

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, MAY 5, 2021

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

PRESENT: Alan Bernstein, Chair

Vivian H. Gray, Vice Chair

Gina Zapanta, Secretary

JP Harris (Alternate Retired)

Shawn R. Kehoe

Keith Knox

Wayne Moore

Ronald Okum

William Pryor (Alternate Safety)

Les Robbins

Herman Santos

STAFF ADVISORS AND PARTICIPANTS

Santos H. Kreimann, Chief Executive Officer

John Popowich, Assistant Executive Officer

Johanna Fontenot, Interim Chief Counsel

Francis J. Boyd, Senior Staff Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

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 Manager

Tamara Caldwell, Disability Retirement Specialist Supervisor

Vickie Neely, Disability Retirement Specialist Supervisor

Kerri Wilson, Disability Retirement Specialist Supervisor

Hernan Barrientos, Disability Retirement Specialist Supervisor

Ricardo Salinas, Disability Retirement Specialist Supervisor

Amabelle Delin, Disability Retirement Specialist

Michelle Yanes, Disability Retirement Specialist

Angie Guerrero, Disability Retirement Specialist

Maria Muro, Disability Retirement Specialist

Anna Kwan, Disability Retirement Specialist

Nossaman LLP

Ashley Dunning, Partner

Peter Mixon, Partner

I. CALL TO ORDER

The meeting was called to order virtually by Mr. Bernstein at 9:00 a.m.

II. APPROVAL OF MINUTES

- A. Approval of the Minutes of the Regular Meeting of April 7, 2021
- B. Approval of the Minutes of the Regular Meeting of April 15, 2021

Mr. Kehoe made a motion, Mr. Okum seconded, to approve the minutes of the regular meeting of April 7, 2021 and April 15, 2021. The motion passed (roll call) with Messrs. Knox, Santos, Okum, Moore, Kehoe, Robbins, Bernstein, Ms. Gray and Ms. Zapanta voting yes.

II. PUBLIC COMMENT

There were no requests from the public to speak.

III. OTHER COMMUNICATIONS

A. For Information

1. March 2021 All Stars

Mr. Popowich announced the winners for the month of March: Sarah Robles, Steve Salinas, Courtney Cook, and Scott Rhodes. Persian Petrov was recognized as the Web Watcher and Priscilla Hernandez was recognized as the Rideshare winner.

2. Chief Executive Officer's Report (Memo dated April 26, 2021)

Mr. Kreimann provided an update to the Board regarding the recruitment of the Chief Operating Officer and Assistant Executive Officer.

IV. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement Service-Connected Disability Applications

On a motion by Mr. Robbins, seconded by Mr. Okum, the Board of Retirement

IV. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

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, Santos, Okum, Moore, Kehoe, Robbins, Bernstein, Ms. Gray and Ms. Zapanta voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
451D	WAYNE P. WATERMAN
452D	ANDREA G. STELLA
453D	MICHAEL V. DAVIS
454D	RUTHIE V. DAILY
455D	TODD A. GRINCEWICH
456D	JASON P. AMES
457D*	ROOSEVELT JOHNSON
458D	HENRY SAUCEDO
459D	ALBA RODRIGUEZ
460D*	CHRISTOPHER M. BLASNEK
461D**	SONIA B. SERRANO
462D**	DJOKO I. VAN DAMME
463D**	JOHN R. SAGARDIA

*Granted SCD – Employer Cannot Accommodate

**Granted SCD – Retroactive

IV. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
464D	RICHARD W. BIDDLE
465D*	THOMAS J. ALBANESE (DEC'D)
466D	DENNIS P. GILL (DEC'D)
467D	MARK W. LINDSEY
468D	MICHAEL A. BARLOW

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Pryor, 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, Santos, Okum, Moore, Kehoe, Robbins, Bernstein, Ms. Gray and Ms. Zapanta voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
1349B	KEVIN R. KLAR
1350B	KEVIN R. FREYMOND
1351B	CHARLOTTE GRAHAM
1352B	ROBERT P. GOLDMAN

*Granted SCD – Survivor Benefit

IV. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members

Service-Connected Disability Applications

On a motion by Mr. Santos, 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, Santos, Okum, Moore, Kehoe, Robbins, Bernstein, Ms. Gray and Ms. Zapanta voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
2213C*	BEATRIZ CARBONELL
2214C	JOSE A. GUERRERO
2215C	MARIA G. BANUELOS
2216C*	JOAN MARGARET R. ANDERSON
2217C*	JOVAN Y. VERDIN
2218C*	WAHEEDAH CARTER
2219C	CHRISTINA A. RAMIREZ
2220C	LOUISE R. DODSON
2221C**	JANETTE E. PANTOJA
2222C***	VICTORIA M. CHING
2223C*	RODNEY L. MORRIS

*Granted SCD – Employer Cannot Accommodate

**Granted SCD – Salary Supplemental

***Granted SCD – Retroactive Employer Cannot Accommodate

IV. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2224C*	GABRIELA HERNANDEZ
2225C**	EDNA M. STRONG
2226C**	TACYE S. CONTRERAS
2227C***	ROSITA L. BRANNON
2228C**	2020-1MD

General Members
Nonservice-Connected Disability Applications

On a motion by Mr. Santos, seconded by Ms. Gray, the Board of Retirement made a motion to approve a nonservice-connected disability retirement for the following named employee who was found to be disabled for the performance of her duties and has met the burden of proof. The motion passed (roll call) with Messrs. Knox, Santos, Okum, Moore, Kehoe, Robbins, Bernstein, Ms. Gray and Ms. Zapanta voting yes.

<u>APPLICATION NO.</u>	<u>NAME</u>
4403	KATHLEEN N. EALEY-TUTT

* Granted SCD – Salary Supplemental

**Granted SCD – Retroactive Employer Cannot Accommodate

***Granted SCD – Employer Cannot Accommodate

V. CONSENT ITEMS

Ms. Gray made a motion, Mr. Okum seconded, to approve Consent Items A-F, except B. The motion passed (roll call) with Messrs. Knox, Bernstein, Okum, Moore, Kehoe, Robbins, Santos, Ms. Gray and Ms. Zapanta voting yes.

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals. (Memo dated April 27, 2021)
- B. Recommendation as submitted by Joseph Kelly, Chair, Audit Committee: that the Board approve and adopt the revised Audit Committee Charter. (Memo dated April 27, 2021)

This Item will be agendized at a future meeting pending additional information.

- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board grant the appeal and request for an administrative hearing for applicant Christopher G. Joy. (Memo dated April 22, 2021)
- D. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits, and Legislative Committee: That the Board adopt a “Support” position on Assembly Joint Resolution 9, which would request the Congress of the United States to enact, and the President to sign, legislation that would repeal the Windfall Elimination Provision and Government Pension Offset from the Social Security Act. (Memo dated April 23, 2021)
- E. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits, and Legislative Committee: That the Board adopt a “Support” position on H.R. 82, which would enact the “Social Security Fairness Act of 2021.” (Memo dated April 23, 2021)
- F. 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 Senate Bill 634 for the SACRS 2021 legislative platform. (Memo dated April 23, 2021)

VI. REPORTS

- A. Presentation by Ashley Dunning, Partner and Peter Mixon, Partner of Nossaman LLP, regarding First Amendment Training - Free Speech Rights and Fiduciary Duties: A Governance Challenge for Retirement System Trustees. (California Continuing Legal Education (CLE) Credit Available) (Memo dated April 6, 2021)

Ashley Dunning and Peter Mixon provided a presentation to the Board and answered questions.

- B. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated April 26, 2021)

This Item was received and filed.

- C. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding Monthly Status Report on Legislation. (Memo dated April 25, 2021)

This Item was received and filed.

- D. For Information Only as submitted by Ted Granger, Interim Chief Financial Officer, regarding the following reports:

Monthly Education and Travel Reports for March 2021

(Public Memo dated April 22, 2021)

(Confidential Memo dated April 22, 2021 – Includes Anticipated Travel)

This Item was received and filed.

- E. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the April 2021 Fiduciary Counsel Contact and Billing Report. (Memo dated April 9, 2021) (Privileged and Confidential Attorney-Client Communication/Attorney Work Product)

This Item was received and filed.

VII. ITEMS FOR STAFF REVIEW

The Board requested that Consent Item B, which refers to the revised Audit

VII. ITEMS FOR STAFF REVIEW (Continued)

Committee Charter be held until staff can clarify and review questions raised regarding the Procurement Policy and sole course agreements.

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

Trustees and staff shared their condolences for the passing of Staff Counsel, Jill Rawal.

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5181B – JACQUELINE G. RAYES*

Mr. Knox made a motion, Mr. Okum seconded, to grant a nonservice-connected disability retirement pursuant to Government Code Section 31720 and 31724 since the employer cannot accommodate. The motion passed (roll call) with Messrs. Knox, Santos, Okum, Moore, Kehoe, Robbins, Ms. Gray voting yes; and Mr. Bernstein abstaining. Ms. Zapanta was not present for the vote.

5182B – REX H. OPPENHEIMER

Ms. Gray made a motion, Mr. Okum seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated since the employer can accommodate. The motion passed (roll call) with Messrs. Knox, Santos, Okum, Moore, Kehoe, Robbins, Bernstein, and Ms. Gray voting yes. Ms. Zapanta was not present for the vote.

*Applicant Present

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5183B – CARLOS H. FERNANDEZ

Mr. Knox made a motion, Mr. Okum seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated. The motion passed (roll call) with Messrs. Knox, Santos, Okum, Kehoe, Robbins, Bernstein, Ms. Gray voting yes, Mr. Moore voting no and Ms. Zapanta abstaining.

5103B – PHILIP D. WILKES*

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

5145B – SHERRY S. AKHAVAN

Mr. Okum made a motion, Mr. Santos seconded, to grant a service-connected disability retirement pursuant to Government Code Section 31720 and 31724. The motion passed (roll call) with Messrs. Knox, Santos, Okum, Moore, Kehoe, Robbins, Bernstein, Ms. Gray and Ms. Zapanta voting yes.

5155B – ARNETTE A. WEST

Mr. Knox made a motion, Mr. Pryor seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated and ineligible for a disability retirement. The motion passed (roll call) with Messrs. Knox, Santos, Okum, Moore, Kehoe,

*Applicant Present

IX. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5155B – ARNETTE A. WEST (Continued) Robbins, Bernstein, Ms. Gray and Ms. Zapanta voting yes.

B. Staff Recommendations

1. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the 2021 Quarterly Reports of Paid Invoices – 1st Quarter. (Memo dated April 21, 2021)

This Item was received and filed.

X. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:50 a.m.



GINA ZAPANTA, SECRETARY



ALAN BERNSTEIN, CHAIR