



**COLORADO
PERA®**

**Colorado Public Employees' Retirement Association
Board Meeting Minutes (Special)**

1301 Pennsylvania
Denver, Colorado
December 18, 2009
9:00 a.m.

Trustees Present: Mark Anderson, Board Chair, Sara Alt, Vice Chair, James Casebolt, Howard Crane, Richard Delk, Carolyn Jonas-Morrison, Maryann Motza, Susan Murphy, Scott Murphy, Amy Nichols, Marcus Pennell, Andy Raicevich, Cary Kennedy, Lynn Turner via conference call at 9:33 a.m., Carole Wright

Trustees Absent: Scott Noller

Staff Present: Ron Baker, Karl Greve, Katie Kaufmanis, David Mather, Brenda Meidl, Jennifer Paquette, Karl Paulson, Gregory W. Smith, Donna Trujillo, Meredith Williams

Mark Anderson, Board Chair, called the meeting to order at 9:01 a.m.

Approval of Agenda

A motion was made by Howard Crane and seconded by Maryann Motza that stated, "*the agenda be approved as published.*" The motion was approved.

Approval of the November 20, 2009, Board Meeting Minutes

A motion was made by Susan Murphy and seconded by James Casebolt that stated, "*the November 20, 2009, Board Minutes be approved as published.*" The motion was approved.

Public Comment

Mark Anderson, Board Chair, asked all those in the audience to identify themselves and invited any who wished to address the Board to do so. Bruce Caughey, Deputy Executive Director, Colorado Association of School Executives, also representing the Colorado Coalition for Retirement Security (CCRS), and Karen Wick, Colorado Education Association representative, addressed the Board. Mr. Caughey and Ms. Wick responded to questions.

Senate President Brandon Shaffer and Senate Minority Leader Josh Penry, via conference call, addressed the Board. Senate President Shaffer announced that work was being done on finalizing a bill. Additionally, Senate President Shaffer stated that he and Senator Penry will be prime co-sponsors of the bill in the Senate, which will be introduced as Senate Bill 1 at the start of the 2010 Legislative Session on January 13, 2010. Senate President Shaffer responded to questions.

Scott Wasserman, Colorado WINS representative, addressed the Board. Mr. Wasserman responded to questions.

Lynn Turner, Trustee, left the meeting at 10:19 a.m. and did not return.

Mr. Caughey and Ms. Wick returned to the table and responded to questions.



The Board recessed at 10:58 a.m. and reconvened at 11:20 a.m.

DPSRS Board Resolution

Meredith Williams, Executive Director, reviewed the Denver Public Schools Retirement System (DPSRS) Board's Resolution 18, which was provided as a handout to the Board. In addition, Tom Cavanaugh, Cavanaugh MacDonald, and Andy Raicevich, Trustee, provided their comments on the Resolution. Gregory W. Smith, Chief Operating Officer/General Counsel, responded to questions.

A motion was made by Susan Murphy and seconded by Amy Nichols that stated, *"the Board's Comprehensive Legislative Proposal be amended to include the new Denver Public Schools Division to the same extent as the existing School Division. This action has been recommended by the Denver Public Schools Retirement System Board of Trustees and its actuary. This recommendation has also been reviewed by PERA Board's actuary."* The motion was approved.

Rules Discussion

Gregory W. Smith, Chief Operating Officer/General Counsel, provided a summary of the emergency rulemaking process and introduced Adam Franklin, Senior Staff Attorney, and Kim Riccardi, Staff Attorney. Mr. Franklin and Ms. Riccardi reviewed the proposed emergency Rule, which was transmitted to Trustees as Tab B on December 11, 2009.

A motion was made by Carole Wright and seconded by Carolyn Jonas-Morrison that stated, *"the Board approve and adopt the proposed addition made to the PERA Rules, along with the Statement of Basis and Purpose, as an emergency rule with an effective date of January 1, 2010. As a result of Senate Bill 09-282, which mandated the merger between the Denver Public Schools Retirement System and PERA effective January 1, 2010, it is imperatively necessary to adopt this rule on an emergency basis to implement the Act, and such adoption is in accordance with C.R.S. § 24-4-103."* The motion was approved.

DPS HCTF Division Trust Document Adoption

Gregory W. Smith, Chief Operating Officer/General Counsel, provided a review of the Denver Public Schools Health Care Trust Fund (HCTF) Division Trust Document, which was transmitted to Trustees as Tab C on December 11, 2009.

A motion was made by Carole Wright and seconded by Carolyn Jonas-Morrison that stated, *"the Board approve and adopt the Denver Public Schools Retiree Health Benefit Trust agreement effective January 1, 2010."* The motion was approved.



Legislative Update

Meredith Williams, Executive Director, provided information regarding 2010 legislative activities that involve PERA.

The Board recessed at 12:04 p.m. and reconvened at 12:53 p.m. M. Judy Chavez, former Trustee, joined the Board during the break and received her proclamation.

General Counsel Update

Gregory W. Smith, Chief Operating Officer/General Counsel, requested the Board go into Closed Executive Session. The issues to be discussed involved pending or imminent litigation, specific legal questions addressed to General Counsel, and matters that may be subject to negotiation, developing strategies for negotiations and instructing negotiators regarding PERA's benefit and contribution structure. Mark Anderson, Chair, polled the Trustees in attendance and received consent to go into Closed Executive Session at 12:53 p.m. In addition to the Trustees and the Chief Operating Officer/General Counsel, the Executive Director, and all the Chief Officers of PERA, the Directors of Communications and Internal Audit, the Manager of Strategic Innovation, and the Legal Administrative Assistant remained present for the Closed Executive Session. The Closed Executive Session concluded at 1:29 p.m.

"By my signature below, I certify that the only issues discussed by the members of the Board during the Closed Executive Session were regarding matters that may be subject to negotiation, developing strategies for negotiations and instructing negotiators regarding PERA's benefit and contribution structure as well as pending and threatened litigation and legal advice related to specific questions involving PERA constituting attorney client communication."

Mark Anderson, Board Chair

Other Business

Mark Anderson, Board Chair, announced that Andy Raicevich's Board term expires on December 31, 2009, and that Mr. Raicevich has decided to retire from Board service at the end of his term. His replacement will be selected by the Denver Public Schools Board of Education as per the 2009 merger legislation. Mr. Raicevich will now move into a new role of service to PERA as its newest PERA Ambassador. Mr. Raicevich was presented with an Ambassador pin. Mr. Raicevich thanked the Board and staff.

With no further business to discuss, Mr. Anderson adjourned the meeting at 1:33 p.m.



**COLORADO
PERA®**

*Record of Proceedings
December 18, 2009
Page 4 of 4*

2010 Board Meeting Dates

January 15, 2010
March (18) 19, 2010
June (17) 18, 2010
September 15-17, 2010 – Board Planning Session
November (18) 19, 2010

Respectfully submitted by
Brenda E. Meidl
Executive Administrative Assistant
Office of the General Counsel

Mark Anderson, Board Chair

Meredith Williams, Executive Director