

MINUTES OF THE RETIREMENT BOARD
Thursday, December 20, 2018

A meeting of the Retirement Board was held on Thursday, December 20, 2018 at 8:30 a.m., in the Administration Building, 9th Floor Committee Room, located at 1 South Main Street, Mount Clemens, Michigan. The following members were present:

Present:

Bryan Santo, Larry Rocca, Gary Cutler, Carol Grant, Matthew Murphy, George Brumbaugh

Excused:

Mark Deldin, Bob Smith

Also Present:

Stephen Smigiel, Joe Biondo, Christina Miller, Tom Michaud, Mike Holycross

1. Call to Order

There being a quorum of the Board present, the meeting was called to order at 8:30 a.m. by Vice-Chair Santo.

2. Adoption of Agenda

A motion was made by Trustee Rocca, supported by Trustee Grant to adopt the agenda as presented. The motion carried.

3. Approval of Minutes from December 6, 2018

A motion was made by Trustee Grant, supported by Trustee Rocca to approve the minutes from December 6, 2018 as presented. The motion carried.

4. Public Participation

None

5. Disability Retirements

a. Sophie Dewalt (Re-examination opinion)

The Board was in receipt of the Medical Director's confidential medical reports regarding the examination of Sophie Dewalt. The Medical Director has concluded, based on the exam, that her disability retirement should be continued.

A motion was made by Trustee Rocca, supported by Trustee Cutler that based on the Medical Director's opinion, the disability retirement of Sophie Dewalt shall be continued and the following resolution shall be adopted:

WHEREAS, the Retirement Board is vested with the general administration, management and operation of the Macomb County Employees' Retirement System ("Retirement System") and has fiduciary responsibilities relative to the proper administration of the pension trust fund, and

WHEREAS, Sophie Dewalt was granted a disability retirement on February 5, 2005, after a finding by the Retirement Board that the requirements of the Retirement System had been met, and

WHEREAS, in accordance with Section 32 of the Retirement Ordinance, at least once each year during the first five (5) years following retirement of a member with a disability pension and at least once every three (3) year period thereafter, the Retirement Board requires a disability retiree to undergo a medical examination directed by the Retirement Board Medical Director, and

WHEREAS, the Retirement Board directed the Human Resources and Labor Relations Department to contact the Medical Director to set up an appointment for Sophie Dewalt to be re-examined and to advise the Medical Director of their responsibilities, and

WHEREAS, the Retirement Board is in receipt of a certification from the Medical Director, dated December 7, 2018, which states that Sophie Dewalt is totally and permanently incapable of resuming employment with the County in the same or similar job classification in which said individual was employed at the time of disability, and

WHEREAS, the Retirement Board has discussed this matter and has determined that Sophie Dewalt has met the eligibility requirements for a continual disability retirement from the Retirement System, therefore be it

RESOLVED, that the Retirement Board hereby approves the continual disability retirement of Sophie Dewalt and directs that benefits be paid consistent with the Retirement System's provisions, and further

RESOLVED, that a copy of this resolution shall be provided to Sophie Dewalt and all other appropriate parties.

The motion carried.

6. Joe Cada – Legal Opinion

A motion was made by Trustee Grant to enter into closed session to discuss the Legal Opinion related to Mr. Cada's situation. The motion was supported by Trustee Cutler. A roll call vote was taken with all members responding affirmatively to enter into closed session. The motion carried.

A motion was made by Trustee Rocca to come out of closed session. The motion was supported by Trustee Grant. The motion carried.

Mr. Cada and his attorney (Mr. Donofrio) were invited into the room and provided an update on the Board's next steps related to Mr. Cada's request.

A motion was made by Trustee Rocca, supported by Trustee Grant to postpone further discussion on this issue until the January 17, 2019 meeting. Vice-Chair Santo, Trustee Grant and Trustee Rocca voted affirmatively. Trustee Cutler and Trustee Murphy were opposed. The motion carried.

Mr. Donofrio asked if he and his client would be privy to the legal opinion that was discussed during closed session and Mr. Michaud responded that document is attorney-client privilege and for the Board's review only. Ms. Schave confirmed that the next meeting is scheduled for January 17, 2019.

7. Legal Update

Mr. Michaud noted that today is the last day of sessions in Lansing before the holiday. He is hopeful that nothing new related to pensions or health care is passed. As of this moment, he has nothing formal to report in terms of legislative updates.

8. Unfinished Business

Trustee Cutler inquired when there might be a legal opinion forthcoming related to the issue concerning Ms. Sinclair. Mr. Michaud indicated there are two outstanding issues that he will be bringing back to the Board at the next meeting and Sinclair is one of them.

9. New Business

Trustee Murphy inquired whether or not it might still be possible to arrange manager meetings while the Board members are in New York for the EnTrustPermal Investment Summit in March. He understands that Mr. Holycross is unable to attend, but thought it might be beneficial to still have meetings if it was possible. Ms. Schave will reach out to Mr. Holycross to see if he might still be able to schedule any meetings and coordinate with him on the Board's travel arrangements.

10. Adjournment

There being no further business before the Board, a motion was made by Trustee Rocca, supported by Trustee Murphy to adjourn the meeting at 9:20 a.m. The motion carried.