



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, October 7, 2021

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
JOSEPH MICHAEL, Chief Information Officer
DONALD PIERCE, Chief Investment Officer
CHRISTA JAMES, Recorder
CAPTAIN BOYD, Sheriff's Aviation Unit
TERESE CASTO, Member
MARIA ESCOBEDO, Member
CHRISTOPHER FREDERICK, Member
MEGAN GARDNER, Keenan and Associates
JOHN KENNEDY, Nossaman
CHRISTOPHER LOCKWOOD, Esq.
DEAN MADISON, Member
CHIEF O'BRINE, Sheriff's Aviation Unit
DIANNE TIMM, Member

Absent:

JOHN JOHNSON, Alternate Ex-Officio Member

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Board Chair Waner called the meeting to order at 9:02 AM and announced protocol for Public Comment. Board Chair Waner led the Pledge of Allegiance.

PUBLIC COMMENT

No Public Comment was provided.

ACTION ITEMS

1. Adopt SBCERA Resolution No. 2021-7 - Acknowledging the Proclamation of a State of Emergency by Governor Newsom and Assembly Bill 361 Authorizing Remote Teleconference Meetings of the SBCERA Board. [21-151](#)

Hannah, staff, reviewed.

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

Ayes: 9 - Waner, Bracco, Rutherford, Basle, Fiorino, Kennedy, Mason, Stafford, and Williams

CONSENT

Trustee Fiorino pulled Item No. 9 from the Consent Calendar to be heard in Open Session.

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

- Ayes:** 9 - Waner, Bracco, Rutherford, Basle, Fiorino, Kennedy, Mason, Stafford, and Williams
2. Approve minutes of regular meeting conducted on September 2, 2021. [21-105](#)
 3. Approve minutes of Special Board of Retirement Meeting conducted on September 24, 2021. [21-119](#)
 4. Approve Service Retirements. [21-135](#)
 5. Approve the Service-Connected Disability Retirement application of Dana M. Foster - San Bernardino County - Sheriff. [21-130](#)
 6. Approve the Service-Connected Disability Retirement application of Mark A. Kennicutt - San Bernardino County - Sheriff. [21-104](#)
 7. Approve the attendance and related expense of Janice Rutherford to the Kayne Anderson Annual Investors Conference to be held in Los Angeles, CA, on October 27-28, 2021. [21-124](#)
 8. Approve Special Assignment Compensation in the amount of 7.5% of [21-145](#)

base salary for the Disability Retirement Benefits Technician in the Disability Retirement Unit, effective October 23, 2021 through December 31, 2021 or such sooner date as the CEO determines SAC pay is no longer appropriate.

9. Approve the agreement with Linea Secure in an amount not to exceed \$60,000 for Technology and Cybersecurity Strategic Planning Services, and authorize the Chief Executive Officer to execute SBCERA's standard Professional Services Agreement for the provided Statement of Work. [21-108.1](#)

Michael, staff, reviewed.

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

Ayes: 9 - Waner, Bracco, Rutherford, Basle, Fiorino, Kennedy, Mason, Stafford, and Williams

10. Approve the purchase of a Cisco 2130 Next Gen Firewall and associated parts and series from Linea Secure in the amount of \$39,481.00. [21-106.1](#)
11. Adopt SBCERA Resolution No. 2021-6 - Employer Pay Codes of Employee Compensation. [21-134](#)
12. Ratify travel expenses for Trustees & CEO for the Quarter Ended June 30, 2021. [21-085](#)

ACTION ITEMS

13. Action on Deferred Items from Consent, if any. [21-120](#)

Trustee Fiorino pulled Item No. 9 from the Consent Calendar to be heard in Open Session. Please see entry above.

14. Approve the request to extend employment of Charles Abney from November 1, 2021 to October 31, 2022 because an extreme necessity exists to continue the retiree's employment beyond the 18-month limit, and thus the standards of SBCERA Board Administration Policy No. 015 "Retirees Returning to Work," have been met. [21-116](#)

Bishop, staff, reviewed. Chief O'brine, and Captain Boyd with the Sheriff's Aviation Unit provided comment.

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

Ayes: 9 - Waner, Bracco, Rutherford, Basle, Fiorino, Kennedy, Mason, Stafford, and Williams

15. Affirm the current practice of formatting Board and Committee Minutes in accordance with SBCERA By-Laws Article II. [21-141.1](#)

Hannah, staff, reviewed.

Trustee Mason voted "no" on this item, as he would like more transparency in

the minutes and would like both sides of the Board's discussion to be documented.

Trustee Williams voted "no" on this item, as he would like more information recorded in the minutes so that the essence of the Board's discussion would be captured.

Trustee Hatch stated that he would like more transparency in the minutes as well.

Those trustees voting "yes" reflected that because the meetings are streamed live, and made available to watch on SBCERA's website, having more detail in the written minutes is unnecessary, and the meeting minutes are not intended to be transcripts.

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

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

Nays: 3 - Fiorino, Mason, and Williams

16. Approve an agreement with Keenan and Associates in an amount not to exceed \$50,000 annually for Employee Benefits Insurance Broker and Consulting Services, and authorize the Chief Executive Officer to execute SBCERA's standard Professional Services Agreement with Keenan and Associates. [21-146](#)

Barnier, staff, reviewed.

Trustee Fiorino voted "no" on this item, as he believes it will be difficult for SBCERA to obtain competitive rates.

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

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

Nays: 3 - Fiorino, Mason, and Williams

Trustee Rutherford left the meeting at 10:21 AM.

17. Approve and adopt updates to Benefits Policy No. 031 (Tax Compliance). [21-061.1](#)

McInerney, staff, reviewed.

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

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

Absent: 1 - Rutherford

Trustee Rutherford returned to the meeting at 10:25 AM.

18. Appointment of a Voting Delegate and Alternate Voting Delegate for the 2021 SACRS Fall Business Meeting on Friday, November 12, 2021. [21-147](#)

Cherney, staff, reviewed. Board Chair Waner appointed Trustee Williams as Voting Delegate and Trustee Hatch as Alternate Voting Delegate for the 2021 SACRS Fall Conference business meeting to be held on Friday, November 12, 2021.

INFORMATION ITEMS

19. Informational Analysis of Changes in Contracted Services from San Bernardino County and Offshore Platform. [21-115.1](#)

Cherney, staff, presented.

20. Report on the Budget vs Actual Review - For the Fiscal Year Ending June 30, 2021. [21-084](#)

McInerney, staff, presented.

RECEIVE AND FILE

21. Report on the Administrative Committee meeting conducted on September 16, 2021. [21-121](#)

Received and filed.

CLOSED SESSION

Trustee Bracco left the meeting at 10:49 AM.

22. Approve the staff's determination to deny Christopher Frederick's request to apply for the Supplemental Disability Retirement Allowance (Government Code § 31740). [21-153](#)

A motion was made by Basle, seconded by Stafford, to Approve the Staff Recommendation to deny Christopher Frederick's request to apply for the Supplemental Disability Retirement Allowance. The motion carried by the following vote:

Ayes: 9 - Waner, Rutherford, Basle, Fiorino, Kennedy, Mason, Stafford, Williams, and Newcomer

23. Approve and adopt the proposed findings and the recommendations of the referee regarding the Service-Connected Disability Retirement with Supplemental Retirement Allowance of Terese Casto - San Bernardino County - Child Support Services. [19-850.1](#)

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

Ayes: 9 - Waner, Rutherford, Basle, Fiorino, Kennedy, Mason, Stafford, Williams, and Newcomer

24. Approve and adopt the proposed findings and the recommendations of the referee regarding the Service-Connected Disability Retirement with Supplemental Retirement Allowance of Maria J. Escobedo - San Bernardino County - Behavioral Health. [19-445.2](#)

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

Ayes: 7 - Waner, Rutherford, Basle, Kennedy, Mason, Stafford, and Newcomer

Nays: 2 - Fiorino, and Williams

Trustee Mason left the meeting at 12:30 PM.

25. Approve and adopt the proposed findings and the recommendations of the referee regarding the Service-Connected Disability Retirement of Dean C. Madison - San Bernardino County - Sheriff. [19.780.1](#)

A motion was made by Fiorino, seconded by Stafford, that this agenda item be Continued to the BOARD OF RETIREMENT, meeting on 11/4/2021. The motion carried by the following vote:

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

Absent: 1 - Mason

Trustee Mason arrived at the meeting at 12:45 PM.

26. Approve and adopt the proposed findings and the recommendations of the referee regarding the Service-Connected Disability Retirement with Supplemental Retirement Allowance of Dianne Timm - County of San Bernardino - Behavioral Health. [19-679.3](#)

A motion was made by Mason, seconded by Basle, to Approve and adopt the proposed findings and the recommendations of the referee. The motion carried by the following vote:

Ayes: 8 - Waner, Rutherford, Basle, Kennedy, Mason, Stafford, Williams, and Newcomer

Nays: 1 - Fiorino

Other Closed Session Matters:

27. Public Employee Discipline/Dismissal/Release. **21-144**

A motion was made by Kennedy, seconded by Rutherford, to Ratify the Chief Executive Officer decision to terminate Retirement Specialist, Tanay Colon. The motion carried by the following vote:

Ayes: 9 - Waner, Rutherford, Basle, Fiorino, Kennedy, Mason, Stafford, Williams, and Newcomer

OPEN SESSION

28. Report by Counsel on actions taken in Closed Session. [21-122](#)

Hannah and Lantzer, staff, reported on actions taken in Closed Session.

EXECUTIVE REPORTS

29. Chief Executive Officer. [21-152](#)
Cherney, staff, reported.
30. Chief Counsel. [21-140](#)
Hannah, staff, reported.
31. Chief Investment Officer. [21-111](#)
Pierce, staff, reported.

TRUSTEE ATTENDANCE REPORTS

32. Report by the Trustees concerning conferences and other meetings attended (as specified by Education & Training Policy No. 003 - "Trustee Travel and Expense Policy"). [21-123](#)
Trustees Fiorino and Mason reported on their attendance.

SUGGESTIONS FOR FUTURE AGENDA ITEMS

No suggestions for future agenda items.

ADJOURN

Board Chair Waner adjourned the meeting at 1:43 PM.

Respectfully submitted,

NEAL WANER, Board Chair

DEBBY CHERNEY, Board Secretary

DATED: _____