An Open Letter to Our Members

As the new President of the Board of Administration, I would like to take this opportunity to introduce myself and assure you that, despite what you may have heard from politicians and the media, your retirement system is safe and in good hands.

Since joining the newly configured Board just five short months ago, my colleagues and I have addressed many complex issues. In every case we have enlisted the help of SDCERS staff, outside consultants and legal experts whenever necessary in order to make responsible decisions. However, despite these actions, there continues to be a great deal of misinformation – and a number of outright falsehoods – circulated about the condition of SDCERS and the legal responsibilities of the SDCERS Board.

As most of you know, since the first meeting of the new Board in April, everyone from high ranking City officials to outside auditors and consultants have been asking us to waive our attorney-client privilege so that an audit of the City’s finances can be completed more expeditiously. They made these requests under the misconception that SDCERS is “just another City department” and as such must comply with the City Council’s demands. However, Article 16, section 17 of the California State Constitution grants public pension boards “plenary authority and fiduciary responsibility” for investing of money and administration of the pension system. The Constitution also makes it clear that the responsibility of the SDCERS Board to protect the financial interests of our members “takes precedence over any other.”

Another issue that has been significantly confused is the demand that the Board instigate an “illegal acts” audit under AU 317. Under AU 317's critical point of contention. Don’t be confused by the political rhetoric; pension systems across the country maintain independence from their plan sponsors specifically to prevent politicians from meddling in or looting pension funds during difficult economic times. Supporting this independence makes both SDCERS and the City of San Diego stronger in the long run.

I assure you that our intention has never been to stonewall or be uncooperative in the City’s efforts to work through its financial issues. However, the expectation that we would give up such a fundamental right as attorney-client privilege without taking the necessary steps to understand the repercussions of such an act, is ludicrous. We would be in breach of our fiduciary duties if we did NOT investigate thoroughly and seek professional guidance on the subject before making a decision.

Continued on page 4
Meet the New Board Members

Peter Prevolos
Board President
Appointed by Mayor & City Council
Term: 4/1/05 – 3/31/07

Steve Meyer
Vice President
Elected by City, Port & Airport Retirees
Term: 4/1/05 – 3/31/09

Joe Flynn
Retiree Representative
Elected by City, Port & Airport Retirees
Term: 4/1/05 – 3/31/07

Richard Kipperman
Appointed by Mayor & City Council
Term: 4/1/05 – 3/31/09

Bill Lopez
City Manager Designee
Director of Risk Management Department
Term: No Term Limit

William Sheffler
Appointed by Mayor & City Council
Term: 4/1/05 – 3/31/09

Mark Sullivan
Police Safety Rep
Elected by City Police Members
Term: 4/1/05 – 3/31/07

John Thomson
Fire Safety Rep
Elected by City Fire Members
Term: 4/1/05 – 3/31/09

John Torres
General Member Representative
Elected by City, Port & Airport General Members
Term: 4/1/05 – 3/31/09

Vacant
Appointed by Mayor & City Council
Term: 4/1/05 – 3/31/07

Vacant
Appointed by Mayor & City Council
Term: 4/1/05 – 3/31/09

Vacant
Appointed by Mayor & City Council
Term: 4/1/05 – 3/31/09

Vacant
Appointed by Mayor & City Council
Term: 4/1/05 – 3/31/09

Four Board positions are vacant.
BOARD OF ADMINISTRATION

Overview and Update of Changes

LOOKING BACK
On November 2, 2004, San Diego voters passed into law proposition H to change the composition of the SDCERS Board of Administration.

Over the following months, San Diego Mayor, Dick Murphy, identified and oversaw confirmation votes by the City Council of seven individuals who met or exceeded the new professional qualification requirements for appointees as set forth in proposition H.

Concurrently, SDCERS was conducting elections to fill 5 member representative seats: 1 Retiree Rep, 2 General Member Reps, 1 Fire Rep and 1 Police Rep.

Many of you participated in these elections as either candidates or voters and we appreciate those of you who turned out to support this very important process.

Finally, on April 15, 2005 this newly constituted board met for its first regular Board meeting.

CURRENT STATE OF AFFAIRS
Elected members and appointees will serve terms of four years with a limit of two consecutive terms (eight years). In order to prevent the possibility of the entire Board leaving at once, the Retiree Rep, Police Safety Rep and four of the appointees will initially serve two-year terms, minimizing their initial term limit to six consecutive years.

The City Manager seat is held without term limits for the duration of the employment of the City Manager and/or their designee. Any individual designated by the City Manager to sit on the SDCERS Board may be replaced at any time at the City Manager’s discretion.

In the month of July, under intense public scrutiny and the threat of personal litigation, four of the new appointed members abruptly resigned from the Board. As soon as the City Council is able, it will nominate and appoint 4 new members.
own terms, “illegal acts” audits are recommended by an entity’s auditor, not the entity itself. Earlier this year, SDCERS was audited by certified public accountants, Brown Armstrong Paulden McCown Keeter & Starbuck. This firm has not recommended an “illegal acts” audit, nor has any other certified public accounting firm that has audited SDCERS in the past. Consequently, there is no basis for the Board to conduct an “illegal acts” audit.

While being a member of this Board at such a contentious time in the City’s history has not been easy, I’m infinitely glad that I agreed to join this fine group. As an outsider to the situation, I didn’t quite know what to expect but I’ve discovered a few things you might find interesting that don’t get much air time with the politicians or media mavens:

• This pension plan has been, and continues to be, managed responsibly and according to the best business practices of the pension management profession and state and federal regulations.

• SDCERS regularly wins awards for and is recognized among plan managers nationally for excellence and transparency in reporting its activities. In fact, the Government Finance Officers Association (GFOA) has awarded SDCERS the Certificate of Achievement for Excellence in Financial Reporting for our Comprehensive Annual Financial Report (CAFR), four years in a row (2000 – 2003).

• SDCERS has never been responsible for granting benefits. We don’t participate in the City’s meet and confer process and we don’t vote on benefits for any of our plan sponsors. Our job is simply to collect employee and employer contributions, invest those monies and administer the benefits promised to you by your employer. We take that job very seriously.

• SDCERS is financially sound. As a debtor to SDCERS, the City of San Diego is facing some significant financial challenges including increased contribution amounts to SDCERS to pay future retirement benefits. However, SDCERS itself is over $3.6 billion strong and growing. Our investment strategy over the past decade has provided among the best returns of any pension plan in the nation. This strategy has enabled the Plan to survive extremely rocky economic conditions with minimal impacts. The Trust Fund continues to pay all current retirees and beneficiaries their retirement benefits on time and in full, just as we have for the past 78 years.

Sadly, July was a difficult time for SDCERS. Four of our new appointed members resigned from the board after the City Attorney named them and others in a lawsuit. Upon their resignation the City Attorney dropped their names from the suit.

Even more tragic than losing such qualified individuals from our Board, we also lost a dear friend and colleague when our Assistant Administrator, Paul Barnett, suddenly passed away from a heart attack. At 54, Paul was too young to leave his friends and family. Needless to say the staff has dealt with a lot recently. But to their credit they have pulled together and leaned on each other to ensure that Paul’s vision of quality customer service and efficiency in benefit administration lives on.

On a more positive note, on July 22, 2005, the Board voted to approve filing a Declaratory Relief Action with the court to have a judge determine whether the benefit increases granted to City of San Diego employees were legal. We believe strongly that this step is necessary to eliminate the speculation and political rancor that has confused and scared so many of our members. With a judge’s ruling we can move forward. We need to move forward, and we will.

If you have questions about what is happening with your pension benefits, I encourage all of you to come to our monthly Board meetings or to call us at (619) 525-3600 to get accurate answers to your questions. Meanwhile, you may want to share these facts with your friends and neighbors to let them know that the SDCERS Trust Fund is secure and we are standing strong in our commitment to safeguard your benefits.

Peter Preovolos, President
It is amazing how many events are happening that could affect City retirees and employees! Each time we begin to think we have turned a corner toward resolving the situation, some new charge is filed or claim is made.

As this article is being written, our Association is looking forward to sponsoring a mayoral forum featuring five of the “major candidates.” This event will hopefully give our members and guests better insight into the position of each of these candidates as it relates to their approach to resolving the pension system under funding by the City. By the time you receive this copy of the Free Spirit, we may know the results of the primary election, and whether or not there will be a runoff required in November.

This is all the more daunting considering the fact that the City is to switch from a City Manager form of government to a strong Mayor form effective January 2006. For whom ever our new Mayor will be, this will not give him or her much time to accomplish all that needs to be done. But, knowing the quality of City employees, we retirees can feel assured that the business of the City will continue, at least in the short run! Police will patrol; Fire Fighters and paramedics will respond; trash will be collected; parks will be available for enjoyment; Park Rangers will assist park users while protecting our unique habitat; recreation leaders will provide programs for children, senior citizens and the disabled; lifeguards will assure our beaches and City pools are safe; Librarians will provide summer reading programs; and life in our City will go on pretty much as usual.

What we don’t know at this point is what our future will look like. We continue to await the outcome of many issues including City audits, bond issuance for capital projects, the mayoral race, transition to the new form of government, litigation against members of the City Council, and SDCERS board members and staff.

All that appears certain at this point is that our Association will continue to do our best to represent the interests of our members.
The third meeting of the new Retirement Board on June 17, 2005 provided as much excitement as the two previous meetings but ended a little earlier; 6:45 PM. And no, the Board did not get to a vote on whether to waive the attorney client privilege but instead sought additional legal advice on questions of liability.

A time certain presentation was provided at 3:30 PM, by Michael Young, an attorney retained by the City of San Diego’s Audit Committee. Mr. Young specializes in audit investigations involving the Securities Exchange Commission. Mr. Young explained that he believes that KPMG’s audit of the City of San Diego will not be completed without review of the materials now covered by the attorney client privilege held by the Retirement Board. That message was received by all and contested by some. A spirited exchange followed.

City Attorney Michael Aguirre spoke to the Board during the non-agenda public comment period. He suggested that the Board meet weekly, that we? investigate the SDCERS 2003 Audit, that Mr. Torres step down, that the 2002 indemnification granted to the previous Board by Council is invalid, and suggested that the Board enter into mediation to determine if the City Attorney or SDCERS’s general counsel represents SDCERS.

Tom Rhodes, active Police officer and former Retirement Board member, addressed the Board on the new IRS regulations on DROP account withdrawals. This question came up earlier this month at the board meeting of the Retired Fire and Police Association (RFPA). Based on that inquiry, I had contacted Paul Barnett, Assistant Administrator of SDCERS, to determine the impact of that IRS ruling on retirees. He advised that, Roxanne Story Parks, assistant general counsel for SDCERS, had been reviewing the new regulations and that information would be available in the next month. Officer Rhodes and myself, emphasized that time is of the essence to give retirees as much time as possible to consider what impact the new IRS regulations have on how retirees utilize their DROP accounts.

The new Health Advisory Committee (HAC) met before the full Board meeting. I am the current Chairman, and John Torres is Vice Chair. Members include Ret. Bd. representatives, Mark Sullivan, active Police; John Thomson, active Fire, and retirees, John Casey, General, Ron Moskowitz, Fire, and C.J. Cloniger, Police. It's a good group and we have everybody covered.

The HAC was briefed by SDCERS staff on current activities in the health care field and were updated on the City Council’s decision to eliminate two health insurance plans, Kaser’s “M” plan and PacifiCare’s COB plan. The 43 affected retirees/survivors enrolled in these plans have been contacted and SDCERS staff are assisting them in selecting a new plan.

The issue of health insurance problems experienced by out-of-state retirees was also on the agenda. Dave Crow had started this discussion when he served as chair of HAC, and I picked it up where he left off. Staff presented a report and a recommendation to work with the City to resolve questions on negotiating contracts for out-of-state retiree health insurance plans.

June’s Board meeting was well attended by media and retirees. I would urge each of you to attend at least one of the Retirement Board meetings. They start at 1:30 PM on the third Friday of the month, and your parking is validated at the reception desk outside of the Board room on the 4th Floor of the Wells Fargo Building at 401 B. Street, in downtown San Diego.
Over the next several months you are likely to receive a lot of information about Medicare Part D, the new outpatient prescription drug benefit that is a major piece of the Medicare Modernization Act of 2003. Part D goes into effect on January 1, 2006. Here’s what you need to know about Part D and its impact on you.

If you are enrolled in one of the health plans offered by The City of San Diego, including those offered by the labor organizations:

• You will continue to have the same comprehensive prescription drug coverage through your City health plan as before. The City or the health plan you are enrolled in will receive reimbursement from the Centers for Medicare & Medicaid Services (CMS) for your Part D eligible prescription expenses covered by the group health plan.

• Do not purchase Part D coverage from the government or any other carrier. This not only voids the City’s (or its health plans) right to receive the reimbursement from CMS but you are also paying for a prescription benefit that you already have through your City health insurance.

If you are not enrolled in one of the City’s health plans and Medicare is your only source of medical insurance:

• You may want to consider enrolling for Part D. Although the drug benefit is optional, Medicare beneficiaries who do not enroll in Part D during the initial enrollment period (November 1, 2005 through May 15, 2006) and who decide to enroll in Part D later, will pay a 1% penalty for each month that enrollment is delayed, unless you have comparable coverage from another source (usually private and group health plans).

• Part D premiums in 2006 are $35 per month.

• The standard benefit requires you to pay a $250 annual deductible before Medicare pays anything. After paying the deductible, you pay 25% of the costs of the next $2,000 in drug expenses for a possible total out-of-pocket expense of $750. After $2,250 of drug costs, there is no coverage until you have paid another $2,850 worth of drug expenses.

• Catastrophic coverage begins after you have paid $3,600 out-of-pocket expenses ($5,100 total drug costs). At this point, additional prescriptions will cost you $2 for generic, $5 for brand name drugs or 5% of the costs, whichever is greater.

• Low-income individuals pay a much smaller amount of their drug costs depending on their income. For example, if your income is below 135% of the poverty level, you pay no monthly premium, no deductible and have no “gap” in coverage.

If you are not enrolled in one of the City’s health plans but are enrolled in another group or individual plan:

• You should contact your plan to ask if/how Part D will affect your coverage and what (if anything) you need to do.

Medicare Part D is a complex change and it’s anticipated that many businesses will be independently soliciting retirees to join their Part D plan. The most important thing to remember is that if you are enrolled in a City or union health plan you do not need to enroll for Part D outside of the plan in which you are already enrolled. If you have any questions about Part D and how it may impact you or your Medicare eligible dependent, please contact Care Counsel toll free at 888-277-3334. They will be happy to assist in answering your questions about Part D or any general questions about your health plan coverage.
Recent Retirements

James H. Adams
Police

Philip C. Adams
Transportation

Joseph Alesi
Unified Port of San Diego

Curtis W. Anderson
Fire Rescue

Tomas B. Anderson
General Service

Constance F. Ankner
Library

Ralph N. Armstrong, II
Community & Economic Development

Russell E. Armstrong
Fire Rescue

Norma V. Arroyo
Real Estate Assets

William A. Bagnell
Fire Rescue

James E. Barker
Police

Brant D. Bass
Fire Rescue

Jose P. Beltran
Park & Recreation

Bette G. Benavides
Police

Visitacion Q. Bergado
Metropolitan Wastewater

Bettie V. Black
Police

John R. Black
Fire Rescue

Carla C. Bock
City Council

Lawrence G. Boetel
Fire Rescue

William R. Bottom
Fire Rescue

Gloria C. Boyce
Police

Patrick A. Brogan
Risk Management

Curtis S. Brown
Metropolitan Wastewater

Marilyn H. Buckingham
Police

Gary W. Burrows
General Services

Andrea G. Byrne
Unified Port of San Diego

Dennis S. Calhoun
Park & Recreation

Samuel E. Campbell
Fire Rescue

Michael V. Carrier
City Treasurer

Barbara Center-Amy
Personnel

Yih-Ruey Chang
Planning

Julius J. Chavez
Water

Young Z. Choi
Airport Authority

Opal J. Clay
Development Services

Vittorio W. Cole
Park & Recreation

John F. Collingwood, Jr.
Engineering & Capital Projects

Robert H. Cook
Police

Sharon Coronado
Police

Mary Ann Cox
Library

Ronald K. Cumby
Fire Rescue

Jackie L. Darter
Police

Glen R. Dautremont
Fire Rescue

Thomas C. Davidge
Metropolitan Wastewater

Richard M. Davis
Unified Port of San Diego

Thomas Z. De Chandt
Police

Ernest G. DeLeon
Water

Dennis J. Dickson
Police

Roy J. Doakes
Police

Diana L. Drake
Real Estate Assets

Sylvia Duenez
Development Services

Bette L. Eberhardt
Police

Steve Eden
Park & Recreation

Emilio T. Escalante
Metropolitan Wastewater

Esper R. Escalante
Police

Amber J. Estes
Development Services

Stephen A. Fife
Unified Port of San Diego

Richard Flores
Metropolitan Wastewater

Myrna F. Freeman
General Services

Gordon K. Galligan
Unified Port of San Diego

Edmond R. Gapusan
Police

Rufus H. Garcia
Environmental Services

Michael O. Gibbs
Police

Burness M. Gipson, Jr.
Metropolitan Wastewater

Steven T. Glasser
Police

Nancy E. Goodrich
Police

Thomas Gordon
General Services

Larry L. Gosnell
Police

Kathryn A. Greco
Water

Jennifer D. Grubbs
Police

Casey G. Gwinn
City Attorney

Lance Haim
Retirement (SDCERS)

Deborah R. Hamilton
Risk Management

William G. Hampton
Water

William J. Hanley
Metropolitan Wastewater

Scott T. Haselton
Fire Rescue

Robert C. Hauptman
Police
Recent Retirements

Gerald D. Havin
City Clerk
Kathleen A. Hayden
City Attorney’s Office
Vincent Hayes, Jr.
Retirement (SDCERS)
Susan M. Heath
City Attorney’s Office
Jill E. Heimdal
Water
James F.
Hergenroeather
Police
Staajabu Heshimu
Community & Economic Development
Robert A. Hurt
Police
Carlos M. Inot
Police
David C. James
City Attorney’s Office
Eric P. Jiles
Police
Jane Jinings
Police
Richard D. Johnson
City Attorney’s Office
Rayshale W. Jones
Environmental Services
Helene Kaufman
City Attorney’s Office
Linda S. Kelley
City Clerk
John Kern
City Council
Robert F. Labiak
Environmental Services
Robert A. Landis
Transportation
Estevan R. Limon, Jr.
Police
Barrie M. Little
Metropolitan Wastewater
Howard D. Little
Transportation
Robert Locke, Jr.
Fire Rescue
James W. Long
Police
Gonzalo Lopez
Community & Economic Development
Heleodoro Lopez
Water
Patricia S. Lough
Police
George I. Loveland
City Manager’s Office
Augustus S. Magee
Environmental Services
Armida M. Marcos
Police
Keith F. Mattern
Development Services
Chris N. McFadden
Library
Richard E. Modee
Development Services
Anna M. Montagne
Police
David L. Morris
Police
Steven D. Moss
Police
Henry R. Moyer, III
Information Technology & Communications
Juanito P. Muyco
Unified Port of San Diego
Clark L. Neal
Fire Rescue
Martha E. Needham
Police
Shirley J. Nelson
Environmental Services
John A. Nicholosi
Metropolitan Wastewater
Jess A. Norris
Police
Josephine Ochoa
City Council
Paul E. Olson
Police
Lucy Orellana
Police
Andre Orianne
Water
Edward R. Peterson
Fire Rescue
Lynn M. Petrick
Police
Betty J. Ploman
Fire Rescue
Iris E. Price
Real Estate Assets
Santiago Ramirez
Communications & Technology
Steven C. Remley
Park & Recreation
David C. Ripperger
Unified Port of San Diego
David J. Rock
Park & Recreation
M. Victoria Romero
Auditor & Comptroller
Shabda K. Roy
Unified Port of San Diego
Gary W. Russell
Police
Eugene T. Ruzzini
Auditor & Comptroller
Valerie K. Sanders
Fire Rescue
Rosalinda Santos
Auditor & Comptroller
Ernest Sealie
Park & Recreation
Mary T. Sexton
Police
Michael D. Shea
Fire Rescue
William W. Shimp
Fire Rescue
Stephen M. Shushan
Qualcomm Stadium
Gary L. Slocum
Police
Dwight G. Smith
Water
Ronald A. Smith
Community & Economic Development
Mary W. Soete
Library
Wayne J. Starr
Police
Nancy J. Steele
Water
Cyndi L. Stetson
Police
Patricia A. Tennyson
City Council
Donald A. Tompkins
Fire Rescue
Andrew J. Uzdavines, Jr.
Fire Rescue
Rose M. Vieira
Park & Recreation
Cong Van Vo
Police
Elyse S. Wagner
Police
Gregory H. Walton
Police
Matthew E. Weathersby
Police
Stanley R. Westover
Unified Port of San Diego
David W. Wilhite
Fire Rescue
Terri C. Williams
Water
Herbert M. Yaklin
General Services
Ronald A. Zuckerman
Library
In Loving Memory

Paul A. Barnett
1953 - 2005

On July 11, 2005, SDCERS employees were shocked and saddened to learn as we began our workweek, that we had lost a dear friend and colleague. Our own Assistant Administrator, Paul Barnett, died suddenly of a heart attack. Paul devoted nearly 12 years of his career to SDCERS, serving from 1994-2001 as an appointed member of the Board of Administration and from 2001-2005 as the Assistant Administrator. Paul worked tirelessly to improve communication and customer service, document and improve internal processes, and deliver retirement and disability benefits to you, our members, as quickly and efficiently as possible.

Outside of the office, Paul was an avid swimmer, baseball fan and dedicated father and husband. While Paul’s mind and intellect were squarely focused on making SDCERS a better place each day, it was his devotion to his wife and three children that filled his heart and soul. When asked about his children, Paul would beam and talk endlessly about their latest accomplishments or just the simple fact that he was so proud of who they were becoming.

While the shock of Paul’s sudden passing begins to fade, his absence continues to be felt by those whose lives he touched everyday.

We miss you Paul.
Your SDCERS family
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<td>Water</td>
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<td>Adelina E. Randall</td>
<td>Auditor</td>
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Providing the latest news and valuable information about retiring and retirement.

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Rebecca Wilson
Editor

We welcome your articles and suggestions. Please submit them to Editor, San Diego City Employees’ Retirement System, 401 B Street, MS 840, San Diego, CA 92101-4298.

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