A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, April 13, 2011, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:05 p.m.

**Trustees Present:**
Mark Calice
Thomas J. Gordon, II
John M. Lamerato
William R. Need (Ex-Officio)
Steve Pallotta
Mary Kerwin

**Trustees Absent:**
Thomas Rosewarne
John Szerlag

**Also Present:**
Lori Grigg Bluhm
Tim McLean
Monica Irelan
Marla A Linderman, Linderman Law, P.C.
John Grant, UBS

## Minutes

**Resolution # ER – 2011-4-16**
Moved by Pallotta
Seconded by Lamerato

RESOLVED, That the Minutes of the March 9, 2011 meeting be approved.

Yeas: All – 5
Absent: Rosewarne, Szerlag

## Other Business – Prior Government Service Request

The Board received and filed the prior government service request of Diane Salter of 3 years, 4 months.

## Other Business – Kocenda Disability Retirement Request

City Attorney Lori Bluhm was present and gave a brief procedural summary of this matter, which included the following:

On 3/10/2010, the Board denied the 7/29/2009 request of David Kocenda for a duty disability retirement, based in part on the opinion of the Board's attorney, Michael VanOverbeke, that David Kocenda was not an employee, eligible for such a duty disability retirement.

On 4/27/2010, David Kocenda's attorney Marla Linderman filed a Request for Reconsideration. The Board considered all of the material she submitted, including a Request for Reconsideration of Medical Duty Disability Defined Contribution Retirement Disbursement and Conversion Decisions (included as part of the record), and some additional documentation from Michigan Commission on Law Enforcement Standards and letters from David Kocenda dated January 7, 2007 and August 1, 2007, which were handed out at the meeting and included as part of the record. The Board postponed this matter and rescheduled it for the first available date after the conclusion of David Kocenda's worker's compensation case.

The worker's compensation case was concluded on January 26, 2011, where the Magistrate found, after medical testimony, that although David Kocenda injured his knee on the job, he was not totally disabled from employment.

At the meeting, Attorney Linderman handed out a Supplemental Brief Regarding Request for Reconsideration of Medical Disability Defined Contribution Retirement Disbursement and Conversion Decision, which is now part of the record. Ms. Linderman was provided an opportunity to make an oral argument raised by Ms. Linderman.

Although requested, the Board did not take any action to Reconsider its earlier decision concerning the duty disability retirement request. Since the matter was not presently before the Board, there was no action on any potential deferred retirement for David Kocenda.

## Other Business – Retirement Request

**Resolution # ER – 2011-4-17**
Moved by Lamerato
Seconded by Kerwin

RESOLVED, That the following retirement requests be approved:

| | | | | |
|---|---|---|---|---|
| **Name** | Gary L. Bowers | Orville R. Allen Jr. | Barbara J. Myhal | Carla Vaughan |
| **Pension Program** | DB | DC | DC | DB |
| **Retirement Date** | 6/11/11 | 6/25/11 | 6/25/11 | 5/28/11 |
| **Department** | Planning | Building Operations | Human Resources | Recreation |
| **Service Time** | 21 years, 1 month | 31 years, 10 months | 10 years, 2 months | 37 years, 9 montl |

| | | | | |
|---|---|---|---|---|
| **Name** | David F. Lapine | Wendell B. Moore | | |
| **Pension Program** | DB | DC to DB | | |
| **Retirement Date** | 6/11/11 | 7/1/11 | | |
| **Department** | Building Operations | Police | | |
| **Service Time** | 30 years, 7 months | 34 years, 3 months | | |

Yeas: All – 5
Absent: Rosewarne, Szerlag

## Investments

**Resolution # ER – 2011-4-18**
Moved by Lamerato
Seconded by Gordon

RESOLVED, That the board buy and sell the following:

Sell: Berkshire Hathaway.B
Buy: 2,000 shares Fastenal
5,000 shares McKesson
3,000 shares Panera Bread
5,000 Shares Manitowoe
5,000 Shares Copano Energy
$500,000 Eaton Vance Floating Rate Fund

Yeas: All – 5
Absent: Rosewarne, Szerlag

## Public Comment

None.

The next meeting is May 11, 2011 at 1:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:35 p.m.

Mark Calice, Chairman
Tom Gordon

John M. Lamerato, Secretary

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