

# ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION BOARD OF RETIREMENT MINUTES

### **Thursday, May 22, 2025**

Chair Kellie Simon called the meeting to order at 2:02 p.m.

Trustees Present: Ophelia Basgal

Keith Carson Ross Clippinger Tarrell Gamble Henry Levy Elizabeth Rogers Kellie Simon

Steven Wilkinson

Cynthia Baron (Alternate) (Arrived After Roll Call)

Kevin Bryant (*Alternate*)

Trustees Excused: George Wood

Staff Present: Victoria Arruda, Human Resource Officer (via Zoom)

Carlos Barrios, Assistant Chief Executive Officer-Benefits

Angela Bradford, Executive Secretary Sandra Dueñas-Cuevas, Benefits Manager Erica Haywood, Fiscal Services Officer Jessica Huffman, Benefits Manager Harsh Jadhav, Chief of Internal Audit

Vijay Jagar, Retirement Chief Technology Officer, ACERA Lisa Johnson, Assistant Chief Executive Officer-Operations

David Nelsen, Chief Executive Officer

Jeff Rieger, Chief Counsel

Betty Tse, Chief Investment Officer

#### **PUBLIC INPUT**

Retired member Rupa Srivastava commented on her standby duties and her desire that standby pay be included in the calculation of her retirement allowance. Chief Counsel Jeff Rieger reported that Standby Pay is a difficult issue and is on today's agenda for discussion.

# CONSENT CALENDAR REPORTS AND ACTION ITEMS

#### REPORT ON SERVICE RETIREMENTS

Appendix A

## LIST OF DEFERRED RETIREMENTS

Appendix B

# LIST OF DECEASED MEMBERS

Appendix C

# APPROVE REQUEST(S) FOR UP TO 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT CONTRIBUTIONS AND GAIN CREDIT

None

# APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON DISABILITY RETIREMENTS AND DEATH BENEFITS

Appendix E

# APPROVE UNCONTESTED HEARING OFFICER RECOMMENDATIONS FOR DISABILITY RETIREMENTS AND DEATH BENEFITS

None

# APPROVE MINUTES of BOARD and COMMITTEE MEETINGS

April 17, 2025 Minutes of the Regular Board Meeting

April 17, 2025 Actuarial Committee Minutes

April 17, 2025 Audit Committee Minutes

#### **MISCELLANEOUS**

- Operating Expenses as of 03/31/25
- Quarterly Financial Statements as of 03/31/25
- *Quarterly Cash Forecast Report for 1st Otr. 2025*
- Board Member Conference Expense Report for 1st Qtr. 2025
- Senior Manager Conference and Training Expense Report for 1st Qtr. 2025
- Approve Staff Recommendation regarding the Alameda Health System's New Pay
- Item/Code: RCP III DIF 5% 20M

#### <u>25-30</u>

It was moved by Ross Clippinger and seconded by Keith Carson that the Board adopt the Consent Calendar. The motion carried 9 yes (*Basgal, Bryant, Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson*), 0 no, and 0 abstentions.

# REGULAR CALENDAR REPORTS AND ACTION ITEMS

### DISABILITY, DEATH AND OTHER BENEFIT CLAIMS

None.

### **COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS**

This month's Committee reports were presented in the following order:

#### Actuarial:

Ophelia Basgal reported that the Actuarial Committee met earlier today and completed its review of the Actuarial Valuation and Review as of December 31, 2024.

### <u>25-31</u>

It was moved by Ophelia Basgal and seconded by Elizabeth Rogers that the Board adopt the Actuarial Valuation and Review as of December 31, 2024, as recommended by the Actuarial Committee. The motion carried 9 yes (*Basgal, Bryant, Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson*), 0 no, and 0 abstentions.

There were no Information Items.

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the June 18, 2025 Board meeting.

#### Audit:

Henry Levy reported that the Audit Committee met earlier today and completed its review of the December 31, 2024 Audited Financial Statements and Independent Auditor's Report.

#### 25-32

It was moved by Henry Levy and seconded by Ross Clippinger that the Board approve the December 31, 2024 Audited Financial Statements and Independent Auditor's Report, as recommended by the Audit Committee. The motion carried 9 yes (Basgal, Bryant, Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson), 0 no, and 0 abstentions.

Trustee Levy reported that the Audit Committee completed its review of the Government Accounting Standards Board (GASB) Statement No. 67 Actuarial Valuation and Addendum as of December 31, 2024.

#### <u>25-33</u>

It was moved by Henry Levy and seconded by Ross Clippinger that the Board adopt the Government Accounting Standards Board (GASB) Statement No. 67 Actuarial Valuation and Addendum as of December 31, 2024, as recommended by the Audit Committee. The motion carried 9 yes (Basgal, Bryant, Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson), 0 no, and 0 abstentions.

Trustee Levy reported that the Audit Committee completed its review of the Government Accounting Standards Board (GASB) Statement No. 74 Actuarial Valuation and Addendum as of December 31, 2024.

#### **25-34**

It was moved by Henry Levy and seconded by Ross Clippinger that the Board adopt the Government Accounting Standards Board (GASB) Statement No. 74 Actuarial Valuation and Addendum as of December 31, 2024, as recommended by the Audit Committee. The motion carried 9 yes (Basgal, Bryant, Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson), 0 no, and 0 abstentions.

The Committee was presented with the following Information Items: 1) Internal Audit Plan; 2) Completed Audits and Projects; and 3) Artificial Intelligence.

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the June 18, 2025 Board meeting.

#### **OLD BUSINESS:**

# Update from Staff and Possible Motion regarding the Standby Pay Project.

Mr. Rieger reported that Staff is working with AHS and the County of Alameda regarding their reporting of standby pay to ACERA. Staff is researching various issues regarding Standby Pay, which include whether Standby Pay is voluntary or mandatory and the meaning of "ordinarily worked" by employees in the same classification. Mr. Rieger and Chief Executive Officer (CEO) Dave Nelsen responded to Trustees' and the public's questions. This item will be brought back to a future Board meeting for further discussion. For detailed information regarding this issue, see Mr. Rieger's May 22, 2025 memo contained in the May 22, 2025 Board's agenda packet.

#### **NEW BUSINESS:**

# <u>Participating Employers' Recommended Contribution to Their Alameda County Employees'</u> <u>Retirement Association 401(h) Accounts for the 2025 - 2026 Fiscal Year</u>

Assistant Chief Executive Officer of Operations Lisa Johnson provided a brief overview regarding ACERA's annual 401(h) Contribution Process, which is the process where ACERA's Actuary recommends the amount of contributions each Participating Employer is required to make to their respective ACERA 401(h) Accounts in order to fund ACERA's Other Post-Employment Benefits (OPEB) (non-vested medical benefits) for the 2025-2026 fiscal year.

#### <u>25-35</u>

It was moved by Elizabeth Rogers and seconded by Ophelia Basgal that after contributions are made to the 40l(h) accounts by the respective Participating Employers, ACERA, in accordance with the CERL, treat an equal amount of Supplemental Retiree Benefits Reserve (SRBR) assets as employer contributions for pensions and transfer the amount equal to the pro rata share of the 40l(h) contributions for the 2025-2026 fiscal year for each Participating Employer. The exact amount will be adjusted by the balance remaining in each of their 401 (h) accounts and is contingent upon receipt by ACERA of an authorizing resolution from each of the Participating Employers' governing bodies. The motion carried 9 yes (Basgal, Bryant, Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson), 0 no, and 0 abstentions.

#### ACERA 2025 Board of Retirement Election Update

Ms. Johnson provided an update on the Board of Retirement Election process reporting that Staff will be using MK Election Servies LLC, ACERA's new vendor, this year (who will manage the vote-by-mail portion of the election). Ms. Johnson reported that Staff met with MK Election Services and ACERA's Communications Team and that the ACERA Election Coordinating Team is currently working on finalizing the materials in preparation for the five Board seats up for election. For detailed information regarding the Board Election process, see Ms. Johnson's Memo dated May 22, 2025 contained in the Board agenda packet.

# <u>Discussion and Possible Motion to Amend ACERA's Disability Retirement Procedures</u> to Delegate Authority to the Chief Executive Officer to Order Medical Examinations and Questionnaires for Members Receiving Disability Retirement Allowances

Mr. Rieger recommended that the Board amend the *Disability Retirement Procedures* to authorize the CEO to order medical examinations and/or completion of questionnaires based on the CEO's best judgment. Further information can be found in Mr. Rieger's memorandum in the agenda backup materials.

# <u>25-36</u>

It was moved by Tarrell Gamble and seconded by Elizabeth Rogers that the Board amend section 10.1(a) of the *Disability Retirement Procedures* to include the following language: "The CEO has authority to order examinations and/or completion of questionnaires based on the CEO's best judgment." The motion carried 9 yes (*Basgal, Bryant, Carson, Clippinger, Gamble, Levy, Rogers, Simon, Wilkinson*), 0 no, and 0 abstentions.

# <u>Discussion and Possible Motion Regarding Whether Retired Annuitants May Receive a</u> Monthly Medical Allowance through an HRA

Trustee Elizabeth Rogers referred to Government Code Section 87105 and announced that, out of the abundance of caution, she is recusing herself from all discussion and voting on this matter because she has previously been a retired annuitant who received her MMA through an HRA and potentially could be a retired annuitant in the future. Trustee Cynthia Baron recused herself from all discussion and voting on this matter for the same reason (she is currently a retired annuitant). Trustees Baron and Rogers left the Board Room.

Mr. Rieger recommended that the Board revise all relevant documentation to remove all statements that retired annuitants may not receive an MMA through an HRA for the reasons stated in his memorandum in the Board agenda packet.

## 25-37

It was moved by Ross Clippinger and seconded by Ophelia Basgal that the Board (1) Authorize Staff to revise all relevant documentation to remove all statements that retired annuitants may not receive an MMA through an HRA (2) Staff will bring back redlines showing revisions to any documents that require Board approval for revisions to a future meeting on the Consent Calendar and simply revise any documents that do not require Board approval for revisions. The motion carried 8 yes (Basgal, Bryant, Carson, Clippinger, Gamble, Levy, Simon, Wilkinson), 0 no, 0 abstentions and 2 recusals (Baron, Rogers).

After the remaining Trustees discussed and voted on the above-referenced item, Trustees Baron and Rogers returned to the Board Room.

#### Chief Executive Officer's Report

Mr. Nelsen presented his May 22, 2025 written CEO Report which provided an update on: 1) Committee and Board Action Items; 2) Other Items: a) Business Planning; b) Legislative Updates; c) Legislative Highlights; d) LAFCO and 3) Key Performance Indicators.

Mr. Nelsen reported that at the April 2025 Board meeting, the Board approved the terms/conditions under which LAFCO could become an ACERA employer. Mr. Nelsen reported that LAFCO's Board meeting is scheduled to take place in July 2025, at which time LAFCO can agree or disagree with the terms/conditions. Mr. Nelsen will keep the Board apprised of the status.

Mr. Nelsen provided an update on AB 569 and AB 1383 stating that these two bills roll back several PEPRA provisions. For detailed information regarding these bills, see the Legislative Update which is attached to Mr. Nelsen's CEO Report, dated May 22, 2025.

## **CONFERENCE/ORAL REPORTS**

Trustee Tarrell Gamble announced that ACERA Board Trustee Steven Wilkinson and ACERA Chief Investment Officer Betty Tse were both featured in the May 2, 2025 edition of "Power 100 Magazine".

Trustees Keith Carson, Elizabeth Rogers and Kellie Simon reported that they attended the Milken Global Conference and that it was an excellent conference. It was noted that there were approximately 200 Sessions, which included topics on Investments, Longevity, Science, Health, Global Issues, State of the Military, The Future, etc. It was noted that Michael Milken, Tony Blair and Hedge Fund Manager Ken Griffin were speakers at the conference. Trustee Steven Wilkinson reported he also attended the Milken Global Conference, but as a Board member of Oakland Police and Fire.

### **ANNOUNCEMENTS**

None.

#### **BOARD INPUT**

None.

#### **CLOSED SESSION**

The Board adjourned into Closed Session to discuss the following:

#### Item 13

- A. Conference With Legal Counsel—Existing Litigation (Gov't Code § 54956.9(d)(1)): Michael Grygo v. Alameda County Employees' Retirement Association, Alameda County Superior Court Case No: 25CV118189.
- **B.** Conference With Legal Counsel—Existing Litigation (Gov't Code § 54956.9(d)(1)): Michael Dalisay v. Alameda County Employees' Retirement Association, Alameda County Superior Court Case No: 24CV096325.

The Board reconvened into Open Session and the following Trustees returned: Baron, Basgal, Bryant, Carson, Clippinger, Gamble, Levy Rogers, Simon and Wilkinson

Chief Counsel Jeff Rieger reported that the Board took the following action in Closed Session on Item 13A. listed above:

#### <u>25-38</u>

Motion that the Board defend the Michael Grygo v. Alameda County Employees' Retirement Association Matter, Alameda County Superior Court Case No: 25CV118189. The motion carried 9 yes (*Basgal, Bryant, Carson, Clippinger, Gamble, Levy Rogers, Simon, Wilkinson*), 0 no, and 0 abstentions.

Mr. Rieger reported that the Board took no reportable action in Closed Session on the Michael Dalisay matter, Item 13B. listed above.

To view the May 22, 2025 Board meeting YouTube video in its entirety, go to ACERA's Website at: <a href="https://youtu.be/v8XlMYdv4w4">https://youtu.be/v8XlMYdv4w4</a>.

# **ADJOURNMENT**

The meeting was adjourned at approximately 3:26 p.m.

Respectfully Submitted,

2 Jains Molse	
Ver in	06/18/25
David Nelsen	Date Adopted
Chief Executive Officer	

# APPENDIX A REPORT ON SERVICE RETIREMENT

BLACK, Carolyn Effective: 2/27/2025 Social Service Agency

BLOEDE, Carolyn Effective: 3/29/2025 General Services Agency

BROOKS, Lawrence Effective: 3/1/2025

Community Development Agency

BRUNER, Brenda Effective: 2/15/2025 Sheriff's Office

CAMPBELL-BELTON, Anika

Effective: 2/22/2025

County Administrator Office

CANALIN, Susan Effective: 2/1/2025 General Services Agency

CARTER, Steven Effective: 2/8/2025 General Services Agency

CHATMAN, Christopher Effective: 2/18/2025

Probation

CHEN, Arthur Effective: 8/23/2024 Public Health

CHOI, Anthony Effective: 3/1/2025

Zone 7

COLVIN, Lucy Effective: 2/15/2025

Alameda Health System

CONNER, Stephanie Effective: 4/1/2025

Department of Child Support

CORDERO, Laila Effective: 2/15/2025 Alameda Health System

COURTNEY, Breton Effective: 2/15/2025

Health Care Service Agency

CRUZ, Mary

Effective: 2/21/2025 Social Service Agency

DOWNING, Caryn Effective: 3/1/2025

Courts

FIEN, Jason

Effective: 3/1/2025 Sheriff's Office

GABATO, Edward Effective: 3/14/2025

Probation

GUESS, Erin Effective: 3/1/2025

Probation

HAGEN, Dale Effective: 3/1/2025

Community Development Agency

# APPENDIX A REPORT ON SERVICE RETIREMENT

HII, Noh

Effective: 3/18/2025

Auditor-Controller

RUIZ, Robert

Effective: 3/1/2025

Sheriff's Office

IBALIO, Judith SMITH, Dwight Effective: 2/15/2025 Effective: 1/27/2025 Assesor's Department Alameda Health System

LANGER, Catharine SMITHERMAN, Ronalda Effective: 2/11/2025 Effective: 2/26/2025 Courts Sheriff's Office

LEADER, Janet SPIKES, Beatrice Effective: 2/18/2025 Effective: 1/18/2025 Health Care Service Agency Probation

LEE, Ronda SWEET, Andrew Effective: 2/11/2025 Effective: 3/14/2025

Social Service Agency District Attorney

LEE, Sherron TATE ATTIBA, Candice

Effective: 3/1/2025
Probation

Effective: 1/11/2025
Alameda Health System

MAJOR, Mavis

Effective: 1/1/2025

Alameda Health System

WESCHLER, Suzanne
Effective: 2/15/2025

Social Service Agency

MCCORMICK, Kenneth WONG, Wai Kung
Effective: 3/4/2025 Effective: 3/1/2025
District Attorney Social Service Agency

RIECHERS, Jason YOUNG, David Effective: 3/2/2025 Effective: 2/28/2025 District Attorney Alameda Health System

# APPENDIX B LIST OF DEFERRED RETIREMENTS

BADMUS, Taofeek Alameda Health System Effective Date: 3/28/2025

BAKER, Michael Sheriff's Office Effective: 2/21/2025

BAKILANA, Martina Health Care Services Agency Effective: 3/28/2025

BARANOV, Lyudmila Probation

Effective: 3/21/2025

BERECZ-ORTEGA, Amy Alameda Health System Effective: 3/26/2025

BROWN NIX, Paris District Attorney Effective: 2/19/2025

BUSTONERA, Maria Theresa Alameda Health System Effective: 3/6/2025

BYRD, Charla Child Support Services Effective: 2/28/2025

CHANG, Gui Rong Zone 7

Effective: 3/17/2025

CHEUNG, Terry

Health Care Services Agency Effective: 3/21/2025

Social Services Agency Effective: 2/7/2025

DELGADILLO, Lizbeth

DEMINGO, Tiffany Alameda Health System Effective: 3/24/2025

DOZIER-JONES, Pashia Child Support Services Effective: 2/5/2025

FULWOOD, Leilani Human Resource Services Effective: 3/21/2025

GINSBERG, Joel Social Services Agency Effective: 2/18/2025

GRADY, Janet

Social Services Agency Effective: 2/4/2025

HERNANDEZ, Alicia Alameda Health System Effective: 3/21/2025

HODGE, Kara

Child Support Services Effective: 2/10/2025

IMAMI, Zebi Sheriff's Office Effective: 2/5/2025

LEI, Christine

Assessor

Effective: 2/7/2025

# APPENDIX B LIST OF DEFERRED RETIREMENTS

LI, Hao

County Administrator Effective: 2/14/2025

LINOWITZ, Zachary District Attorney Effective: 2/7/2025

MAGLAYA, Calvin Public Works Agency Effective: 3/28/2025

MARTIN, Torcha Alameda Health System Effective: 2/20/2025

MOLINA VELANDIA, Daniela

Public Defender Effective: 3/21/2025

MONTIERRO, Isabella Alameda Health System Effective: 3/24/2025

MORRIS, Leslie District Attorney Effective: 2/3/2025

PETERSON, Trina Social Services Agency Effective: 2/28/2025

REED FOSTER, Tracy District Attorney

Effective: 2/21/2025

ROBERTS, Royl District Attorney Effective: 2/28/2025

RUIZ, Mercury Superior Courts Effective: 3/4/2025 SAGAR, Pradeep

Alameda Health System Effective: 4/3/2025

SATCHER, Harry

General Services Agency Effective: 2/21/2025

SOLWAY, Aimee District Attorney

Effective Date: 3/27/2025

SUNDARARAJ, Mohan Alameda County Health Effective: 2/25/2025

SYLER, Jonathan Sheriff's Office Effective: 2/15/2025

TATOLA, Milika

Human Resources Services Effective: 3/28/2025

TEAFATILLER, David Alameda Health System Effective: 3/26/2025

WALKER, Latasha Child Support Services Effective: 2/28/2025

WONG, Jennie

First 5

Effective: 3/28/2025

WONG, Jessica

Social Services Agency Effective: 2/28/2025

ZHANG, Kevin Public Works Agency Effective: 2/28/2025

# APPENDIX C LIST OF DECEASED MEMBERS

ALBANO, Milagros A. Public Defender 4/10/2025

ARACIC, Nicholas M. Sheriff's Office 3/21/2025

BARRETT, Marilyn J. Probation 3/27/2025

BELTRAN, Dolores Public Defender 3/28/2025

BRIONES, Adoracion P. Auditor-Controller 4/3/2025

BRITTO, Cindy Non-Mbr Survivor of Robert Britto 3/21/2025

BULLOCK, Willie A. Social Services Agency 3/21/2025

EISENHOWER, Kay S. Library 4/9/2025

FIVELLA, William P. Sheriff's Office 4/25/2025

FRANCOIS, Davy M. Alameda Health System 3/8/2025

HARRISON, Gerald D. Sheriff's Office 4/12/2025

JACOVITZ, Loisann Social Services Agency 3/28/2025

KIELY, John E. Fire Department 4/19/2025

LAVIENE, Tommie J. Health Care Services Agency 3/24/2025

LUCAS, Irene Non-Mbr Survivor of James Lucas 4/16/2025

MAGANN, George C. Sheriff's Office 4/9/2025

PAJAUD, Dianne R. Alameda Health System 4/14/2025

REYMUNDO, John Joseph Superior Court 4/5/2025

RICHARDSON, Ronald I. Health Care Services Agency 3/20/2025

ROSS, Lori A. Alameda Health System 4/10/2025

SALEHI, Behzad Information Technology 4/15/2025

SANFORD, Wanda J. Alameda Health System 3/25/2025

# APPENDIX C LIST OF DECEASED MEMBERS

TOTH, Nicholas VIVIAN, Ronald

Health Care Services Agency
Health Care Services Agency

4/12/2025 4/2/2025

TURNER, Keene WALES, George S.

Non-Mbr Survivor of Donna Camitta Assessor 4/1/2025 4/26/2025

# APPENDIX E APPROVE UNCONTESTED STAFF RECOMMENDITIONS ON DISABILITY RETIREMENTS AND DEATH BENEFITS

Name: Alexander, Blair
Type of Claim: Service-Connected

#### Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Alexander's application for a service-connected disability, and waiving annual medical examinations and questionnaires.

Name: Hadley, Randy
Type of Claim: Service-Connected

#### Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Hadley's application for a service-connected disability, and waiving annual medical examinations and questionnaires.

# APPENDIX E APPROVE UNCONTESTED STAFF RECOMMENDITIONS ON DISABILITY RETIREMENTS AND DEATH BENEFITS

Name: Nelson, Gerald
Type of Claim: Service-Connected

#### Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Nelson's application for a service-connected disability, and waiving annual medical examinations and questionnaires.

Based on the Medical Advisor's finding regarding Mr. Nelsons ability to ascertain the permanency of his incapacity on or before the date following the day for which he last received regular compensation, to deny Mr. Nelson's request for an earlier effective date.