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Oscar Peters  
Retirement Administrator



Board Chair - Shawn Terris  
Vice Chair - Norm Horsley  
Secretary - Kate Silsbury  
Joseph Gallas  
Joni Gray  
Bernice James  
Donald Kendig  
Ted Tedesco  
George Bobolia  
Scot Alderete  
Pauline Coleman

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**MINUTES OF THE BOARD OF RETIREMENT  
REGULAR MEETING**

January 28, 2004

Board of Supervisors Conference Room  
County Administration Building  
105 East Anapamu Street 4<sup>th</sup> Floor  
Santa Barbara, California 93101

**1. ROLL CALL** 9:05 a.m.

Members Present: Bobolia, Gallas, Horsley, Kendig, Silsbury, Tedesco, Terris  
Members Absent: Gray, James (momentarily)  
Alternates: Alderete, Coleman  
Counsel: Czuleger, Blakeboro (afternoon session only)  
Clerk: Strong

Let the record show that Ms. James arrived after the second motion before the vote. Let the record show that Ms. Gray arrived at 9:12 a.m. Order of the agenda was changed as reflected herein.

**2. Election of officers for 2004**

a. Nominations were as follows:

MOTION: Elect Terris as Chair

Kendig/Tedesco Failed

MOTION: Elect Horsley as Chair

Gallas/Bobolia Failed

VOTE on 1<sup>st</sup> motion Yes: Kendig, Silsbury, Tedesco, Terris

No: Gallas, Horsley, James

Abstain: Bobolia

Absent: Gray

VOTE on 2<sup>nd</sup> motion Yes: Bobolia, Gallas, Horsley, James

No: Kendig, Silsbury, Tedesco, Terris

Absent: Gray

Further vote deferred until full Board present

**PUBLIC COMMENT PERIOD**

3. None

**MINUTES**

4. MOTION: Approve Minutes of Regular Board meeting of December 17, 2003  
Horsley/Kendig Approved by voice vote with Bobolia abstaining

## INVESTMENTS

5. Interviews for emerging markets manager were moderated by Neil Rue and John Charley of Pension Consulting Alliance.

Genesis was represented by Paul Greatbatch and Paul Ballantyne

Boston Company team was Robert Harkins, Carolyn Kedersha, and Lee Schneider

Nicholas-Applegate presenters were Erin Blake, Andrew Beal and Rebecca Hagstrom

MOTION: Hire Boston Company to manage an emerging markets investment.

Kendig/James Approved Yes: Bobolia, Gallas, Gray, Horsley, James, Kendig,  
Silsbury, Tedesco, Terris

1. MOTION: After considering recent performance results of the Bank of Ireland EAFE account; place on watch to be closely monitored over the next 6 to 9 months.

Tedesco/Gallas Approved by voice vote of all present

## GENERAL

2. Election of officers for 2004

a. Chair

MOTION: Elect a slate of Terris as chair, Horsley as vice-chair, Silsbury as secretary

Kendig/no second Failed

MOTION: Elect Norm Horsley as chair

James/Gray Approved Yes: Bobolia, Gallas, Gray, Horsley, James

No: Kendig, Silsbury, Tedesco, Terris

b. Vice-Chair

MOTION: Elect Kendig as vice-chair

James/Gray Approved by voice vote of all present

c. Secretary

MOTION: Elect Silsbury as secretary

Acknowledging that Kate Silsbury's position has expired; vote was taken pending her reappointment by Board of Supervisor approval following BOS policy of advertising the position to the public.

Kendig/Terris Approved by voice vote of all present

18. MOTION: Accept staff recommendation and appoint Mellon as Master Custodian and authorize the Retirement Administrator to enter negotiations.

Terris/Bobolia Approved Yes: Bobolia, Gallas, Gray, Horsley, James, Kendig,  
Silsbury, Tedesco, Terris

19. Consider revising the interest crediting policy

Direction to staff to defer for further information; legal authority and upon receipt the cost impacts.

12:10 –12:40 p.m. A recess was taken for lunch (provided for Board and consultants)

**DISABILITIES**

**TIME CERTAIN 1 P.M.**

7. In the matter of application for disability retirement of Ed Carey:

MOTION: Dismiss the application without prejudice to applicant’s right to reapply pursuant to Government Code §31722.

Gallas/Silsbury Approved by voice vote with Alderete voting

9. In the matter of application for disability retirement of Darla Downs: After considering remarks of applicant’s counsel, Matthew Davis

MOTION: Refer to hearing on all issues.

Gallas/Bobolia

MOTION RESTATED AS: Refer for hearing on all issues specifically stating that the Board has not taken a position to deny the application for service-connected disability retirement.

Gallas/Bobolia Approved by voice vote of majority with Terris voting NO

10. In the matter of the application of Susanne Hart: After considering request of Lindy Swanson, Human Resources manager for ADMH to deny the request for withdrawal and proceed with the case as it has been pending for 12 years and department is unable to fill the position until it is resolved; and remarks of Russell Ghitterman, former counsel for the applicant:

MOTION: Deny the applicant’s request to dismiss the application and direct the referee to set for hearing with no further continuances.

Terris/Gray Approved by voice vote of all present

12. In the matter of the application of Caroline Kuizenga: After considering remarks of applicant’s counsel and pointing out that the recommendation was stated incorrectly on the agenda the following motion was made:

MOTION: Approve and adopt the referee’s report of the Proposed Findings of Fact, Conclusions of Law and Recommended Decision to deny a service-connected disability retirement and grant a nonservice connected disability retirement.

Gray/Tedesco Withdrawn

After subsequent discussions:

MOTION: Approve and adopt the referee’s report of the Proposed Findings of Fact, Conclusions of Law and Recommended Decision to deny a service-connected disability retirement and grant a nonservice connected disability retirement. In adopting the referee’s report the Board is not construing that the report based on the conclusion that cumulative trauma from working can never have a real and measurable connection to a disability. Rather, the Board is construing the referee’s conclusion with respect to the issue of service connection to be based on the applicant’s failure to carry her burden of proof in establishing a real and measurable connection between her work and her disability under the facts of this case.

Tedesco/Terris Failed Yes: Bobolia, Gray, Horsley, Tedesco  
No: Gallas, James, Kendig, Silsbury, Terris

MOTION: Deny a service-connected disability retirement and grant a nonservice connected disability retirement.

Tedesco/Gray Failed Yes: Bobolia, Gray, Horsley, Tedesco  
No: Gallas, Kendig, Silsbury, Terris  
Abstain: James

MOTION: Adopt referee's recommendation to grant a nonservice connected disability retirement.

Kendig/Gallas Approved by voice vote with Terris voting NO

MOTION: Require a transcript and a summary of the evidence taken and all records related to causation with direction to staff that it be presented by the February meeting for consideration at the March meeting. Russell Ghitterman, applicant's counsel, to review evidence presented.

Kendig/Gallas Approved Yes: Bobolia, Gallas, Gray, Horsley, James, Kendig, Silsbury  
No: Tedesco, Terris

8. In the matter of the application of Michael Carroll:

MOTION: Approve and adopt the Proposed Findings of Fact, Conclusions of Law, and Recommended Decision of the referee along with any timely filed objections and grant a nonservice-connected disability retirement and deny the application for service-connected disability retirement.

Kendig/Gray Approved by voice vote with Gallas voting NO

11. In the matter of the application for disability retirement of Rita Johnston:

MOTION: Adopt the Findings of Fact, Conclusions of Law and Decision denying the application for service connected disability retirement.

Silsbury/Terris Approved by voice vote

13. In the matter of the application of Mary Margaret O'Toole:

MOTION: Adopt the Findings of Fact, Conclusions of Law and Decision granting a nonservice-connected disability retirement.

Terris/James Approved by voice vote

14. In the matter of the application of Penny Waltner:

MOTION: Adopt the Findings of Fact, Conclusions of Law and Decision granting a service-connected disability retirement.

Horsley/Terris Approved by voice vote

15. MOTION: Accept Disability Applicant Status report and grant extensions as requested noted with an asterisk on the report.. (Case #'s 030428; 010309A; 030630; 030630A; 030709)

Kendig/Terris Approved by voice vote with Gallas abstaining

16. Accept report of litigation summary prepared by general counsel Alan Blakeboro. No action is required.
17. MOTION: Receive and accept new format of disability retirement application.  
Terris/Gallas Approved by voice vote

**BOARD**

20. Receive and file report of Trustee Terris from SACRS Legislative Committee meeting of January 16, 2004

**ADMINISTRATOR**

Administrator's Report accepted no action required.

- a. Portfolio Status Report
  - b. Receive draft of APCD Summary Plan Description: e-mail feedback to Administrator.
22. Items to Administrator for future agenda consideration
- 1) Want to receive a memo on Courts contract
  - 2) County Counsel contract deferred to March
  - 3) Study hearing officer competency
  - 4) Consider instructions to our counsel in future hearings
  - 5) Not an agenda item but curious: Investments with terrorists
  - 6) Investments with unions; investing in affordable housing and loans
  - 7) Provide a standard for consideration of the Kuizenga matter on the March agenda.
  - 8) Set the asset/liability model for the March meeting- all day.

23. Receive and file Retirement Report

		Retirements		
	<u>Name</u>	<u>Dept.</u>	<u>Service Credit</u>	<u>Sick Leave Credit</u>
	Bronwen Armstrong	Public Health	22.34826	0.53501
D	Judith Brandt	Social Services	6.30150	0.00026
	Brenda Brownlee	Assessor	23.76158	0.28365
	Betty Christenson	Health Care Svcs	27.38475	0.41671
D R	Marjorie Davis	Health Care Svcs	1.36761	0.00000
D	Jonathan Dohm	Parks	8.31379	0.00000
	Marianne Emery	Superior Court	31.46802	0.30815
	Dorothy Groce	A D M H	13.72493	0.00298
	Barbara Parr	Superior Court	19.38650	0.05372
	Jerry Pearson	Public Health	20.68622	0.60854
	Donna Streeter	Probation	13.18502	0.08509
D	Susan Wood	Social Services	31.18217	0.00000

MOTION: Accept the report.  
Terris/James Approved by voice vote

Adjourned at 2:59 p.m.

ATTEST:

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Clerk of the Board of Retirement

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Chair

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Secretary

Next regular meeting February 18, 2004