



San Bernardino County Employees'
Retirement Association

BOARD OF RETIREMENT

Public live stream access: <https://sbcera.legistar.com/calendar.aspx>

Trustee in-person access: 348 W. Hospitality Lane, 1st Floor, San Bernardino, CA 92408

A video recording of this meeting can be found at: <https://sbcera.legistar.com/Calendar.aspx>

Meeting Minutes

Thursday, April 7, 2022

9:00 AM

Hybrid:
In person (Trustees only)/Online

Trustees Present:

NEAL WANER, Appointed Member (Chair)
MARC BRACCO, Safety Member (Vice-Chair)
JEAN-RENE BASLE, Appointed Member
LOUIS FIORINO, General Member
MICHAEL KENNEDY, Appointed Member
ENSEN MASON, Treasurer
JANICE RUTHERFORD, Appointed Member
DAWN STAFFORD, Retired Member
VERE WILLIAMS, General Member
HARRY HATCH, Alternate Retired Member
JARED NEWCOMER, Alternate Safety Member

Others Present:

DEBBY CHERNEY, Chief Executive Officer
BARBARA HANNAH, Chief Counsel
STACEY BARNIER, Director of Human Resources and Risk Management
COLIN BISHOP, Chief of Member Services
DAVID LANTZER, Senior Staff Counsel
AMY MCINERNY, Chief Financial Officer
DONALD PIERCE, Chief Investment Officer
CHRISTA JAMES, Recorder
ROBBIN BASH, Member
DAVID BORGERD, Member
ASHLEY DUNNING, Nossman
JACOB KALINSKI, Esq.
ALLAN MARTIN, NEPC
DAVID MEDDLES, Member
SHOAIB NAQVI, M.D.
JANE OATMAN, Esq.
LARRY ROZA, Member
CINDY SACKS, Member
KEVINN WHITAKER, Member

Absent:

JOHN JOHNSON, Alternate Ex-Officio Member

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Board Chair Waner called the meeting to order at 9:01 AM and announced protocol regarding Public Comment. Board Chair Waner led Pledge of Allegiance.

PUBLIC COMMENT

No Public Comment was provided.

CONSENT

Trustee Fiorino pulled Item No's 8, 9, 10 & 11 from the Consent Calendar to be heard in Open Session.

A motion was made by Stafford, seconded by Bracco, to Approve the Consent Calendar as amended. The motion carried by the following vote:

Ayes: 7 - Waner, Bracco, Basle, Fiorino, Mason, Stafford, and Williams

Absent: 2 - Rutherford, and Kennedy

Trustee Rutherford arrived at the meeting at 9:04 AM.

Trustee Kennedy arrived at the meeting at 9:07 AM.

1. Approve minutes of regular meeting conducted on March 3, 2022. [22-121](#)
2. Approve Service Retirements. [22-125](#)
3. Pursuant to SBCERA Resolution No. 2021-7, find that the State of Emergency continues to directly impact the ability to meet safely in person and therefore continue conducting the SBCERA Board and Committee meetings in the month of April in a hybrid format. [22-143](#)
4. Approve the Service-Connected Disability Retirement application of Samuel Bashaw - San Bernardino County - County Fire. [22-085](#)
5. Approve the Service-Connected Disability Retirement application of Roberto L. Chavez (Deceased) - San Bernardino County - Sheriff. [22-110](#)
6. Approve the request for extension to file opening briefs in the administrative appeal of the Hazardous Materials Group and Specialized Fire Services Unit; and adopt the proposed brief schedule including extending the hearing officer's jurisdiction by 30 days. [22-127](#)
7. Approve and adopt updates to Administration Policy No. 016 (SBCERA Position Dual-Fill Policy). [22-106.1](#)
8. Approve and adopt updates to Benefits Policy No. 028 (Processing an [22-103.1](#)

Internal or Internal-Related Applicant's Disability Retirement Application and Related Appeals).

Hannah, staff, reviewed. The Board discussed and suggested a revision to the policy to eliminate the term "designee" and replace with "CEO and Chief Counsel" as it relates to those responsible for ensuring non-bias processing of internal or internal-related disability applications, which would mirror current practice.

A motion was made by Fiorino, seconded by Stafford, that this agenda item be Approved as amended. The motion carried by the following vote:

Ayes: 6 - Waner, Bracco, Basle, Fiorino, Kennedy, and Stafford

Nays: 1 - Williams

Absent: 2 - Rutherford, and Mason

9. Approve and adopt updates to General Policy No. 005 (Policy on [22-108.1](#) SBCERA Governing Documents).

Hannah, staff, reviewed. The Board discussed and suggested a revision to the policy to maintain the 3 year review period for each Board policy.

A motion was made by Fiorino, seconded by Stafford, that this agenda item be Approved as amended. The motion carried by the following vote:

Ayes: 8 - Bracco, Rutherford, Basle, Fiorino, Kennedy, Mason, Stafford, and Williams

Nays: 1 - Waner

10. Approve and adopt updates to General Policy No. 008 (Membership [22-091.1](#) Mailings).

Bishop, staff, reviewed.

A motion was made by Fiorino, seconded by Kennedy, that this agenda item be Approved. The motion carried by the following vote:

Ayes: 8 - Waner, Bracco, Rutherford, Basle, Fiorino, Kennedy, Stafford, and Williams

Absent: 1 - Mason

11. Approve and adopt updates to General Policy No. 016 (Solicitation [22-107.1](#) Policy).

Hannah, staff, reviewed.

A motion was made by Fiorino, seconded by Williams, to continue this item to a future Board of Retirement meeting. The motion failed by the following vote:

Ayes: 2 - Fiorino, and Williams

Nays: 5 - Basle, Bracco, Kennedy, Stafford, and Waner

Absent: 2 - Mason, and Rutherford

A motion was made by Stafford, seconded by Kennedy, that this agenda item be Approved. The motion carried by the following vote:

Ayes: 5 - Waner, Bracco, Basle, Kennedy, and Stafford

Nays: 2 - Fiorino, and Williams

Absent: 1 - Mason

Abstain: 1 - Rutherford

12. Approve and adopt updates to Actuary and Audit Policy No. 001 (Actuarial Audit). [22-084.1](#)

ACTION ITEMS

13. Action on Deferred Items from Consent, if any. [22-129](#)

Trustee Fiorino pulled Item No's 8, 9, 10 & 11 from the Consent Calendar to be heard in Open Session. Please see entries above.

Trustees Mason and Rutherford left the meeting at 10:50 AM.

14. Approve and adopt the proposed findings and the recommendations of the hearing officer: Alameda Appeal Group for Non-Management Safety. [22-126](#)

David Borgerd and Larry Roza provided comment. Ashley Dunning with Nossaman presented.

A motion was made by Stafford, seconded by Fiorino, to Approve and adopt the proposed findings and the recommendations of the hearing officer. The motion carried by the following vote:

Ayes: 7 - Waner, Bracco, Basle, Fiorino, Kennedy, Stafford, and Williams

Absent: 2 - Rutherford, and Mason

15. Approve and adopt the proposed findings and the recommendations of the hearing officer: Alameda Appeal Group for Fire Management. [22-128](#)

David Meddles and Frank Romero provided comment. Ashley Dunning with Nossaman presented.

A motion was made by Kennedy, seconded by Williams, to Approve and adopt the proposed findings and the recommendations of the hearing officer. The motion carried by the following vote:

Ayes: 5 - Waner, Basle, Kennedy, Stafford, and Williams

Nays: 2 - Bracco, and Fiorino

Absent: 2 - Rutherford, and Mason

Trustee Stafford left the meeting at 12:10 PM.

16. Approve and adopt the Internal Audit Workplan for the fiscal year ending June 30, 2023. [22-088.1](#)

McInerney, staff, reviewed.

A motion was made by Hatch, seconded by Basle, that this agenda item be Approved. The motion carried by the following vote:

Ayes: 7 - Waner, Bracco, Basle, Fiorino, Kennedy, Williams, and Hatch

Absent: 3 - Rutherford, Mason, and Stafford

Trustee Stafford returned to the meeting at 12:11 PM.

17. Approve and adopt updates to Administration Policy No. 018 (SBCERA Staff Performance Evaluation and Planning (PEP) Policy). [22-104.1](#)

Barnier, staff, reviewed. The Board discussed and recommended a revision to the policy eliminating "SEIU" and replacing it with "SBCERA recognized bargaining units".

A motion was made by Basle, seconded by Bracco, that this agenda item be Approved as amended. The motion carried by the following vote:

Ayes: 7 - Waner, Bracco, Basle, Fiorino, Kennedy, Stafford, and Williams

Absent: 2 - Rutherford, and Mason

18. Approve and adopt updates to Benefits Policy No. 016 (Standard for Determining Whether a Member is Incapable of Gainful Employment). [22-102.1](#)

Hannah, staff, reviewed.

A motion was made by Basle, seconded by Fiorino, that this agenda item be Approved. The motion carried by the following vote:

Ayes: 7 - Waner, Bracco, Basle, Fiorino, Kennedy, Stafford, and Williams

Absent: 2 - Rutherford, and Mason

INFORMATION ITEMS

19. Russian Divestment Plan Update. [22-105](#)

Pierce, staff, reviewed.

20. Asset Allocation: NEPC's 2022 Capital Markets Outlook. [22-017.1](#)

Allan Martin with NEPC presented.

Trustee Bracco left the meeting at 1:11 PM.

21. SBCERA Cost Effectiveness and Fee Analysis by NEPC. [22-014.1](#)

Pierce, staff, reviewed. Allan Martin with NEPC presented.

RECEIVE AND FILE

22. Report on the Investment Committee meeting conducted March 8, 2022. [22-093](#)

Received and filed.

23. Report on the Administrative Committee meeting conducted on March 17, 2022. [22-112](#)

Received and filed.

24. Report on the Audit Committee meeting conducted on March 17, 2022. [22-113](#)

Received and filed.

25. SBCERA Investment Fee and Expense Review. [22-015.1](#)

Received and filed.

26. Annual Alternative Investment Fee Disclosures in Compliance with California Government Code §7514.7. [22-016.1](#)

Received and filed.

27. Report on the Budget vs Actual Review - Second Quarter, For the Fiscal Year Ending June 30, 2022. [21-194](#)

Received and filed.

28. State Association of County Retirement Systems (SACRS) Board of Directors Election. [22-122](#)

Received and filed.

CLOSED SESSION

29. Review and determine the Service-Connected Disability Retirement [22-109](#)

with Supplemental Retirement Allowance of Cindy Sacks - San Bernardino County - County Fire.

A motion was made by Newcomer, seconded by Stafford, to Approve staff recommendations 1, 2 and 4 finding that Ms. Sacks is permanently incapacitated for the performance of duties and that a service-connected disability be granted. Staff shall initiate disability benefit payments with an effective date of April 13, 2019, the day after the last day of regular compensation. Staff recommendation 3 was modified to find that Ms. Sacks is not capable of gainful employment; therefore, granting the supplemental disability retirement allowance. The motion carried by the following vote:

Ayes: 7 - Waner, Basle, Fiorino, Kennedy, Stafford, Williams, and Newcomer

Absent: 3 - Bracco, Rutherford, and Mason

30. Review and determine the Service-Connected Disability Retirement application of Kevinn B. Whitaker - San Bernardino County - County Fire. [22-092](#)

A motion was made by Fiorino, seconded by Basle, to Approve the staff recommendation finding that Mr. Whitaker is permanently incapacitated for the performance of duties and that a service-connected disability benefit be granted. Staff shall initiate the disability benefit payments with an effective date of March 23, 2021, date of application. The motion carried by the following vote:

Ayes: 6 - Waner, Basle, Fiorino, Kennedy, Stafford, and Williams

Nays: 1 - Newcomer

Absent: 3 - Bracco, Rutherford, and Mason

Trustee Newcomer: My "No" vote represents my disapproval of the awarded effective date of March 23, 2021, the date of application and thus, is not a reflection of Mr. Whitaker's eligibility for a service connected disability retirement. I agree that he is entitled to a service connected disability retirement, but that the effective date for his service connected disability retirement benefit should be February 12, 2021, the day after the last day he received regular compensation because he could not have known his incapacity was permanent until after this date.

Trustee Kennedy left the meeting at 3:10 PM.

Other Closed Session Matters:

31. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) [22-119](#)
Title: Chief Executive Officer

This item was heard after the Consent Calendar. No reportable action was taken.

32. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) [22-120](#)
Title: Chief Counsel

This item was heard after the Consent Calendar. No reportable action was taken.

33. CONFERENCE WITH LABOR NEGOTIATORS (Government Code [22-134](#)
section 54957.6)
Agency designated representatives: Debby Cherney, Stacey Barnier
Employee Organization: Service Employees International Union Local
721

No reportable action was taken.

OPEN SESSION

34. Report by Counsel on actions taken in Closed Session. [22-130](#)

Counsel reported on actions taken in Closed Session and stated that no reportable action was taken on Item No's. 31, 32 and 33.

EXECUTIVE REPORTS

35. Chief Executive Officer. [22-131](#)

Received and filed.

36. Chief Counsel. [22-136](#)

Received and filed.

37. Chief Investment Officer. [22-099](#)

Received and filed.

TRUSTEE ATTENDANCE REPORTS

38. Report by the Trustees concerning conferences and other meetings attended (as specified by Education & Training Policy No. 003 - "Trustee Travel and Expense Policy"). [22-132](#)

Reports will be provided at the next Board of Retirement meeting.

39. Report on March 2022 SACRS Board Meeting by Trustee Williams. [22-133](#)

Received and filed.

SUGGESTIONS FOR FUTURE AGENDA ITEMS

No future agenda items were suggested.

ADJOURN

Board Chair Waner adjourned the meeting at 3:57 PM.

Respectfully submitted,

NEAL WANER, Board Chair

DEBBY CHERNEY, Board Secretary

DATED: _____