

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

**September 26, 2025
10:00 am**

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

Commissioners Present:

Henry Wilson, Chair
Frank Simone, Vice-Chair
Tom Yee
Denis Martin
Ron Yee (via Zoom)
Elizabeth Misuraca

ELECTED MEMBERS TO THE BOARD

Assad Turfe, (10:03 AM via Zoom)
Office of the Wayne County Executive

EX-OFFICIO MEMBER

Absent:

Alisha Bell, Chair
Wayne County Commission

EX-OFFICIO MEMBER

Others Present:

Robert Grden, Gerard Grysko, Taylor Kosikowski, Emily Cottick, Robert Abb, Kevin VandenHaute, Mark Mueller, Bruce Campbell, Linda Pente, Anmar Sarafa, Jessica Kite, Dennis Egan, Sterling Harrison, Allen Cox, Kathleen Colin, Dwayne Seals

1. Call to Order at 10:01 am.

2. Roll Call.

Present: Henry Wilson, Chair; Frank Simone, Vice-Chair; Ron Yee (via Zoom); Denis Martin; Tom Yee; Elizabeth Misuraca

Absent: Alisha Bell; Assad Turfe (10:03 am via Zoom)

3a. Approval of minutes of the meeting of August 25, 2025.

Mr. Simone 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 August 25, 2025.

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

3b. Applications for retirement.

1. Withdrawal of Sharlene Gant-Greer Retirement Application

Mr. Simone moved 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. Tom Yee and carried unanimously 6-0.

APPLICATIONS				
Emp. ID	Name	Dept.	Application Date	Retirement Date
35143	Karen Hessler	Cir Ct	08/22/2025	10/01/2025
35627	Angie McClendon-Gordon	HHVS -Deferred	08/28/2025	11/01/2025
20247	James VacCalbergh	WCAA	*08/26/2025	01/01/2026
29602	John Gaynier	WCAA	*09/02/2025	10/01/2025
30945	Charles Garber	DPS	09/08/2025	10/20/2025

* Date Application was Rcv'd from WCAA

** Oracle sets ID# after hired on payroll

DISABILITY APPLICATIONS

Name	Dept.	Application Date
(None)		

3c. Removals from pension payroll because of death.

Mr. Simone 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, and further

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. Tom Yee and carried unanimously 6-0.

DEATHS

Name	
Margaret Schiete	Paul E. Brooks
Muriel D. Ross	Faith Cairgle
Patricia Hampton	Eugene Sharp
Patricia Spanos	Pauline Klein
Beverlyn Jordan	Ralph Johnston
Carlos Saenz	Eleanor Shattock
Donald Poloskey	Ruth Hood
Gloria Hankerson	Shirley Brumer
Shirley Meadows	David Early
Marion Manos	Essie Stevens
Francis Jacques	

3d. Retirement Allowances.

Mr. Simone 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. Tom Yee and carried unanimously 6-0.

NEW RETIREES			
Name	Dept.	Name	Dept.
Steven G. Hawk	WCS	Karen A. Hessler	Cir Ct
Daniel Howe	WCAA	Diane L Webb-Spielman	Commission
John A. Gaynier	WCAA		

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

Mr. Simone 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. Tom Yee and carried unanimously 6-0.

UPDATES FROM PREVIOUS AGENDA (NEW RETIREES)	
Name	Effective Date
Arthur Cooper III	09/01/2025

ADJUSTMENTS	
Name	Adjustment Date
Robert K. Smith, Jr.	08/01/2025
Phyllis Ficzyz	08/01/2025
Marietta Spencer	09/01/2025
Scott Brewer	01/01/2025

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. Simone 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. Tom Yee and carried unanimously 6-0.

RE-CALCULATIONS	
Name	Conversion Date
(None)	

POP-UPS	
Name	Pop-Up Date
John Hood	10/01/2025
Gregory Borg	10/01/2025

- 3g. August stipends (pay date 08/29/25) of \$126,051.86 for pre-Medicare eligible members pursuant to Wayne County Ordinance 2015-610.

Mr. Simone moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Approve the August stipends (pay date 08/29/25) of \$126,051.86 for pre-Medicare eligible members pursuant to Wayne County Ordinance 2015-610.

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

- 3h. Correspondence.

Mr. Simone 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. Tom Yee and carried unanimously 6-0.

4. Recommendation from Dr. Chad Stennett, Medical Director and Corporation Counsel regarding the disability retirement of the following members:

Non-Duty Disability

Jeremy Schwesing

Duty Disability

(None)

M.C.L.A. 15.243(1)(h), which permits a Public Body to discuss matters in closed session that are subject to Physician-Patient Privilege, noting that a roll call is required for this motion.

Mr. Simone made a motion to go into Closed Session to discuss agenda items #4, #6, #7, and #13 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 that is subject to the Physician-Patient Privilege is not subject to disclosure, noting that a roll call is required for this motion. M.C.L. 15.243(1)(h). 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 #4; and further

Pursuant to the provisions of the Michigan Open Meetings Act, M.C.L.A. 15.267(2), which permits a Public Body to discuss closed session minutes that are not available to the public, noting that a roll call is required for this motion. 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; and further

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. Financial or proprietary information pertaining to a portfolio company in real estate or alternative investments in which the investment fiduciary has invested or has considered an investment that is considered by the portfolio company and acknowledged by the investment fiduciary as confidential is not subject to disclosure, noting that a roll call is required for this motion pursuant to MCL 38.1140l. 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 item #7.

Pursuant to the provisions of the Michigan Open Meetings Act, M.C.L. 15.243(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 #13.

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

The Retirement Commission went into closed session at 10:02 AM.

Linda Pente moved to the table at 10:02 AM.

Assad Turfe entered the meeting via Zoom video conference at 10:03 AM.

Anmar Sarafa, Jessica Hite, Dennis Egin, Kevin VandenHaute, and Mark Mueller moved to the table at 10:08 AM.

Henry Wilson exited the meeting at 11:12 AM.

Frank Simone assumed the Chair at 11:12 AM.

Henry Wilson re-entered the meeting via Zoom video conference at 11:18 AM.

Linda Pente left for the day at 11:18 AM.

Kevin VandenHaute and Mark Mueller exited the meeting at 11:50 AM.

Anmar Sarafa, Jessica Hite, and Dennis Egan left for the day at 11:50 AM.

Bruce Cambell moved to the table at 11:50 AM.

Mr. Simone called for a recess at 12:06 PM.

The Retirement Commission returned to open session at 12:21 PM with the following Commissioners present: Henry Wilson (Zoom), Frank Simone, Denis Martin, Tom Yee, Elizabeth Misuraca, Ron Yee (Zoom).

Mr. Tom Yee moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the legal report by Corporation Counsel regarding disability retirement(s); and further

RESOLVED, to Accept the recommendation(s) from the Medical Director and Corporation Counsel; and further

RESOLVED, to Approve the non-duty disability retirement and that no further examinations are required for:

Jeremy Schwesing

The motion was supported by Denis Martin and carried unanimously 6-0.

5. Recommendation from Dr. Stennett, Medical Director and Corporation Counsel regarding re-examination(s) for disability retiree members:

(None)

No action necessary on this item.

6. Consideration of meeting minutes for the closed session(s) of August 25, 2025.

M.C.L. 15.267(2) permits a Public Body to discuss closed session minutes that are not available to the public, noting that a roll call, is required for this motion.

Mr. Tom Yee 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 August 25, 2025.

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

7. Consideration of an update by Anmar Sarafa, Dennis Egan, and Jessica Hite on the WCERS Opportunity Fund (10:30 AM).

M.C.L. 15.268(1)(h), which permits a Public Body to discuss matters in closed session that are exempt by other statutes. Financial or proprietary information pertaining to a portfolio company in real estate or alternative investments in which the investment fiduciary has invested or has considered an investment that is considered by the portfolio company and acknowledged by the investment fiduciary as confidential is not subject to disclosure pursuant to MCL 38.11401, noting that a roll call is required for this motion.

Mr. Tom Yee moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Receive and File the report by Anmar Sarafa, Dennis Egan, and Jessica Hite on the WCERS Opportunity Fund.

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

8. Consideration of the August flash report on the Defined Benefit Plan from Titan Wealth Advisors.

Mr. Martin moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the August flash report on the Defined Benefit Plan from Titan Wealth Advisors.

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

9. Consideration of a status update from Titan Wealth Advisors.

Mr. Tom Yee moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the verbal status update from Titan Wealth Advisors.

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

10. Consideration of a verbal report from Committee Chair, Denis Martin regarding the Audit Committee meeting of September 26, 2025.

Mr. Martin moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the verbal report from Committee Chair, Denis Martin, regarding the Audit Committee meeting of August 26, 2025.

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

Mr. Martin 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, at its May 31, 2017, regular meeting, the Retirement Commission appointed George Johnson & Co as the Auditor for the Retirement System; and

WHEREAS, George Johnson & Co audits the financial records of the Retirement System and reviews the financial health of the Retirement System each year, and

WHEREAS, the auditors reported to the Audit Committee that they check pension calculations as part of their standard auditing procedures and that they have never discovered a single issue with pension calculations or a single pension that was not properly calculated in accordance with Plan provisions since being retained, and

WHEREAS, pursuant to its Service Provider Review Policy, the Retirement Commission periodically reviews the performance, cost, and services offered by its Professional Service Providers; and

WHEREAS, the Retirement Commission conducts due diligence on its Professional Service Providers by analyzing and comparing both existing and prospective Professional Service Providers by methods including, but not limited to, comparing formal proposals; and

WHEREAS, in February of 2020, after reviewing the performance, cost and service provided by George Johnson & Co as Auditor, the Retirement Commission resolved to extend George Johnson & Co as the Auditor for the fiscal years ending September 30, 2020-2024; and

WHEREAS, at its September 26, 2025, meeting, the Audit Committee reviewed a proposed contract extension from George Johnson & Co to continue to serve as the Auditor of the Retirement System Auditor; and

WHEREAS, that after reviewing the performance, cost and service provided by George Johnson & Co as Auditor, the Audit Committee recommended to the Retirement Commission to retain George Johnson & Co as the Auditor for the Retirement System; and

WHEREAS, the Retirement Commission reviewed the recommendation from the Audit Committee and desired to retain George Johnson & Co as the Auditor for the Retirement System, now therefore be it

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the recommendation from the Audit Committee to retain George Johnson & Co as the Wayne County Employees' Retirement System Auditor; and further

RESOLVED, by the Wayne County Employees' Retirement Commission, to Appoint George Johnson & Co. as the Wayne County Employees' Retirement System Auditor; and further

RESOLVED, by the Wayne County Employees' Retirement Commission, to Direct VMT to prepare the appropriate contractual documents necessary to retain George Johnson & Co. as the Wayne County Employees' Retirement System Auditor consistent with the terms outlined in George Johnson & Co.'s proposal; and further

RESOLVED, by the Wayne County Employees' Retirement Commission, to Authorize the Chair or Vice Chair to execute the contract for George Johnson & Co. as the Wayne County Employees' Retirement System Auditor.

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

11. Consideration of a proposed contract amendment for Titan Wealth Advisors for the Defined Benefit Plan.

Mr. Martin 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 notes the provisions of Section 141-35(f)(5) of the Retirement Ordinance and Section 13(5) of Public Act 314 of 1965, as amended [MCL 38.1133(5)], authorize the Retirement Commission to use a portion of the Retirement System's income to defray the costs of investing, managing, and protecting the assets of the system, as well as retaining the services necessary for the conduct of the affairs of the system, including investment advisors and consultants, and

WHEREAS, the Retirement Commission is of the considered opinion that it is in the best interest of Plan Members and Beneficiaries for the Retirement Commission to retain an independent Investment Consultant with expertise in Michigan public employee retirement systems to serve as Investment Consultant to the Retirement Commission for its Defined Contribution and Deferred Compensation Plans ("Defined Contribution Plans"), and

WHEREAS, pursuant to advice from VMT Law, P.C. ("VMT"), the Retirement Commission's legal counsel, and as a best practice consistent with Retirement System policies and procedures, the Retirement Commission regularly reviews its service providers, and

WHEREAS, the Retirement Commission conducts due diligence on its Professional Service Providers by, among other processes, analyzing and comparing both existing and prospective Professional Service Providers by methods including, but not limited to, comparing formal proposals, and

WHEREAS, the Retirement Commission has an established relationship with Titan which have provided the Retirement Commission with investment consulting services for the DC Plans since 2018, and as a result of Titan's work with staff to consolidate record keepers, negotiate recordkeeping fees and implement strategic changes to the investment fund lineup of the DC Plans, fees were reduced by over \$2 million annually, ultimately resulting in a zero dollar yearly fee to participants in 2025, and

WHEREAS, as part of its due diligence and review of its investment consulting services, the Retirement Commission issued an RFP for investment consulting services for its DB Plan, and

WHEREAS, at its July 31, 2023, regular meeting, after thorough review of the RFP responses, the Retirement Commission resolved to retain and appoint Titan as the investment consultant for its DB Plan, and

WHEREAS, at the Audit Committee's July 28, 2025, meeting, the Audit Committee discussed the services provided by Titan and noted that Titan has performed additional services that exceed the services identified in the investment consulting agreement, and

WHEREAS, Titan continues to negotiate reduced fees with the DB Plan managers and implement a new asset allocation strategy to reduce the Retirement System's exposure to risk by increasing its investments in fixed income and other asset classes to prepare for the turbulent market conditions of the last few years, and

WHEREAS, the Audit Committee further noted that the Retirement System's investment return was over 15% for the most recent fiscal year, more than double the assumed rate of investment return established by the Retirement Commission, and

WHEREAS, the Audit Committee reviewed the 10 responses to the most recent RFP for investment consulting services and found that Titan's quote of \$225,000 per year was the lowest bid and the highest bid was for \$550,000 and the median being \$275,000 without considering the lowest and highest bid, and

WHEREAS, the Audit Committee expressed a desire to renegotiate Titan's contract to account for the additional services provided, and

WHEREAS, the Audit Committee directed legal counsel and staff to negotiate a new contract with Titan to provide investment consulting services to the DB Plan, and

WHEREAS, the Audit Committee reviewed the proposed terms and conditions of an investment consulting services agreement proposed by Mr. VandenHaute of Titan Wealth Advisors and SAM at its September 26, 2025, meeting and recommended that it be adopted by the Retirement Commission at its next regular meeting, and

WHEREAS, the Retirement Commission has reviewed the terms and provisions of the agreement, therefore be it

RESOLVED, by the Wayne County Employees' Retirement Commission, that in accordance with the provisions of the Plan and pursuant to the terms and conditions outlined in the agreement, the Retirement Commission hereby Appoints Kevin VandenHaute of Titan Wealth Advisors and Secure Asset Management as Investment Consultant for its Defined Benefit Plan under the terms of the amended agreement, and be it further

RESOLVED, that Kevin VandenHaute of Titan Wealth Advisors and Secure Asset Management are empowered and authorized to accept such appointment and render the services contained in the agreement, and be it further

RESOLVED, that the Chair or Vice-Chair of the Wayne County Employees' Retirement Commission is authorized to execute the agreement retaining the services of the Kevin VandenHaute of Titan Wealth Advisors and Secure Asset Management, and be it further

RESOLVED, that a copy of this resolution shall be forwarded to Kevin VandenHaute of Titan Wealth Advisors and Secure Asset Management and all other appropriate parties.

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

12. Consideration of a verbal report from Committee Chair, Frank Simone, regarding the Policy Committee meeting of September 26, 2025.

Mr. Simone moved the adoption of the following resolution:

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the verbal report from Committee Chair, Frank Simone, regarding the Policy Committee meeting of September 26, 2025.

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

Mr. Tom Yee moved the adoption of the following resolution:

WHEREAS, the Wayne County Employees' Retirement System (the "Retirement System") is established and administered pursuant to the provisions of (a) Public Act 156, of 1851, Section 12a added by Public Act 249 of 1943, as amended ["County Pension Plan Act"], (MCL 46.12a); (b) the Wayne County Employees Retirement System Ordinance, as amended ["Retirement Ordinance"]; (c) applicable collective bargaining agreements; and (d) applicable state and federal laws including, but not limited to Public Act 314 of 1965, as amended ("Act 314") [MCL 38.1132 *et seq.*], and

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

WHEREAS, the Retirement Commission has established a Policy Committee for the purpose of periodic review of Retirement System policies and procedures, and

WHEREAS, the Policy Committee, in coordination with special legal counsel and Retirement System staff, has engaged in a review of existing Retirement System policies in accordance with the Retirement System's Rules of Procedure, and

WHEREAS, pursuant to its review of Retirement System Policies, the Policy Committee recommended amendment of the following policies and procedures:

a) Reemployment of Retirees Policy

and

NOW THEREFORE BE IT RESOLVED, that the Wayne County Employees' Retirement Commission hereby approves and adopts the amended Retirement System policies and procedures as presented by the Policy Committee, and further

RESOLVED, that the amended policies shall be incorporated in the Retirement System's Policy & Procedure Manual, which shall be updated accordingly, and further

RESOLVED, that any inconsistencies between the terms of the amended Policy & Procedure Manual and any prior versions of the same shall be controlled by the most recently amended version of the Manual, and further

RESOLVED, that the Policy & Procedure Manual, as amended, shall be periodically reviewed by the Policy Committee in accordance with the Retirement System's Rules of Procedure, and further

RESOLVED, that a copy of this Resolution shall be maintained for the Retirement System's records and made available to all relevant parties.

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

13. Consideration of a confidential legal report from Corporation Counsel.

M.C.L.A. 15.243(1)(h), which permits a Public Body to discuss matters in closed session that are subject to Attorney-Client Privilege, noting that a roll call, is required for this motion.

Mr. Martin moved the adoption of the following resolution:

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

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

Mr. Tom Yee 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, Wayne County Corporation Counsel provided copies of the opinions and orders issued by the trial court and Michigan Court of Appeals in litigation between the County of Wayne and former Wayne County Probate Court Judge and Wayne County retiree David Szymanski, *Szymanski v Wayne County*, Michigan Court of Appeals Case No. 366882 (April 25, 2024), and

WHEREAS, in *Szymanski*, the Michigan Court of Appeals affirmed the ruling issued by Wayne County Circuit Court Judge Brian Sullivan in which Judge Sullivan found that Mr. Szymanski's tenure as a Probate Court Judge did not qualify as "county service" under the Amann Resolution and therefore he did not qualify for retiree healthcare benefits, and

WHEREAS, relying on the reasoning in a prior unpublished Court of Appeals opinion, the Court of Appeals held that Mr. Szymanski's "tenure as a probate court judge does not qualify as "county service" under the Amann Resolution because probate court judges are state employees," and

WHEREAS, by letter dated May 31, 2024, in light of the Michigan Court of Appeals' holding in *Szymanski*, the Retirement System requested a legal opinion concerning the calculation of Mr. Szymanski's pension benefits from Corporation counsel, and

WHEREAS, the Retirement System requested guidance from Corporation Counsel on whether Mr. Szymanski's pension benefits were properly calculated considering the Court's ruling discussed above, that his time with the Probate Court "does not qualify as 'county service,'" and

WHEREAS, Mr. Szymanski is currently in receipt of a pension calculated using all of his service as a probate court judge and as a Wayne County employee, and

WHEREAS, Corporation Counsel provided a legal opinion, dated August 19, 2025, concerning "David Szymanski's WCERS' Retirement Overpayments," which was discussed in closed session at the Retirement Commission's August 25, 2025, regular meeting, and

WHEREAS, Corporation Counsel determined that Mr. Szymanski's pension was incorrectly calculated and exceeded the limit contained in the Judges Retirement Act, specifically MCL 38.2504(3), and the Charter Counties Act, specifically MCL 46.12a(24), and

WHEREAS, Corporation Counsel opined that those provisions expressly limit a Probate Judge's applicable average final compensation (AFC) to calculate his Probate Court pension not

to exceed to his combined State/County salary at the time of his completion of service as a Probate Court Judge, and

WHEREAS, Corporation Counsel further opined that instead of applying of Mr. Szymanski's Judge's Retirement System certified AFC to his Probate Court service in 2015 when he commenced receipt of a pension from the Retirement System, the Retirement System calculated his Probate Court benefit using his County AFC, an amount that exceeded the statutory maximum local AFC, and

WHEREAS, Corporation Counsel ultimately explained that, had Mr. Szymanski's pension been calculated in using the limits described above, his annual pension would have been significantly reduced, and

WHEREAS, accordingly, Corporation Counsel recommended that the Retirement System promptly reduce Mr. Szymanski's pension to conform with state law, and

WHEREAS, the Retirement System is currently reviewing the overpayments made to Mr. Szymanski and determining the appropriate next steps, and

WHEREAS, after reviewing Corporation Counsel's opinion concerning Mr. Szymanski's pension calculation, the Retirement Commission directed staff to work with Corporation Counsel and VMT Law to review other current and former judges to determine whether their benefits were properly calculated and report back to the Retirement Commission and directed Corporation Counsel to provide a legal opinion on the calculation of any other similarly situated judges, and

WHEREAS, at the Retirement Commission's September 26, 2025, regular meeting, Corporation Counsel provided a legal opinion concerning "Richard Hathaway's WCERS' Retirement Overpayments" which was discussed in closed session, and

WHEREAS, Corporation Counsel opined that, similar to Mr. Szymanski, former Circuit Court Judge Richard Hathaway is currently in receipt of a pension calculated using all of his service as a Wayne County Circuit Court Judge and as a Wayne County employee, and

WHEREAS, combined, Mr. Hathaway retired with approximately 35 years and 6 months of service credit and his benefit was calculated in accordance with the County's Defined Benefit Plan 1 using a 2.65 multiplier and using a final average compensation of \$155,275.43 based on his service credit, resulting in an annual pension from the Retirement System of approximately \$8,439.90 per month, and

WHEREAS, Corporation Counsel determined that Mr. Hathaway's pension was incorrectly calculated and exceeded the limit contained in the Judges Retirement Act, specifically MCL 38.2504(3), and the Charter Counties Act, specifically MCL 46.12a(21), and

WHEREAS, Corporation Counsel opined that those provisions expressly limit a Circuit Court Judge's applicable average final compensation (AFC) to calculate his Circuit Court

pension not to exceed to his combined State/County salary at the time of his completion of service as a Circuit Court Judge, and

WHEREAS, Corporation Counsel further opined that instead of applying of Mr. Hathaway's Judge's Retirement System certified \$43,470 AFC to his Circuit Court service in 2008 when he commenced receipt of a pension from the Retirement System, the Retirement System calculated his Circuit Court benefit using his County AFC of \$155,275.43, an amount that exceeded the statutory maximum local AFC by \$107,001.49 (\$155,275.43 - \$43,470.00), and

WHEREAS, Corporation Counsel ultimately explained that, had Mr. Hathaway's pension been calculated in using the limits described above, his annual pension would be reduced to approximately \$5,490.89 per month, and

WHEREAS, accordingly, Corporation Counsel recommended that the Retirement System promptly reduce Mr. Hathaway's pension to conform with state law, and

WHEREAS, the Retirement System is currently reviewing the overpayments made to Mr. Hathaway and determining the appropriate next steps, and

WHEREAS, the Retirement Commission has a fiduciary duty to pay pension benefits as provided by State law, the Retirement Ordinance and applicable collective bargaining agreements and is required, pursuant to Sec. 141-41 of the Retirement Ordinance, to correct errors in the records and actions of the Retirement System, therefore be it

RESOLVED, by the Wayne County Employees' Retirement Commission, to Accept the legal opinion from Corporation Counsel dated September 25, 2025, concerning "Richard Hathaway's WCERS' Retirement Overpayments", and further

RESOLVED, by the Wayne County Employees' Retirement Commission, to Direct staff reduce Mr. Hathaway's monthly pension to \$5,490.89, effective January 1, 2026, and further

RESOLVED, by the Wayne County Employees' Retirement Commission, to Direct staff to notify Mr. Hathaway and provide him with an opportunity to appeal the decision in accordance with the Retirement Ordinance and Retirement System Policy, and further

RESOLVED, by the Wayne County Employees' Retirement Commission, to Direct staff to work with Corporation Counsel and VMT Law to continue to review the overpayments made to Mr. Hathaway and provide recommended next steps, and further

RESOLVED, by the Wayne County Employees' Retirement Commission, to Direct staff to continue work with Corporation Counsel and VMT Law to review other current and former judges to determine whether their benefits were properly calculated and report back to the Retirement Commission, and further

RESOLVED, by the Wayne County Employees' Retirement Commission, to Direct Corporation Counsel to provide a legal opinion on the calculation of any other similarly situated judges.

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

14. Consideration of a confidential legal report from VMT Law, P.C.

M.C.L.A. 15.243(1)(g), which permits a Public Body to discuss matters in closed session that are subject to Attorney-Client Privilege, noting that a roll call, is required for this motion.

No action needed.

15. Public Comment.

Kathleen Colin addressed the Retirement Commission.

Dwayne Seals addressed the Retirement Commission.

16. Reconsiderations.

None.

17. Such Other Matters.

Executive Director, Robert Grden, notified the Commissioners that the credit rating of Wayne County moved up 2 positions in part due to the improved funded level of the Retirement System.

Chairman Wilson asked Mr. Grden how many people have retired since he was the Executive Director and if he had received any complaints about how pensions have been calculated aside from Dwayne Seals. Mr. Grden answered that around 2,000 people have retired during his tenure and only one other person had complained about his pension calculation, an individual who had been advised by Mr. Seals. Mr. Grden explained that unfortunately for that individual, his pension was calculated correctly but he discovered that the individual had been overpaid stipend healthcare benefits that are passed through from Wayne County and he will likely end up owing money back to the County.

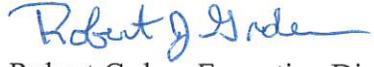
18. Adjournment.

Mr. Martin moved to adjourn the meeting.

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

There being no further business to come before the Board the meeting was adjourned at 1:15 PM subject to the call of the Vice-Chair.

Respectfully submitted,



Robert Grden, Executive Director
Wayne County Employees' Retirement System