

September 2016

Presented by: Christine Sweeney  
General Counsel

# TMRS Legal Department



# Background

- 1947 – TMRS created by Legislature in 1947; Gaynor Kendall, author of original TMRS Act
- 1947–2001 - Gaynor Kendall and son, Terry Kendall, serve as outside general counsel
- 2001 – David Gavia hired as 1<sup>st</sup> in-house General Counsel
- 2005 - Tish Root becomes Legal Assistant
- 2007 – Michelle Mellon-Werch hired as 2<sup>nd</sup> in-house counsel
- 2010 – David Gavia appointed Executive Director; Christine Sweeney hired as General Counsel
- 2012 - 2015 – 3 additional in-house counsel hired

# *Legal Staff*

- General Counsel – Christine Sweeney
- Assistant General Counsels –
  - Michelle Mellon-Werch – Benefits/Administration
  - Madison Jechow - Benefits/Administration
  - Nick O’Keefe - Investments
  - Michael Schaff - Investments
- Legal Assistant - Tish Root

# *Investments*

- Legal analysis of investment related issues
  - Managers' fiduciary duties, "securities" under TMRs Act, etc.
- Work with outside counsel and investment staff on contract negotiations and documentation of Board-approved investment allocations
- Handle consultant agreements, MFN elections, powers-of attorney for subcustodial accounts, non-disclosure agreements for due diligence, amendments to existing investment agreements, and other investment-related legal matters

# *Investments*

From June 2015 → Sept. 6, 2016

- 162 investment items submitted for signature
  - 52 investment allocation transactions
  - 110 other investment related items

# *Benefits and Administration*

- **Board Meetings and Governance**
  - Board communications, Board rules, open meetings issues, Fiduciary Counsel communications, Auditor communications, Board education materials
  
- **System-wide Matters**
  - Task forces and projects
    - TMRS Direct™, Business Continuity Plan, Online QDRO Project
  - Plan qualification / IRC and TMRS Act compliance

# *Benefits and Administration*

- Contracting
  - IT Contracts and Projects
  - Consultants
  - TMRS facilities and operations
  - Auditing contracts
  - Data and information subscriptions

# *Benefits and Administration*

- **Member Services and Support Services**
  - Corrections of error, QDROs, death benefit issues, divorce issues (subpoenas, business records affidavits), beneficiary determinations and contested benefit matters, garnishments, MS and SS special projects
  - Handle contested matters that may proceed to State Office of Administrative Hearings (SOAH)
- **City Services**
  - Communications with city attorneys, city managers, and others; corrections of error, “city department” determinations; city portal user agreement



# *Benefits and Administration*

- Legislation, Governmental Relations, and Regulatory Matters
  - Review and analyze filed bills for potential impact on TMRS; attend legislative committee hearings; advise on impact of final enrolled bills
  - Work with Director of GR on various projects throughout the year
  - Review and analyze applicable state laws that affect administration and operations

# *Benefits and Administration*

- **Open Records Requests**
  - Communicate with requestors, compile information and prepare responses, handle requests for Office of Attorney General determinations
- **Human Resources / TMRS as Employer**
  - Employment law matters, Fair Labor Standards Act requirements, ACA health insurance coverage reporting, ICMA review

# *Benefits and Administration*

- Jan. 2015 → Sept. 2016
  - Cross-Departmental Projects
    - Of 17 current projects, Legal working on 14
  - Contracts (IT and Non-investment) - 43
  - Open Records Requests – 55
  - Member and Support Services Files
    - 2015 – 91
    - 2016 – 73
  - Legislation - 2015
    - Tracked 307 bills; Final Enrolled Bills Analyzed - 33

# Questions and Answers

