

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 91101

9:00 A.M., WEDNESDAY, NOVEMBER 2, 2022

This meeting was conducted by the Board of Retirement both in person and by teleconference under California Government Code Section 54953(e).

PRESENT: William Pryor (Alternate Safety), Chair (Teleconference)

Shawn R. Kehoe, Vice Chair (Teleconference)

Alan Bernstein, Secretary (In-Person)

Elizabeth B. Ginsberg (Alternate Ex-Officio, In-Person)

Vivian H. Gray (Teleconference)

JP Harris (Alternate Retired) (Teleconference)

Wayne Moore (Teleconference)

Les Robbins (Teleconference)

Antonio Sanchez (Teleconference)

Herman Santos (Teleconference)

ABSENT: Keith Knox

Gina Zapanta

STAFF ADVISORS AND PARTICIPANTS

Luis A. Lugo, Deputy Chief Executive Officer

Jonathan Grabel, Chief Investment Officer

JJ Popowich, Assistant Executive Officer

Laura Guglielmo, Assistant Executive Officer

STAFF ADVISORS AND PARTICIPANTS (Continued)

Steven P. Rice, Chief Counsel

Francis J. Boyd, Senior Staff Counsel

Fern M. Billingsy, Senior Staff Counsel

Elain Salon, Staff Counsel

Dr. Glenn Ehresmann, Medical Advisor

Ted Granger, Interim Chief Financial Officer

Barry W. Lew, Legislative Affairs Officer

Kathy Delino, Systems Interim Chief Information Technology Officer

Louis Gittens, Benefits Interim Division Manager

James Beasley, Administrative Services Supervising Administrative

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

Vincent Lim, Disability Litigation Manager

Barbara O'Hara, Alliant

Robert Schimke, Alliant

Manny Abascal, Latham & Watkins

I. CALL TO ORDER

The meeting was called to order virtually by Chair Pryor at 9:00 a.m.

II. APPROVAL OF MINUTES

A. Approval of the Minutes of the Special Meeting of October 6, 2022

Mr. Bernstein made a motion, Mr. Moore seconded, to approve the minutes of the Special meeting of October 6, 2022. The motion passed (roll call) with Messrs. Santos, Sanchez, Moore, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

III. PUBLIC COMMENT

Applicant Hosum Kim addressed the Board and provided a written comment regarding Item XV. A. 1.

IV. EXECUTIVE UPDATE

A. For Information

1. LACERA All Stars

Mr. Popowich announced the winners for the month: Melissa Salazar, Ian Duggan, Flora Zhu, and Michael Mabry. The Rideshare winner was Liliana Ronquilo and the Web Watcher winner was Vache Mahseredjian.

2. Chief Executive Officer's Report
(Memo dated October 24, 2022)

Mr. Lugo provided an update that the safety member election results were certified by the Board of Supervisors on October 18, 2022 for the election of Mr.

IV. EXECUTIVE UPDATE

Jason Green as the safety member on the Board of Retirement and Board of Investments for the term January 1, 2023 to December 31, 2025 and the election of Mr. Shawn Kehoe as the alternate safety member on the Board of Retirement for the same term. Mr. Lugo also provided an update regarding recruitment efforts and new hires. Lastly, Mr. Lugo provided an update on member wait times. Several solutions will be implemented in the next several months, in addition to the training class that will be graduating.

V. EXECUTIVE SESSION

- A. Conference with Legal Counsel – Existing Litigation
Significant Exposure to Litigation
(Pursuant to Paragraph (1) of Subdivision (d) of California
Government Code Section 54956.9)

- 1. LACERA v. County of Los Angeles, et al.,
Los Angeles Superior Court, Case No. 21STCP03475
(Memo dated October 27, 2022)

The Board met in Executive Session. There was nothing to report.

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement Service-Connected Disability Applications

On a motion by Mr. Robbins, seconded by Mr. Kehoe, 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.

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Santos, Sanchez, Moore, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms.

Gray voting yes. Ms. Zapanta was absent from the vote.

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
814D	LIZA M. VERA
815D*	PEDRO ROMO (DEC'D)
816D**	IGNACIO SOMOANA
817D	ERNESTO M. RAMIREZ
818D	CORBETT E. BOGGS
819D**	DAVID S. ROHRBACH
820D**	MARK A. GUERRERO
821D	BRIAN E. BARRE
822D**	TERRI L. OSBURN
823D***	JEFFREY DANH
824D	MARK S. NEWLANDS
825D	ALONSO D. CORRAL
826D	SEAN P. O'DONOGHUE
827D	AUSTIN R. EMBLETON
830D**	SCOTT A. PONDER

*Granted SCD - Survivor Benefit

**Granted SCD – Employer Cannot Accommodate

***Granted SCD - Retroactive

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
828D	TODD M. KOCISKO
829D	JEFFREY J. CURRAN
831D	ROGER DIAZ
832D*	HERLINDA ROLDAN
833D	ALFREDO CASTRO, JR.
834D	TIMOTHY G. KLEMENT, JR.

Safety Fire, Lifeguards
Service-Connected Disability Applications

On a motion by Mr. Bernstein, seconded by Mr. Pryor, 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. Santos, Sanchez, Moore, Pryor, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

<u>APPLICATION NO.</u>	<u>NAME</u>
1527B	HOWARD J. PECHTER
1528B	MIKAEL A. AMADOR
1529B	SEAN RIOS

*Granted SCD - Retroactive

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Fire, Lifeguards (Continued)

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
1530B	JERRY S. GREENELSH
1531B	ROBERT W. LOCKETT
1532B	GARY J. GRAHAM
1533B	ROBERT S. NOWACZYK
1534B	DAVID V. TOIGO, JR.
1535B	THOMAS S. SHORT
1537B	THOMAS R. SOSA, JR.
1538B*	GLENN E. TYUS
1539B	JORGE GUIDOS

General Members

Service-Connected Disability Applications

On a motion by Mr. Santos, seconded by Mr. Robbins, 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. Santos, Sanchez, Moore, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

<u>APPLICATION NO.</u>	<u>NAME</u>
2453C	ROCHELLE R. BRANDT
2454C**	WENDY G. FLORES

*Granted SCD - Retroactive

**Granted SCD – Employer Cannot Accommodate

VI. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2455C*	LATISHA Y. WALKER
2456C**	MICHELE M. CHAVIRA
2457C***	TERESA VIRAMONTES
2458C*	DEBRA CANALES-MONTOYA
2459C	BLANCA F. MENDIETA
2460C***	CHARYLENE S. WYRICK
2461C****	VIRGINIA J. CULBERTSON
2462C*****	KARINA L. PEREZ
2463C*	MICHAEL S. GORDON
2464C****	DARLA CODDINGTON
2465C****	1C2022J
2466C****	DEBRA A. FLORES
2467C*****	MARIO A. AGUILERA
2468C***	VERONICA T. MANCILLAS

*Granted SCD – Employer Cannot Accommodate

**Granted SCD – Salary Supplemental

***Granted SCD – Retroactive Employer Cannot Accommodate

****Granted SCD – Retroactive

*****Granted SCD – Salary Supplemental Employer Cannot Accommodate

VII. CONSENT ITEMS

Mr. Bernstein made a motion, Mr. Robbins seconded, to approve Consent Items A-E. The motion passed (roll call) with Messrs. Santos, Sanchez, Moore, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

- A. Recommendation as submitted by Steven P. Rice, Chief Counsel: That, under AB 361 and Government Code Section 54953(e)(3) of the Brown Act, the Board of Retirement and Board of Investments separately consider whether to find that the Governor's COVID-19 State of Emergency continues to directly impact the ability of each Board and its Committees to meet safely in person and that other public agencies still recommend social distancing such that each Board and its Committees shall hold teleconference meetings for the next 30 days as part of hybrid meetings also in person, so long as the State of Emergency remains in effect, and direct staff to comply with the agenda and public comment requirements of Section 54953(e)(3). Action taken by each Board will only apply to that Board and its Committees. (Memo dated October 26, 2022)
- B. Ratification of Service Retirement and Survivor Benefit Application Approvals. (Memo dated October 25, 2022)
- C. Recommendation as submitted by Fern M. Billiny, Senior Staff Counsel: That the Board 1) Adopt the resolutions, No. 2022-BR004, and No. 2022-BR005, specifying pay items as included and excluded from the definitions of "compensation earnable" and "pensionable compensation"; and 2) Instruct staff to coordinate with the County of Los Angeles to establish necessary reporting mechanism and procedures to permit LACERA to include or exclude these items when calculating final compensation. (Memo dated October 20, 2022)
- D. Recommendation as submitted by Fern M. Billiny, Senior Staff Counsel: That the Board 1) Adopt the resolutions, No. 2022-BR006, and No. 2022-BR007, specifying pay items as included and excluded from the definitions of "compensation earnable" and "pensionable compensation"; and 2) Instruct staff to coordinate with the County of Los Angeles to establish necessary reporting mechanism and

VI. CONSENT ITEMS (Continued)

procedures to permit LACERA to include or exclude these items when calculating final compensation. (Memo dated October 21, 2022)

- E. Recommendation as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services: That the Board grant the appeal and request for an administrative hearing for applicant David Diaz (Dec'd); Josephina F. Martinez (Surviving Spouse). (Memo dated October 20, 2022)

VIII. EXCLUDED FROM CONSENT ITEMS

There were no items pulled from the Consent Items.

IX. NON-CONSENT ITEMS

- A. Recommendation as submitted by Louis Gittens, Interim Division Manager, Benefits Division: That the Board approve the reciprocal disability retirement for the following named deferred members who were found to be disabled by the current reciprocal agency for the performance of their duties and have met the burden of proof. (Memo dated October 19, 2022)

Mr. Kehoe made a motion, Mr. Robbins seconded, to approve staff's recommendation. The motion passed (roll call) with Messrs. Santos, Sanchez, Moore, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

X. REPORTS

- A. For Information Only as submitted by Francis J. Boyd, Senior Staff Counsel, regarding AB 551 – Extension of Disability Retirement Covid-19 Presumption Until January 1, 2024. (Memo dated October 19, 2022)

Mr. Boyd was present to answer questions from the Board. The report was received and filed.

X. REPORTS (Continued)

- B. For Information Only as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated October 17, 2022)

Ms. Caldwell was present to answer questions from the Board. The report was received and filed.

- C. For Information Only as submitted by James Beasley, Supervising Administrative Assistant I, Administrative Services, regarding the Fiduciary Liability, Cyber Liability, and Crime Prevention Insurance Renewal Update. (Memo dated October 14, 2022)

Mr. Beasley and Ms. O'Hara and Mr. Schimke were present to answer questions from the Board. The report was received and filed.

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

Monthly Trustee Travel & Education Reports for September 2022

(Public memo dated October 19, 2022)

(Confidential memo dated October 19, 2022 – Includes Pending Travel)

Mr. Granger was present to answer questions from the Board. The reports were received and filed.

- E. For Information Only as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services, regarding the 2022 Quarterly Reports of Paid Invoices – July 1, 2022 to September 30, 2022. (Confidential Memo dated October 18, 2022)

Ms. Caldwell was present to answer questions from the Board. The report was received and filed.

X. REPORTS (Continued)

- F. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the October 2022 Fiduciary Counsel Contact and Billing Report. (Memo dated October 24, 2022) (Privileged and Confidential Attorney-Client Communication/Attorney Work Product)

Mr. Rice was present to answer questions from the Board. The report was received and filed.

XI. ITEMS FOR STAFF REVIEW

(This item summarizes requests and suggestions by individual trustees during the meeting for consideration by staff. These requests and suggestions do not constitute approval or formal action by the Board, which can only be made separately by motion on an agenda item at a future meeting.)

There were no requests for items for staff review.

XII. ITEMS FOR FUTURE AGENDAS

(This item provides an opportunity for trustees to identify items to be included on a future agenda as permitted under the Board's Regulations.)

There were no requests for future agendas.

XIII. GOOD OF THE ORDER

(For information purposes only)

There was nothing to report.

XIV. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5272B – FRANCES M. GOVENS

Mr. Kehoe made a motion, Mr. Harris seconded, to grant a nonservice-connected disability pursuant to Government Code

XIV. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

5272B – FRANCES M. GOVENS

Sections 31720 and 31724 since the employer cannot accommodate. The motion passed (roll call) with Messrs. Santos, Sanchez, Moore, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

5273B – LOURDES GUERRERO

Ms. Gray made a motion, Mr. Bernstein seconded, to grant a nonservice-connected disability pursuant to Government Code Sections 31720 and 31724. The motion passed (roll call) with Messrs. Santos, Sanchez, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes; and Mr. Moore voting no. Ms. Zapanta was absent from the vote.

5274B – GRACE F. KAO

Mr. Bernstein made a motion, Mr. Robbins seconded to deny a service-connected disability retirement since the employer can accommodate. The motion passed (roll call) with Messrs. Santos, Sanchez, Moore, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

XIV. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
4414-ANDRES A. PEREZ	Mr. Bernstein made a motion, Mr. Robbins seconded, to grant a service-connected disability retirement pursuant to Government Code Sections 31720 and 31724. The motion passed (roll call) with Messrs. Santos, Sanchez, Moore, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

B. Staff Recommendations

1. Recommendation as submitted by Tamara L. Caldwell, Acting Division Manager, Disability Retirement Services: That the Board approve the service provider invoice for David L. Friedman, M.D., Ph.D. c/o The Friedman Psychiatric Medical Group.
(Memo dated October 25, 2022)

Mr. Bernstein made a motion, Ms. Gray seconded, to approve staff's recommendation. The motion passed (roll call) with Messrs. Santos, Sanchez, Moore, Kehoe, Robbins, Bernstein, Ms. Ginsberg and Ms. Gray voting yes. Ms. Zapanta was absent from the vote.

XV. EXECUTIVE SESSION

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

XV. EXECUTIVE SESSION (Continued)

1. Administrative Appeal of Hosun M. Kim and Potential Claims of Members Similarly Situated
(Memo dated October 21, 2022)

On a motion by Mr. Santos, seconded by Mr. Kehoe, the Board voted to:

(1) Grant Ms. Kim's administrative appeal by treating her as if she were a deferred member upon her return to county service; and (2) Authorize staff to treat all similarly situated members as having been deferred when they returned to county service. The motion passed 8-0 (roll call), with Messrs. Santos, Sanchez, Moore, Kehoe, Robbins, and Bernstein, and Meses. Ginsberg and Gray voting yes. Ms. Zapanta was absent from the vote.

XVI. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:08 a.m.

Signature on File

ALAN BERNSTEIN, SECRETARY

Signature on File

WILLIAM PRYOR, CHAIR