

**NEW MEXICO**  
**PUBLIC EMPLOYEES RETIREMENT ASSOCIATION**  
**SPECIAL BOARD MEETING**

**August 15, 2016**

This Special Public Employees Retirement Board meeting was called to order by Patricia French, Chair, at approximately 1:00 p.m. on the above-cited date at the PERA Building, Senator Fabian Chavez, Jr. Board Room, 33 Plaza La Prensa, Santa Fe, New Mexico.

**1. ROLL CALL**

Following the Pledge of Allegiance, Executive Director Wayne Propst called roll and a quorum was established with the following members present:

**Members Present:**

Patricia French, Chair - Municipal  
Dan Mayfield, Vice Chair - Retiree  
Tim Eichenberg- *Ex-officio*  
Dan Esquibel - Municipal  
Paula Fisher - State  
James Maxon - County  
John Melia - Municipal  
Loretta Naranjo Lopez - Retiree  
John Reynolds - State  
Cathy Townes - State  
Brad Winter - *Ex-officio*

**Member(s) Absent:**

Jackie Kohlasch - State

**Staff Members Present:**

Wayne Propst, Executive Director  
Susan Pittard, Chief of Staff-General Counsel  
Jon Grabel, Chief Investment Officer  
Greg Trujillo, Deputy Director/Chief Information Officer  
Trish Winter, Executive Assistant  
Karen Risku, Deputy General Counsel  
Renada Peery-Galon, ASD Director  
Natalie Cordova, Chief Financial Officer  
David Dana, Assistant General Counsel  
Joaquin Lujan, Director of Rates and Credit  
LeAnne Larrañaga-Ruffy, Portfolio Manager  
Christine Ortega, Portfolio Manager  
Lalleh Dayeny, Investments Division  
Mark Montoya, Investments Division

**Others Present:**

Carter Bundy, AFSCME

## **2. APPROVAL OF AGENDA**

Ms. Fisher introduced the following motion:

**“RESOLVED, that the PERA Board approve the agenda.”**

Mr. Maxon seconded and the motion passed by unanimous voice vote.

## **3. CURRENT BUSINESS**

### **A. Action Regarding 2016 State Member Board Candidate Claudia Armijo’s Complaint Regarding the 2016 State Board Member Position**

Chair French read the agenda caption as shown above and invited the Board members to speak to the issue.

Treasurer Eichenberg said he had a procedural issue and considered the issue to be about a state employee and under the Open Meetings Act (OMA) any investigatory procedure or process that involves an employee is to be conducted in closed session. He said he was prepared to introduce a motion to go into executive session to discuss the issue.

Chair French asked PERA’s legal counsel to respond.

General Counselor Susan Pittard said this is not regarding the state employee’s employment and is not a personnel matter. She pointed out that Ms. Fisher is neither employed by PERA nor the PERA Board.

Treasurer Eichenberg said Ms. Fisher’s per diem to attend PERA Board meetings constitutes employment and “our responsibility to not only protect the complainant but also the individual who has been complained about... and we should be in closed session.” The Board will have to determine whether the facts as presented are correct and that should be conducted in closed session, asserted Treasurer Eichenberg.

Ms. Pittard pointed out that Ms. Fisher is present in her capacity as a Board member or public official not a public employee. She cited the OMA’s definition of “limited personnel matters as follows:

“...means the discussion of hiring, promotion, demotion, dismissal, assignment, or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this Subsection is not to be construed as to exempt final actions on personnel from being taken in open public meetings; nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview.”

Ms. Pittard said there was no complaint against Ms. Fisher as an individual public employee. Rather, it is in her capacity as a public official and a member of the PERA Board.

She advised against closing the meeting.

Ms. Townes said it was her understanding that this special meeting would be conducted in closed session and she was in agreement with Treasurer Eichenberg.

Mr. Esquibel said he too expected this to be handled in closed session.

Ms. Pittard said the published agenda does not contain notice of an executive session which is required by the OMA. Further, it was her legal opinion that the Board had no authority to go into executive session on this matter. If the Board desires they can seek an opinion from the Attorney General on this matter.

Mr. Propst asked if his understanding was correct that this is not a matter that is subject to exclusion of the OMA because those exclusions apply to personnel actions. Ms. Pittard confirmed his statement as correct.

Treasurer Eichenberg said this issue should be left to the candidates and he introduced a motion to adjourn. Secretary Winter seconded. The motion passed by majority [8-3] voice vote with Chair French, Mr. Melia and Mr. Maxon voting nay.

5. **OTHER BUSINESS** – Unaddressed

6. **ADJOURNMENT**

This meeting was declared adjourned at 1:20 p.m.

Approved by:



Patricia French  
Chair, PERA Board

ATTEST:



Wayne Propst, Executive Director