



ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
BOARD OF RETIREMENT
MINUTES

THIS MEETING WAS CONDUCTED VIA TELECONFERENCE WITH VIDEO

Thursday, November 17, 2022

Chair Jaime Godfrey called the meeting to order at 2:01 p.m.

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

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

Staff Excused: Sandra Dueñas-Cuevas, Benefits Manager

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

None

APPROVE MINUTES of BOARD and COMMITTEE MEETINGS

October 14, 2022 Minutes of the Special Board Meeting

October 20, 2022 Minutes of the Regular Board Meeting

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.*

22-72

It was moved by Keith Carson and seconded by Ophelia Basgal that the Board adopt the Consent Calendar. The motion carried 8 yes (*Amaral, Basgal, Carson, Godfrey, Levy, Reilly, Simon, Wood*), 0 no, and 0 abstentions. Trustees *Gamble and Koppenhaver* were not present for the vote on the motion.

REGULAR CALENDAR
REPORTS AND ACTION ITEMS

DISABILITY AND DEATH BENEFIT CLAIMS

None.

COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS

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

Governance:

George Wood gave an oral report stating that the Governance Committee met earlier that day and that the Committee considered Staff's proposed revisions to *ACERA's Conflict of Interest Code*.

22-73

It was moved by George Wood and seconded by Kellie Simon that the Board adopt the revisions to *ACERA's Conflict of Interest Code*, as shown in the Governance Committee agenda packet. The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Levy, Reilly, Simon, Wood*), 0 no, and 0 abstentions. *Trustee Koppenhaver was not present for the vote on the motion.*

Trustee Wood further reported that the Committee considered Staff's proposed revisions to the *Conflict of Interest Policy* and noted that, at Trustee Basgal's request, further discussion of "Behested Payments" would occur in the near future.

22-74

It was moved by George Wood and seconded by Kellie Simon that the Board adopt the revisions to the *Conflict of Interest Policy*, as shown in the redline in the Governance Committee agenda packet. The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Levy, Reilly, Simon, Wood*), 0 no, and 0 abstentions. *Trustee Koppenhaver was not present for the vote on the motion.*

There were no Information Items.

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the December 15, 2022 Board meeting.

Operations:

Ophelia Basgal gave an oral report stating that the Operations Committee met earlier today and that the Committee considered ACERA's 2023 Proposed Operating Expense Budget.

22-75

It was moved by Ophelia Basgal and seconded by Dale Amaral that the Board adopt ACERA's 2023 Operating Expense Budget. The motion carried 9 yes (*Amaral, Basgal, Carson, Gamble, Godfrey, Levy, Reilly, Simon, Wood*), 0 no, and 0 abstentions. *Trustee Koppenhaver was not present for the vote on the motion.*

There were no Information Items.

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the December 15, 2022 Board meeting.

NEW BUSINESS:

2022 Board Election Update (Election Year)

Assistant Chief Executive Officer of Operations Lisa Johnson gave an update on ACERA's 2022 Board Election reporting that Seat 3 (General Member) and Alternate Seat 8 (Alternate Retired Member) ran unopposed and as a result, the Alameda County Clerk of the Board of Supervisors cast unanimous ballots in favor of George Wood for Seat 3 and Cynthia Baron for Alternate Seat 8. Ms. Johnson announced that ACERA is also running an election to fill Seat 7 (Safety Member), Alternate Seat 7 (Alternate Safety Member) and Seat 8 (Retired Member). Ms. Johnson reported that the voting period began on Wednesday, November 16, 2022 and ends on Wednesday, December 21, 2022 at 5:00 p.m. and that Alameda County Registrar of Voters (ROV) Staff mailed the ballots on Wednesday, November 16, 2022. Ms. Johnson further reported that ACERA Staff also mailed its *What's Up? Newsletter-Election Edition* to those members for whom the open Seats represent. It was noted that the *What's Up Newsletter-Election Edition* now includes a section summarizing the very important work the ACERA Board does.

Ms. Johnson provided an update on the Board's question regarding whether or not the ballot description designation could be changed in order to make candidates' ballot designations similar. Staff researched this issue by reviewing ACERA's *Board Election Policy* and the *Nomination Packet* and found that the candidate description designation cannot be changed after the nomination period closes. Ms. Johnson reported that County Registrar of Voters (ROV) does not count votes as they come in but all at once after all ballots have been received. It was noted that vote counting is not televised, observation of vote counting is allowed and Staff normally watches the votes being counted and reports back to the Board.

David Nelsen, Chief Executive Officer's Report

Chief Executive Officer Dave Nelsen presented his November 17, 2022 written CEO Report which provided an update on: **1)** Committee and Board Action Items; **2)** Other Items: **a)** COVID-19 Responses; **b)** Pension Administration System Update; **c)** Legislative Items; **d)** Strategic Planning; **3)** Virtual Meetings; and **4)** Key Performance Indicators.

Mr. Nelsen congratulated George Wood for retaining his seat on the Board as ACERA's General Member Trustee and he welcomed Cynthia Baron to the Board as ACERA's new Alternate Retired Member Trustee. Ms. Baron was present at today's Board meeting.

Mr. Nelsen reported that ACERA is in its final state of transitioning from Wells Fargo Bank to J.P. Morgan Chase Bank and stated that retirees and one-time check recipients who currently receive a paper check will now receive their checks from J. P. Morgan Chase Bank starting in December 2022. Retirees who receive direct deposit payments will receive their benefit payment via Automatic Clearing House (ACH) from J.P. Morgan Chase Bank. Mr. Nelsen stated that Staff has tried to encourage retirees who currently receive a paper check to switch to ACH payments. However, many of the retirees still prefer to receive a paper check for various reasons. Mr. Nelsen reported that all new retirees will receive their benefit payment via ACH unless they provide ACERA with an exception. A sample of J.P. Morgan Chase Bank's *Direct Deposit Statement* and *Paper Check and Statement* are available on ACERA's Website.

Mr. Nelsen reported that six ACERA Staff tested positive for COVID in the past two (2) weeks and that ACERA is required to provide free COVID testing weekly to Staff who come into the Office. Mr. Nelsen further reported that although six ACERA Staff tested positive for COVID, it has not impacted ACERA's customer service delivery to the members that come into the Office for counseling/appointments. It was noted that only essential Staff are currently working in the Office.

CONFERENCE/ORAL REPORTS

None.

ANNOUNCEMENTS

Trustee Nancy Reilly announced that today is her last Board meeting and it was a privileged opportunity for her to represent the retirees and to serve on the ACERA Board of Retirement. The Board and Staff expressed their appreciation to Trustee Reilly for her dedication and service on the Board.

Trustee Henry Levy requested that the Board consider changing the length of terms for ACERA's Board Officers (Chair, 1st Vice-Chair and 2nd Vice-Chair). This issue will be discussed at the December 15, 2022 Board meeting.

CLOSED SESSION

Before Closed Session, Chief Counsel Jeff Rieger stated that there was nothing to discuss on Item 12A, so the Board would go into Closed Session only on Item 12B. The Board then went into Closed Session.

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

Item 12B: Government Code Section 54957(b)(1): Public Employee Evaluation (Chief Executive Officer).

Board Chair Godfrey reported that the Trustees nominated him to serve as the Board's Labor Negotiator to discuss benefits and salary with Chief Executive Officer Dave Nelsen.

To view the November 17, 2022 Board meeting in its entirety, click on the link below:
<https://youtu.be/0gDFI5ozZbY>

ADJOURNMENT

The meeting was adjourned at approximately 3:03 p.m.

Respectfully Submitted,



David Nelsen
Chief Executive Officer

12/15/22

Date Adopted

**APPENDIX A
REPORT ON SERVICE RETIREMENTS**

ATKINS, Robert
Effective: 9/3/2022
General Services Agency

LEONARD, Edwin
Effective: 8/20/2022
Health Care Services

BAKER, Karen
Effective: 9/3/2022
Probation Department

MALONE, April
Effective: 8/20/2022
Probation Department

BREWER, Roberta
Effective: 8/19/2022
Alameda Health System

MARAPAO, Erich
Effective: 8/20/2022
Sheriff's Office

BROWNE, James
Effective: 9/3/2022
Public Works Agency

PEREZ, Elinor
Effective: 9/1/2022
Alameda Health System

CALDERON, Humberto
Effective: 8/25/2022
Probation Department

POLLAK, Judith
Effective: 8/20/2022
District Attorney

CHAN, Winnie
Effective: 9/1/2022
ACERA

RICE, Valarie
Effective: 9/3/2022
Social Services Agency

CHHIM, C. Raymond
Effective: 9/3/2022
Social Services Agency

RODRIGUEZ, Michael
Effective: 8/21/2022
Probation Department

CUENCA, Olivia
Effective: 9/3/2022
Social Services Agency

RYAN, Andrew
Effective: 9/3/2022
Sheriff's Office

ISHIDA, Yumiko
Effective: 7/23/2022
Community Development Agency

SIU, David
Effective: 9/30/2022
Auditor-Controller

KNAPP, Dawne
Effective: 8/23/2022
Non-Member

STENSON, Jon
Effective: 8/24/2022
Health Care Services

KROLL, Daniel
Effective: 8/20/2022
Superior Courts

WHITTAKER, Phyllis
Effective: 8/20/2022
Social Services Agency

WILTZ, LaWanda
Effective: 9/1/2022
Social Services Agency

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

ATH, Jimmy
Health Care Services Agency
Effective Date: 9/16/2022

CRUZ, Brenda
Social Services Agency
Effective: 9/16/2022

CARDENAS, Ivan
Sheriff's Office
Effective: 9/13/2022

ENGOLE, Douglas
Alameda Health System
Effective: 9/20/2022

CERVERA TORRES, Scarlett
District Attorney
Effective: 9/16/2022

GLASSER, Carole
Superior Courts
Effective: 9/8/2022

CHAN, Gary
Assessor
Effective: 9/16/2022

GUMS, April
Social Services Agency
Effective: 7/1/2022

**APPENDIX C
LIST OF DECEASED MEMBERS**

Bauer, Hans
General Services Agency
10/26/2022

Hume, David
Alameda Health System
10/14/2022

Beltran, Roy
Public Works Agency
10/17/2022

~~Jordan, Albert~~
~~Public Works Agency~~
~~10/14/2022~~

Mr. Jordan was listed here in error. He is not deceased.

Brown, Yvonne
Non-Mbr Survivor of Gordon Brown
10/2/2022

King, Cynthia
Alameda Health System
10/24/2022

Cundiff, Donna
Social Services Agency
8/8/2022

Kobernus, Norma
Non-Mbr Survivor of Gilbert Kobernus
10/5/2022

Dever, Leslie
Public Works Agency
9/23/2022

Manglicmot, Carmelita
Treasurer - Tax Collector
10/2/2022

Hansen, Richard
Non-Mbr Survivor of Janelle Hansen
10/14/2022

Martinez, Kimberly
Child Support Services
9/26/2022

**APPENDIX C
LIST OF DECEASED MEMBERS**

May, Lee
Social Services Agency
10/20/2022

Redmond, William
Probation Department
10/3/2022

Morrison, Connie
Alameda Health System
10/26/2022

Rio, Shirley Ann
Superior Courts
10/11/2022

Morrison, Joyce
Social Services Agency
9/21/2022

Terry, Kenneth
Behavioral Health Care Services
10/10/2022

Moton, Selbert
Social Services Agency
10/10/2022

Voigt, Karl
Zone 7
10/15/2022

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

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

Name: Cunningham, Jason
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. Cunningham'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: Gatto, Vycelka
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. Gatto's application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

Based on the Medical Advisor's and Staff's review and determination of Ms. Gatto's ability to determine the permanency of her incapacity, to deny Ms. Gatto's request for an earlier effective date.

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

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

Based on the Medical Advisor's and Staff's review and determination of Mr. Owen's ability to determine the permanency of his incapacity, to deny Mr. Owen's request for an earlier effective date.

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

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