

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, JANUARY 10, 2019

PRESENT: Alan Bernstein, Chair
Les Robbins, Vice Chair
Gina Zapanta-Murphy, Secretary
Vivian H. Gray
JP Harris (Alternate Retired)
Shawn R. Kehoe
Joseph Kelly
Ronald Okum
(Left the Board meeting at 11:15 a.m.)
Herman Santos
William Pryor (Alternate Safety)
(Left the Board meeting at 10:15 a.m.)
Thomas Walsh

STAFF ADVISORS AND PARTICIPANTS

Lou Lazatin, Chief Executive Officer
John Popowich, Assistant Executive Officer
Steven P. Rice, Chief Counsel
Dr. Vito Campese, Medical Advisor
John Nogales, Director, Human Resources

STAFF ADVISORS AND PARTICIPANTS

Ricki Contreras, Division Manager
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

Barry Lew, Legislative Affairs Officer

Bernie Buenaflor, Benefits Manager

Francis J. Boyd, Senior Staff Counsel

Eugenia W. Der, Senior Staff Counsel

Jason E. Waller, Senior Staff Counsel

Cassandra Smith, Retiree Healthcare Director

Thomas J. Wicke, Attorney at Law

I. CALL TO ORDER

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

II. ELECTION OF OFFICERS

(Election of Chair, Vice Chair, Secretary, and Audit Committee Member)

The election of officers was conducted by Mr. Robbins:

A) Chair of the Board

Mr. Bernstein was nominated to the position of Chair of the Board of Retirement by Mr. Kehoe. Ms. Gray was nominated to the position of Chair of the Board of Retirement by Mr. Santos.

II. ELECTION OF OFFICERS (Continued)

Hearing no other nominations the nominations were closed on a motion by Mr. Robbins, seconded by Mr. Okum.

Mr. Pryor announced that Mr. Bernstein was elected to the position of Chair of the Board of Retirement by a roll call vote with Messrs. Kelly, Bernstein, Robbins, Kehoe, and Okums voting for yes; and Messrs. Santos, Walsh, Ms. Gray, and Mrs. Zapanta-Murphy voting no.

B) Vice Chair of the Board

Mr. Robbins was nominated to the position of Vice Chair of the Board of Retirement by Mr. Kelly.

Hearing no other nominations the nominations were closed on a motion by Mr. Sanchez, seconded by Mr. Kehoe.

Mr. Pryor announced that Mr. Robbins was elected to the position of Vice Chair of the Board of Retirement.

C) Secretary of the Board

Mrs. Zapanta-Murphy was nominated to the position of Secretary of the Board of Retirement by Ms. Gray.

Hearing no other nominations the nominations were closed on a motion by Mr. Santos, seconded by Mr. Okum.

Mr. Pryor announced that Mrs. Zapanta-Murphy was elected to the position of Secretary of the Board of Retirement.

II. ELECTION OF OFFICERS (Continued)

D) Audit Committee Member

Mr. Santos was nominated to the position of Audit Committee Member by Ms. Gray.

Hearing no other nominations the nominations were closed on a motion by Mr. Kelly, seconded by Mr. Walsh.

Mr. Pryor announced that he was elected to the position of Audit Committee Member.

III. PLEDGE OF ALLEGIANCE

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

IV. APPROVAL OF MINUTES

A. Approval of the Minutes of the Regular Meeting of December 13, 2018

Ms. Gray made a motion, Mr. Pryor seconded, to approve the minutes of the regular meeting of December 13, 2018. The motion passed unanimously.

V. OTHER COMMUNICATIONS

A. For Information

1. Awards

Mr. Popowich recognized the Quality Assurance team for receiving the “Innovating for Impact” award received from the 32nd Annual Productivity and Quality Awards Program. Lastly, Mr. Kelly recognized LACERA as being a recipient of the March of Dimes for being the most improved in donations for 2018.

V. OTHER COMMUNICATIONS (Continued)

A. For Information

2. November 2018 All Stars

Mr. Popowich announced the eight winners for the month of November: Faustino Herrera, Justin Chiu, Elda Villarreal, Vanessa Ventura, Paul Carranza, Angel Calvo, Ricki Contreras, and Anna Collay for the Employee Recognition Program and Maria Calderon for the Webwatcher Program. Gordon Pacana, Paola Johns, Rosalind White, and Felisa Valdepenas were the winners of LACERA's RideShare Program.

3. Chief Executive Officer's Report
(Memo dated December 31, 2018)

Ms. Lazatin shared that March Madness, the period from December to March, is in full effect with staff being busy in processing retirements.

In addition, Ms. Lazatin also shared that a Management Offsite was held on December 17th with approximately 50 staff from the management team. A follow up meeting with staff will be held on February 5th.

Furthermore, Ms. Lazatin announced the retirement of Assistant Executive Officer, Robert Hill and thanked him for his service to LACERA. Lastly, she recognized Chris Rodriguez from Administrative Services and his future retirement.

VI. PUBLIC COMMENT

Mr. Wicke addressed the Board regarding Item VIII. B. on the agenda.

VII. CONSENT ITEMS

Mr. Kehoe made a motion, Mr. Robbins seconded, to approve Items A-C. The motion passed unanimously.

- A. Ratification of Service Retirement and Survivor Benefit Application Approvals.
- B. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board grant the appeal and request for an administrative hearing for applicants Arlene S. Zendel, Ana J. Colon, and Sarah E. Marks. (Memo dated December 27, 2018)
- C. Recommendation as submitted by Ricki Contreras, Division Manager, Disability Retirement Services: That the Board reject the application of Janice C. Marker-Araghi for processing. (Memo dated December 26, 2018)
- D. Recommendation as submitted by Les Robbins, Chair, Insurance, Benefits, and Legislative Committee: That the Board of Retirement adopt the revised Legislative Policy. (Memo dated December 24, 2018)

(This Item was held out of order, following VIII. B.)

Mr. Kelly provided comments to the Legislative Policy. Mr. Santos made a motion to include those comments in the Policy, but failed without a second.

Mr. Kehoe made a motion, Mr. Robbins seconded, to approve the adoption of the Legislative Policy. The motion passed unanimously.

VIII. NON-CONSENT ITEMS

- A. Recommendation as submitted by Bernie Buenaflor, Division Manager, Benefits Division: That the Board 1) Determine, based upon medical evaluation from the Los Angeles County Office of Occupational Health Programs, that Earl Fred Leaf III is not incapacitated for the assigned duties, and 2) Grant the application of Earl Fred Leaf III for reinstatement to active membership. (Memo dated January 2, 2019)

VIII. NON-CONSENT ITEMS (Continued)

Item VIII. A. was pulled from the agenda at the request from staff.

- B. Recommendation as submitted by Lou Lazatin, Chief Executive Officer: That the Board review the 2019 meeting schedule, and consider rescheduling the Wednesday, May 1, 2019; Thursday, May 9, 2019; and the Thursday, November 14, 2019 BOR Meetings. (Memo dated December 19, 2018)

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

Mr. Kehoe made a motion, Mr. Robbins seconded, to approve scheduling a Combined Board Meeting on May 1, 2019 and scheduling the November Administrative meeting to November 21, 2019. The motion passed with Mr. Santos voting no.

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement

Service-Connected Disability Applications

On a motion by Mr. Kehoe, seconded by Mr. Robbins, 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>
940C	MICHAEL J. WALTH
941C	WARREN J. WALTH
942C*	DAVID A. DOLSON
943C*	LAMAR S. LA FAVE

*Granted SCD – Employer Cannot Accommodate

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
944C	JOSE A. ESPINO
945C	DOREEN T. EVANS
946C*	DAVID M. SMITH
947C*	JOSEPH A. ALBRIGHT
948C	DEREK T. YOSHINO
949C	ALEXANDER GALVAN
950C	ALEJANDRO R. RAMIREZ
951C	MICHAEL A. CARPENTER

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:

<u>APPLICATION NO.</u>	<u>NAME</u>
1060B	BRADLEY W. YOCUM
1061B	ROBERT L. TRIBE

*Granted SCD – Employer Cannot Accommodate

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

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

<u>APPLICATION NO.</u>	<u>NAME</u>
1062B	BRIAN M. ASKARI
1063B	KEVIN P. MUNO
1064B	RUSSELL L. ANTOL
1065B	LAWRENCE P. CHAVEZ
1066B*	FRANK BRAVO
1067B**	ROBERT G. BRANTLEY (DEC'D)
1068B	VINCENT MARTINEZ III
1069B	JAMES C. LOWE

General Members
Service-Connected Disability Applications

On a motion by Mr. Okum, 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:

<u>APPLICATION NO.</u>	<u>NAME</u>
2920B	CURTIS L. ORTEGA

*Granted SCD – Retroactive

**Granted SCD – Survivor Benefit

IX. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

General Members (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
2921B*	CHANDRA WYATT
2922B**	KIM-VUI T. TRAN
2923B**	FLORENTINA M. HERNANDEZ
2924B*	JAMES E. ALVAREZ
2925B*	PAMELA J. TWIGGS
2926B	CYNTHIA A. WILLIAMS
2927B*/***	GLENDA CARR
2928B****	WALTER A. WATERALL
2929B****	LEONICIA D. MCGRIF

X. REPORTS

The following items were received and filed.

- A. For Information Only as submitted by Ricki Contreras, Division Manager, Disability Retirement Services, regarding the Application Processing Time Snapshot Reports. (Memo dated December 27, 2018)

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

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Retroactive Since Employer Cannot Accommodate

*** Applicant Present

**** Granted SCD – Retroactive

X. REPORTS (Continued)

- B. For Information Only as submitted by Barry W. Lew, Legislative Affairs Officer, regarding the Update on Potential LACERA Sponsorship of Legislation on Compensation for Board Meeting Attendance. (Memo dated December 24, 2018)

A brief discussion took place and Mr. Lew was present to receive comments and answer questions from the Board.

- C. For Information Only as submitted by Lou Lazatin, Chief Executive Officer and Steven P. Rice, Chief Counsel, regarding the Potential Use of E-Voting Procedure for 2019 Board Elections. (Memo dated December 31, 2018)

(This Item was discussed after XIII. C. 2.)

A brief discussion took place and Mr. Rice and Ms. Lazatin were present to receive comments and answer questions from the Board.

- D. For Information Only as submitted by Steven P. Rice, Chief Counsel, regarding the December 2018 Fiduciary Counsel Contact and Billing Report. (Memo dated January 2, 2019) (Privileged and Confidential Attorney-Client Communication/Attorney Work Product)

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

XI. ITEMS FOR STAFF REVIEW

The Board requested that the Legislative Policy include the evaluation of LACERA's legislative advocate. In addition, the Board requested that for any member reinstatements, it is best practice to have all documents available prior to submitting for Board approval. Furthermore, it was requested that Legal review the possibility of passing legislation that would allow the elected Alternate members to vote in place of any absent Board member to ensure that quorum requirements were more likely

XI. ITEMS FOR STAFF REVIEW (Continued)

to be met. The Board requested that our legislative advocate address the Boards in the near future regarding legislation on compensation for Board member attendance. Lastly, the Board requested that an item be agendaized regarding the delegation of agency wide authority amounts.

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

(Mr. Pryor left the Board meeting at 10:15 a.m.)

Several Board members thanked the 2018 Board officers for their involvement last year and acknowledged the 2019 Board officers this year.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability

APPLICATION NO. & NAME

BOARD ACTION

5054B – THOMAS P. WHALEN

Mr. Kehoe made a motion, Mr. Robbins seconded, to deny a service-connected disability retirement without prejudice and find the applicant not permanently incapacitated. The motion passed unanimously.

5055B – DULCE M. SANCHEZ-CASTILLO

Ms. Gray made a motion, Mr. Kehoe made a motion to grant a service-connected disability retirement based on information provided by LACERA's medical advisor. The motion passed (roll call) with Messrs.

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

Walsh, Santos, Kehoe, Mrs. Zapanta-Murphy, and Ms. Gray voting yes; and Messrs. Kelly, Robbins, and Chair Bernstein voting no.

6997A – JULIE P. MALONZO

Mr. Bernstein made a motion, Mr. Kelly seconded, to deny a service-connected disability retirement since the employer cannot accommodate. The motion passed unanimously.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

STEVEN M. DUNNER – Thomas J. Wicke for the applicant
Jason E. Waller for the respondent

Mr. Kehoe made a motion, Mr. Kelly seconded, to deny a service-connected disability retirement and grant a non-service connected disability retirement. The motion passed (roll call) with Messrs. Kelly, Okum, Walsh, Santos, Robbins, Kehoe, Bernstein, Mrs. Zapanta-Murphy, and Ms. Gray voting yes.

C. Staff Recommendations

1. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services Division: That the Board grant Christian J. Mayhew the option of an earlier effective date pursuant to Government Code Section 31724. (Memo dated December 28, 2018)

XII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

Mr. Santos made a motion, Mr. Okum seconded, to approve the recommendation. The motion passed unanimously by all Board members present.

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 December 17, 2018)

Ms. Gray made a motion, Mr. Santos seconded, to approve the recommendation. The motion passed unanimously by all Board members present.

(Mr. Okum left the Board meeting at 11:15 a.m.)

XIV. EXECUTIVE SESSION

- A. Conference with Legal Counsel – Existing Litigation Paragraph (1) of Subdivision (d) of Section 54956.9

1. Attorney Fees for Vernalea Panga

The Board met in Executive Session with counsel pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9. The Board unanimously by all members present voted, on a motion made by Mr. Okum, seconded by Mr. Santos, to approve up to \$20,000 in attorney fees.

- B. Conference with Labor Negotiators (Pursuant to Government Code Section 54957.6)

LACERA Designated Representatives:
John Popowich, Assistant Executive Officer

XIV. EXECUTIVE SESSION (Continued)

John Nogales, Director, Human Resources

Employee Organization:
SEIU, Local 721

The Board met in Executive Session with counsel pursuant to Government Code Section 54956.9. There was nothing to report.

XV. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:12 p.m.

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

1. Retirement Board Listing dated January 10, 2019
2. Deferred Retirement Option Program ("DROP") (For Information Only)
(Memo dated January 4, 2019)
3. Board Offsite Meeting Information (Memo dated January 3, 2019)

GINA ZAPANTA-MURPHY, SECRETARY

ALAN BERNSTEIN, CHAIR