

**MCERA RETIREMENT BOARD MEETING AGENDA
THURSDAY, JUNE 13, 2019
MERCED COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
3199 M STREET, MERCED, CA 95348**

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

CALL TO ORDER: 8:15 A.M.

- ROLL CALL.
- APPROVAL OF MINUTES – May 23, 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) DISABILITY RETIREMENT APPLICATIONS: PERSONNEL EXCEPTION

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

1. Informal Hearing
 - a. Arroyo, Elizabeth
 - b. Valizan, Mathew
2. Formal Hearing
 - a. None
3. Disability update and possible action:
 - a. Burnett, Donald
 - b. Cruz, Mary Kay
 - c. Elias Jr., Robert C.
 - d. Estep, Jason
 - e. Herrera, Yvonne
 - f. Ramirez, Amber
 - g. Ramirez, Linda A.
 - h. Plascencia, Marcelino
 - i. Plascencia, Ramon
 - j. Salgado, Jose
 - k. 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. Navarro, Christopher	Sheriff	20 Yrs. Svc.	Eff. 05/25/2019
b. Horta, Jeffrey	Fire	2 Yrs. Svc.	Eff. 06/03/2019
c. Near, Delia	Library	14 Yrs. Svc.	Eff. 06/03/2019
d. Goddard, Kimberley	DA	1 Yrs. Svc.	Eff. 05/12/2019
e. Quinn-Harp, Jodi	MCMC	12 Yrs. Svc.	Eff. 05/01/2019
f. Tedrow, Theresa	RWMA	12 Yrs. Svc.	Eff. 05/21/2019
g. Morales, Theresa	H.S.A.	14 Yrs. Svc.	Eff. 05/25/2019
h. Barba, Alejandro	Sheriff	13 Yrs. Svc.	Eff. 01/24/2019*
i. Smith, Derrell	AG	13 Yrs. Svc.	Eff. 04/06/2018**
j. Wallace, Kathryn	Courts	18 Yrs. Svc.	Eff. 06/08/2019
k. Keas, Sheryl	Library	20 Yrs. Svc.	Eff. 06/01/2019
l. Arnold, Gina	DA	13 Yrs. Svc.	Eff. 05/18/2019
m. Ogden, Albertina	Risk	16 Yrs. Svc.	Eff. 06/01/2019

YTD fiscal year 2018/2019 retirees: 098

YTD fiscal year 2017/2018 retirees: 082

YTD fiscal year 2016/2017 retirees: 065

*SCD granted 05/09/2019

**SCD granted 5/09/2019 (Retired 4/06/2018)

REFUND OF SERVICE PURCHASE: None

DEATH BENEFIT: None

MONTHLY BUDGET REPORT: Submitted

REGULAR CALENDAR

BOARD ACTION¹/DISCUSSION

1. Discussion and possible action on the Legislative Review as of May 28, 2019 – Staff.
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.

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.

b. SACRS Fall Conference, November 12-15, 2019, Monterey, 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.

- June 27, 2019
- July 11, 2019
- July 25, 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.

MCERA RETIREMENT BOARD MEETING MINUTES
THURSDAY, MAY 23, 2019
MERCED COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
3199 M STREET, MERCED, CA 95348

ROLL CALL: 8:15 A.M.

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

Absent: Karen Adams.

APPROVAL OF MINUTES: May 9, 2019.

Motion to approve the May 9, 2019 meeting minutes.

Peterson /Paskin U/A (8-0).

PUBLIC COMMENT

No public comment.

REGULAR CALENDAR

BOARD ACTION¹/DISCUSSION

1. Presentation and discussion of the 2019 Quarterly Investment Performance Report and April Monthly Preliminary Report with possible board action on any funds – Meketa Investment Group.
No action taken.
2. Discussion and possible action to broaden Barrow, Hanley, Mewhinney, & Strauss', LLC investment portfolio guidelines to allow up to a 15% allocation in High Yield/opportunistic exposures – Meketa.
No action taken.
3. Discussion and possible action to adopt Resolution pertaining to Government Code Section 31529.9 – Staff.
Motion to adopt Resolution pertaining to Government Code Section 31529.9.
Rhodes/Paskin U/A (8-0).
4. Discussion and possible adoption of MCERA Administrative Budget and discussion of non-administrative projected numbers – Staff.
Motion to approve the Administrative Budget for fiscal year 2019/2020.
Rhodes/Cabral U/A (8-0).
5. 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. SACRS Spring Conference, May 7-10, 2019, Squaw Valley, CA.
 - b. NCPERS Annual Conference & Exhibition, May 19-22, 2019, Austin, TX.
 - c. Principles of Pension Management for Trustees, August 26-29, 2019 Malibu, CA.

d. SACRS Fall Conference, November 12-15, 2019, Monterey, CA.
No action taken.

INFORMATION ONLY

Trustee Rhodes updated the Board on County Assistant CEO Scott De Moss’ departure from Merced County to become County CEO for Glenn County.

Chair Ingersoll informed the Board that she would not be attending the MCERA Retirement Board meetings on June 13th, June 27th and July 11th.

Fiscal Manager informed the Board that he would not be in attendance of the June 13th meeting.

ADJOURNMENT

The meeting adjourned at 9:20 a.m.

Respectfully submitted,

Ryan Paskin, Vice Chair

Al Peterson, Secretary

Date

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.

Consent Item

Merced County Employees' Retirement Association
Expenditures Report (Preliminary)
For the Month Ended May 31, 2019

Professional Service Budget	Adopted	Current Budget	Expended 05/2019	Expended YTD	Encumbrances	Bal Remaining	% Exp YTD
21800 · Professional & Special Services - Consultant and Management Fees	3,400,000.00	3,400,000.00	138,570.95	2,372,163.79	22,234.05	1,005,602.16	70%
5/1/2019 DFA - 2019-Q1 Mgt Fees			15,112.28				
5/3/2019 KKR Gil II - 2019-Q1 Mgt Fees			21,479.00				
5/8/2019 PanAgora - 2019-Q1 Mgt Fees			35,313.01				
5/14/2019 Cliffwater - 2019-03 PE & HF Consulting			33,333.33				
5/14/2019 Cliffwater - 2019-04 PE & HF Consulting			33,333.33				
Total 21800 · Professional & Special Services - Consultant and Management Fees			138,570.95				
21802 · Professional & Special Services - Actuarial Service	175,000.00	175,000.00	38,162.65	75,605.69	-	99,394.31	43%
5/6/2019 Option 4 Calc - Final Payment			(178.25)				
5/8/2019 Cheiron - 2019-Q1 Actuarial & Consulting Svcs			38,340.90				
Total 21802 · Professional & Special Services - Actuarial Service			38,162.65				
21812 · Prof & Spec - Data Processing	120,000.00	120,000.00	4,832.13	51,073.19	-	68,926.81	43%
5/14/2019 2019-03 IS Billing			4,623.10				
5/22/2019 Comcast - 2019-05 Wifi Chgs			209.03				
Total 21812 · Prof & Spec - Data Processing			4,832.13				
21840 · Prof & Spec Sv - Administrative Serv	115,000.00	115,000.00	2,287.29	90,252.49	-	24,747.51	78%
5/3/2019 2019-04 NT STIF Income - Custodial Fee			2,064.97				
5/7/2019 2019-03 Wire Fees			100.00				
5/7/2019 Spectrum Pharma, Inc - Class Action - Custodial Fee			31.48				
5/7/2019 DFC Global Corp - Class Action - Custodial Fee			90.84				
Total 21840 · Prof & Spec Sv - Administrative Serv			2,287.29				
22350 · Spec Dept Exp - Software	250,000.00	327,838.60	14,519.00	267,088.69	-	60,749.91	81%
5/20/2019 CPAS - 2019-05 Support			12,600.00				
5/20/2019 CPAS - 2019-05 Maint			1,919.00				
Total 22350 · Spec Dept Exp - Software			14,519.00				
Depreciation Expense	242,777.87	242,777.87					
Total Professional Service Budget	4,302,777.87	4,380,616.47	198,372.02	2,856,183.85	22,234.05	1,502,198.57	65%
Capital Asset Budget	Adopted	Current Budget	Expended 05/2019	Expended YTD	Encumbrances	Bal Remaining	% Exp YTD
84170 - Retirement Carpet	41,000.00	41,000.00	-	38,202.59	-	2,797.41	93%
Total 84170 - Retirement Carpet			-				
Total Capital Asset Budget Budget	41,000.00	41,000.00	-	38,202.59	-	2,797.41	93%
Administrative Service Budget	Adopted	Current Budget	Expended 05/2019	Expended YTD	Encumbrances	Bal Remaining	% Exp YTD
10110 · Salaries & Wages	1,178,153.89	1,178,153.89	143,006.57	932,707.03	-	245,446.86	79%
5/1/2019 PEHP Payout			13,731.35				
5/3/2019 Office Payroll 9			65,893.30				
5/15/2019 2019-02 PARS			3.42				
5/17/2019 Office Payroll 10			31,809.96				
5/31/2019 Office Payroll 11			31,568.54				
Total 10110 · Salaries & Wages			143,006.57				
20600 · Communications	5,050.00	5,050.00	345.60	3,481.92	-	1,568.08	69%
5/7/2019 AT&T - 2019-04 Comm Chgs			136.53				
5/14/2019 2019-04 Comm Billing			209.07				
Total 20600 · Communications			345.60				
Administrative Service Budget	Adopted	Current Budget	Expended 05/2019	Expended YTD	Encumbrances	Bal Remaining	% Exp YTD
20900 · Household Expense	10,600.00	12,600.00	722.00	11,494.58	-	1,105.42	91%
5/7/2019 Geil - 2019-04 Janitorial			682.00				
5/16/2019 Bob's Pest Control - 2019-04 Svcs			40.00				
Total 20900 · Household Expense			722.00				
21000 · Insurance - Other (Cont'd)	85,000.00	85,000.00	-	79,292.00	-	5,708.00	93%
Total 21000 · Insurance - Other			-				

Merced County Employees' Retirement Association
Expenditures Report (Preliminary)
For the Month Ended May 31, 2019

21001 - Insurance - General Liability	3,072.00	3,072.00	293.79	2,741.41	-	330.59	89%
5/3/2019 PP 9 - General Liability			97.13				
5/17/2019 PP10 - General Liability			97.13				
5/31/2019 PP 11 - General Liability			99.53				
Total 21001 - Insurance - General Liability			<u>293.79</u>				
21200 - Maintenance - Equipment	5,000.00	6,800.00	170.01	6,238.18	-	561.82	92%
5/14/2019 Spriggs - Bizhub Lease			170.01				
Total 21200 - Maintenance - Equipment			<u>170.01</u>				
21301 - Maintenance Structure Improvement	19,100.00	19,100.00	1,731.83	14,292.52	325.00	4,482.48	75%
5/7/2019 Yard Masters - 2019-04 Landscape Maint			325.00				
5/21/2019 2019-03 ADA Survey			490.00				
5/21/2019 2019-04 DPW Charges			916.83				
Total 21301 - Maintenance Structure Improvement			<u>1,731.83</u>				
21500 - Membership	6,500.00	6,500.00	-	5,860.00	-	640.00	90%
Total 21500 - Membership			<u>-</u>				
21700 - Office Expense - General	21,000.00	21,000.00	800.99	19,807.39	95.38	1,097.23	94%
5/6/2019 Taylor Morse Ltd - Process Fee - Records			(15.00)				
5/10/2019 First Choice - 2019-04 Water Svc			27.17				
5/10/2019 First Choice - 2019-04 Cooler Rental			7.00				
5/10/2019 First Choice - 2019-04 Water Svc			28.37				
5/14/2019 2019-04 Stores Billing			743.45				
5/14/2019 2019-04 Pacific Shredding			10.00				
Total 21700 - Office Expense - General			<u>800.99</u>				
21710 - Office Expense - Postage	15,750.00	15,750.00	1,138.03	13,109.66	-	2,640.34	83%
5/14/2019 2019-03 IS Postage			939.42				
5/14/2019 2019-04 Mail Room Chgs			176.06				
5/30/2019 FedEx - 2019-04 Delivery Chgs			22.55				
Total 21710 - Office Expense - Postage			<u>1,138.03</u>				
21805 - Prof & Spec Service - Audits	55,000.00	55,000.00	2.98	43,278.56	-	11,721.44	79%
5/30/2019 LifeStatus 360 - 2018 Address Search			2.98				
Total 21805 - Prof & Spec Service - Audits			<u>2.98</u>				
21808 - Prof & Spec - BD Membership	12,000.00	12,000.00	2,100.00	10,000.00	-	2,000.00	83%
5/8/2019 2019-04 Bd Mtgs			200.00				
5/8/2019 2019-04 Bd Mtgs			200.00				
5/8/2019 2019-04 Bd Mtgs			200.00				
5/8/2019 2019-04 Bd Mtgs			200.00				
5/8/2019 2019-04 Bd Mtgs			300.00				
5/30/2019 2019-05 Bd Mtgs			100.00				
5/30/2019 2019-05 Bd Mtgs			100.00				
5/30/2019 2019-05 Bd Mtgs			300.00				
5/30/2019 2019-05 Bd Mtgs			200.00				
5/31/2019 2019-05 Bd Mtgs			300.00				
Total 21808 - Prof & Spec - BD Membership Fee			<u>2,100.00</u>				
21811 - Prof & Spec - Court Reporters	2,000.00	2,000.00	-	-	-	2,000.00	0%
Total 21811 - Prof & Spec - Court Reporters			<u>-</u>				
21816 - Prof & Spec - Medical Services	80,000.00	80,000.00	16,020.00	19,750.80	-	60,249.20	25%
5/14/2019 ExamWorks - Record Review & Prep			12,500.00				
5/30/2019 ExamWorks - Record Review & Prep			3,520.00				
Total 21816 - Prof & Spec - Medical Services			<u>16,020.00</u>				

Merced County Employees' Retirement Association
Expenditures Report (Preliminary)
For the Month Ended May 31, 2019

Administrative Service Budget (Cont'd)	Adopted	Current Budget	Expended 05/2019	Expended YTD	Encumbrances	Bal Remaining	% Exp YTD
21834 · Prof & Spec - Legal Services	300,000.00	296,200.00	23,070.58	179,533.91	8,649.18	108,016.91	61%
5/7/2019 Nossaman - 2019-03 - Gen Adv & Couns			331.80				
5/7/2019 Nossaman - 2019-03 - AB 197 Lit			4,792.30				
5/7/2019 Nossaman - 2019-02 - Gen Adv & Couns			522.00				
5/8/2019 PPC - 2019-04 Legal Svcs			265.00				
5/16/2019 Hansen Bridgett - 2019-03 Tax Comp/Determ Ltr			6,066.00				
5/17/2019 Ted Cabral - 2019-04 Admin			703.00				
5/17/2019 Ted Cabral - 2019-04 Disab Legal Svcs			1,443.00				
5/17/2019 Ted Cabral - 2019-04 Disab Legal Svcs			3,946.00				
5/17/2019 Ted Cabral - 2019-04 Disab Legal Svcs			88.12				
5/17/2019 Ted Cabral - 2019-04 Disab Legal Svcs			196.36				
5/17/2019 Ted Cabral - 2019-04 Disab Legal Svcs			4,680.00				
5/17/2019 Ted Cabral - 2019-04 Disab Legal Svcs			37.00				
Total 21834 · Prof & Spec - Legal Services			<u>23,070.58</u>				
21872 · Prof & Spec Sv - Investigations	1,000.00	1,000.00	-	-	-	1,000.00	0%
Total 21872 · Prof & Spec Sv - Investigations			<u>-</u>				
21900 · Publications & Legal Notices	4,500.00	4,500.00	-	2,494.43	-	2,005.57	55%
Total 21900 · Publications & Legal Notices			<u>-</u>				
22300 · Spec Dept Exp - Other	500.00	500.00	-	57.00	-	443.00	11%
Total 22300 · Spec Dept Exp - Other			<u>-</u>				
22310 · Spec Dept Exp - Election Expense	5,000.00	5,000.00	-	-	-	5,000.00	0%
Total 22310 · Spec Dept Exp - Election Expense			<u>-</u>				
22327 · Spec Dept Exp - Cost Allocation	151,282.00	151,282.00	12,606.83	138,675.13	-	12,606.87	92%
5/10/2019 2019-05 Cost Allocation			12,606.83				
Total 22327 · Spec Dept Exp - Cost Allocation			<u>12,606.83</u>				
22500 · Transportation & Travel	800.00	800.00	-	167.61	-	632.39	21%
Total 22500 · Transportation & Travel			<u>-</u>				
22505 · Trans & Travel - Staff Development	4,000.00	4,000.00	-	120.00	-	3,880.00	3%
Total 22505 · Trans & Travel - Staff Development			<u>-</u>				
22515 · Trans & Travel - In State	55,000.00	55,000.00	791.41	17,823.99	731.56	36,444.45	32%
5/14/2019 Citibank -Hotel - CALAPRS Accts RT			190.01				
5/20/2019 CALAPRS Acct's RT - Travel Reimb			161.70				
5/20/2019 CALAPRS Acct's RT - Travel Reimb			101.50				
5/29/2019 SACRS Spring Conf - Travel Reimb			338.20				
Total 22515 · Trans & Travel - In State			<u>791.41</u>				
22516 · Trans & Travel - Out of State	9,000.00	9,000.00	-	3,974.22	-	5,025.78	44%
Total 22516 · Trans & Travel - Out of State			<u>-</u>				
22527 · Trans & Travel - Car Allowance	14,000.00	14,000.00	1,384.65	10,846.42	-	3,153.58	77%
5/3/2019 PP 9 - Car Allowance			461.55				
5/17/2019 PP 10 - Car Allowance			461.55				
5/31/2019 PP11 - Car Allowance			461.55				
Total 22527 · Trans & Travel - Car Allowance			<u>1,384.65</u>				
22600 · Utilities	12,500.00	12,500.00	559.77	9,595.16	-	2,904.84	77%
5/7/2019 PG&E - 2019-03 Svcs			411.78				
5/8/2019 City of Merced - 2019-03 WS&G			147.99				
Total 22600 · Utilities			<u>559.77</u>				
Depreciation Expense	13,130.08	13,130.08	-	-	-	13,130.08	
Total Administrative Service Budget	2,068,937.97	2,068,937.97	204,745.04	1,525,341.92	9,801.12	533,794.93	74%
Total MCERA	6,412,715.84	6,490,554.44	403,117.06	4,419,728.36	32,035.17	2,038,790.91	68%

PUBLIC PENSION CONSULTANTS

6510 A South Academy Blvd., #283 Colorado Springs, CO 80906
Tel: (719) 999-5941, E-mail: Lance@kjeldgaard-ppc.com

Legislative Review of Proposed Legislation for 1937 Act Systems

May 28, 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.

PUBLIC PENSION CONSULTANTS

6510 A South Academy Blvd., #283 Colorado Springs, CO 80906
Tel: (719) 999-5941, E-mail: Lance@kjeldgaard-ppc.com

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

Re: Adds section 31720.2 of the Government Code.

Status: In Senate. Read First time. Referred to Coms on L., P.E. & R. and APPR.

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.

PUBLIC PENSION CONSULTANTS

6510 A South Academy Blvd., #283 Colorado Springs, CO 80906
Tel: (719) 999-5941, E-mail: Lance@kjeldgaard-ppc.com

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

Re: Adds section 6253.32 to the Government Code.

Status: Amended on May 16, 2019. Ordered to third reading on May 20, 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.

PUBLIC PENSION CONSULTANTS

6510 A South Academy Blvd., #283 Colorado Springs, CO 80906
Tel: (719) 999-5941, E-mail: Lance@kjeldgaard-ppc.com

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

Re: Amends section 7514.2 of the Government Code.

Status: Amended May 16, 2019. Ordered to third reading.

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 the department to receive and investigate, all complaints regarding violations of these

PUBLIC PENSION CONSULTANTS

6510 A South Academy Blvd., #283 Colorado Springs, CO 80906
Tel: (719) 999-5941, E-mail: Lance@kjeldgaard-ppc.com

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. Read first time, to Com. on RLS for assignment.

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 518, Wieckowski. Public records: disclosure; court costs and attorney's fees.

Re: Amends section 6259 of the Government Code.

Status: In Assembly. Read first time. Held at Desk.

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

PUBLIC PENSION CONSULTANTS

6510 A South Academy Blvd., #283 Colorado Springs, CO 80906
Tel: (719) 999-5941, E-mail: Lance@kjeldgaard-ppc.com

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 that officer or person should not do so. The act requires the court to award court costs and reasonable attorney's fees to the plaintiff if the plaintiff 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 plaintiff's case is clearly frivolous.

This bill, for purposes of the award of court costs and reasonable attorney's fees pursuant to the above provisions, would specifically not withstand a provision of existing law that prescribes the withholding or augmentation of costs if an offer is made before judgment or award in a trial or arbitration.

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 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

PUBLIC PENSION CONSULTANTS

6510 A South Academy Blvd., #283 Colorado Springs, CO 80906
Tel: (719) 999-5941, E-mail: Lance@kjeldgaard-ppc.com

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 and 6259.5 to the Government Code.

Status: Ordered to third reading.

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.

This bill would provide that records relating to wages, benefits, working hours, and other employment terms and conditions of employees working for a private industry employer pursuant to a contract with a state or local agency shall not be deemed to be trade secrets under the act. The bill would also provide that 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 shall not be deemed trade secrets under the act.

Under existing law, a person may seek injunctive or declaratory relief or a writ of mandate to enforce their right to inspect or receive a copy of a public record, as specified. Under existing case law, an agency’s decision to release a public record pursuant to the California Public Records Act is reviewable by a petition for a writ of mandate on the basis that the public record was confidential, which is known as a reverse public records act.

This bill would require the requester, as defined, to be named as a real party in interest in a reverse public records action, and would require a court to allow the requester to participate fully on the merits of the reverse public records action. The bill would require the person who initiated the reverse public records action to pay the requester’s court

PUBLIC PENSION CONSULTANTS

6510 A South Academy Blvd., #283 Colorado Springs, CO 80906

Tel: (719) 999-5941, E-mail: Lance@kjeldgaard-ppc.com

costs and reasonable attorney's fees if the court denies the petition seeking to prevent the public agency from disclosing the record at issue. The bill would require a public agency to pay court costs and reasonable attorney's fees to the requester under specified circumstances.

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.

PUBLIC PENSION CONSULTANTS

6510 A South Academy Blvd., #283 Colorado Springs, CO 80906
Tel: (719) 999-5941, E-mail: Lance@kjeldgaard-ppc.com

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