



ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
BOARD OF RETIREMENT
MINUTES

THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO

Thursday, October 20, 2022

Chair Jaime Godfrey called the meeting to order at 2:00 p.m.

Trustees Present: Dale Amaral
Ophelia Basgal (*Arrived After Roll Call*)
Keith Carson
Tarrell Gamble
Jaime Godfrey
Liz Koppenhaver
Henry Levy (*Arrived After Roll Call*)
Kellie Simon
George Wood
Nancy Reilly (*Alternate*)

Staff Present: Victoria Arruda, Human Resource Officer
Carlos Barrios, Assistant Chief Executive Officer-Benefits
Angela Bradford, Executive Secretary
Sandra Dueñas-Cuevas, Benefits Manager
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

Staff Excused: Erica Haywood, Fiscal Services Officer

Chief Executive Officer (CEO) Dave Nelsen introduced Carlos Barrios, ACERA's New Assistant CEO of Benefits.

PUBLIC INPUT

None.

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

Appendix F (See Ruth Sanchez matter below).

APPROVE MINUTES of BOARD and COMMITTEE MEETINGS

September 14, 2022 Investment Committee Minutes

September 15, 2022 Minutes of the Regular Board Meeting

October 5, 2022 Operations Committee Minutes

October 5, 2022 Retirees Committee Minutes

October 12, 2022 Investment Committee Minutes

MISCELLANEOUS

- *Proposed Findings Regarding State of Emergency Pursuant to Gov't Code § 54953(e)(3): **Staff Recommendation:** The Board finds that it has reconsidered the circumstances of the state of emergency and (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (2) state or local officials continue to impose or recommend measures to promote social distancing.*

22-61

It was moved by Keith Carson and seconded by Kellie Simon that the Board adopt the Consent Calendar, except for Appendix F, which was removed from the Consent Calendar for discussion. The motion carried 9 yes (Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood), 0 no, and 0 abstentions.

Ruth Sanchez Matter (Appendix F):

Trustee Simon requested that this item be pulled from the Consent Calendar so that a discussion could take place. Mr. Rieger reported that Cari Schwartz, legal counsel for Ms. Sanchez, was present at the meeting. Chair Godfrey and Ms. Schwartz both had no objection to proceeding with discussion at this meeting and having that discussion in Open Session. Trustee Simon inquired about why Managed Medical Review Organization (MMRO), ACERA’s Disability Benefits Consultant, was unable to locate a rheumatologist and allowed an Orthopedist to evaluate Ms. Sanchez. Mr. Rieger agreed that further efforts should have been made to find a rheumatologist and stated he was already planning on discussing this issue with MMRO. After a brief discussion, the following motion was made:

22-62

It was moved by Kellie Simon and seconded by Dale Amaral that the Board adopt the Hearing Officer’s Proposed Recommendation to grant Ruth Sanchez, Account Clerk II, a Non Service-Connected Disability Retirement Benefit. The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions.

**REGULAR CALENDAR
REPORTS AND ACTION ITEMS**

DISABILITY AND DEATH BENEFIT CLAIMS

A. This Item was addressed in Closed Session, pursuant to Gov’t Code § 54957(b).

Service-Connected Disability Retirement Application of Dennis Teichera, Deputy Sheriff II for the County of Alameda: Consideration of Hearing Officer’s Proposed Findings of Fact and Recommended Decision, pursuant to Gov’t Code § 31534.

The Board reconvened into Open Session and the following Trustees returned:
Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon Wood and Reilly

Chief Counsel Jeff Rieger reported that the Board took the following action in Closed Session:

22-63

The Board adopted the Hearing Officer’s Proposed Recommendation to deny Dennis Teichera, Deputy Sheriff II, a Service-Connected Disability Retirement Benefit (he will continue to receive a Non-Service-Connected Disability Retirement allowance) The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions.

- B.** Member Joe Dutra’s Claim for Retroactive MBRP Benefits: Board Chair Report on Resolution of Dispute.

Chief Counsel Jeff Rieger reported that the parties reached a Settlement Agreement, which is a public document and posted on ACERA’s website with the backup materials for this meeting.

COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS

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

Operations:

Ophelia Basgal gave an oral report stating that the Operations Committee met on October 5, 2022 and that the Committee discussed allowing new members’ certifications to ACERA to be made through the employer's transmittal file in lieu of a sworn statement, pursuant to Government Code Section 31526(b)(2).

22-64

It was moved by Ophelia Basgal and seconded by Liz Koppenhaver that the Board allow new members’ certifications to ACERA to be made through the employer's transmittal file in lieu of a sworn statement, pursuant to Government Code Section 31526(b)(2). The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions.

Trustee Basgal further reported that the Committee discussed the following Information Items: *1) Operating Expenses as of 8/31/2022; 2) Statement of Reserves as of 6/30/2022; and 3) 2022 Board Elections Update.*

Minutes of the meeting were approved as part of the Consent Calendar.

Retirees:

Liz Koppenhaver gave an oral report stating that the Retirees Committee met on October 5, 2022, and that the Committee discussed accepting Segal’s Actuarial Valuation of the OPEB and Non-OPEB Benefits Provided by the Supplemental Retiree Benefit Reserve, Including Sufficiency of Funds, as of December 31, 2021.

22-65

It was moved by Liz Koppenhaver and seconded by George Wood that the Board accept the December 31, 2021 Supplemental Retiree Benefit Reserve Actuarial Valuation prepared by Segal. The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions.

Trustee Koppenhaver further reported that the Committee discussed bringing back the lump sum death benefit and the Active Death Equity Benefit (ADEB) for review at some future date. Trustee Koppenhaver also reported that the Committee discussed the following Information Items *1) Supplemental Retiree Benefit Reserve (SRBR) Financial Status; 2) Final Report on Open Enrollment Preparation and Communications Material; and 3) Miscellaneous Updates.*

Minutes of the meeting were approved as part of the Consent Calendar.

Investment:

Tarrell Gamble gave an oral report stating that the Investment Committee met on October 12, 2022 and that the Committee was presented with and discussed Amendments to ACERA's *Emerging Investment Manager (EIM) Policy.*

22-66

It was moved by Tarrell Gamble and seconded by Kellie Simon that the Board adopt Amendments to ACERA's *Emerging Investment Manager (EIM) Policy.* The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions.

Trustee Gamble further reported the Committee discussed Search Criteria for ACERA's General Investment Consultant (GIC) Search, including Proposed Minimum Qualifications and Evaluation Matrix.

22-67

It was moved by Tarrell Gamble and seconded by George Wood that the Board adopt Search Criteria for ACERA's General Investment Consultant (GIC) Search, including Proposed Minimum Qualifications and Evaluation Matrix (as revised by the Committee). The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions.

Trustee Gamble reported that there were no information items.

Minutes of the meeting were approved as part of the Consent Calendar.

Actuarial:

Ophelia Basgal gave an oral report stating that the Actuarial Committee met earlier today and that the Committee was presented with information from three (3) actuarial auditing firms. The Committee recommended that Cavanaugh Macdonald Consulting, LLC be selected to audit Segal's actuarial work.

22-68

It was moved by Ophelia Basgal and seconded by Henry Levy that the Board approve Staff's recommendation to hire Cavanaugh Macdonald to audit Segal's work, pending completion of a satisfactory reference check, legal due diligence and successful contract negotiations. The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions.

Trustee Basgal reported that there were no information items.

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the November 17, 2022 Board meeting.

Audit:

Henry Levy gave an oral report stating that the Audit Committee met earlier today and that there were no action items. However, the Committee was updated on the following Information Items: **1)** Progress report on the Internal Audit Plan; **2)** Progress on Audits: **a)** Felony Forfeiture Policy Audit; **b)** Workforce Resilience Audit; **4)** Pension Administration System Internal Control Project; and **5)** Cybersecurity.

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the November 17, 2022 Board meeting.

NEW BUSINESS:

State Association of County Retirement System (SACRS) Voting Proxy

CEO Dave Nelsen presented his October 20, 2022, memo requesting the Board's approval for him to vote ACERA's Proxy (or his Designee) and to provide him with direction on how to vote on behalf of the Board of Retirement at the SACRS Fall Conference Business Meeting.

21-69

It was moved by Ophelia Basgal and seconded by Liz Koppenhaver to direct the Chief Executive Officer (CEO) (or his Designee) to vote ACERA's Proxy and that the CEO vote to receive and file SACRS' Secretary and Treasurer's Reports on behalf of the Board of Retirement at the SACRS Fall Conference Business Meeting. The motion carried 8 yes (*Amaral, Basgal, Carson, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions. *Trustee Gamble was not present for the vote on the motion.*

Appointment of Kathy Foster to fill a Critically Needed ACERA Position

Mr. Nelsen explained the process for appointing a Retiree Annuitant and announced that he will be appointing Kathy Foster as a Retiree Annuitant to fill a critically needed ACERA position before the 180 days have passed after her retirement, pursuant to Government Code Section 7522.56(f)(1). Mr. Nelsen reminded the Board that Ms. Foster has a wealth of knowledge regarding pension benefits that will be important for the PAS project and that she will also assist the new Assistant CEO Carlos Barrios to get up to speed. Mr. Nelsen reported that Ms. Foster will not work more than the statutory 960 hours per year and that her appointment is scheduled to conclude in mid-2024.

22-70

It was moved by Liz Koppenhaver and seconded by Kellie Simon to approve Staff's recommendation to hire Kathy Foster as a Retiree Annuitant to fill a critically needed ACERA position before the 180 days have passed after her retirement, pursuant to Government Code Section 7522.56(f)(1). The motion carried 8 yes (*Amaral, Basgal, Carson, Godfrey, Koppenhaver, Levy, Simon, Wood*), 0 no, and 0 abstentions. *Trustee Gamble was not present for the vote on the motion.*

David Nelsen, Chief Executive Officer's Report

Chief Executive Officer Dave Nelsen presented his October 20, 2022 written CEO Report which provided an update on: **1) Senior Management Recruitment; 2) Committee and Board Action Items; 3) Conference/Event Schedule; 4) Other Items: a) COVID-19 Responses; b) Pension Administration System Project; c) Legislation; d) Strategic Planning; and 5) Key Performance Indicators.**

Mr. Nelsen reported that AB 826 was vetoed by the Governor (Ventura sponsored bill); AB 1824 and AB 1971 (SACRS sponsored bills) were signed by the Governor; and that AB 2493 did not pass the Legislature. Mr. Nelsen further reported that the Governor will lift the Emergency Order regarding COVID effective February 28, 2023. Staff will provide the Board with a Legislative Update in the near future.

CONFERENCE/ORAL REPORTS

Chair Godfrey and Trustee Levy reported that they both attended Nossaman's Public Pensions & Investments Fiduciaries' Forum. Trustee Levy reported he also attended the Institutional Limited Partners Association (ILPA) Conference. Other Trustees were encouraged to attend both events next year, if possible.

ANNOUNCEMENTS

None.

BOARD INPUT

None.

CLOSED SESSION

Item 12:

The Board reconvened into Open Session and the following Trustees returned: *Amaral, Basgal, Godfrey, Koppenhaver, Levy, Simon Wood and Reilly. Trustees Carson and Gamble did not return from Closed Session.*

- A. Significant exposure to litigation and potential initiation of litigation, pursuant to paragraphs (2) and (4) of subdivision (d) of Government Code Section 54956.9: (one potential case).
- B. Government Code Section 54957(b)(1): Public Employee Evaluation (Chief Executive Officer).

Chair Godfrey reported that the Board took no reportable action on Items 12A and 12B.

To view the October 20, 2022 Board meeting in its entirety, click on the link below:
<https://www.youtube.com/watch?v=YgXTJ4bCDsg>.

ADJOURNMENT

The meeting was adjourned at approximately 4:15 p.m.

Respectfully Submitted,



David Nelsen
Chief Executive Officer

11/17/22

Date Adopted

APPENDIX A
REPORT ON SERVICE RETIREMENTS

ANLAVAN, Hom
Effective: 7/23/2022
Social Services Agency

LEE, May
Effective: 8/6/2022
Social Services Agency

ARULANANTHAM, Anton
Effective: 8/16/2022
Health Care Services Agency

MATEO, Gerald
Effective: 7/23/2022
Social Services Agency

BERRY, Priscilla
Effective: 7/23/2022
Social Services Agency

PARCHMAN, Connie
Effective: 8/9/2022
Superior Court

CHAN, Gavin
Effective: 8/20/2022
Sheriff's Department

RIDEOUT, Wanda
Effective: 8/6/2022
Sheriff's Department

CHUNG, Heidi
Effective: 8/6/2022
Social Services Agency

SMITH, Kurtis
Effective: 7/1/2022
Sheriff's Department

COOPER, Paul
Effective: 8/6/2022
Health Care Services Agency

STINSON, Patricia
Effective: 8/8/2022
Sheriff's Department

CRAWFORD, Susan
Effective: 8/6/2022
Health Care Services Agency

STRANG, Richard
Effective: 7/23/2022
District Attorney

DEBUSMAN, Mary
Effective: 8/6/2022
Health Care Services Agency

TIMPANE, Colleen
Effective: 8/16/2022
Alameda Health System

DESANTIS, Adrienne
Effective: 8/21/2022
Health Care Services Agency

TUBBY, Janice
Effective: 7/24/2022
Alameda Health System

HAMMOND, Virginia
Effective: 7/11/2022
Library

VANDAGRIFF, David
Effective: 4/9/2022
Sheriff's Department

HAWKINS, William
Effective: 8/6/2022
Alameda Health System

WAKEFIELD, Cynthia
Effective: 8/1/2022
Superior Court

HOANG, Thi
Effective: 7/30/2022
Alameda Health System

WALKER, Gerald
Effective: 7/23/2022
Health Care Services Agency

**APPENDIX A
REPORT ON SERVICE RETIREMENTS**

WINGES, Mark
Effective: 7/30/2022
Information Technology Dept

WRIGHT, Venus
Effective: 8/6/2022
Superior Court

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

ALLEN, Lisha M.
Social Services Agency
Effective Date: 8/12/2022

LOHMEYER, Emily D.
District Attorney
Effective: 5/24/2022

FLORES, Dominic N.
Sheriff's Department
Effective: 8/12/2022

LUK, Kelsey P.
Public Defender
Effective: 7/29/2022

GOMEZ RAMIREZ, Lorena
Alameda Health System
Effective: 6/27/2022

MARTIN, Brian R.
Health Care Services Agency
Effective: 7/29/2022

JENNINGS-PARRIOTT, Kari A.
Health Care Services Agency
Effective: 8/2/2022

SUAREZ, Martha E.
Social Services Agency
Effective: 6/10/2022

LOCHIN, Glenford A.
Alameda Health System
Effective: 7/18/2022

YEN, Kelly
Human Resource Services
Effective: 7/22/2022

**APPENDIX C
LIST OF DECEASED MEMBERS**

AUSTIN, Alice M
Superior Court
8/15/2022

GRAYSON, Louise
Assessor
8/25/2022

BROSCH, Jeffrey
District Attorney
8/23/2022

HERNANDEZ, Joe
Assessor
8/17/2022

CASE, Rosanne
Superior Court
8/31/2022

HORN, Wesley
Sheriff's Department
9/17/2022

CHATMAN, Grace
Alameda Health System
9/16/2021

INGRAM, James
Public Works Agency
6/27/2022

**APPENDIX C
LIST OF DECEASED MEMBERS**

JOHNSTON, Meg
Social Services Agency
8/6/2022

SHANKAR, Anand
Community Development Agency
8/2/2022

KISH, Lyall
District Attorney
8/22/2022

SHANKLAND, Linda
Social Services Agency
9/1/2022

LEWIS, Linda
General Services Agency
9/13/2022

SHELDON, Gary
Sheriff's Department
9/7/2022

LYNCH, Maryanne
Social Services Agency
9/8/2022

THOMAS, Della
Alameda Health System
8/22/2022

PRICE, Khojesta
Health Care Services Agency
8/28/2022

THOMAS, Donna
Alameda Health System
9/11/2022

RIPLEY, Evelyn
Alameda Health System
8/26/2022

WALTON, Margaret
Alameda Health System
9/10/2022

ROGERS, Betty
Sheriff's Department
8/28/2022

WOLIN, Fredrick
Public Works Agency
8/30/2022

**APPENDIX E
APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON
DISABILITY RETIREMENTS AND DEATH BENEFITS**

Name: Alvey, Patricia
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 Ms. Alvey's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

APPENDIX E
APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON
DISABILITY RETIREMENTS AND DEATH BENEFITS

Name: Calegari, John
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. Calegari's application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

Name: Neufville-Pratt, Zondell
Type of Claim: Non- Service Connected

Staff's Recommendation:

On the Board's February 17, 2022 Consent Calendar, the Board granted Ms. Neufville-Pratt a non-service-connected disability retirement, with an effective retirement date of April 1, 2021. Staff has since determined that she is entitled to an earlier effective date of October 2, 2018 and therefore Staff recommends that she be granted that earlier effective date. The earlier effective date is not opposed by the County.

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT
UNCONTESTED HEARING OFFICER RECOMMENDATIONS

Name: Sanchez, Ruth
Type of Claim: Non-Service-Connected Disability

Staff's Recommendation:

Adopt the Hearing Officer's Proposed Findings of Fact and Recommended Decision as the Board's own final decision to grant Ms. Ruth Sanchez's application for a Non-Service-Connected Disability Retirement.