

**WAYNE COUNTY EMPLOYEES' RETIREMENT COMMISSION
REGULAR MEETING**

**November 28, 2022
10:00 am**

**28 WEST ADAMS, 18TH FLOOR
CONFERENCE ROOM
GRAND PARK CENTRE
DETROIT, MICHIGAN 48226**

Commissioners Present:

Henry Wilson, Chairman
Frank Simone, Vice-Chair
Cassandra McDonald
Tom Yee
Elizabeth Misuraca
Hugh Macdonald

ELECTED MEMBERS TO THE BOARD

Absent:

Alisha Bell, Chair
Wayne County Commission

EX-OFFICIO MEMBER

Assad Turfe
Wayne County Executive

EX-OFFICIO MEMBER

Others Present:

Robert Grden, Gerard Grysko, Bruce Campbell, Robert Abb, Jack Timmony, Brian Green, Mike Holycross, Kathleen Colin.

1. Call to Order at 10:05 am.
2. Roll Call.

Present: Henry Wilson; Chair, Frank Simone; Vice-Chair, Cassandra McDonald, Tom Yee, Elizabeth Misuraca, Hugh Macdonald.

Absent: Alisha Bell, Assad Turfe.

Mr. Robert Abb and Mr. Jack Timmony from VanOverbeke, Michaud & Timmony, P.C. entered the meeting at 10:05 am.

- 3a. Approval of minutes of the meeting of October 31, 2022, and November 4, 2022.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Waive the reading of the minutes and Approve the minutes of October 31, 2022, and November 4, 2022.

The motion was supported by Mr. Yee and carried unanimously 6-0.

- 3b. Applications for retirement.

Mr. Macdonald moved for the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Approve the applications for retirement.

The motion was supported by Mr. Yee and carried unanimously 6-0.

APPLICATIONS		
Name	Dept.	Retirement Date
Pamela Horner	CEO	12/01/2022
Marietta Spencer	DPS	01/01/2023
Cheryl Ford	Co Clk	01/01/2023
Michael Alexander	WCAA	12/01/2022
Theophilus Mixon Jr.	WCS	12/01/2022
Lucille Hoppersberger	DPS	01/01/2023
Laura Michrina-McGhee	M&B	12/01/2022
Denie R. Marks	WCS	01/01/2023
Roney Haywood	Pros Atty	02/01/2023
Larry Groth, Jr.	WCAA	01/01/2023
Michael J Brohl	WCAA	01/01/2023
Alonzo Mitchell	HHVS	01/01/2023
Maria Morris	Cir Ct	02/01/2023
Darryl Taylor	DPS	02/01/2023
Paul Spaulding	WCS	01/01/2023
Wendy S. Lawson	Cir Ct	01/01/2023



APPLICATIONS

Name	Dept.	Retirement Date
Robert Lovely	DPS	02/01/2023

DISABILITY APPLICATIONS

Name	Dept.	Application Date
(None)		

3c. Removals from pension payroll because of death.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, that the listed retirees be removed from the pension payroll because of their deaths on the indicated dates;

RESOLVED, that any monies due to the deceased be paid to the named beneficiaries, subject to the receipt of a death certificate in each case.

The motion was supported by Mr. Yee and carried unanimously 6-0.

DEATHS

Name	
Leon McConnell	Fredice Alexander
Annick Nowak	Sanders Lindsey, Jr.
Geraldine Chuney	Mary E. Tyus
Vincent Gregory	Barbara Malwitz
Yvonne Atkins	Rebecca Cochran
William Pipkins	Tommie Lewis
Carol Brown	Coretha Thomas
Harry C. Hinzman	Donald Hawn

3d. Retirement Allowances.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Approve the final retirement allowances.

The motion was supported by Mr. Yee and carried unanimously 6-0.

NEW RETIREES

Name	Dept.	Name	Dept.
David Sanders	WCAA	Laura Michrina-McGhee	M&B
Aaron Senter	WCS	Jdg John A Murphy	Cir Ct.
Brent Miner	WCS	Jdg James R Chylinski	Cir Ct.
Pamela Horner	CEO	Jdg Timothy Kenny	Cir Ct.



NEW RETIREES

Name	Dept.	Name	Dept.
Thomas E. Philport	DPS	Andrienne Randle	DPS
Michael L Alexander	WCAA	Deandra Lipscomb	DPS
Kenneth Cowan	WCS	Lucille Hoppersberger	DPS
Theophilus Mxon, Jr.	WCS	Alonzo Mitchell	HHVS
Karen Y Kindrow	WCS	Wendy Lawson	Cir Ct.
Ryan Florios	WCS		

- 3e. Adjustment of pensions for retirees because of additional earnings, annual leave payments, overpayments, etc.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Approve the adjustment of pensions for retirees because of additional earnings, annual leave payments, overpayments, etc.

The motion was supported by Mr. Yee and carried unanimously 6-0.

UPDATES FROM PREVIOUS AGENDA (NEW RETIREES)

Name	Effective Date
(None)	

ADJUSTMENTS

Name	Adjustment Date
Michael Hill	02/01/2023

ADJUSTMENTS TO CONTRIBUTIONS ONLY

Name	Adjustment Date
(None)	

- 3f. Re-calculations and/or Pop-ups due to death of spouse, and attainment of age 60 under Disability Retirement as well as additional contributions.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Approve the Re-calculations and/or Pop-ups due to death of spouse, and attainment of age 60 under Disability Retirement as well as additional contributions.

The motion was supported by Mr. Yee and carried unanimously 6-0.



RE-CALCULATIONS	
Name	Conversion Date
(None)	

POP-UPS	
Name	Pop-Up Date
Janet Blaesing	11/01/2022

- 3g. November stipends of \$149,269.90 for pre-Medicare eligible members pursuant to Wayne County Ordinance 2015-610.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Approve the November stipends of \$149,269.90 for pre-Medicare eligible members pursuant to Wayne County Ordinance 2015-610.

The motion was supported by Mr. Yee and carried unanimously 6-0.

- 3h. Correspondence.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the correspondence.

The motion was supported by Mr. Yee and carried unanimously 6-0.

4. Consideration of meeting minutes for the closed session(s) of October 31, 2022.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Waive the reading of the minutes and Approve the closed session(s) of October 31, 2022.

The motion was supported by Ms. Misuraca and carried unanimously 6-0.

5. Consideration of a confidential legal report on ongoing litigation from VanOverbeke, Michaud & Timmony, P.C.

Mr. Simone made a motion to go into Closed Session pursuant to the provisions of the Michigan Open Meetings Act, M.C.L. 15.268(1)(h) which permits a Public Body to discuss matters in closed session that are exempt by other statutes. Information subject to Attorney-Client Privilege is not subject to disclosure, noting that a roll call is required for this motion. M.C.L. 15.243(1)(g). This is not subject to disclosure under The Freedom of Information Act, M.C.L. 15.231 et seq. The agenda item to be discussed is #5.

The motion was supported by Mr. Yee and carried unanimously 6-0 with a roll call vote, Henry Wilson – yes, Frank Simone - yes, Cassandra McDonald – yes, Tom Yee – yes, Elizabeth Misuraca – yes, Hugh Macdonald – yes.

The Retirement Commission went into closed session at 10:07 am.

Mr. Yee exited the meeting at 10:07 am due to a conflict of interest.

The Retirement Commission returned to open session at 10:58 am with the following Commissioners present: Henry Wilson, Frank Simone, Cassandra McDonald, Tom Yee, Elizabeth Misuraca, Hugh Macdonald.

Chairman Wilson called for a recess at 10:58 am.

The Retirement Commission returned to session at 11:04 am with the following Commissioners present: Henry Wilson, Frank Simone, Cassandra McDonald, Tom Yee, Elizabeth Misuraca, Hugh Macdonald.

Mr. Simone moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the verbal confidential legal report from VanOverbeke, Michaud & Timmony, P.C.

The motion was supported by Ms. McDonald and carried 5-0-1 with Mr. Yee abstaining. (Mr. Yee abstained as he did not participate in the closed session due to a conflict of interest)

6. Consideration of a report from the Wayne County Human Resources Department regarding Dwayne Seals.

Mr. Simone made a motion to go into Closed Session pursuant to the provisions of the Michigan Open Meetings Act, M.C.L. 15.268(1)(h) which permits a Public Body to discuss matters in closed session that are exempt by other statutes. Information subject to Attorney-Client Privilege is not subject to disclosure, noting that a roll call is required for this motion. M.C.L. 15.243(1)(g). This is not subject to disclosure under The Freedom of Information Act, M.C.L. 15.231 et seq. The agenda item to be discussed is #6.

The motion was supported by Ms. McDonald and carried unanimously 6-0 with a roll call vote, Henry Wilson – yes, Frank Simone - yes, Cassandra McDonald – yes, Tom Yee – yes, Elizabeth Misuraca – yes, Hugh Macdonald – yes.

The Retirement Commission went into closed session at 11:04 am.

Mr. Yee exited the meeting at 11:04 am due to a conflict of interest.



The Retirement Commission returned to open session at 11:12 am with the following Commissioners present: Henry Wilson, Frank Simone, Cassandra McDonald, Elizabeth Misuraca, Hugh Macdonald.

Mr. Yee re-entered the meeting at 11:13 am.

Mr. Campbell exited the meeting for the day at 11:13 am.

Chairman Wilson called for a recess at 11:14 am.

The Retirement Commission returned to session at 11:20 am with the following Commissioners present: Henry Wilson, Frank Simone, Cassandra McDonald, Tom Yee, Elizabeth Misuraca, Hugh Macdonald.

Mr. Simone moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the confidential legal report from Corporation Counsel.

The motion was supported by Ms. McDonald and carried 5-0-1 with Mr. Yee abstaining. (Mr. Yee abstained as he did not participate in the closed session due to a conflict of interest)

Mr. Macdonald moved the adoption of the following resolution:

WHEREAS, the Retirement Commission of the Wayne County Employees' Retirement System (the "Retirement Commission") is vested with the fiduciary responsibility for the proper administration, management and operation of the Retirement System, and for making effective the Retirement System provisions, and

WHEREAS, the Retirement Commission administers benefits in accordance with Plan provisions and applicable state and federal law and must pay benefits consistent therewith, and

WHEREAS, pursuant to Section 12a(28) of the County Boards of Commissioners Act, MCL 46.12a(28), unless a county retiree meets certain exemptions specified in MCL 46.12a(28), the retiree's pension must be suspended if he or she is reemployed by the same county from which he or she retired and works over 1,000 hours in a 12-month period, and

WHEREAS, the Retirement Commission discussed the provisions of MCL 46.12a(28) with legal counsel and determined that, as the Employer, the County was in the best position to monitor the reemployment of retirees and notify the Retirement System when it rehired a retiree and if a reemployed retiree exceeded the 1,000 hour limitation in MCL 46.12a, and

WHEREAS, consistent with the Retirement Commission's discussions, the County adopted a Retirees Returning to Wayne County Employment Policy (Reemployment Policy), effective May 1, 2015, and

WHEREAS, pursuant to the County's Reemployment Policy, County Payroll staff are required to notify Retirement System staff of the reemployment of a retiree at the time of rehire and the Personnel/Human Resources Manager, and

WHEREAS, the County Personnel/Human Resources Manager reviews a bi-weekly report to determine who has reached at least 840 hours, at which time the rehired retiree and Retirement System staff are notified that his or her pension benefits will be suspended if his or her hours exceed 1,000 hours, and

WHEREAS, upon the retirant working more than 1,000 hours, based upon a rolling 12-month calendar, the County's Payroll Manager or designee shall send that report to Retirement System staff for implementation of suspension of the pension, and

WHEREAS, once the Retirement System receives the report, consistent with the County's Reemployment Policy, it will send a suspension letter to the retirant and suspend his or her pension benefits effective the first day of the calendar month following the retirant reaching 1,000 hours, and

WHEREAS, Dwayne Seals retired from Wayne County ("the County") at 49 years of age as a member of Plan 6, with 10 years and 7 months of service working for the County and he purchased additional service to reach a total of 21 years of service credit when he retired and began to receive a yearly pension equal to \$64,896.36, and

WHEREAS, Mr. Seals was in receipt of pension benefits from the Retirement System since his effective date of retirement, November 27, 2016, and

WHEREAS, following his retirement from the County, Mr. Seals was subsequently appointed to the position of Deputy Register of Deeds for the County, and

WHEREAS, after reviewing Mr. Seals' employment in the position of Deputy Register of Deeds, the County determined that he was an appointed County official and thus was specifically exempt from the 1,000 hour limitation in MCL 46.12a(28) and that he could continue to receive his pension payments uninterrupted while serving in that capacity, and

WHEREAS, Mr. Seals held the position of Deputy Register of Deeds until on or about July 22, 2019, when he began working in the County Clerk's office in the newly created position of "Deputy County Clerk/Financial Officer," and

WHEREAS, in spite of the County's Reemployment Policy that requires the County to notify the Retirement System when a retiree is reemployed, no one at the County notified the Retirement System of Mr. Seals' new position, and

WHEREAS, the Retirement Commission only discovered that Mr. Seals had a new position when Trustee Tom Yee informed the Retirement Commissioners and staff at its September 30, 2019, regular meeting, that Mr. Seals was his supervisor at the Clerk's office, and



WHEREAS, when it was discovered that Mr. Seals had changed positions at the Retirement Commission's September 30, 2019, regular meeting and no analysis had been performed regarding whether his new position was subject to the 1,000 hour limitation in MCL 46.12a(28), the Retirement Commission requested that the County's Corporation Counsel conduct such an analysis, and

WHEREAS, at the Retirement Commission's December 16, 2019, regular meeting, Corporation Counsel delivered a legal opinion to the Retirement Commission opining that Mr. Seals was not exempt from the 1,000 hour limit under state law and that his position as Deputy County Clerk/Financial Officer is not a public official within the meaning of law and that his position is subject to the 1,000 hour limitation found in MCL 46.12a(28), and

WHEREAS, consistent with Corporation Counsel's opinion and the County's Reemployment Policy, on January 17, 2020, Mr. Seals was notified by Steve Mahlin, the Wayne County Director of Personnel and Human Resources, that his current position of employment with the County, Deputy County Clerk/Financial Officer, "does not qualify for the exemption under the published Michigan Supreme Court criteria that require an exempted position to be designated as holding public office," and

WHEREAS, Mr. Mahlin further informed Mr. Seals that it was the County's position that his position of employment "is not a position required by law to exist, but rather, is a position that was created at the will of the County Clerk" and for that reason Mr. Seals is "not considered a county official holding public office," and

WHEREAS, Consistent with the County's Reemployment Policy, Mr. Seals was subsequently notified by Beatrice Golden, a Department Administrator for Personnel/Human Resources, on February 12, 2020, that he was approaching the 1,000 hours worked limit applicable to re-employed retirees, and

WHEREAS, Ms. Golden informed Mr. Seals that as of February 9, 2020, he had worked 1,000 hours in the rolling 12-month calendar year that began when he started employment in his current position and notified him specifically that "if you exceed the limit, your pension benefits will be suspended" by the Retirement System, and

WHEREAS, at its February 24, 2020, regular meeting, the Retirement Commission reviewed the 1,000 Hour Working Retiree Analysis which confirmed that, as of February 9, 2020, Mr. Seals had worked exactly 1,000 hours since he began employment as the Deputy County Clerk/Financial Officer for the County, and

WHEREAS, the Retirement Commission reviewed the prior written legal opinion from Corporation Counsel and reviewed a written legal opinion from its special legal counsel, VanOverbeke, Michaud, and Timmony, P.C. ("VMT"), dated February 24, 2020, discussing whether the Deputy County Clerk/Financial Officer for the County was an appointed County official exempt from the 1,000 hour limitation, and

WHEREAS, Corporation Counsel and VMT concurred and both opined that under state law, the Deputy County Clerk/Financial Officer is not considered an elected or appointed county official and thus, because Mr. Seals has exceeded 1,000 hours worked in a 12-month period, his pension should be suspended immediately, and

WHEREAS, the Retirement Commission reviewed the letters and reports from the County's Personnel/Human Resources Department, the County's Reemployment Policy, as well as legal opinions from Corporation Counsel and VMT concerning Mr. Seals' reemployment with the County, and

WHEREAS, at its February 24, 2020, regular meeting, the Retirement Commission: (1) accepted and adopted the legal opinions from Corporation Counsel and VMT that the position of Deputy County Clerk/Financial Officer is not a position exempt from the 1,000 hour limitation of MCL 46.12a(28); (2) confirmed, after a thorough review of all pertinent records, policies and legal opinions, that Mr. Seals, as a retiree from the County, is subject to the 1,000 hour limitation of MCL 46.12a(28) while working as the Deputy County Clerk/Financial Officer, and

WHEREAS, the Retirement Commission accepted the reports from the County's Human Resources/Personnel Department that, as of February 9, 2020, Mr. Seals had worked 1,000 hours since being reemployed as the Deputy County Clerk/Financial Officer and, consistent with its adopted legal opinions and reports from the County Human Resources/Personnel Department, resolves to directed staff to monitor Mr. Seals' hours worked to determine whether he has worked more than 1,000 hours since being reemployed in his current position, and

WHEREAS, the County confirmed that Mr. Seals has in fact worked more than 1,000 hours since being reemployed by the County as the Deputy County Clerk/Financial Officer, and

WHEREAS, consistent with and relying upon the legal opinions provided by Corporation Counsel an VMT, which was adopted by the Retirement Commission, staff suspended Mr. Seals' pension in accordance with MCL 46.12a until such time as they may resume pension payments in a manner consistent with state law, and

WHEREAS, that VMT sent written correspondence to Mr. Seals, dated February 27, 2020, which included a copy of the Retirement Commission's detailed resolution, to notify him and explain why his pension benefits were suspended and to notify him of his rights to appeal this decision to suspend his pension only, pursuant to Section 141-33(c) of the Retirement Ordinance, and

WHEREAS, by email dated February 27, 2020, Mr. Seals contacted the Retirement System and requested an opportunity to appeal the Retirement Commission's suspension of his pension in accordance with MCL 46.12a, and

WHEREAS, by letter dated March 2, 2020, VMT contacted Mr. Seals and notified him that his request had been granted and that his appeal hearing would be scheduled for the Retirement Commission's March 23, 2020, regular meeting and that, pursuant to 141-33(c) of the Retirement Ordinance, he was required to submit a written statement of the reasons he claims the Retirement



Commission's decision was improper, and he must also provide any and all documentation and other evidence he believes supports his position, and

WHEREAS, Mr. Seals was further informed in the March 2, 2020, letter from VMT that his request for an appeal hearing has been granted **only** with respect to the suspension of his pension benefit, not the calculation of his pension benefit, for which he was already provided with a formal appeal in 2017 and a subsequent review of his pension calculation in 2019 and has, accordingly, exhausted any and all appeal rights he had on that issue, and

WHEREAS, Mr. Seals was instructed that his appeal hearing would be limited to the suspension of his pension benefits and any other arguments or statements on any other issue will neither be permitted nor considered, and

WHEREAS, by email dated March 6, 2020, Mr. Seals contacted the Retirement System and requested copies of confidential legal opinions subject to attorney-client privilege that were provided to the Retirement Commission concerning the suspension of his pension benefits, and

WHEREAS, pursuant to Mr. Seals' request, which had to be considered by the Retirement Commission prior to being granted or denied, Mr. Seals was notified that his appeal hearing had to be rescheduled for the Retirement Commission's April 27, 2020, regular meeting, and

WHEREAS, at the Retirement Commission's March 30, 2020, regular meeting, the Retirement Commission resolved to deny Mr. Seals' request and not release confidential legal opinions that were subject to attorney-client privilege, and

WHEREAS, by letter dated March 31, 2020, Mr. Seals was notified that his request had been denied and that his appeal was still scheduled to be heard at the Retirement Commission's next regular meeting on April 27, 2020, and that any and all statements, documentation, and other evidence he wanted to be considered by the Retirement Commission must be submitted to VMT no later than April 20, 2020, and

WHEREAS, on April 19, 2020, Mr. Seals submitted a written statement of the reasons he claims the Retirement Commission's decision was improper and all supporting documentation he believed supported his position (his "Appeal Packet"), which was made available to all Retirement Commissioners, and

WHEREAS, at its regular meeting on April 27, 2020, the Retirement Commission provided Mr. Seals with an opportunity to participate in an appeal hearing and present his arguments and any evidence he believes supports his position that his pension should not be suspended, and

WHEREAS, Mr. Seals confirmed that his objection to the suspension of his benefits is based on his interpretation of Michigan statutory provisions and that he does not object to the factual findings submitted by the County Personnel and Human Resources Department that he did, in fact, work more than 1,000 hours since being employed as the Deputy Clerk/Financial Officer, and

WHEREAS, the Retirement Commission desired more time to consider the information in the Appeal Packet submitted by Mr. Seals and arguments therein and resolved to Pass for the Day Mr. Seals' appeal of the resolution adopted at the Retirement Commission's February 24, 2020, regular meeting, to suspend his pension payments in accordance with MCL 46.12a, to Consult with Legal Counsel and to Place it on the agenda for the Retirement Commission's next regular meeting on May 29, 2020, and

WHEREAS, at its May 29, 2020, regular meeting, the Retirement Commission discussed Mr. Seals' appeal, reviewed the information provided by Mr. Seals in his Appeal Packet and a second legal opinion provided by Corporation Counsel which included additional County employment records, and

WHEREAS, the Retirement Commission noted that Mr. Seals been provided with several pieces of correspondence and prior resolutions that clearly delineate the legal basis for the suspension of his pension and that Mr. Seals even included the applicable statute, MCL 46.12a, as part of his Appeal Packet, and

WHEREAS, the Retirement Commission reviewed County employment records to confirm that Mr. Seals' Deputy County Clerk/Financial Officer position was created for Mr. Seals in 2019 and that he works "under the direction of" the County Clerk and the Chief Deputy County Clerk, with his job duties clearly defined by his job description and the County Clerk, not by law, and

WHEREAS, the Retirement Commission accepted the legal opinion from Corporation Counsel and additional County employment records included therewith, and

WHEREAS, after a thorough review of all pertinent records, policies and legal opinions, the Retirement Commission, relying on the administrative record and legal opinions, reaffirmed its prior position that Mr. Seals, as a retiree from the County, is subject to the 1,000 hour limitation of MCL 46.12a while working as the Deputy County Clerk/Financial Officer, and

WHEREAS, the Retirement Commission resolved to deny Mr. Seals' appeal of the resolution adopted at the Retirement Commission's February 24, 2020, regular meeting and to suspend his pension payments pursuant to MCL 46.12a, and

WHEREAS, consistent with its adopted legal opinions and reports from the County Human Resources/Personnel Department, the Retirement Commission directed staff to continue to suspend the payment of pension benefits to Mr. Seals in accordance with MCL 46.12a until such time as they may resume in a manner consistent with state law, and

WHEREAS, the Retirement Commission directed VMT to send written correspondence to Mr. Seals to notify him that his appeal was denied including a copy of this resolution, and

WHEREAS, after announcing that he had a new position on a County wide Covid conference call on or about November 7, 2022, Mr. Seals sent an email communication dated November 9, 2022, declaring that he had a new position and was employed as the Chief Deputy Wayne County Clerk, and

WHEREAS, again, the County HR/Personnel department did not notify the Retirement System of Mr. Seals' new position, and

WHEREAS, Retirement System staff contacted the County HR/Personnel department to confirm that Mr. Seals, in fact, was now employed as the Chief Deputy County Clerk; when the new position became effective, and to confirm whether, in this new position, Mr. Seals was still subject to the 1,000 hour limitation, and

WHEREAS, the County HR/Personnel department, by email dated November 18, 2022, confirmed that Mr. Seals was now employed as the Chief Deputy County Clerk as of November 1, 2022, and was exempt from the 1,000 hour limitation, and

WHEREAS, by email dated November 21, 2022, Retirement System staff asked Corporation Counsel Bruce Campbell whether he had or would be issuing an opinion concerning Mr. Seals' new position consistent with the County's Reemployment Policy, and

WHEREAS, Mr. Campbell provided two legal opinions to the Retirement Commission at its November 28, 2022, regular meeting in which he opined that Mr. Seals was exempt from the 1,000 hour limitation in his new position as Chief Deputy County Clerk and recommended that his pension payments resume as of November 1, 2022, and therefore be it

RESOLVED, by the Wayne County Employee's Retirement Commission, consistent with the legal opinions provided by Corporation Counsel, communications from the County HR/Personnel department and the County's Reemployment Policy, to Direct staff to restart Mr. Seals' pension payments effective November 1, 2022, as soon as administratively feasible, issuing an off-cycle check if needed, and be it further

RESOLVED, by the Wayne County Employee's Retirement Commission, to Direct staff to notify Mr. Seals that his pension has been reinstated effective November 1, 2022, consistent with the communications from HR/Personnel and Corporation Counsel.

The motion was supported by Mr. Simone and carried unanimously 6-0.

Mr. Brian Green and Mr. Mike Holycross from AndCo Consulting moved to the table at 11:23 am.

7. Consideration of quarterly report dated September 30, 2022, on the Defined Benefit Plan from AndCo Consulting.

Ms. Misuraca moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the quarterly report, dated September 30, 2022, on the Defined Benefit Plan from AndCo Consulting.

The motion was supported by Mr. Yee and carried unanimously 6-0.

8. Consideration of the October flash report on the Defined Benefit Plan from AndCo Consulting.
- Mr. Macdonald moved the adoption of the following resolution:
- RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the October flash report on the Defined Benefit Plan from AndCo Consulting.
- The motion was supported by Mr. Yee and carried unanimously 6-0.
9. Consideration of a status update on the Defined Benefit Plan from AndCo Consulting.
- Ms. Misuraca moved the adoption of the following resolution:
- RESOLVED, by the Wayne County Employees' Retirement Commission, to Receive and File the status update on the Defined Benefit Plan from AndCo Consulting.
- The motion was supported by Mr. Yee and carried unanimously 6-0.
10. Consideration of a report and recommendation from AndCo Consulting regarding Valstone Partners proposed extension of the dissolution date of the Valstone Opportunity Fund V.
- Mr. Macdonald moved the adoption of the following resolution:
- RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the report and recommendation from AndCo Consulting regarding Valstone Partners proposed extension of the dissolution date of the Valstone Opportunity Fund V.
- The motion was supported by Mr. Yee and carried unanimously 6-0.
11. Consideration of a legal report from VanOverbeke, Michaud & Timmony, P.C. regarding Valstone Partners proposed extension of the dissolution date of the Valstone Opportunity Fund V.
- Mr. Yee moved the adoption of the following resolution:
- RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the legal report from VanOverbeke, Michaud & Timmony, P.C. regarding Valstone Partners proposed extension of the dissolution date of the Valstone Opportunity Fund V.
- The motion was supported by Ms. Misuraca and carried unanimously 6-0.
12. Consideration of approval and authorization regarding Valstone Partners proposed extension of the dissolution date of Valstone Opportunity Fund V.



Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Approve the agreement regarding Valstone Partners proposed extension of the dissolution date of Valstone Opportunity Fund V; and further

RESOLVED, to Authorize the Chair or Vice Chair to execute the agreement.

The motion was supported by Mr. Yee and carried unanimously 6-0.

13. Consideration of a report and recommendation from AndCo Consulting regarding the Amendment to Agreements of Limited Partnership of Rizvi Opportunistic Equity Fund, L.P., and Rizvi Opportunistic Equity Fund (TI), L.P.

Mr. Yee moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the report and recommendation from AndCo Consulting regarding the Amendment to Agreements of Limited Partnership of Rizvi Opportunistic Equity Fund, L.P., and Rizvi Opportunistic Equity Fund (TI), L.P.

The motion was supported by Ms. McDonald and carried unanimously 6-0.

14. Consideration of a legal report from VanOverbeke, Michaud & Timmony, P.C. Consulting regarding the Amendment to Agreements of Limited Partnership of Rizvi Opportunistic Equity Fund, L.P., and Rizvi Opportunistic Equity Fund (TI), L.P.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the legal report from VanOverbeke, Michaud & Timmony, P.C. regarding the Amendment to Agreements of Limited Partnership of Rizvi Opportunistic Equity Fund, L.P., and Rizvi Opportunistic Equity Fund (TI), L.P.

The motion was supported by Mr. Yee and carried unanimously 6-0.

15. Consideration of approval and authorization of the Amendment to Agreements of Limited Partnership of Rizvi Opportunistic Equity Fund, L.P., and Rizvi Opportunistic Equity Fund (TI), L.P.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Approve the Amendment to Agreements of Limited Partnership of Rizvi Opportunistic Equity Fund, L.P., and Rizvi Opportunistic Equity Fund (TI), L.P.; and further

RESOLVED, to Authorize the Chair or Vice Chair to execute the agreement.

The motion was supported by Mr. Yee and carried unanimously 6-0.

16. Consideration of a verbal report from Committee Chair, Hugh Macdonald regarding the Audit Committee meeting of November 17, 2022.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the verbal report from Committee Chair, Hugh Macdonald regarding the Audit Committee meeting of November 17, 2022.

The motion was supported by Ms. Misuraca and carried unanimously 6-0.

17. Consideration of the certification of Frank Simone as the elected Retirement Commissioner-Active Employee Member for the term beginning January 1, 2023, to December 31, 2026.

Mr. Macdonald moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the certification of Frank Simone as the elected Retirement Commissioner-Active Employee Member for the term beginning January 1, 2023, to December 31, 2026.

The motion was supported by Mr. Yee and carried unanimously 6-0.

18. Public Comment.

Ms. Kathleen Colin addressed the Retirement Commission.

19. Reconsiderations.

There were no reconsiderations

20. Such other Matters.

Mr. Abb gave an update on multiple fraudulent attacks being made on public employee retirement systems in Michigan.

Mr. Abb announced he is now a partner with VanOverbeke, Michaud & Timmony, P.C. and practicing in the areas of Public Employee Retirement Systems and Retiree Health Care Plans.

Mr. Macdonald congratulated Matthew Haugh for passing the State Bar Exam.



Mr. Green announced Evan Scussel received a promotion to Executive Director of Research at AndCo Consulting.

21. Adjournment.

Ms. Misuraca moved to adjourn the meeting.

The motion was supported by Mr. Yee and carried unanimously 6-0.

There being no further business to come before the Board the meeting was adjourned at 12:26 pm subject to the call of the Chair.

Respectfully submitted,



Robert Grden, Executive Director
Wayne County Employees' Retirement System

