

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., THURSDAY, MARCH 15, 2018

PRESENT: Vivian H. Gray, Chair  
Herman Santos, Vice Chair  
Marvin Adams, Secretary  
Alan Bernstein  
Keith Knox (Chief Deputy to Joseph Kelly)  
William Pryor (Alternate Member)  
Les Robbins  
Thomas Walsh  
Gina Zapanta-Murphy

ABSENT: JP Harris (Alternate Retired)  
Shawn R. Kehoe  
Joseph Kelly

STAFF ADVISORS AND PARTICIPANTS

Robert R. Hill, Interim Chief Executive Officer  
James Brekk, Interim Deputy Chief Executive Officer  
John Popowich, Assistant Executive Officer  
Steven P. Rice, Chief Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Dr. Vito Campese, Medical Advisor

Michael Herrera, Senior Staff Counsel

Johanna Fontenot, Senior Staff Counsel

Francis J. Boyd, Senior Staff Counsel  
Legal Division

Ricki Contreras, Division Manager  
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor  
Disability Retirement Services

Barry W. Lew, Legislative Affairs Officer

I. CALL TO ORDER

The meeting was called to order by Ms. Gray at 9:03 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Santos led the Board Members and staff in reciting the Pledge of Allegiance.

III. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of February 7, 2018

Mr. Pryor made a motion, Mr. Santos seconded, to approve the minutes of the regular meeting of February 7, 2018. The motion passed unanimously.

### III. APPROVAL OF MINUTES (Continued)

#### B. Approval of the Minutes of the Regular Meeting of February 15, 2018

Mr. Bernstein made a motion, Mr. Pryor seconded, to approve the minutes of the regular meeting of February 15, 2018. The motion passed with Messrs. Adams, Bernstein, Knox, Pryor, Walsh, and Mrs. Zapanta-Murphy voting yes; and Ms. Gray abstaining.

### IV. OTHER COMMUNICATIONS

#### A. For Information

##### 1. Awards

Sevan Simonian, Anh Huynh, Dmitriy Khaytovich, Bertha Bargas, Miriam Deleon, Christina Tung, Tina Young, Michelle Yanes, Paola Villegas, Cynthia Martinez, Maria Silva, Persian Petrov, Maria Manlutac, Alexandra Hollis, Alisa Gavaller, Xue-Mei Gao, Joie Dang, Soledad Cortez, Paul Carranza, Marilu Bretado, Cynthia Martinez, and JJ Popowich were recognized for their participation in the 2017 Employee Council Team.

##### 2. January 2018 All Stars

Mr. Brekk announced the eight winners for the month of January: Elda Villarroel, Lindsay Knight, Wenona Myers, Justin Lewis, Tess Marinan, Jay Lee, Jay Fullwood, and Jason Waller for the Employee Recognition Program and Stephanie Kawai for the Web Watcher Program. Ted Granger, Andrea Ellison, Rosalind White, and Jeff Shevlowitz were the winners of LACERA's RideShare Program.

IV. OTHER COMMUNICATIONS (Continued)

3. Interim Chief Executive Officer's Report  
(Memo dated February 26, 2018)

Mr. Brekk reminded the Board that there is a joint Board of Retirement (BOR) and Board of Investments (BOI) meeting scheduled for Wednesday, April 4, 2018 at 9 a.m. In addition, there will be two Budget Hearings for Fiscal Year 18-19; one on Wednesday, May 9, 2018 following the Board of Investments and committee meetings and the other on Thursday, May 10, 2018 following the Board of Retirement and committee meetings. Lastly, Mr. Brekk noted that the Board of Investments Offsite meeting will be held on Monday, July 9, 2018 and Tuesday, July 10, 2018 at the Loews Hotel in Santa Monica.

Furthermore, Mr. Brekk updated the Board regarding LACERA's classification studies. He also introduced the new CEO Report Dashboard and went over the new look and metrics systems in the report and thanked John Popowich and his staff for their hard work in creating the new CEO Report Dashboard.

Lastly, Mr. Brekk shared details of the flooding event that took place on February 23, 2018.

V. PUBLIC COMMENT

There were no requests from the public to speak.

VI. CONSENT AGENDA

Mr. Adams made a motion, Mr. Robbins seconded, to approve the following agenda items, except for Item G. The motion passed unanimously.

VI. CONSENT AGENDA (Continued)

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Request for an administrative hearing before a referee.  
(Memo dated March 1, 2018)
- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice **Beverly Jacobs'** appeal for a service-connected disability retirement.  
(Memo dated March 2, 2018)
- D. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice **Maria R. Martinez'** appeal for a service-connected disability retirement.  
(Memo dated March 2, 2018)
- E. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board dismiss with prejudice **Michael G. Reddy's** appeal for an earlier effective date.  
(Memo dated March 2, 2018)
- F. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits & Legislative Committee: That the Board authorize staff to:
  - 1) Execute Retiree Health Care Related Administrative Services Agreements with (1) the Local Agency Formation Commission for the County of Los Angeles, (2) the South Coast Air Quality Management District, and (3) the Los Angeles County Office of Education; and
  - 2) Negotiate and execute a similar agreement with Little Lake Cemetery District without the need for further action by the Board.  
(Memo dated February 28, 2018)

VI. CONSENT AGENDA (Continued)

- G. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits & Legislative Committee: That the Board adopt the revised Legislative Policy. (Memo dated February 27, 2018)

At the request from staff, this item was pulled for further development and will be brought back at the next Board meeting.

- H. Recommendation as submitted by Marvin Adams, Chair, Operations Oversight Committee: That the Board approve the Policy on Policies, Procedures, and Charters. (Memo dated February 28, 2018)

- I. Recommendation as submitted by Marvin Adams, Chair, Operations Oversight Committee: That the Board approve the LACERA Incident Response Team Charter. (Memo dated March 5, 2018)

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Adams, seconded by Mr. Santos, 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:

<u>APPLICATION NO.</u>	<u>NAME</u>
765C*	CLAY J. ANDERSON
766C	MARK A. GAYMAN
767C	SYBIL M. JOHNSON
768C*	RONALD A. CHENIER

\*Granted SCD – Employer Cannot Accommodate

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)

Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
769C*	SYLVIA I. ARRESIEGOR
770C	JANET L. HAUSSER
771C	JOSEPH R. DILLON
772C*	ROBERT M. WHEAT
773C	JEFFREY R. BIEHL
774C	RICHARD S. ZORICH
775C	RICHARD R. BURNS
776C	GREGORY B. CHATMAN
777C	LEONARD L. LEE
778C**	MICHAEL D. GUTHRIE
779C*	WILLIAM C. NELSON
780C	DAVID W. BYRNES
781C	ANGUS FERGUSON
782C	LORETTA TRUJILLO
783C	RICHARD P. PENA

\* Granted SCD – Employer Cannot Accommodate

\*\* Granted SCD – Retroactive

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR  
(Continued)

Safety Fire, Lifeguards  
Service-Connected Disability Applications

On a motion by Mr. Pryor seconded by Ms. Gray, 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:

<u>APPLICATION NO.</u>	<u>NAME</u>
1950A	JON S. JONES
1951A	RONALD J. HUGHES
1952A*	ANTONIO E. DURAN
1953A	STEVEN A. LOPEZ
1954A	ANTHONY E. ROSS
1955A	JAMES F. FITZPATRICK
1956A	ERIC A. BIEFELD
1957A	STEVE P. FAUSTINA

\* Granted SCD – Retroactive



VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR  
(Continued)

General Members  
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:

<u>APPLICATION NO.</u>	<u>NAME</u>
2797B	LILLIE SANCHEZ
2798B*	GODWIN R. MILNER
2799B**	MALCOLM E. WILLIAMS
2800B*	CHRIST MARANGAKIS
2801B***	TOYA L. PALMER
2802B****	GENEVIEVE M. ORONA
2803B	LEMOR C. WARZMAN
2804B	DORA M. KONTOROVSKY
2805B	DEBORAH L. TOLBERT
2806B*	BEVERLY A. WILSON

\* Granted SCD – Employer Cannot Accommodate

\*\* Granted SCD – Retroactive

\*\*\* Granted SCD – Salary Supplemental

\*\*\*\* Granted SCD – Retroactive Since Employer Cannot Accommodate

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR  
(Continued)

General Members

Non-Service Connected Disability Applications

On a motion by Mr. Adams seconded by Mr. Santos, the Board of Retirement approved a non-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:

<u>APPLICATION NO.</u>	<u>NAME</u>
4365*	ESTEBAN MORALES, JR.
4366**	LUCIA SALAZAR
4367	ISABELITA B. GARROVILLAS

VIII. NON-CONSENT AGENDA

- A. Recommendation as submitted by Robert R. Hill, Interim Chief Executive Officer: That the Board approve changing the time of the regular April 4, 2018 Board of Retirement disability meeting to 10:00 a.m., or following the end of the joint Board meeting to be held that morning but not later than 11:00 a.m. (Memo dated March 2, 2018)

Mr. Santos made a motion, Mr. Adams seconded, to approve the recommendation. The motion passed unanimously.

\* Granted NSCD – Salary Supplemental  
\*\* Granted NSCD – Retroactive

VIII. NON-CONSENT AGENDA (Continued)

- B. Recommendation as submitted by Barry W. Lew, Legislative Affairs Officer: That the Board adopt an “Oppose” position on Assembly Bill 2085, which provides a definition for surviving spouse. (Memo dated March 6, 2018)

Mr. Santos made a motion, Mr. Adams seconded, to approve the recommendation. The motion passed unanimously.

IX. REPORTS

The following reports were received and filed.

- A. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding an Update on AB 2076 – Effective Date of Disability Retirement. (Memo dated March 6, 2018)

Mr. Lew provided an update to the Board.

- B. For Information Only as submitted by Robert R. Hill, Interim Chief Executive Officer, regarding the Status and Plan for Joint Organizational Governance Committee Items. (Memo dated February 23, 2018)

Mr. Hill provided an updated and answered questions from the Board.

- C. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the February 2018 Fiduciary Counsel Contact and Billing Report. (Memo dated February 28, 2018) (Privileged and Confidential) (Attorney-Client Communication/Attorney Work Product)

- D. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated February 23, 2018)

X. REPORT ON STAFF ACTION ITEMS

There was nothing to report.

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

Mr. Popowich introduced Cynthia Martinez as the new Chief of Communications.

Mr. Rice announced that Michael Herrera is the new Vice President for the National Association of Public Pension Attorneys.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5000B – TIMOTHY A. O'BRIEN

Mr. Pryor made a motion, Mr. Santos seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

50001B – SILVIA DIHARCE

Mr. Adams made a motion, Mr. Walsh seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720 since the employer cannot accommodate. The motion passed unanimously.

6638A – YVONNE R. GIRARD

Mr. Robbins made a motion, Mr. Bernstein seconded, to deny a service connected disability retirement since the employer can accommodate. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6965A – SHAWN F. FLOWERS-CLARK

Mr. Bernstein made a motion, Mr. Adams seconded, to grant a service connected disability retirement pursuant to Government Code Section 31720. The motion passed with Messrs. Robbins, Pryor, Knox, Adams, Santos, Bernstein, and Walsh voting yes; and Mrs. Zapanta-Murphy voting no.

6996 – KEVIN TOBIA

Mr. Adams made a motion, Mr. Robbins seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

KEVIN L. FOSTER – Steven W. Welty for the applicant  
Eugenia W. Der for the respondent

Mr. Pryor made a motion, Mr. Adams seconded, to deny a service connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION  
(Continued)

C. Staff Recommendations

1. Recommendation as submitted by Eugenia W. Der, Senior Staff Counsel, Disability Litigation: That the Board find **Diana Lopez** permanently incapacitated for service-connected reasons and grant her a service-connected disability retirement.  
(Letter dated February 21, 2018)

Mr. Santos made a motion, Ms. Gray seconded, to approve the agenda item. The motion passed unanimously.

XIII. EXECUTIVE SESSION

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

1. Mary Perez v. Board of Retirement  
Case No. BS 165760 (L.A. Super. Ct.)  
For Information Only
2. CalFire Local 2881 v. CalPERS, et al.,  
Case No. S239958 (Cal. Sup. Ct.)  
For Information Only
3. United States of America v. Gary Ordog  
Case No. CV 17-1664-FMO (U.S. Dist. Ct., C.D. Cal.)

The Board met in Executive Session pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9. In the cases of Mary Perez v. Board of Retirement and CalFire Local 2881 v. CalPERS, there was nothing to report. In the case of the United States of America v. Gary Ordog, the Board voted on a motion by Mr. Santos, seconded by Mr. Adams, to comply with federal writ of garnishment directing

XIII. EXECUTIVE SESSION (Continued)

LACERA to garnish 25% of retired member Gary Ordog's monthly retirement benefit from the date it was served on LACERA, together with all future allotments.

XIV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:32 a.m.

Green Folder Information (Information distributed in each Board Member's Green Folder at the beginning of the meeting)

1. Retirement Board Listing dated March 15, 2018
2. Support Assembly Bill 2076 (Rodriguez) (Letter dated March 6, 2018)
3. Correction to New CEO Report Dashboard (Memo dated March 2, 2018)
4. LACERA Legislative Report – Bills Amending CERL/PEPRA (Dated March 14, 2018)
5. LACERA Legislative Report – Other (Dated March 14, 2018)
6. LACERA Legislative Report – Federal (Dated March 14, 2018)

---

MARVIN ADAMS, SECRETARY

---

VIVIAN H. GRAY, CHAIR