

MINUTES
RETIREMENT HEARING COMMISSION
REGULAR MEETING - MARCH 25, 1987 - 9:30 A.M.

The Retirement Hearing Commission met in regular session in Conference Room 103, 801 - 9th Street, on March 25, 1987 at 9:32 a.m.

PRESENT: Hermocillo, Koutrouba, Mayberry, Sequeira, Smith, Stamper

ABSENT: Russell

MINUTES OF REGULAR MEETING HELD FEBRUARY 25, 1987
APPROVED AS AMENDED

The Commission received copies of the minutes of the regular meeting held February 25, 1987. Mr. Mayberry requested that the minutes be amended to read as follows:

After discussion, Mr Mayberry moved the Commission adjourn to executive session, with the approval of the appellant.

Mr. Hermocillo moved to approve the amended minutes. The motion was seconded by Mr. Koutrouba and was carried by the following vote:

AYES: Hermocillo, Koutrouba, Mayberry, Sequeira, Smith, Stamper

NOES: None

KENNETH E. JONES APPEAL TO REVOKE ELECTION MADE IN ACCORDANCE WITH CITY CHARTER SECTION 435a
DENIED

Mr. Russell arrived at 9:35 a.m.

The Commission received and reviewed the agenda material relating to Mr. Jones' request. Mr. Jones was present and represented by his attorney Donald Buchman.

Mr. Buchman presented and reviewed the issue before the the Commission.

Mr. Carnazzo, Counsel to the Commission, reviewed his legal opinion of October 9, 1986 and letter to the Commission of March 3, 1987. Mr. Carnazzo reviewed with the Commission their jurisdiction and authority in interpreting the City Charter.

After a lengthy discussion, Mr. Hermocillo moved the Commission adopt the decision of the Retirement System Manager, to deny the appeal, on two basis: 1) that the Commission does have the authority to revoke an election, given certain sets of circumstances that this Commission deems appropriate, and; 2) that Charter Section 435a language is very clear, that under Mr. Jones' circumstances, his election is irrevocable. The motion was seconded by Mr. Mayberry.

Further discussion ensued regarding the issue of whether the Commission has the authority to revoke an election, regardless of the given marital circumstances, when the Charter clearly states that such election is irrevocable.

Following discussion the Chair called for a vote:

AYES: Hermocillo, Koutrouba, Mayberry, Stamper

NOES: Russell, Sequeira, Smith

SCHEDULING OF SPECIAL MEETING

Because Richard Antoine, Deputy City Attorney, will not be available for the regular scheduled April meeting, the Secretary requested the Chair to schedule a special meeting to hear a pending case.

It was agreed upon by the Commission to schedule a special meeting for May 8, 1987.

There being no further business, the meeting was adjourned at 10:10 a.m. to meet again at the call of the chair.

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