

MINUTES

REGULAR BOARD MEETING MARIN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (MCERA)

**One McInnis Parkway, 1st Floor
Retirement Board Chambers
San Rafael, CA**

March 1, 2023 – 9:00 a.m.

This meeting was held at the address listed above and was accessible via videoconference and conducted in accordance with Government Code section 54953 and 54954.2.

CALL TO ORDER

Chair Murphy called the meeting to order at 9:05 a.m.

ROLL CALL

PRESENT: Cooper, Gladstern, Klein, Martinovich, Murphy, Silberstein, Vasquez, Werby,
Jones (alternate retired), Shaw (ex officio alternate)

ABSENT: Gullett (alternate safety)

CONSIDER ANY BOARD MEMBER REQUESTS TO TELECONFERENCE FOR “JUST CAUSE” OR “EMERGENCY,” AS SET FORTH ON THIS AGENDA BELOW

No discussion.

MINUTES

It was M/S Silberstein/Gladstern to approve the February 8, 2023 Board Meeting Minutes as submitted. The motion was approved by a vote of 8-0 as follows:

AYES: Cooper, Gladstern, Klein, Martinovich, Murphy, Silberstein, Vasquez, Werby
NOES: None
ABSTAIN: None
ABSENT: Gullett

A. OPEN TIME FOR PUBLIC EXPRESSION

Note: The public may also address the Board regarding any agenda item when the Board considers the item.

Open time for public expression, from three to five minutes per speaker, on items not on the Board Agenda. While members of the public are welcome to address the Board during this time on matters within the Board's jurisdiction, except as otherwise permitted by the Ralph

M. Brown Act (Government Code Sections 54950 et seq.), no deliberation or action may be taken by the Board concerning a non-agenda item. Members of the Board may (1) briefly respond to statements made or questions posed by persons addressing the Board, (2) ask a question for clarification, or (3) provide a reference to staff for factual information.

No members of the public provided comment.

B. BOARD OF RETIREMENT MATTERS

1. Administrator's Report

a. Administrator's Update

Retirement Administrator Jeff Wickman noted this meeting is the first held in person since March of 2020, when the COVID epidemic began. He said all future Board and Committee meetings will be held in person in the Board Chambers and streamed live on YouTube and Zoom. Closed sessions will be conducted in the Board Conference Room. At the April 12, 2023 Board meeting the Board is to consider putting into place procedures in the event the internet connection is lost during a meeting.

b. Staffing Update

Mr. Wickman reported that initial interviews with candidates for the Assistant Retirement Administrator position will be conducted on March 9.

Staff are close to scheduling interviews for the vacant Retirement Benefits Technician position.

c. Facility Use Report

The Marin County Association of Retired Employees (MCARE) will be using the Board Conference Room for a meeting on March 2nd.

d. Future Meetings

- March 22, 2023 Finance and Risk Management Committee
- March 29, 2023 Investment Committee
- April 12, 2023 Board

2. Ad Hoc Committee Report – Ad Hoc Education Committee

a. Strategic Workshop Agenda (ACTION)

Consider and take possible action to approve agenda

Ad Hoc Education Committee Chair Todd Werby reviewed the proposed draft agenda for the May 16-17, 2023 Strategic Workshop. Mr. Wickman commended Committee members Maya Gladstern, Sara Klein, and Chair Werby for putting together the agenda topics. He noted that presenters for some topics are still being identified.

It was M/S Gladstern/Vasquez to approve the Agenda for the May 16-17, 2023 Strategic Workshop. The motion was approved by a vote of 8-0 as follows:

AYES: Cooper, Gladstern, Klein, Martinovich, Murphy, Silberstein, Vasquez, Werby
NOES: None
ABSTAIN: None
ABSENT: Gullett

3. Trustee Comments

a. Educational Training: Reports by Trustees and Staff

Mr. Wickman reported a notable item of discussion at the CalAPRS Administrators' Roundtable was the Secure 2.0 Act, much of which applies to ERISA retirement plans. One of the items addressed in Secure 2.0 is the recovery of pension overpayment. There was a lengthy discussion of many public pension plans' recovery of overpayments. For MCERA there are no changes in procedures for recovering overpayments. Counsel Dunning explained that the Act provides additional assurance for tax counsel as it addresses situations where a pension system has decided not to recover certain inadvertent overpayments from retirees or beneficiaries, but rather addresses those losses to the Plan through the UAL. Mr. Wickman confirmed that the circumstances of each overpayment are carefully considered when determining whether to recover from the retiree.

Trustee Gladstern asked about the 3-year limit on recovery of overpayments, and Counsel Dunning said 3 years is a commonly used limit for the recovering of overpayments from retirees given the applicable statute of limitations period.

Trustee Klein asked if overpayments are common. Mr. Wickman replied that overpayments are not common occurrences for MCERA. Counsel Dunning noted years ago MCERA was sued over its implementation of PEPRA when it excluded pay items, such as standby pay, from the retirement benefit, and there was an unsuccessful effort to enjoin MCERA from its implementation of that law. There was an 8-year litigation period during which some other CERL systems included standby pay in retirement allowance calculations, and those systems are now having to address the resulting overpayments given the Supreme Court's decision that PEPRA was constitutional.

Mr. Wickman said other discussions included a unique provision allowing elected officials to retire prior to beginning second terms of office, and how many public pension systems use recruiters for executive positions.

Counsel Dunning attended the CalAPRS Attorneys' Roundtable. She said the first topic was on the Secure 2.0 Act. Aspects applying to MCERA include later required minimum distributions based on birth year for deferred members, and some changes in tax exemptions related to health insurance provisions. Two of Counsel Dunning's partners at Nossaman, Thomas Dover and David Lee, presented the second topic on What To Do When Your Pension Administration System Goes Awry. Considerations include operational importance, risk factors, conversions of legacy systems, and how to manage Request for Proposal (RFP) processes.

The third topic was on recent pending litigation against public retirement systems in California. These cases involved issues such as actuarial funding of retirement systems, determination of compensation earnable, domestic relations, and reciprocity in disability retirements. The fourth topic was on trends in cyber insurance coverage, one of which is a massive increase in the price and amount of coverage that buyers request. A discussion of the *Blaser v. CalSTRS 2.0* case followed about an error correction resulting from an employer audit, and the decision addressed, among other topics, the applicable statute of limitations.

b. Other Comments

No other comments by the trustees.

C. NEW BUSINESS

1. Future Meetings

Consider and discuss agenda items for future meetings

No discussion.

D. OTHER INFORMATION

1. Training Calendar (ACTION)

Mr. Wickman discussed new items on the monthly Training Calendar. Chair Murphy will be attending the CalAPRS General Assembly next week, and Trustees Cooper and Werby will be attending the SACRS Spring Conference.

It was M/S Werby/Gladstern to approve the Training Calendar as submitted. The motion was approved by a vote of 8-0 as follows:

AYES: Cooper, Gladstern, Klein, Martinovich, Murphy, Silberstein, Vasquez, Werby
NOES: None
ABSTAIN: None
ABSENT: Gullett

E. CONSENT CALENDAR (ACTION)

The Administrator presented the monthly Consent Calendar for consideration by the Board.

It was M/S Gladstern/Werby to approve the Consent Calendar as submitted. The motion was approved by a vote of 8-0 as follows:

AYES: Cooper, Gladstern, Klein, Martinovich, Murphy, Silberstein, Vasquez, Werby
NOES: None
ABSTAIN: None
ABSENT: Gullett

CONSENT CALENDAR**MCERA BOARD MEETING, WEDNESDAY, MARCH 1, 2023****FEBRUARY 2023**

RETURN OF CONTRIBUTIONS			
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Susan Falcone	Refund of contributions (termination)	\$	18,834.88
Marco Frias	Refund of contributions (termination)	\$	58,391.51
Khanh Huynh	Partial refund of contributions (30 year)	\$	1,201.40
Donald Lancaster	Refund of contributions (termination)	\$	24,004.03
Jody Sanchez	Refund of contributions (termination)	\$	4,417.71
Amber VanMeter	Refund of contributions (termination)	\$	2,644.34

BUYBACKS			
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Mahmood Baporia		\$	7,000.00
Yvonne Lee		\$	11,426.82

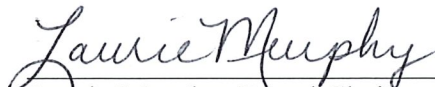
NEW RETIREES	
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Virginia Aubry	County of Marin - Public Works
Sandy Cheang	County of Marin - Health & Human Services
Alisha Krupinsky	County of Marin - Probation
Gerald J. McCarthy	Novato Fire
Daniel McMahon	County of Marin - Library
Joan Nilsen	County of Marin - Fire
Craig Parmley	County of Marin - Public Works
Claudia Rubio	County of Marin - Health & Human Services
Joel Stemmer	County of Marin - Sheriff/Coroner
Stephanie Tripp	County of Marin - Sheriff/Coroner
Juliet Viesca	County of Marin - Health & Human Services

DECEASED RETIREES	
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Richard Bates	County of Marin - Public Works
John Plunket	County of Marin - Beneficiary
Gary Tindel	County of Marin - Sheriff/Coroner
Dorothy Joy Vollmer	City of San Rafael

There being no further business, Chair Murphy adjourned the meeting at 9:41 a.m.


Laurie Murphy, Board Chair


Maya Gladstern, Secretary