



Agenda Item 9

June 17, 2015

ITEM NAME: Designation of Precedential Decision – In the Matter of the Calculation of the Final Compensation of RANDY G. ADAMS, Respondent, and CITY OF BELL, Respondent, Case No. 2011-0788

PROGRAM: Employer Account Management Division

ITEM TYPE: Action

RECOMMENDATION

Staff recommends that the Board of Administration (Board) designate its final decision in this matter, as adopted on December 12, 2012, as a Precedential Decision of the Board.

PROCEDURAL SUMMARY

On December 12, 2012, the Board adopted the Proposed Decision in this matter. (Attachment A.) The Board's Decision became effective on January 16, 2013. Respondent Randy G. Adams (Respondent) initially petitioned for judicial review of the Proposed Decision, but on February 2, 2015, Respondent dismissed this action with prejudice. At the March 18, 2015, Board meeting, the Board directed the CalPERS Legal Office to solicit written comments from the public regarding whether the December 12, 2012, Board Decision should be designated precedential and upon receipt of these comments, to return to the Board for further consideration of a precedential designation.

On April 8, 2015, the CalPERS Legal Office sent a Request for Public Comments Re: Designation of Board Decision in the Randy G. Adams matter as Precedential to all CalPERS Contracting Agencies (Request). (Attachment B). CalPERS received two responses to the Request. (Attachment C).

ALTERNATIVES:

- A. For use if the Board decides to designate its final Decision, as adopted on December 12, 2012, as precedential.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, acting pursuant to Government Code section 11425.60, hereby designates its final Decision concerning the final compensation determination of Randy G. Adams as a Precedential Decision of the Board.

- B. For use if the Board decides not to designate its final Decision, as adopted on December 12, 2012, as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System after consideration of all written public comments and its staff argument, determines not to adopt its December 12, 2012, final Decision concerning the final compensation determination of Randy G. Adams as precedential.

- C. For use if the Board decides to designate certain parts of its final Decision, as adopted on December 12, 2012, as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of all written public comments and its staff argument, determines to designate the following PARTS of its final decision concerning the the final compensation determination of Randy G. Adams as precedential: ***[Board to insert here a description of the parts to be designated precedential]***.

ATTACHMENTS

- Attachment A: Final Decision of the Board, as adopted on December 12, 2012
Attachment B: April 8, 2015, Request for Public Comments re: Designation of Board Decision in Randy G. Adams matter as precedential
Attachment C: Copies of all written comments received
Attachment D: Staff's Argument

DONNA RAMEL LUM
Deputy Executive Officer
Customer Services and Support