

**APPROVED**

MINUTES OF THE REGULAR MEETING OF THE BOARD OF RETIREMENT

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

300 N. LAKE AVENUE, SUITE 810, PASADENA, CA

9:00 A.M., WEDNESDAY, NOVEMBER 4, 2020

This meeting was conducted by the Board of Retirement by teleconference under the Governor's Executive Order No. N-29-20.

PRESENT: Herman Santos, Chair

Vivian H. Gray, Vice Chair

Gina Zapanta, Secretary (Arrived at 9:08 a.m. and departed at 9:38 a.m.)

JP Harris (Alternate Retired)

Shawn R. Kehoe

Keith Knox

Wayne Moore

Ronald Okum (Arrived at 9:04 a.m.)

William Pryor (Alternate Safety)

Les Robbins

Thomas Walsh

STAFF ADVISORS AND PARTICIPANTS

Santos H. Kreimann, Chief Executive Officer

John Popowich, Assistant Executive Officer

Jon Grabel, Chief Investments Officer

Steven P. Rice, Chief Counsel

Michael Herrera, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Ricki Contreras, Disability Retirement Services Manager

Francis J. Boyd, Senior Staff Counsel

Vincent Lim, Disability Litigation Manager

Allison E. Barrett, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Jason E. Waller, Senior Staff Counsel

Ricki Contreras, Disability Retirement Services Manager

Tamara Caldwell, Disability Retirement Specialist Supervisor

Hernan Barrientos, Disability Retirement Specialist Supervisor

Kerri Wilson, Disability Retirement Specialist Supervisor

Ricardo Salinas, Disability Retirement Specialist Supervisor

Ted Granger, Interim Chief Financial Officer

Kimberly Hines, Administrative Services Division Manager

Carly Ntoya, Human Resources Division Manager

Roberta Van Nortrick, Training Coordinator

Barry Lew, Legislative Affairs Officer

Kathy Delino, Interim Manager, Systems Division

I. CALL TO ORDER

The meeting was called to order by Mr. Santos at 9:00 a.m. in the Board Room of Gateway Plaza.

## II. APPROVAL OF MINUTES

- A. Approval of the Minutes of the Regular Meeting of October 7, 2020
- B. Approval of the Minutes of the Regular Meeting of October 15, 2020

Mr. Kehoe made a motion, Mr. Pryor seconded, to approve the minutes of the regular meeting of October 7 and October 15, 2020. The motion passed (roll call) with Messrs. Knox, Walsh, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes.

## III. PUBLIC COMMENT

There were no requests from the public.

## IV. OTHER COMMUNICATIONS

### A. For Information

#### 1. September 2020 All Stars

Mr. Popowich announced the winners for the month of September: Erika Heru, Elizabeth Smith, Maria Luna, and Tony Soto.

#### 2. Chief Executive Officer's Report (Memo dated October 26, 2020)

(Mr. Okum joined the meeting at 9:04 a.m. and Ms. Zapanta joined at 9:08 a.m.)

Mr. Kreimann shared that there was a great response from members who participated in the virtual retirement seminars. In addition, he shared that the Board of Supervisors certified the election results and he congratulated returning Board of Retirement trustees Herman Santos, Les Robbins, and JP Harris. Furthermore, Mr. Kreimann provided an update regarding the communication that will be sent to the County regarding the election addressing what worked and what didn't work. Lastly, he provided an update regarding the status of the outstanding positions. Mr. Santos commented that the County should permit

IV. OTHER COMMUNICATIONS (Continued)

A. For Information

2. Chief Executive Officer's Report  
(Memo dated October 26, 2020)

electronic signatures on nominating petitions; Mr. Harris and Ms. Gray expressed their agreement.

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement  
Service-Connected Disability Applications

On a motion by Ms. Gray, seconded by Mr. Okum, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Robbins, Kehoe, Santos, Ms. Gray and Ms. Zapanta voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
337D	KENNETH R. FONTANILLA
338D	MIGUEL A. ORELLANA
339D*	OSVALDO SANTA ANA
340D	MIGUEL A. PENA-ALVAREZ
341D	LAVONCE D. JEFFREY
342D	LEON A. MOORE
343D*	MANUEL D. SCRUGGS

\*Granted SCD – Employer Cannot Accommodate

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)  
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
344D	DEREN K. BRADY
345D	FRANK E. JINRIGHT
346D*	SCOTT A. EDGE
347D	KANNAH MARIE D. SAAVEDRA
348D*	PAISLEY E. VELASQUEZ

Safety Fire, Lifeguards  
Service-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Mr. Okum, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Robbins, Kehoe, Santos, Ms. Gray and Ms. Zapanta voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
1289B	DARRELL D. CHAPMAN
1290B	VICTOR M. MARIN
1291B	PAUL W. SIMPSON
1292B	JOHN E. BRONDYKE
1293B	EDWARD G. JOHNSON

\*Granted SCD – Employer Cannot Accommodate

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards (Continued)  
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
1294B	RICKY G. DRENDEL
1295B*	KEVIN E. WILLIAMS
1296B	ERIC J. FETHERSTON
1297B	RANDY D. BROWN
1298B	MARK A. ORTIZ

General Members  
Service-Connected Disability Applications

On a motion by Ms. Gray, seconded by Mr. Okum, the Board of Retirement made a motion to approve a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Robbins, Kehoe, Santos, Ms. Gray and Ms. Zapanta voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
2140C**	DIANA BORUNDA
2141C**	BEVERLY A. HYNES
2142C	JOHNNY R. GUSTAVIA
2143C**	KIM E. PAVEK

\*Granted SCD – Retroactive

\*\*Granted SCD – Employer Cannot Accommodate

V. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)  
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2144C*	LILLIAN L. POUNDS
2145C**	NORMA M. BUENO

VI. CONSENT ITEMS

Mr. Okum made a motion, Mr. Knox seconded, to approve the following items. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Kehoe, Robbins, Santos, Ms. Gray and Ms. Zapanta voting yes.

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals. (Memo dated October 26, 2020)
- B. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice Nariman Amjadi's appeal for a service-connected disability retirement. (Memo dated October 21, 2020)
- C. Recommendation as submitted by Thomas Walsh, Chair, Operations Oversight Committee: That the Board approve and adopt the Post Retirement Employment Policy. (Memo dated October 20, 2020)

VII. EXCLUDED CONSENT ITEMS

There were no items to address.

\*Granted SCD – Retroactive

\*\*Granted SCD Retroactive – Employer Cannot Accommodate

## VIII. NON-CONSENT ITEMS

- A. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits and Legislative Committee: That the Board direct its voting delegate to vote YES on sponsorship by the State Association of County Retirement Systems (SACRS) of “COVID-19 Disability Retirement Presumption” for the SACRS 2021 legislative platform. (Memo dated October 15, 2020) (Supplemental Memo dated October 23, 2020)

Mr. Lew was present to answer questions from the Board.

Mr. Kehoe made a motion, Mr. Okum seconded, to approve the recommendation. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Kehoe, Robbins, Santos, Ms. Gray and Ms. Zapanta voting yes.

## IX. REPORTS

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated October 27, 2020)

Ms. Contreras was present to answer questions from the Board.

- B. For Information Only as submitted by Ted Granger, Interim Chief Financial Officer, regarding the Semi-Annual Interest Crediting for Reserves as of June 30, 2020 (AUDITED). (Memo dated October 22, 2020)

Mr. Granger was present to answer questions from the Board.

- C. For Information Only as submitted by Ted Granger, Interim Chief Financial Officer, regarding the Monthly Education and Travel Report for September 2020. (Public Memo dated October 23, 2020) (Confidential Memo dated October 23, 2020 – Includes Anticipated Travel)

Mr. Granger was present to answer questions from the Board.

- D. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the October 2020 Fiduciary Counsel Contact and Billing Report. (Memo dated October 26, 2020) (Privileged and Confidential Attorney-Client Communication/Attorney Work Product)



IX. REPORTS (Continued)

Mr. Rice was present to answer questions from the Board.

X. ITEMS FOR STAFF REVIEW

There were no items to report.

XI. GOOD OF THE ORDER  
(For information purposes only)

Ms. Gray encouraged trustees to attend the virtual SACRS Conference.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Ms. Zapanta left the meeting at 9:38 a.m.)

APPLICATION NO. & NAME

BOARD ACTION

5151B –SHARINNA JOHNSON

Mr. Kehoe made a motion, Mr. Pryor seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Sections 31720 and 31724 since the employer cannot accommodate. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes.

5152B – LINDA J. CRAFT

Mr. Kehoe made a motion, Ms. Gray seconded, to grant a service-connected disability retirement.

The makers of the motion amended their motion to return to staff for additional information. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5153B – TYRELL L. RICHMOND

Ms. Gray made a motion, Mr. Kehoe seconded, to grant a service-connected disability retirement.

Ms. Gray made a substitute motion, Mr. Santos seconded, to refer back to staff for additional information. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes.

5154B – REBECCA RAMIREZ

Mr. Pryor made a motion, Mr. Knox seconded, to deny and find the applicant not permanently incapacitated since the employer can accommodate. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes.

1252B – MARK D. WHALING

Mr. Pryor made a motion, Ms. Gray seconded, to grant a service connected disability retirement pursuant to Government Code Section 31720. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Moore, Pryor, Robbins, Santos, and Ms. Gray voting yes.

5001B – SILVIA DIHARCE

Mr. Okum made a motion, Ms. Gray seconded, to grant a service connected disability retirement pursuant to Government Code Section 31720. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Moore, Kehoe,

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5122B – THANH M. LY

Robbins, Santos, and Ms. Gray voting yes.

Ms. Gray made a motion, Mr. Santos seconded, to grant a service connected disability retirement.

Ms. Gray made a substitute motion, Mr. Okum seconded, to refer back to staff for additional information. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes.

B. Disability Retirement Appeals

APPLICATION NO. & NAME

BOARD ACTION

FARAHNAZ HINOJOSA - Thomas J. Wicke for the Applicant  
Jason E. Waller for the Respondent

Mr. Okum made a motion, Mr. Kehoe seconded, to grant a service-connected disability retirement. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes.

JIMMIE SMITH - Thomas J. Wicke for the Applicant  
Jason E. Waller for the Respondent

Mr. Okum made a motion, Ms. Gray seconded, to grant a service-connected disability retirement. The motion passed (roll call) with Messrs. Knox,

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

B. Disability Retirement Appeals (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Walsh, Moore, Kehoe, Santos, and Ms. Gray voting yes; and Messrs. Okum and Robbins abstaining.

C. Staff Recommendations

Mr. Kehoe made a motion, Mr. Okum seconded, to approve the following items XII. C. 1 and C.2. The motion passed (roll call) with Messrs. Knox, Walsh, Okum, Moore, Kehoe, Robbins, Santos, and Ms. Gray voting yes.

1. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel: That the Board, pursuant to Government Code section 31541.1, (1) Find that Marcos Zamora delayed filing his application for disability retirement because he was unable to ascertain the permanency of his incapacity; (2) that his application is deemed filed on the day after the last day of regular compensation (retroactive) in accordance with Government Code section 31724; and (3) that he is entitled to the option of an earlier effective date. (Memo dated October 22, 2020)
2. Recommendation as submitted by JJ Popowich, Assistant Executive Officer: That the Board approve the service provider invoices for Winet Patrick Gayer Creighton & Hanes. (Memo dated October 19, 2020)
3. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the 2020 Quarterly Reports of Paid Invoices – 3<sup>rd</sup> Quarter. (Memo dated October 19, 2020)

Ms. Contreras was present to answer any questions from the Board.

XIII. EXECUTIVE SESSION

- A. Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation (Pursuant to Paragraph (2) of Subdivision  
(d) of California Government Code Section 54956.9)

1. Administrative Appeal of Glen Williams

The Board met in executive session with counsel to discuss this matter. On a motion by Mr. Kehoe, seconded by Mr. Robbins, the Board voted 8-0 to deny the administrative appeal of Glen Williams for reciprocal retirement benefits from LACERA. Messrs. Santos, Kehoe, Robbins, Walsh, Moore, Okum, and Knox and Ms. Gray voted yes. Ms. Zapanta was not present.

XIV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:27 a.m.

**Signature on File**

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GINA ZAPANTA, SECRETARY

**Signature on File**

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HERMAN SANTOS, CHAIR