



SDCERScoop

SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM FALL 2010

Update on PSC Issues *Correction Process Moving Forward*

At its October 1, 2010 meeting, SDCERS' Board of Administration approved a Board resolution designed to provide specific options to participants with Purchase of Service Credit contracts (PSCs) that are affected by a recent court ruling. (see **Summary of Court Ruling**, right).

Background

On August 15, 2003, the SDCERS Board, which included the City Auditor, Treasurer and other City officials, adopted new, higher rates for PSCs. The new rates were consistent with the Municipal Code requirement that an employee's cost to purchase service credit must be the amount the Board determines to be both the employee and the

employer cost for that service. To give City Members sufficient notice of the changing prices, the Board delayed implementation of the new rates and allowed active City Members to purchase service credit at the old rates during a window period—from August 15, 2003 through November 1, 2003.

On November 20, 2007, the City filed suit against SDCERS, seeking to prevent the Board from continuing to recover the underfunding of these underpriced contracts through the City's annual contribution. On June 7, 2010, the Fourth District Court of Appeal ruled in favor of the City. The ruling means that SDCERS must correct the underfunding and cannot require the City to pay for it through their Unfunded Accrued Liability (UAL).

Following the ruling, the Board formed a PSC Ad Hoc Committee to determine what correction options SDCERS could offer to participants with affected contracts. The term "participants" includes Members, as well as the beneficiaries and continuances of Members whose purchased service credit contract is affected by this ruling.

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Summary of Court Ruling

The Fourth District Court of Appeal determined that SDCERS was not permitted by law to delay implementation of the new PSC rates once the Board voted to increase them.

Because the Municipal Code requires that PSCs be priced to include both an employee's and the employer's cost, the court ruled that SDCERS could not recover the underfunding created by these underpriced PSCs through the City's Unfunded Accrued Liability (UAL). As a result, the affected PSC contracts were determined to be not legally authorized under the Municipal Code.

The IRS requires that SDCERS collect the money from some source to make the trust fund whole. The plan sponsor will be provided 60 days to advise SDCERS if they will voluntarily cover some or all of the associated PSC underfunding, exempting the underfunding from correction. The underfunding not covered by the plan sponsor must then be resolved with the affected participants.

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SDCERS has worked with its federal tax counsel and fiduciary counsel to determine all appropriate options to resolve this issue. As a result, Board Resolution No. 2010-02 was passed on October 1, 2010. The resolution contains the final approved corrective options (see **Participant Correction Options**, below).

Next steps

SDCERS will provide each of its plan sponsors (City of San Diego, Unified Port District and Airport Authority) 60 days to formally advise SDCERS whether they will voluntarily cover some or all of the associated PSC underfunding, thereby exempting the underfunding from correction.

In the meantime, SDCERS has kept members informed on this issue by mail, as well as regular updates to the web site and a series of public meetings. An initial communication was mailed in July to potentially affected participants.

Since then, SDCERS has refined the group of participants who appear to be affected. SDCERS staff is currently reviewing each of the participants' contracts to make a final determination on which are affected, and which correction options would apply. This review process includes an analysis of contract dates and rates, and a series of detailed calculations based on each member's unique situation, with a rigorous review and approval process.

SDCERS expects to begin contacting affected participants in January with specific information regarding the options that pertain to them and any associated costs.

Participant Correction Options

Board Resolution No. 2010-02 contains the following PSC correction options for affected participants.

PSC OPTION 1:

Available to Active, Retired & Deferred Participants

The participant may rescind the original affected PSC contract and receive a full refund of his or her PSC contributions, plus interest. Upon refunding the affected PSC contract, SDCERS will recalculate and adjust the Member's service credit accordingly.

If you are a Port or Airport employee:

While the suit filed against SDCERS pertained specifically to City employees who purchased service credit under the old rates, the Court's determination that SDCERS was not following the City's Plan Document on the pricing of PSCs is applicable to both Unified Port District and Airport Authority employees. This is because SDCERS' Board followed the same course of action on setting PSC pricing for Port and Airport PSC contracts, which was contrary to both plan sponsors' plan documents as well.

As a result, Port and Airport employees with PSC contracts signed after April 16, 2004 using the lower calculation rates may be affected. Affected Airport participants have been contacted and an informational meeting was held in October. SDCERS is working with the Port on possible solutions for Port participants.

If the participant is in DROP or has retired*, SDCERS will adjust the participant's retirement benefit prospectively. Retirement benefits that have been overpaid as a result of the inclusion of the underpriced service credit in the calculation of the participant's retirement benefit will be recovered from the participant, plus interest.

PSC OPTION 2: Available to Active Participants Only

If the participant is an Active Member and currently *eligible to purchase service credit*, the Member may rescind the original affected contract and apply the full refund plus any applicable interest to a new PSC contract, based on the current PSC rates and the Member's current age and salary. This option could result in an additional cost or possibly a refund to the participant depending on the difference in cost between the old and new contracts.

* *City of San Diego Members who retired prior to November 20, 2007 have been exempted out of the affected PSC group by the City.*

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PSC OPTION 3:

Available to Active, Retired & Deferred Participants

The participant may choose to reduce his or her service credit to the lesser amount of service that would have been legally purchased by the Member’s actual contributions under the affected contract, had the higher post-window purchase price been applied. Choosing this option would require no additional payment by the participant to SDCERS if they are still an Active Member of SDCERS.

If the participant is in DROP or has retired*, SDCERS will adjust the participant’s retirement benefit prospectively. Retirement benefits that have been overpaid as a result of the inclusion of the underpriced service credit in the calculation of the participant’s retirement benefit will be recovered from the participant, plus interest.

* City of San Diego Members who retired prior to November 20, 2007 have been exempted out of the affected PSC group by the City.

PSC OPTION 4:

Available to All Participants

The participant may pay, with interest, the difference between the amount they paid at the “old” rate and the amount that should have been charged using the then-determined “new” rate, in order to fund the full service credit originally anticipated in the affected PSC contract. Participants who require the service credit to remain eligible for their service retirement and/or DROP may make a “partial purchase.” If a participant makes a partial purchase, the corresponding adjustments will be made to any past and future retirement allowances, contributions and interest.

PSC OPTION 5 (DROP):

Available to Active & Retired DROP Participants

If a member with an affected PSC contract entered DROP before the adoption of the Board Rule implementing Board Resolution 2010-02, SDCERS will require the

DROP election to be rescinded or reformed, to the extent legally permissible, and, if applicable, subject to the plan sponsor’s agreement. The member may then elect one of the above correction options.

It is important to understand that the PSC options above are available to affected participants based on their SDCERS membership status and therefore, not every option will be available to every affected participant. In addition, once a PSC payment option is chosen, the method of payment will be specific to a participant’s status. This information will be detailed in the communication each participant receives beginning in January.

SDCERS reserves the right to offer or deny certain options to participants based on federal tax law and state and local laws.

BOARD OF administration

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Elected Police Safety Member

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Board Meetings

Board meetings are open to the public and held approximately every six weeks, on Fridays at 8:30 am, 401 West A Street, 3rd Floor, San Diego, CA, 92101. Call 619.525.3600 for more information or visit www.sdcers.org to view meeting schedules, videos, agendas and minutes. This facility is wheelchair accessible.



INVESTMENTcorner

by Liza Crisafi, CIO



The good news is that in fiscal year 2010 (ending June 30, 2010), SDCERS' investment portfolio rebounded +13.44%, U.S. stock and bond markets rose in response to the economic recovery and massive amounts of fiscal stimulus from the federal government. Both U.S. stocks and bonds were the biggest contributors to the performance. Other sectors of the portfolio also generated positive results with the exception of flat real estate returns. Long-term results continue to be strong with a 21.5 year annualized return of +8.7% versus the performance benchmark of +8.0% and surpassing the actuarial assumed rate of return of 7.75%.

There have been a number of changes in the Investment program recently. In May, SDCERS hired Ennis, Knupp & Associates (EK), Chicago, IL, as SDCERS' General Investment Consultant. As the previous Consultant's contract was up for renewal, it was an appropriate time to conduct a thorough search of the marketplace. After lengthy and detailed preliminary research, a Request for Proposal (RFP) was issued in January. Nine firms were evaluated and the field was narrowed down to three finalists which included the incumbent firm. After rigorous due diligence and further analysis, EK was selected as the new Consultant based upon their exceptional capabilities and forward-thinking perspective.

Since EK was hired, they have conducted an Asset/Liability Study for SDCERS. The purpose of the study was to determine if the current mix of assets was appropriate given SDCERS' investment return objective of 7.75% and the relative funding status of the three plan sponsors. EK concluded that the current policy allocation of 78% in return-seeking assets and 22% in risk-reducing assets was, indeed, appropriate.

Following on the Asset/Liability Study, an Asset Allocation review was completed and presented to the Board on October 1, 2010. As part of a disciplined investment process, SDCERS and its General Consultant performed an annual review

of SDCERS' strategic asset allocation to determine if the current asset allocation is appropriate relative to achieving the actuarial assumed rate of return while minimizing risk. The Board approved a number of changes to the asset allocation to achieve a more diversified portfolio with modestly higher expected returns and level of risk. The new asset allocation which classifies asset classes as either return-seeking or risk-reducing strategies, is as follows:

Return-Seeking Investments	
U.S. Equities	28%
Non-U.S. Equities	20%
Private Equity	5%
Infrastructure	3%
Emerging Market Debt	3%
Real Estate	11%
Opportunistic Fund	8%
SUBTOTAL	78%
Risk-Reducing Investments	
U.S. Fixed Income	22%
TOTAL	100%

Finally, a revised version of the Investment Policy Statement (IPS) was approved. The Investment Policy Statement is the governing document that guides investment decisions. The purpose of the new document was to maintain the policies and principles of SDCERS' existing IPS while creating a document that was more succinct, easier to navigate, and that incorporated industry best practices.

DROP Election Postponed

At the request of the City of San Diego and the City Council President, SDCERS has postponed the Deferred Retirement Option Plan (DROP) Benefits election that was to take place this fall.

The election was scheduled to be held in September, in order for Members to vote on the City's proposed changes to DROP that would affect certain current City employees. The election would fulfill the requirement of City Charter Section 143.1, which states that ordinances amending the retirement system, and which affect the benefits of any employee under the retirement system, must be

adopted only after a majority vote of the members of that system. Following the City's request, the SDCERS Board continued the item for discussion and action no later than the December 17, 2010 Board meeting.

Eligible Retirees To Receive 13th Check & Corbett Benefits

At its October 1, 2010 meeting, SDCERS' Board of Administration authorized payment of the "13th Check" supplemental benefit and the Corbett Settlement benefit to eligible retirees for fiscal year 2010.

These retirees will receive these payments with their November 2010 monthly retirement benefit.

The "13th Check" and Corbett settlement benefits are paid in years when the investment earnings of the fund are sufficient to pay them. In years when the "13th check" is not paid, it does not carry forward. The Corbett Settlement benefit will carry forward from year to year and is paid in the next year in which the "13th Check" is paid. Because these supplemental benefits were not paid for FY 2009, the FY 2009 Corbett Settlement benefit was carried over and will be paid in 2010. Therefore, eligible retirees will receive a "13th Check" benefit for FY 2010 and Corbett settlement benefits for FYs 2009 and 2010.

 **LEGAL**

UAL Lawsuit Proceeds

Judge Joan Lewis has allowed the City's lawsuit against SDCERS, seeking to include investment losses in the "substantially equal" portion of Member contribution rates, to move forward.

On May 3, 2010, the City of San Diego filed a lawsuit demanding that SDCERS incorporate an equal share of investment losses into the calculation of City employee contribution rates. SDCERS had completed extensive research on the issue and determined that it was inappropriate to include investment gains and losses

in the calculation of Member contribution rates. As a general rule, investment gains and losses in a defined benefit plan such as SDCERS are borne entirely by the employer.

MOU Litigation Update

A recent decision by the San Diego Superior Court has ruled that benefit changes made by the City in 2005—but which were not codified by ordinance into the Municipal Code until 2007—have a retroactive effective date back to July 1, 2005. The four specific benefits eliminated for employees hired after July 1, 2005 were: participation in DROP, 5-year Purchase of Service Credit, 13th Check and Retiree Health Benefits.

SDCERS is required by law to follow the language in the Municipal Code. From July 1, 2005 through February 16, 2007, however, the Municipal Code had not been updated to reflect these changes. Therefore, the SDCERS Board determined that new Members hired by the City after July 1, 2005 (approximately 1,000 people) were still eligible for the four benefits (noted above) as provided for in the Municipal Code.

An appeal has been filed in the case.

For updates to these and other legal challenges, visit www.sdcers.org. Go to "About SDCERS", then click the "Litigation" page for details.



Retiree News

by David Hall, SDCERS Retired Member Trustee

Over the past few months, many of us received some good news. First, we received our COLA in July and then in October the Board authorized the issuance of the "13th Check" and Corbett Settlement benefits for FY 2010. Even better news is that the authorization was

based on the investment earnings of the plan. We all hope that the portfolio assets continue to gain strength as we manage our way through very challenging economic times. *(See the article on Page 4 for more information).*

As most you of you know by now, the Retired Trustee position on the Board is open for the term beginning in April 2011. For those who have

decided to run for the position, it is important to understand the level of commitment required; the role of a trustee/fiduciary for SDCERS is complex, to say the least. The value in having a retiree on the Board is to provide a perspective that perhaps would not otherwise be shared. There is a benefit to having a broad range of views and professional experiences represented during

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Retiree Associations EVENTS Calendar & Contact Information

City of San Diego Retired Employees' Association

Web site: www.csdrea.com • Phone: 858.272.0494 • E-mail: president@csdrea.com

Monthly General Meetings are held at various venues locations within Balboa Park; location is always announced one month in advance. Check the REA web site for more information.

December 9 Annual Holiday Luncheon - RSVP by December 2nd!
11:00 am to 3:00 pm

- Tom Ham's Lighthouse, 2150 Harbor Island Drive, California Room
- Includes holiday buffet, music, prizes and food drive for San Diego Food Bank
- \$25.50 per person. Make checks payable to CSDREA, Attn: Sylvia Tatum, 4185 Galt Street, San Diego, CA 92127

Retired Fire and Police Association of San Diego

www.retiredfp.com • 760.753.7462 • sfdrouse@yahoo.com

For Hand-in-Hand Family Support Services, contact Cherie Olaveson, 619.561.5985

Monthly Board Meetings are held at the Firefighters Credit Union, 4926 La Cuenta Drive, San Diego, on the first Thursday of each month at 9:00 am.

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|-------------------|---|
| December 2 | 9:00 am, Monthly Board Meeting |
| January 6 | 9:00 am, Monthly Board Meeting |
| January 10 | 11:00 am, Quarterly Luncheon & General Meeting, <i>San Diego Pistol Range</i> |

Reimbursement for Non-Health Eligible Retirees

Non-Health Eligible Retirees are those who retired or terminated City employment as a vested member before October 6, 1980 and are receiving a retirement benefit from SDCERS. SDCERS wants to remind retirees in this

group that they are eligible for up to a \$1,200 per year allowance to use toward various health insurance expenses, including monthly premiums, Medicare Part B premiums, prescription drugs, and co-payments. For

more information, visit www.sdcers.org, and view the *Open Enrollment Booklet 2010-2011* under **Forms and Publications**. Pages 12-13 provide specifics on how to submit your expenses for reimbursement.

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policy discussions. These discussions result in decisions that impact the plan for many years into the future. But there is more to the position than just providing perspective.

The most important thing to remember is that while the trustee may get elected by the retirees, once they are on the Board they must make every decision in the best interests of the Trust Fund and the members as a whole. Their decisions cannot be based only on what the retirees want.

Each Board member serves on at least one committee. Committee chairs are also members of the Executive Committee. The Executive Committee meets two weeks prior to the full Board meeting to review the agenda. Preparation for the committee meetings and full Board meetings require a fair amount of time. SDCERS staff distributes the Board materials one week in advance of the Board meeting, and reading the information usually takes several hours depending on the extent of the agenda.

In addition, it is required that trustees participate in training, attend courses and participate in professional development. Some of these courses are for people

who are first-time fiduciaries while many other courses deal with topics that enhance trustee knowledge and competence as it relates to pension plans and large investment portfolios.

Yes, this is challenging work. But it is fulfilling and educational.

The value in having a retiree on the Board is to provide a perspective that perhaps would not otherwise be shared.

The City of San Diego Retired Employees Association and the San Diego Retired Fire and Police Association serve as advocates on myriad issues impacting retirees. As the retired member of the SDCERS Board, it is important to keep abreast of these outside organizations' activities. Also, the Retiree Issues Task Force meets three times a year with SDCERS staff. The retired member of the Board may choose to attend these meetings as well, although they are not required. The last meeting, which was held in September, was also attended by SDCERS CEO Mark Hovey.

There are a variety of additional information sources available, including Patricia Karnes' comprehensive notes of SDCERS' Committee and Board actions (a must-read for all of us), and Joe Flynn's engaging and contemporary comments about retirement issues both local and national (another must-read). We also get a constant stream of timely and important email information from BoxterBob and Kalamesa. For those without access to email, there are newsletters that are mailed to us by either the Retired Fire and Police or Retired Employees Association.

Of course, the most contemporary information can normally be found on the SDCERS website at www.sdcers.org. You can peruse the site at your leisure. If you are having problems sleeping, you can watch a replay of a Board meeting right on your computer. If you live in the City of San Diego, Channel 24 also airs SDCERS Board meetings at 6:00 pm following the meeting.

So, if you're running for a seat on the SDCERS Board, just know that you will learn more than you thought possible and spend more time than you anticipated learning about benefits, investments and actuarial reports. But in the end you'll be glad you did.

Upcoming General Member Trustee Election

General Members will receive their SDCERS Board of Administration Election Booklet in the mail in early December, with instructions on how to vote for a new General Member Trustee (one of two General Member Trustee seats on the Board). The booklet will also contain statements from each of the candidates.

The Elected General Member Trustee will serve as a replacement for a trustee who vacated the position, and will serve for the remainder of the term. The newly elected Trustee will begin serving at the next regularly scheduled Board meeting following the completion of the election, through March 31, 2013.

Mark Hovey Named SDCERS' CEO



On June 11, 2010, the SDCERS Board selected Mark A. Hovey as the Chief Executive Officer (CEO) of the system.

"I'm honored the Board chose me for the CEO position, and I am excited about serving our Members, Plan Sponsors, SDCERS' employees, and Board members in this new role," said Hovey. "We have a strong team, and together I am confident we'll accomplish great things."

Hovey joined SDCERS as its CFO in 2007 and in 2009 earned the Government Agency CFO of the Year award from the San Diego Business Journal. Following the departure of SDCERS' former CEO, David Wescoe, Hovey was chosen as Interim CEO while the Board performed a national search to fill the position, and was ultimately chosen out of 65 candidates. Hovey brings extensive financial management experience to SDCERS. Prior to joining the organization, he held positions as Vice President and Segment Controller of Pulse Engineering, Chief Financial Officer of Washington Inventory Service and Director of Finance and Administration for Hasbro, Inc.

SDCERS Scoop is published three times a year. We welcome your feedback and encourage you to submit comments to: **Editor**, SDCERS, 401 West A Street, Suite 400, San Diego CA 92101, or via e-mail by visiting [www.sdcers.org/About SDCERS/ Contact Us](http://www.sdcers.org/About%20SDCERS/Contact%20Us).

Note: The online version of SDCERSCOOP contains *Recent Retirements and In Memoriam*.

RECENT retirements

Anna L. Aguiniga-Garcia
Alexander J. Alongi
Guillermina Alvarez
James P. Anthony
Valerie S. Arnold
Edward J. Avila
David L. Banks
Joann Y. Beck
Alice L. Benson
Rita C. Beutling
Victoria M. Binkerd
Jerry A. Bowers
James M. Bradley
Cynthia A. Brown
John C. Burleson
Matthew F. Burns
Sylvia R. Calderon
Victor F. Castaneda
Robert Christano
Donna E. Clark
Maren O. Conrique
Mary M. Cornicelli
John P. Cronk
Mark P. Damele
Myrna S. Davis
Robert L. Dear
Linda M. Dederman
William S. Donnell
Alfred Edwards
Ronald L. Edwards
Linda J. Elliott
Robert M. Fowler
George K. French
Victoria L. Gallagher
David D. Garcia
William J. Glenn
Gary D. Goins
S. Gail Goldberg
Carolyn L. Grant
Toni D. Grant
Bobby Greer
Rennie D. Gregorio
Mark S. Grice
Zenobia Hall
Richard R. Haro
Ralph E. Haynes
Peter T. Hepburn

Gary W. Hill
James Hill
Susan M. Hirschel
Martha C. Hollis
Ahmad Houshmand
Jo Ann Howard
Vicente M. Jarvina
Marlene A. Jones
Corey B. Jung
Harry A. Kearney
Carolyn S. Kendrick
Anna M. Knuth
James M. Kuhns
Choong I. Lee
Joseph W. Lehr
Carol S. Leimbach
Harvey Love
Michael Lyle
Hilda E. Marostica
Judith A. Mathena-Fishell
Margaret M. May
Michael J. Mendez
Carol A. Miles
Thomas R. Miller
Karen R. Mitchell
William S. Moore
Barbara S. Naranjo
Diane P. Norman
Christine Norris
Michael L. O'Brien
Rosa M. Orozco
Shannon P. Palenschat
Thomas R. Parry
Pamela G. Paxton
Ruth Polk
William J. Punch
Kathy K. Puplava
Paula M. Rivera
Joan D. Robbins
Trent A. Robertson
Robert W. Roderick
Chester L. Roome
Steve M. Rosenbloom
Shirley A. Ross
John W. Rout
Robert D. Ruge
James J. Rymut

Gloria M. Salley
Leopoldo Sandoval
Jeanne L. Sandvik
Catherine Sass
Stephen T. Scott
Patrick J. Segawa
Laurel Shelton
James T. Smullen
Virginia A. Sokol
Jeffrey W. Steele
Shari R. Steele
Sharon R. Stelman
Judith L. Stone
Mark D. Stone
Ross E. Stone
Sandra W. Stowers
Daniel E. Stricker
Larry J. Taschner
Craig R. Tennesen
Kathy S. Tolar
John A. Trent
Phillip A. Valoff
Alexander Vargo
John A. Ventura
Jeff L. Viator
Christopher Waddell
Mitchell A. Walker
Marilyn P. Ward
Craig H. Warner
Robert W. Warren
Brian F. Wasielewski
Paul Webb
Denise H. Weems
Lynne S. Wilkins
Fatima S. Williams
Kenneth D. Winkler
Kenneth W. Witt
Wing Y. Woo
Carol A. Wood
Shirley E. Wright
Elizabeth A. Yard
V. Brooke Zolezzi



INmemoriam

Donald J. Anderson
Jack Baby
William Bird
William F. Boye
Frank J. Brito
Robert G. Brown
Roseann M. Brown
Ron Buck
Floyd L. Bunch
Phil C. Bunde
Elbert Burnett
David C. Carman
John Lee Carter
David Christensen
James D. Cole
Dennis P. Couture
Charles L. Crowell
Ralph M. Davis
Fred V Dickson
Robert W Didion
Stephen J. Dietrich
John W. Dooley
Susan L. Drake
Charles R. Ellis
Frank G.. Ellis
Arthur W. Evans
Janet S. Fairbanks
Alvaro Flores
Shirley Freeman
Clark R. Friedgen
Paul F. Gibson
Leslie N. Ginn
Clifton C. Glenn
Dolores Gonzalez
James M. Gordon
Ralph E. Graham
Kurt R. Gronwald
Sophie K. Hanson
Alfred R. Harper
William L. Jackson
Billie Jefferson
Geraldine M. Jones

Richard M. Julian
John T. Kasten
David L. King
Brian C. Kinter
Charles Kranz
William W. Krueger
Robert Landin
Mary F. Larson
Arthur Le Blanc
Madelyn L. Leibold
Jack T. Lilly
Manuel V. Lopez
Subandhu S. Majmudar
John A. Mattis
Jean S. Mccoy
Douglas M. Mchenry
Frederick E. Meyer
Arthur L. Monett
Edgar A. Myers
Norman V. Newton
Joe Nieto
Michael J. O'Connor
Francisco R. Padua
Jack R. Page
Francis A. Pavlu
William D. Petersen
Estelle M. Phillips
Marvin R. Price
M. Anais Pugh
Arturo Ramirez Jr
Gordon G. Redding
Douglas D. Reid
Walter D. Ricks
Nathan W. Roberts
Judith L. Romero
Mary Lou Sanford
Carl D. Schmidt
John H. Schmidt
Charles W. Sexton
Lyman L. Tremble
Rudy Vargas
Roy C. Wamback

Lu'Cretia L. Washington
Samuel White
Johnnie L. Williams
Stanley Williams
Chad Wilson