable record not otherwise exempt from disclosure, and upon payment of fees to cover costs.

This bill would grant the requester the right to use the requester's equipment, without being charged any fees or costs, to photograph or otherwise copy or reproduce any record upon inspection and on the premises of the agency, unless the means of copy or reproduction would result in damage to the record, or unauthorized access to a computer system of the agency or secured network, as specified. The bill would authorize the agency to impose any reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the agency and its employees. The bill would authorize the agency to impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records. By imposing additional duties and responsibilities upon local agencies in connection with requests for inspection of records, this bill constitutes a state-mandated local program.

SB 615, Hueso. Public records: disclosure.

Re: Amends sections 6258 and 6259 of the Government Code.

Status: March 14, 2019, referred to Com. on JUD.

The California Public Records Act requires a public agency, defined to mean a state or local agency, to make its public records available for public inspection and to make copies available upon request and payment of a fee, unless the public records are exempt from disclosure. The act makes specified records exempt from disclosure and

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provides that disclosure by a state or local agency of a public record that is otherwise exempt constitutes a waiver of the exemptions.

Existing law permits any person to institute proceedings for injunctive or declarative relief or a writ of mandate in any court of competent jurisdiction to enforce their right to inspect or to receive a copy of any public record or class of public records covered by the act. The act, when it appears to a superior court that certain public records are being improperly withheld from a member of the public, requires the court to order the officer or person charged with withholding the records to disclose the public record or show cause why they should not do so. The act requires the court to award court costs and reasonable attorney's fees to the requester if the requester prevails in litigation filed pursuant to these provisions, and requires the court to award court costs and reasonable attorney's fees to the public agency if the court finds that the requestor's case is clearly frivolous.

This bill would require a person to meet and confer in good faith with the agency in an attempt to informally resolve each issue before instituting any proceeding for injunctive or declarative relief or writ of mandate. The bill would require the person or their attorney to file a declaration stating that this has occurred at the time that proceedings are instituted. Because the declaration would be made under penalty of perjury, the bill would expand the definition of a crime and impose a state-mandated local program.

The bill would define "improperly withheld" for purposes of the act to mean a refusal by a public agency or public official to disclose a public record or some part thereof. The bill would require that in order for a requester to prevail in litigation related to the act, the trial court must find by a preponderance of the evidence that an agency knowingly, willfully, and without substantial justification failed to respond to a request for records, improperly withheld from a member of the public records that were clearly subject to public disclosure, unreasonably delayed providing the contents of a record subject to disclosure in part or in whole, improperly assessed a fee upon a requester that exceeded the direct cost of duplication, or otherwise did not act in good faith to comply with these provisions. The bill would make other non-substantive changes.

SB 749, Durazo. California Public Records Act.

Re: Adds section 6254.34 to the Government Code.

Status: In Assembly, Com. on APPR. Placed on suspense file, July 10, 2019.

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Existing law provides that nothing in the act requires the disclosure of corporate proprietary information including trade secrets, among other things.

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This bill would provide specified records of private industry employer that are prepared, owned, used, or retained by a public agency are not trade secrets and are public records, including certain records relating to employment terms and conditions of employees working for a private industry employer pursuant to a contract with a public agency, records of compliance with local, state, or federal domestic content requirements, and records of a private industry employer's compliance with job creation, job quality, or job retention obligations contained in a contract or agreement with a state or local agency.

SB 783, Committee on Labor. County Employees' Retirement Law of 1937.

Re: Amends section 31465, 31627.1, 31627.2, and 31631.5 of the Government Code.

Status: In Assembly. Read first time. Referred to Com. on P.E. & R.

This bill would correct several erroneous and obsolete cross-references within the CERL.

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CALIFORNIA LEGISLATIVE CALENDAR:

2019:

- Jan. 1 Statutes take effect
- Jan. 7 Legislature reconvenes
- Jan. 10 Budget must be submitted by Governor
- Jan. 25 Last day to submit bill requests to the Office of Legislative Counsel
- Feb. 22 Last day for bills to be introduced
- Apr. 22 Spring Recess begins upon adjournment Apr. 1
Legislature reconvenes from Spring Recess
- Apr. 26 Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house
- May 3 Last day for policy committees to hear and report to the Floor non-fiscal bills introduced in their house
- May 10 Last day for policy committees to meet prior to June 3
- May 17 Last day for fiscal committees to hear and report to the Floor bills introduced in their house. Last day for fiscal committees to meet prior to June 3
- May 28 – May 31 Floor session only. No committee may meet for any purpose except for Rules Committee and Conference Committees
- May 31 Last day for each house to pass bills introduced in that house
- June 15 Budget Bill must be passed by midnight
- July 10 Last day for policy committees to hear and report fiscal bills to fiscal committees
- July 12 Last day for policy committees to meet and report bills Summer Recess begins on adjournment, provided Budget Bill has been passed
- Aug. 12 Legislature reconvenes from Summer Recess
- Aug. 30 Last day for fiscal committees to meet and report bills
- Sep. 3- 13 Floor session only. No committee may meet for any purpose except Rules Committee, and Conference Committees
- Sep. 6 Last day to amend bills on the Floor
- Sep. 13 Last day for each house to pass bills Final Recess begins on adjournment
- Sept. 13 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 13 and in the Governor's possession on or after Sept. 13 noon

2020:

- Jan. 1 Statutes take effect