

November 29, 1989

MINUTES
RETIREMENT HEARING COMMISSION
REGULAR MEETING - NOVEMBER 29, 1989

The Retirement Hearing Commission met in regular session in Conference Room 101, 921 - 10th Street, on November 29, 1989 at 9:30 a.m.

PRESENT: Davidson, Henry, Koutrouba, Mayberry, Stamper, White

ABSENT: Hermocillo

MINUTES OF REGULAR MEETING HELD MARCH 29, 1989
APPROVED

The Commission received copies of the minutes of the regular meeting held March 29, 1989. Mr. Mayberry moved the minutes be approved. The motion was seconded by Mr. Koutrouba and carried by the following vote:

AYES: Henry, Koutrouba, Mayberry, Stamper, White

NOES: None

ABSTAINED: Davidson

MINUTES OF SPECIAL MEETING HELD JUNE 6, 1989
APPROVED

The Commission received copies of the minutes of the special meeting held June 6, 1989. Mr. Koutrouba moved the minutes be approved. The motion was seconded by Mr. Mayberry and carried by the following vote:

AYES: Henry, Koutrouba, Mayberry, Stamper, White

NOES: None

ABSTAINED: Davidson

MINUTES OF SPECIAL MEETING HELD NOVEMBER 9, 1989
APPROVED

The Commission received copies of the minutes of the special meeting held November 9, 1989. Mr. Mayberry moved the minutes be approved. The motion was seconded by Mr. Koutrouba and carried by the following vote:

AYES: Davidson, Henry, Koutrouba, Mayberry, Stamper, White

NOES: None

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ADOPTION OF AMENDED DECISION OF FINDINGS OF FACT AND DETERMINATION OF
ISSUES - DELIA VENDEIRO
CONTINUED

Mark Kruger, Attorney at Law, represented Delia Vendeiro, who was not present. Richard Antoine, Deputy City Attorney, represented the Retirement System Manager.

As directed by the Commission, Mr. Kruger submitted his proposed findings and decision to William Carnazzo, Counsel to the Commission, for review. The Commission received copies of the reviewed document and Mr. Carnazzo's comments.

Mr. Carnazzo informed the Commission that Mr. Kruger's proposed decision and findings lacked logic and did not support his conclusion. He instructed the Commission to determine whether the findings are correctly stated; whether the evidence recited in fact exists; and if it does exist, does it support the findings proposed by Mr. Kruger.

After a lengthy discussion, Mr. Henry moved the Commission adjourn to executive session, with approval of the attorneys. The motion was seconded by Mr. Mayberry and was carried by the following vote:

AYES: Davidson, Henry, Koutrouba, Mayberry, Stamper, White

NOES: None

The Commission reconvened. The Commission decided to set aside Mr. Kruger's proposed decision and directed Mr. Carnazzo to prepare a proposed findings and decision supporting the Commission's determination on the following issues:

1. The City of Sacramento had a duty to notify the Mastagni law firm of its action denying appellant's application for industrial death allowance benefits.
2. The two medical reports submitted to the City

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constituted new evidence not reasonably available at the time of the disapproval of the original application.

The Commission scheduled a special meeting, December 6, 1989, to consider Mr. Carnazzo's proposed findings and decision.

PRESENTATION TO COMMISSIONERS

With the implementation of Measure M on December 30, 1989, the safety representatives, Mr. Mayberry and Mr. Koutrouba, and the Civil Service Commission representative, Mr. White, will no longer serve on the Retirement Hearing Commission.

In recognition of Mr. Koutrouba's and Mr. White's service a Certificate of Appreciation from the City Council was presented.

In recognition of Mr. Mayberry's sixteen plus years of outstanding service a plaque and a resolution from the Mayor were presented.

Ms. Margaret Allen, Secretary to the Board, informed the Commission a Certificate of Appreciation will be sent to Mr. James Sequeira, City Manager's designee, recognizing his service.

There being no further business the meeting was adjourned at 11:05 a.m. to meet again at the call of the chair.