



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

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Thursday, June 2, 2022

9:00 AM

Hybrid:  
In person (Trustees only)/Online

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#### 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  
JANICE RUTHERFORD, Appointed Member  
DAWN STAFFORD, Retired Member  
VERE WILLIAMS, General Member  
HARRY HATCH, Alternate Retired Member  
JOHN JOHNSON, Alternate Ex-Officio 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  
DAVID LANTZER, Senior Staff Counsel  
AMY MCINERNY, Chief Financial Officer  
DONALD PIERCE, Chief Investment Officer  
CHRISTA JAMES, Recorder  
JUDY BOYETTE, Hanson Bridgett  
ASHLEY DUNNING, Nossaman  
DENISE GIACOPUZZI, Member  
NANCY HILU, Hanson Bridgett  
JACOB KALINSKY, Esq.  
AALIA MENES, Nossaman  
SHOAIB NAQVI, M.D.  
JEFFREY WAINSTEIN, M.D.  
JUANITA WEISS, Member

#### Absent:

ENSEN MASON, Treasurer

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT**

Board Chair Waner read into the record a Public Comment submitted by Angela Bongiflio, with Renters United for Justice. Board Chair Waner read into the record a Public Comment submitted by nine (9) SBCERA staff members, regarding the ongoing Union Negotiations.

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

**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED [22-221](#)  
LITIGATION  
Significant exposure to litigation pursuant to paragraph (2) of subdivision of Section 54956.9: one case.

No reportable action was taken.

**ACTION ITEMS**

2. Determination to approve or deny the request of Sheriff's Employees' Benefit Association for the Board to determine SBCERA's limitation of the amount of annual leave cash-outs included as "compensation" under Government Code section 31460 and "compensation earnable" under Government Code section 31461, pursuant to Government Code section 31534 as to whether members can only include in their final compensation annual leave cash-outs which is pensionable and earnable in a calendar year as opposed to a twelve-month period. [22-199](#)

A motion was made by Bracco, seconded by Williams, to Deny the Sheriff's Employees' Benefit Association request. The motion carried by the following vote:

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

**Absent:** 1 - Mason

**CONSENT**

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

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

**Absent:** 1 - Mason

3. Approve minutes of regular meeting conducted on May 5, 2022. [22-212](#)
4. Approve Service Retirements. [22-200](#)

5. 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 June in a hybrid format. [22-215](#)
6. Approve renewal of property and casualty insurance with Alliant Insurance Services and the Marsh & McLennan Insurance Agency LLC for fiscal year 2022-2023 in an amount not to exceed \$358,640 with a contingency of \$5,000 to account for extreme dislocations in the insurance market that might change some of the quotes prior to binding coverage. [22-224](#)
7. Approve the Service-Connected Disability Retirement application of Rodney A. Gardner - San Bernardino County - District Attorney. [22-204](#)
8. Approve the Service-Connected Disability Retirement application of Martin A. Lozano - San Bernardino County - Sheriff. [22-210](#)
9. Approve the Service-Connected Disability Retirement application of Randy R. Ryder - San Bernardino County - Human Services. [22-201](#)

### **ACTION ITEMS**

10. Action on Deferred Items from Consent, if any. [22-216](#)  
  
No items were deferred from the Consent Calendar.
11. Approve the submission of a letter of concern or opposition to the California State Legislature regarding AB 2493 - County Employees' Retirement: Disallowed Compensation /Benefit Adjustments. [22-225](#)  
  
Cherney, staff, reviewed.  
  
A motion was made by Fiorino, seconded by Rutherford, to Approve the submission of a letter of opposition to the California State Legislature regarding AB 2493. The motion carried by the following vote:  
**Ayes:** 9 - Waner, Bracco, Rutherford, Basle, Fiorino, Kennedy, Stafford, Williams, and Johnson  
**Absent:** 1 - Mason
12. Adopt the Triennial Strategic Plan for Fiscal Years 2023, 2024, and 2025. [22-222](#)  
  
Cherney, staff, reviewed and suggested the addition of a strategic plan pillar referencing the triennial communications plan.  
  
Trustee Williams voted "no" on this item, as he does not agree with recommendation and the process.  
  
A motion was made by Kennedy, seconded by Rutherford, that this agenda item be Approved as amended. The motion carried by the following vote:  
**Ayes:** 8 - Waner, Bracco, Rutherford, Basle, Fiorino, Kennedy, Stafford, and Johnson

**Nays:** 1 - Williams

**Absent:** 1 - Mason

13. Approve the proposed Annual Budget for the Fiscal Year Ending June 30, 2023. [22-206.1](#)

McInerney, staff, reviewed. The Board suggested an amendment to include more narrative and reporting lines to the organizational chart.

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, Stafford, Williams, and Johnson

**Absent:** 1 - Mason

### **RECEIVE AND FILE**

14. Report on the Administrative Committee meeting conducted on May 23, 2022. [22-214](#)

Received and filed.

15. Report on the Executive Committee meeting conducted on May 23, 2022. [22-213](#)

Received and filed.

### **CLOSED SESSION**

Trustee Bracco left the meeting at 10:48 AM

Trustee Bracco returned to the meeting at 11:08 AM.

Trustee Williams left the meeting at 11:09 AM.

16. Review and determine the Service-Connected Disability Retirement application of Denise M. Giacomuzzi - San Bernardino County - Sheriff. [22-195](#)

A motion was made by Kennedy, seconded by Stafford, to Approve the staff recommendation finding that Denise Giacomuzzi is permanently incapacitated and that a non-service connected disability benefit be granted. Staff shall initiate disability benefit payments with an effective date of May 28, 2021, date of application. This agenda item be Approved. The motion carried by the following vote:

**Ayes:** 7 - Waner, Rutherford, Basle, Fiorino, Kennedy, Stafford, and Johnson

**Absent:** 2 - Mason, and Williams

**Abstain:** 1 - Bracco

Trustee Williams returned to the meeting at 11:16 AM.

17. Review and determine the Service-Connected Disability Retirement with Supplemental Retirement Allowance of Juanita Weiss - San [22-164.1](#)

Bernardino County - Probation.

A motion was made by Kennedy, seconded by Basle, to Approve the staff recommendation finding that Juanita Weiss is permanently incapacitated and that a non-service connected disability benefit be granted. Ms. Weiss is not capable of gainful employment; therefore, granting the supplemental disability retirement allowance. Staff shall initiate disability benefit payments with an effective date of June 8, 2019, the day after the last day of regular compensation. The motion carried by the following vote:

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

**Absent:** 1 - Mason

Other Closed Session Matters:

18. CONFERENCE WITH LABOR NEGOTIATORS (Government Code section 54957.6) [22-217](#)  
Agency designated representatives: Debby Cherney, Stacey Barnier  
Employee Organization: Service Employees International Union Local 721

No reportable action was taken.

**OPEN SESSION**

19. Report by Counsel on actions taken in Closed Session. [22-218](#)

Counsel reported on actions taken in Closed Session and stated that no reportable action was taken on Item No's. 1 and 18.

**EXECUTIVE REPORTS**

20. Chief Executive Officer. [22-219](#)

Cherney, staff, reported.

21. Chief Counsel. [22-223](#)

Hannah, staff, reported.

22. Chief Investment Officer. [22-203](#)

Pierce, staff, reported.

**TRUSTEE ATTENDANCE REPORTS**

23. Report by the Trustees concerning conferences and other meetings attended (as specified by Education & Training Policy No. 003 - "Trustee Travel and Expense Policy"). [22-220](#)

Trustees Fiorino, Stafford, Williams, Waner, Newcomer, Rutherford, and Basle

reported on their attendance.

**SUGGESTIONS FOR FUTURE AGENDA ITEMS**

No future agenda items were suggested.

**ADJOURN**

Board Chair Waner adjourned the meeting at 1:32 PM in memory of Keith Rubow, father of Karl Rubow, SBCERA's Senior Business Systems Engineer.

Respectfully submitted,

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NEAL WANER, Board Chair

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DEBBY CHERNEY, Board Secretary

DATED:\_\_\_\_\_