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**KATHLEEN L. KUBLER**  
**CLERK OF THE BOARD**



**Imperial County Employees' Retirement System**

# **BRIEF MINUTES**

**REGULAR MEETING OF THE  
IMPERIAL COUNTY BOARD OF RETIREMENT**

April 15, 2009

8:30 A.M.

County Administration Center

Board Chambers

940 West Main Street, Second Floor

El Centro, CA 92243

## **OPEN SESSION**

1. The meeting was called to order by Chairman Villeneuve at 8:30 a.m.

The Pledge of Allegiance was led by Chairman Villeneuve.

**MEMBERS PRESENT:** Karen Vogel, Julie Villeneuve, Jack Terrazas, Becky Flammang, Robert W. Williams, Herbert Bumgart, James E. Rhodes

**MEMBERS ABSENT:** Terry Huskey

**MEMBERS ARRIVING AFTER ROLL CALL:** None

**ALTERNATES PRESENT:** Pompeyo Tabarez, Jr., Charles L. Jernigan

**LEGAL REPRESENTATIVE:** Linda Tucker, Deputy County Counsel

**CLERK:** Kathleen L. Kubler, Retirement Specialist

**STAFF:** David H. Prince, Retirement Administrator, Kayleen Smith, Retirement Specialist

2. Discussion of the Agenda:

A. Items to be pulled from the Action Calendar: None

B. Items to be pulled from the Discussion Calendar: None

C. Items to be pulled from the Consent Agenda: None

D. Emergency Items added: None

## E. Approval of the Agenda:

**MOTION** by Flammang, Second by Terrazas and carried by the unanimous vote of members present, the Agenda was approved.

## F. Approval of the Consent Agenda:

**MOTION** by Flammang, Second by Vogel and carried by the unanimous vote of members present, the Consent Agenda was approved.

3. Public comments on items that are **NOT** on the Action or Discussion Calendars:

(Breaks: 9:40 – 9:50 a.m., 10:50 – 11:00 a.m.) (Lunch 12:00 – 12:30 p.m.)

**ACTION CALENDAR**

## 4. Approval of the Minutes of March 4, 2009 special adjourned meeting:

**MOTION** by Jernigan, Second by Williams and carried by the unanimous vote of members present, the Minutes of the March 4, 2009 special adjourned meeting were approved.

## 5. Approval of the Minutes of March 18, 2009 regular adjourned meeting:

**MOTION** by Williams, Second by Jernigan and carried by the unanimous vote of members present, the Minutes of the regular adjourned meeting of March 18, 2009 were approved.

## 6. Discussion/Action by David H. Prince, Retirement Administrator: Transfer of funds from assets to cash account (not to exceed \$5 million):

**MOTION** by Vogel, Second by Flammang and carried by the unanimous vote of members present, the board approved the transfer of funds from assets to the cash account, not to exceed \$5 million, from assets to the cash account.

7. Action/Discussion by the Retirement Board: That the County Board of Supervisors direct the County Clerk/Registrar of Voters to hold an election for the 2<sup>nd</sup> Seat of the Retirement System, now vacated, for a term ending June 30, 2010, according to Government Code Section 31523:

**MOTION** by Williams, Second by Terrazas and carried by the unanimous vote of members present, the Board approved the motion to request that the County Board of Supervisors direct the County Clerk/Recorder/Registrar of Voters to hold an election for the 2<sup>nd</sup> Seat of the Retirement Board.

**CLOSED SESSION**

## 8. Convene into Closed Session:

**MOTION** by Vogel, Second by Flammang and carried on the unanimous vote of members present, the Board convened into Closed Session.

- A. Government Code §54956.9(a) – Conference with Legal Counsel of Existing Litigation regarding disability retirement applications relating to the following:  
  
Guillermina Robles   Rosendo Garcia   Gerardo Anaya   David Mazon
- B. Government Code §54956.9(a) – Conference with Legal Counsel of Existing Litigation, In re Jarden Corp. Securities Litigation, United States District Court for the Southern District of New York, Case No. 7:06-CV-722 (CLB).
- C. Government Code §54956.9(a) – Conference with legal counsel of existing litigation, Board of Trustees of ICERS v. JPMorgan Chase Bank, U.S. Court District for the Southern District of New York, Case No. 09CV3020.
- D. Government Code §54956.8 – Conference with Real Estate property negotiator. Property is located in the 1400 block of Clark Road, El Centro, CA. Party with whom negotiating is County of Imperial.

**OPEN SESSION**

## 9. Announcement of Closed Session Action:

Kayleen Smith, Disability Specialist, announced the following Closed Session action:

The Board discussed but took no action regarding the disability retirement applications of Guillermina Robles, Rosendo Garcia, Gerardo Anaya and David Mazon.

The Board discussed but took no action regarding the Jarden Corp. Securities Litigation matter.

The Board discussed but took no action regarding the JPMorgan Chase Bank litigation matter.

The Board gave direction to staff regarding the real estate property located in the 1400 block of Clark Road, El Centro, CA.

**DISCUSSION CALENDAR**

## 10. Reports/Correspondence/Announcements:

## A. Retirement Administrator:

## 1. Book vs. Market Summary as March 31, 2009:

David H. Prince, Retirement Administrator reported on the period activity. The Board directed staff to provide a preliminary as well as final market results graph before each board meeting.

## 2. Update on portfolio rebalancing:

Mr. Prince and Scott J. Whalen, Senior Investment Consultant, Wurts & Associates discussed Victory Capital. Mr. Whalen stated that he would meet with Victory Capital about their disappointing performance and report to the Board at the next meeting.

## 3. Update on ICERS Pension Administration System (PAS):

Mr. Prince reported that staff and the PAS consultants are on schedule and progressing toward the next phase of the project.

## 4. Update on remodeling of ICERS new office located at 1221 State Street, El Centro, CA 92243:

Mr. Prince reported that delays due to city permit requirements and the fiber optic installation means the remodeling won't be done on time.

The Board directed legal staff to extend the contract with Duggins Construction for an additional 30 days.

## 5. State Association of County Retirement Systems (SACRS) Business Meeting Packet:

Mr. Prince discussed the packet with the Board.

## 6. SACRS in the news: Local pension funds: The layoff scenario:

Mr. Prince discussed the effects on government pensions and the workforce as the decline in the market continues. He also commented on the highlights of his attendance to the SACRS symposium, held in Sacramento on March 20, 2009 and he also offered to share the recording of the event with the board.

- 7. SACRS: Official Ballot for the 2009-2010 SACRS Board of Director' Election:

Mr. Prince reviewed the Board's previous approval to vote for the slate of candidates on the ballot and confirmed that Mr. Richard White is still an active member on the retirement board of Orange County as a safety member.

- B. County Counsel:

Linda Tucker, Deputy County Counsel advised the Board on the latest activity Orange County vs. Orange County Employees' Retirement System (OCERS).

- C. Investment Consultant:

Educational Presentation by Scott J. Whalen, Senior Consultant, Wurts & Associates:

Mr. Whalen offered the Board a concise overview of institutional investing in alternative asset classes, the return, the risk, and their correlation over time. The asset classes discussed were commodities, private equities, and timber.

As a result, the Board will be considering new investments in private equity and commodities at their regular meeting, May 20, 2009.

**CONSENT AGENDA**

Retirement Administrator recommends approval of Items 11 through 13

- 11. BUDGET:

Approval of the following Budget claims for the 2008-2009 Regular Retirement Budget, and to include Board Members in attendance at the 04/15/09 meeting, Govt. Code 31580.2 & 31521:

PERMANENT SALARIES	\$ 15,315.94
EXTRA HELP	7,134.21
BILINGUAL PAY	30.00
SOCIAL SECURITY – MEDICARE	320.43
SPECIAL TRAINING	1,439.04
SACRS Registration: David Prince, Regina Rodrigues,	
Angie Hardaway	309.00
Imperial County Office of Ed.Tech. Class: Susie Martinez	20.00
CALAPRS Gen. Assbly. Exp. Reimb.: David Prince	217.10
County vehicle use for out of town travel	11.00
SACRS Symposium Exp. Reimb.: David Prince	375.95
COUNTY CONTR RETIREMENT	1,792.36
GROUP INSURANCE	2,317.56
INS DENTAL/VISION	12.77
RETIREMENT PENSION BOND	977.64
RETIREMENT HEALTH PLAN	779.52



- E. Final Payment of Service Retirement Allowance & Death Benefit per Govt. Code Section 316760.1:
- Mary Gomez  
Deceased: General Member  
11/17/08
- F. Final Payment of Survivor Non-Service Connected Disability Retirement Allowance:
- Mary D. Gomez  
Deceased: General Member  
11/17/08
- G. Final Payment of Survivor Service Retirement Allowance:
- Gladys Judson  
Deceased: Safety Member  
02/07/09
- H. 100% Continuance of Service Retirement Allowance per Govt. Code Section 31762 & Death Benefit:
- L. Lee Cottrell  
Deceased: General Member  
01/13/09
- I. 60% Continuance of Service Retirement Allowance per Govt. Code Section 31760.1 & Death Benefit:
1. Richard Dubbe  
Deceased: Safety Member  
02/24/09
  2. Judith Luker  
Deceased: General Member  
03/20/09
- J. Buyback – Redeposit:
- Lilia Coronel  
Department: General Member  
Social Services
- K. Buyback – Public Service:
- King F. Kimball  
Department: General Member  
Superior Court
- L. Return of Contributions per Govt. Code Section 31781:
- Nancy Garibaldo  
Department: General Member  
Behavioral Health
- M. Medical Buyback:
- Brenda Olivas  
Department: General Member  
Human Resources

N. Inter System Member:

Ernest Lara  
Department:  
Effective:

Safety Member  
Sheriff  
08/15/09

13. Seminars & Conferences:

Plan Sponsor & Minority Manager 6<sup>th</sup> Annual Consortium June 17-18, 2009  
Los Angeles, CA

**OTHER ITEMS**

14. California Fair Political Practices Commission: Limitations and Restrictions on Gifts, Honoraria, Travel and Loans:

15. Previously Approved Seminars/Conferences (list available in Retirement office).

**Adjournment:** Meeting was adjourned at 12:30 p.m.

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JULIE VILLENEUVE, Chairman

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JAMES E. RHODES, Secretary