



Alameda County Employees' Retirement Association
BOARD OF RETIREMENT

NOTICE and AGENDA

ACERA MISSION:

To provide ACERA members and employers with flexible, cost-effective, participant-oriented benefits through prudent investment management and superior member services.

Thursday, April 20, 2023
2:00 p.m.

LOCATION AND TELECONFERENCE	BOARD OF RETIREMENT TRUSTEES	
ACERA C.G. "BUD" QUIST BOARD ROOM 475 14 TH STREET, 10 TH FLOOR OAKLAND, CALIFORNIA 94612-1900 MAIN LINE: 510.628.3000 FAX: 510.268.9574 The public can observe the meeting and offer public comment by using the below Webinar ID and Passcode after clicking on the below link or calling the below call-in number. Link: https://zoom.us/join Call-In: 1 (669) 900-6833 US Webinar ID: 879 6337 8479 Passcode: 699406 For help joining a Zoom meeting, see: https://support.zoom.us/hc/en-us/articles/201362193	JAIME GODFREY	APPOINTED
	CHAIR	
	OPHELIA BASGAL	APPOINTED
	FIRST VICE-CHAIR	
	KELLIE SIMON	ELECTED GENERAL
	SECOND VICE-CHAIR	
	KEITH CARSON	APPOINTED
	ROSS CLIPPINGER	ELECTED SAFETY
	TARRELL GAMBLE	APPOINTED
	HENRY LEVY	TREASURER
ELIZABETH ROGERS	ELECTED RETIRED	
GEORGE WOOD	ELECTED GENERAL	
CYNTHIA BARON	ALTERNATE RETIRED ¹	
KEVIN BRYANT	ALTERNATE SAFETY ²	

¹ The Alternate Retired Member votes in the absence of the Elected Retired Member, or, if the Elected Retired Member is present, then votes if both Elected General Members, or the Safety Member and an Elected General Member, are absent.

² The Alternate Safety Member votes in the absence of the Elected Safety Member, either of the two Elected General Members, or both the Retired and Alternate Retired Members.

Note regarding accommodations: If you require a reasonable modification or accommodation for a disability, please contact ACERA between 9:00 a.m. and 5:00 p.m. at least 72 hours before the meeting at accommodation@acera.org or at 510-628-3000.

Public comments are limited to four (4) minutes per person in total. The order of items on the agenda is subject to change without notice.

Board and Committee agendas and minutes and all documents distributed to the Board or a Committee in connection with a public meeting (unless exempt from disclosure) are posted online at www.acera.org and also may be inspected at 475 14th Street, 10th Floor, Oakland, CA 94612-1900.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. CONSENT CALENDAR:

The Board will adopt the entire Consent Calendar by a single motion, unless one or more Board members remove one or more items from the Consent Calendar for separate discussion(s) and possible separate motion(s).

A. REPORT ON SERVICE RETIREMENTS:

Appendix A

B. LIST OF DEFERRED RETIREMENTS:

Appendix B

C. LIST OF DECEASED MEMBERS:

Appendix C

D. APPROVE REQUEST(S) FOR UP TO 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT CONTRIBUTIONS AND GAIN CREDIT:

Appendix D

E. APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON DISABILITY RETIREMENTS AND DEATH BENEFITS:

Appendix E

F. APPROVE UNCONTESTED HEARING OFFICER RECOMMENDATIONS FOR DISABILITY RETIREMENTS AND DEATH BENEFITS:

None

G. APPROVE MINUTES of BOARD and COMMITTEE MEETINGS:

March 16, 2023 Minutes of the Regular Board Meeting

April 5, 2023 Operations Committee Minutes

April 5, 2023 Retirees Committee Minutes

April 12, 2023 Investment Committee Minutes

H. MISCELLANEOUS:

- *Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code Duty Officer Program-Training/Oversight – 42Y*
- *Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code Quality Improvement Responsibility & Public Health Infrastructure – 42Z*
- *Approve Staff Recommendation regarding the County of Alameda's Amendment to Pay Item/Code Retention Pay – 74E*

-----End of Consent Calendar-----
(MOTION)

REGULAR CALENDAR
REPORTS AND ACTION ITEMS

5. DISABILITY, DEATH AND OTHER BENEFIT CLAIMS:

The following Item will be addressed in Closed Session, pursuant to Gov't Code § 54957(b):

- A. Service-Connected Disability Retirement Application of Jintapa Piyamanothamkul, Deputy Sheriff II for the County of Alameda: Consideration of Hearing Officer's Proposed Findings of Fact and Recommended Decision, per Gov't Code § 31534.

The following item will be addressed in Open Session, but the Board may go into Closed Session to receive advice from counsel, per Gov't Code § 54956.9(d)(2):

- B. Jean Luevano's Service-Connect Death Benefit Application (Deceased Member Kenneth Ryken): Consideration of Hearing Officer's Proposed Findings of Fact and Recommended Decision, per Gov't Code § 31534.

6. COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS:

- A. **Operations:** **[See April 5, 2023 Operations Committee Agenda Packet for public materials related to the below listed items.]**

1. Summary of April 5, 2023 Meeting.
2. Motion to adopt the Operations Committee's recommended revisions to the *Administrative Hearing Policy*, per the redline in the Operations Committee Packet.
3. Motion to adopt the Operations Committee's recommended revisions to the *Error Correction Policy*, per the redline in the Operations Committee Packet, except not the proposed change in the redline reducing the normal maximum repayment schedule from ten years to five years.
4. Motion to adopt the Operations Committee's recommended revisions to the *Board and Committee Policy*, per the redline in the Operations Committee Packet.

- B. **Retirees:** **[See April 5, 2023 Retirees Committee Agenda Packet for public materials related to the below listed items.]**

1. Summary of April 5, 2023 Meeting.
2. Motion to (1) approve an extension to ACERA's existing contract with Willis Towers Watson (Via Benefits) to provide individual medical plans coverage and services for the period January 1, 2024 to December 31, 2024, and (2) approve negotiating a new contract for up to a five-year term effective January 1, 2025.

C. Investment: [See April 12, 2023 Investment Committee Agenda Packet for public materials related to the below listed items.]

1. Summary of April 12, 2023 Meeting.
2. Motion to adopt a New Investment Plan for ACERA’s Real Estate Asset Class.
3. Motion to approve an up to \$38 Million Investment in Crestline Opportunity Fund V as part of ACERA’s Private Equity Portfolio – Debt-Related/Special Situations, pending completion of Legal and Investment due diligence and Successful contract negotiations.
4. Motion to approve a Revised International Equity Asset Class Structure and Phased Implementation Transition Plan.

D. Governance: [See April 20, 2023 Governance Committee Agenda Packet for public materials related to the below listed items.]

1. Summary of April 20, 2023 Meeting.
2. Motion to adopt the Governance Committee’s recommended revisions to the *Remote Access to Meeting Policy*, per the redline in the Governance Committee Packet.
3. Motion to adopt the Governance Committee’s recommended revisions to the *ACERA Conflict of Interest Code*, as the *Code* appears in the Governance Committee Packet.
4. Motion to adopt the Governance Committee’s recommended revisions to the *Conflict of Interest Policy*, per the redline in the Governance Committee Packet.

E. Actuarial: [See April 20, 2023 Actuarial Committee Agenda Packet for public materials related to the below listed items.]

1. Summary of April 20, 2023 Meeting.

F. Audit: [See April 20, 2023 Audit Committee Agenda Packet for public materials related to the below listed items.]

1. Summary of April 20, 2023 Meeting.

7. NEW BUSINESS:

- A. Motion to instruct the Chief Executive Officer (or his Designee) on how to vote ACERA’s proxy on behalf of the Board of Retirement for the SACRS Business Meeting action items.
- B. Presentation of the 2023-2024 ACERA Business Plan.
- C. Chief Executive Officer’s Report.

8. CONFERENCE/ORAL REPORTS

9. ANNOUNCEMENTS

10. BOARD INPUT

11. ESTABLISHMENT OF NEXT MEETING:

Thursday, May 18, 2023 at 2:00 p.m.

12. CLOSED SESSION (see Item 5A and 5B Above).

13. REPORT ON ACTION TAKEN IN CLOSED SESSION

14. ADJOURNMENT

**APPENDIX A
REPORT ON SERVICE RETIREMENTS**

ABRAMS, Rebecca
Effective: 12/31/2022
Sheriff's Office

HO, Lisa
Effective: 1/23/2023
Social Services Agency

BARTOLOME JR., Carlito
Effective: 12/10/2022
Alameda Health System

HU, Ming Ya
Effective: 1/21/2023
Alameda Health System

BASLER, Scott
Effective: 2/4/2023
Public Works Agency

ISRAEL, Jeffrey
Effective: 2/4/2023
District Attorney

BERNZWEIG, Jane
Effective: 2/4/2023
First 5

JEONG-YOON, Hyun
Effective: 1/21/2023
Alameda Health System

BISSONNETTE, Maria
Effective: 1/21/2023
Social Services Agency

JOHNSON, James
Effective: 2/18/2023
Assessor

CAMPBELL, Scott
Effective: 1/1/2023
Probation

JOHNSON, Rhonda
Effective: 12/20/2022
Alameda Health System

CHENEY, Amy
Effective: 12/15/2022
Library

JOYNER, Sylvia
Effective: 1/21/2023
Social Services Agency

CHEW, Craig
Effective: 1/24/2023
District Attorney

LEE, Towanda
Effective: 2/4/2023
District Attorney

CHU, John
Effective: 1/7/2023
Auditor-Controller

MACKAY, Raymond
Effective: 1/21/2023
County Counsel

COLEMAN, Renee
Effective: 1/6/2023
Alameda Health System

MADDEN, Jennifer
Effective: 2/2/2023
District Attorney

FISHER-MACK, Rosalind
Effective: 2/4/2023
Probation

MAZID, Sanjida
Effective: 2/4/2023
Health Care Services Agency

GALAPON, Maria
Effective: 12/11/2022
Alameda Health System

McMILLER, Kevin
Effective: 2/1/2023
Probation

**APPENDIX A
REPORT ON SERVICE RETIREMENTS**

MOORE, Britt
Effective: 2/3/2023
Social Services Agency

SUNIGA, Maria
Effective: 1/31/2023
District Attorney

NGO, Vicky
Effective: 1/18/2023
Alameda Health System

URANGA, Eric
Effective: 12/29/2022
Community Development Agency

RODRIGUEZ, Ralph
Effective: 1/7/2023
Zone 7 Water Agency

WADE, Donna
Effective: 2/1/2023
Probation

ROMERO, Carlos
Effective: 1/22/2023
Public Works Agency

WILEY, Terry
Effective: 2/4/2023
District Attorney

ROMERO-OCHOA, Lucia
Effective: 2/4/2023
Social Services Agency

WILLIAMS, Lori
Effective: 1/27/2023
Health Care Services Agency

STAKE, Johnny
Effective: 2/4/2023
Social Services Agency

WINSTON, James
Effective: 1/21/2023
Probation

STEELE, Lawana
Effective: 2/4/2023
Social Services Agency

WOODS-LADAY, Shirley
Effective: 2/4/2023
Social Services Agency

STROUD, Jennifer
Effective: 2/15/2023
Alameda Health System

ZERIT, Amanuel
Effective: 1/31/2023
Non-Member

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

BASRIA, Saba
Superior Court
Effective Date: 12/16/2022

BRADSHAW, Rachel A.
Library
Effective: 12/23/2022

BEAUGARD, Brenda
Human Resource Services
Effective: 1/2/2023

BROWN, David K.
Board of Supervisors
Effective: 1/2/2023

BIYIBI, Kemi
Superior Court
Effective: 12/13/2022

BUENDIA, Angelo C.
Alameda Health Systems
Effective: 11/21/2022

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

CAMP, Brandon L.
Alameda Health Systems
Effective: 12/23/2022

FLORES, Amparo E.
Zone 7 Waer Agency
Effective: 1/6/2023

CHEN, Yanna
Social Services Agency
Effective: 12/9/2022

HERNANDEZ, Michelle D.
Health Care Services Agency
Effective: 1/6/2023

CHUMBER, Pardeep K.
Assessor
Effective: 12/12/2022

HOLT, Matthew S.
Health Care Services Agency
Effective: 12/30/2022

CLEGG, Tallin J.
Sheriff's Office
Effective: 12/24/2022

JOHNSON, Bethbirei
Social Services Agency
Effective: 12/2/2022

CLUBB, Audrey C.
Probation
Effective: 1/4/2023

KALKO, George
Alameda Health Systems
Effective: 11/30/2022

COOKS, Mariah S.
District Attorney
Effective: 1/3/2023

KAUR, Mandeep
Superior Court
Effective: 12/12/2022

DEMETRAL, Melissa C.
District Attorney
Effective: 12/23/2022

KRATH, Dominique
Probation
Effective: 12/13/2022

DYKE, Tiffani M.
Probation
Effective: 12/16/2022

LAZARUS, Zachary
Public Defender
Effective: 1/3/2023

LEMASTERS, Shannan
Alameda Health Systems
Effective: 11/29/2022

**APPENDIX C
LIST OF DECEASED MEMBERS**

BERRY, Gussie
Alameda Health System
3/2/2023

BURR, Kenneth
District Attorney
3/30/2023

BOSSETT, Jacqueline
Alameda Health System
3/6/2023

COLEMAN, Bettye
Alameda County Superior Court
3/17/2023

**APPENDIX C
LIST OF DECEASED MEMBERS**

COLEMAN, Gordon
Public Health Care Services
2/19/2023

McWILLIAMS, James
Public Defender
3/6/2023

COURTRIGHT, Thelma
Alameda Health System
3/2/2023

MENDES, Mario
Public Works Agency
12/2/2022

CRAWFORD, Donald
Social Services Agency
3/5/2023

MOORE, Larry
Probation
1/31/2023

FERDIN, Frank
General Services Agency
1/31/2023

MUNOZ, Isabel
Alameda Health System
2/28/2023

GURSKY, Harold
Sheriff's Office
12/5/2022

NOICE, Gary
Sheriff's Office
3/5/2023

HOFMANN, Ramona
Sheriff's Office
2/26/2023

OWENS, Ersaline
Non-Mbr Survivor of Richard Owens
3/4/2023

HYSTAD, Gail
Non-Mbr Survivor of Jack Hystad
2/7/2023

PERRY, William
Public Works Agency
1/20/2023

JAMES, Zoraina
Alameda Health System
3/13/2023

PIERCE, Wilma
Alameda Health System
2/11/2023

JOHNSON, Dorothy U.
Probation
2/14/2023

PORTER, Johnny
Alameda County Superior Court
2/27/2023

LATHAN, Arthur
Social Services Agency
11/16/2022

RODRIGUEZ, Ronald
Sheriff's Office
3/28/2023

LEMOS, Frank
Public Works Agency
3/8/2023

RYALS, Rosilyn
Public Health Care Services
3/1/2023

MARSEY, Victoria
Treasurer Tax Collector
3/12/2023

SHEARD, Mary
Non-Mbr Survivor of Billy Sheard
3/2/2023

**APPENDIX C
LIST OF DECEASED MEMBERS**

SIMMONS, Leslie E.
Information Technology Department
3/9/2023

WATERS, Elsie
Alameda Health System
2/27/2023

THOMAS, Gloria
Social Services Agency
3/4/2018

WHITE, Ralph
Sheriff's Office
3/4/2023

ZANDER, Geraldine
Non-Mbr Survivor of Henry Zander
2/28/2023

**APPENDIX D
REQUEST FOR 130 BI-WEEKLY PAYMENTS
TO RE-DEPOSIT CONTRIBUTIONS AND GAIN CREDIT**

GUMS, Angelica
130 Biweekly Payroll Deductions for a total of \$35,691.50
Years of Service: 6.15025
Government Code § 31641.5 Part Time & Days Prior

**APPENDIX E
APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON
DISABILITY RETIREMENTS AND DEATH BENEFITS**

Name: Bedford, Casandra
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. Bedford's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

Name: Cortez, Juana
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Ms. Cortez's application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

APPENDIX E
APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON
DISABILITY RETIREMENTS AND DEATH BENEFITS

Name: De Cesare, John
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. De Cesare's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

Name: Lenthe, Steven
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Lenthe's application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

Based on the Medical Advisor's and Staff's review and determination of Mr. Lenthe's ability to determine the permanency of his incapacity, to grant Mr. Lenthe's request for an earlier effective date.

Name: Resendes, Greg
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Resendes's application for a service-connected disability, and waiving future annual medical examinations and questionnaires.

APPENDIX E
APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON
DISABILITY RETIREMENTS AND DEATH BENEFITS

Name: Ryan, Andrew
Type of Claim: Service-Connected

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report, including but not limited to, granting Mr. Ryan's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

CONSENT CALENDAR ITEM

**March 16, 2023
Minutes of the Regular Board Meeting
For approval under April 20, 2023
Board “Consent Calendar”**



**ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
BOARD OF RETIREMENT
MINUTES**

Thursday, March 16, 2023

Chair Jaime Godfrey called the meeting to order at 2:00 p.m.

Trustees Present: Ophelia Basgal
Ross Clippinger
Tarrell Gamble (*Arrived After Roll Call*)
Jaime Godfrey
Elizabeth Rogers
Kellie Simon
George Wood
Kevin Bryant (*Alternate*)

Trustees Excused: Keith Carson
Henry Levy
Cynthia Baron (*Alternate*)

Staff Present: Victoria Arruda, Human Resource Officer
Carlos Barrios, Assistant Chief Executive Officer-Benefits
Angela Bradford, Executive Secretary
Sandra Dueñas-Cuevas, Benefits Manager
Harsh Jadhav, Chief of Internal Audit
Vijay Jagar, Retirement Chief Technology Officer, ACERA
Lisa Johnson, Assistant Chief Executive Officer-Operations
David Nelsen, Chief Executive Officer
Jeff Rieger, Chief Counsel
Betty Tse, Chief Investment Officer

Staff Excused: Erica Haywood, Fiscal Services Officer
Jessica Huffman, Benefits Manager

PUBLIC INPUT

As a member of the public at today's meeting, Treasurer Henry Levy raised concerns about whether or not Staff has observed any changes in retirees' behavior as a result of the reopening of ACERA's Offices and whether or not there were any inequalities amongst Staff regarding remote work. Mr. Nelsen explained that Senior Leadership is managing a fair and equitable work from home situation for all Staff while maintaining productivity and continuing to meet ACERA members' expectations. Mr. Nelsen reported that the majority of ACERA's counseling sessions and appointments are conducted virtually, which ACERA members prefer.

CONSENT CALENDAR
REPORTS AND ACTION ITEMS

REPORT ON SERVICE RETIREMENTS

Appendix A

LIST OF DEFERRED RETIREMENTS

Appendix B

LIST OF DECEASED MEMBERS

Appendix C

APPROVE REQUEST(S) FOR UP TO 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT CONTRIBUTIONS AND GAIN CREDIT

None

APPROVE UNCONTESTED STAFF RECOMMENDATIONS ON DISABILITY RETIREMENTS AND DEATH BENEFITS

None

APPROVE UNCONTESTED HEARING OFFICER RECOMMENDATIONS FOR DISABILITY RETIREMENTS AND DEATH BENEFITS

None

APPROVE MINUTES of BOARD and COMMITTEE MEETINGS

February 16, 2023 Audit Committee Minutes

February 16, 2023 Minutes of the Regular Board Meeting

March 8, 2023 Investment Committee Minutes

MISCELLANEOUS

- *Operating Expenses as of January 31, 2023*
- *Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code Retention Pay – 74E*

23-13

It was moved by Ophelia Basgal and seconded by George Wood that the Board adopt the Consent Calendar. The motion carried 6 yes (*Basgal, Clippinger, Godfrey, Rogers, Simon, Wood*), 0 no, and 0 abstentions. *Trustee Gamble was not present for the vote on the motion.*

**REGULAR CALENDAR
REPORTS AND ACTION ITEMS**

DISABILITY AND DEATH BENEFIT CLAIMS

None.

COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS

This month's Committee reports were presented in the following order:

Investment:

Vice-Chair George Wood reported that the Investment Committee met on March 8, 2023 and that the Committee discussed an up to \$50 Million Investment in Clayton, Dubilier, and Rice (CD&R) XII as part of ACERA's Private Equity Portfolio – Buyouts, pending completion of Legal and Investment due diligence and successful contract negotiations.

23-14

It was moved by George Wood and seconded by Elizabeth Rogers that the Board approve an up to \$50 million investment in Clayton, Dubilier, and Rice (CD&R) XII as part of ACERA's Private Equity Portfolio – Buyouts, pending completion of Legal and Investment due diligence and successful contract negotiations. The motion carried 6 yes (*Basgal, Clippinger, Godfrey, Rogers, Simon, Wood*), 0 no, and 0 abstentions. *Trustee Gamble was not present for the vote on the motion.*

Trustee Wood reported that Staff presented the Committee with the following Information Items: *1)* Discussion of an up to \$10 Million Investment in Eclipse Fund V as part of ACERA's Private Equity Portfolio – Venture Capita; and *2)* Status Update on the General Investment Consultant (GIC) RFP Search.

Minutes of the meeting were approved as part of the Consent Calendar.

OLD BUSINESS:

Discussion and Possible Motion regarding Amendment to the Supplemental Cost of Living Increase February 16, 2023 Board Resolution

Assistant Chief Executive Officer of Benefits Carlos Barrios responded to the Board's questions from last month's meeting regarding the Annual Supplemental Cost of Living Adjustment (COLA). Mr. Barrios reported that the April 1, 2007 date in the February 16, 2023 Board Resolution (Number 23-08) regarding Tier 2 members should to be corrected to read: "... April 1, 2001 ..." Mr. Barrios reported that there is no financial impact as a result of the correction.

23-15

It was moved by Elizabeth Rogers and seconded by Ophelia Basgal that the Board instruct Staff to correct the date in the February 16, 2023 Board Resolution (Number 23-08) for Tier 2 retiree members to April 1, 2001, rather than April 1, 2007. The motion carried 6 yes (*Basgal, Clippinger, Godfrey, Rogers, Simon, Wood*), 0 no, and 1 abstention (*Gamble*).

Mr. Barrios announced that Segal will conduct a study on the Supplemental Retiree Benefit Reserve (SRBR) which will be presented and discussed at the June Retirees Committee meeting.

NEW BUSINESS:

State Association of County Retirement System (SACRS) Voting Proxy

Chief Executive Officer Dave Nelsen presented his March 16, 2023, memo requesting that the Board authorize him to vote ACERA's Proxy (or his Designee) on behalf of the Board of Retirement at the SACRS Spring Conference Business Meeting. Mr. Nelsen reported that the SACRS Business Meeting agenda items up for vote were not available in time for today's Board meeting, but that the agenda items should be available for the Board's consideration at the April 20, 2023 Board meeting.

23-16

It was moved by Elizabeth Rogers and seconded by Kellie Simon that the Board grant Chief Executive Officer (CEO) Dave Nelsen authority to vote ACERA's proxy on behalf of the Board of Retirement at the upcoming SACRS Spring Conference Business Meeting. The motion carried 7 yes (*Basgal, Clippinger, Gamble, Godfrey, Rogers, Simon, Wood*), 0 no, and 0 abstentions.

David Nelsen, Chief Executive Officer's Report

Mr. Nelsen presented his March 16, 2023 written CEO Report which provided an update on: *1) Committee and Board Action Items; 2) Other Items: a) COVID-19 Responses; b) Pension Administration System; c) Business Planning; d) Legislative Update; e) City of Oakland Ransomware Update; and 3) Key Performance Indicators.*

Mr. Nelsen reported that due to the lifting of the Governor's Emergency Order, ACERA's Office hours are now Monday through Friday from 9:00 a.m. to 4:30 p.m. and that members are encouraged to schedule appointments. However, walk-ins are also welcome.

Mr. Nelsen provided a Legislative Update in conjunction with his Chief Executive Officer's Report that included a County Employees Retirement Law (CERL)-sponsored bill, AB 1020, that would reconcile the presumption language for public safety members that exist in the Workers' Compensation statutes with the CERL statutes. Mr. Nelsen will continue to provide the Board with Legislative Updates on a monthly basis.

Mr. Nelsen informed the Board that he will be out of the Office from Saturday, March 25, through Tuesday, April 4, 2023 and that Assistant Chief Executive Officer of Operations Lisa Johnson is in charge in his absence. Mr. Nelsen stated that he will also be available via cell phone.

Because of the ransomware attack on the City of Oakland, Trustee Basgal inquired about whether or not ACERA has enough Cybersecurity Insurance and if the insurance includes monitoring services. Mr. Nelsen assured the Board that ACERA has ample Cybersecurity Insurance coverage with monitoring services, including credit monitoring. Mr. Nelsen noted that Cybersecurity Insurance is becoming much harder to obtain and that the amount of coverage available is also decreasing.

Mr. Nelsen announced that directly after today's Board meeting, Staff is hosting an in-person Celebration for the Board and Staff in honor of ACERA's former Board Trustees: Dale Amaral, Liz Koppenhaver, Nancy Reilly and Darryl Walker.

CONFERENCE/ORAL REPORTS

None.

ANNOUNCEMENTS

None.

BOARD INPUT

Trustee Basgal inquired whether the Board and/or Staff has seen NASRA's News Clips Article regarding ESG (Environmental, Social and Governance) and suggested that Board/Staff pay close attention to what's going on in that area given several States are now pulling out of ESG. Mr. Nelsen announced that Staff will give a presentation on ESG at the April Investment Committee meeting.

Trustee Basgal thanked Chief Investment Officer Betty Tse for her report on Silicon Valley and First Republic Banks. Trustee Basgal then inquired about ACERA's cash handling process regarding insurance. Mr. Nelsen explained that ACERA does not maintain any significant cash balances on-hand and that Staff will give a presentation on its cash handling process at a future Committee and/or Board meeting.

CLOSED SESSION

Conference With Legal Counsel—Existing Litigation (Gov't Code § 54956.9(d)(1)): Preciosa Bachan v. Alameda County Employees' Retirement Association, Alameda County Superior Court Case No: 23CV028214.

The Board reconvened into Open Session and the following Trustees returned:
Basgal, Clippinger, Gamble, Godfrey, Rogers, Simon, and Wood

Chief Counsel Jeff Rieger reported that during today’s Closed Session discussion, the following motion was made:

23-17

Motion that the Board instruct Counsel to defend the *Bachan v. ACERA* litigation matter. The motion carried 5 yes (*Basgal, Gamble, Godfrey, Simon, Wood*), 0 no, and 2 abstentions (*Clippinger, Rogers*).

To view the March 16, 2023 Board meeting in its entirety, click on the link below:
<https://youtu.be/Oj-qJxQIHec>.

ADJOURNMENT

The meeting was adjourned at approximately 2:36 p.m.

Respectfully Submitted,



David Nelsen
Chief Executive Officer

04/20/23

Date Adopted

APPENDIX A
REPORT ON SERVICE RETIREMENTS

ADDY, Nii
Effective: 12/30/2022
Alameda Health System

FERNANDEZ, Janet
Effective: 10/19/2022
Public Defender

AHERN, Gregory
Effective: 1/3/2023
Sheriff's Office

GALLEGOS, Dolores
Effective: 12/24/2022
Health Care Services Agency

BERBER, Michelle
Effective: 10/4/2022
Superior Court

GALLEGOS, Joel
Effective: 1/10/2023
LARPD

BOLLING, Letitia
Effective: 1/7/2023
Health Care Services Agency

GATMAITAN, Jocelyn
Effective: 12/10/2022
Social Services Agency

BONSTEEL, Nichole
Effective: 12/10/2022
Sheriff's Office

GREAR, Robin
Effective: 12/10/2022
Alameda Health System

CARSON-WALKER, Delean
Effective: 12/22/2022
Probation

GRUBER, Eleanor
Effective: 12/20/2022
Alameda Health System

CHUNG, Nora
Effective: 12/10/2022
Social Services Agency

HARRIS, Connie
Effective: 12/28/2022
Health Care Services Agency

CONTRERAS, Gloria
Effective: 1/7/2023
Superior Court

HATHCOX, Malary
Effective: 1/1/2023
District Attorney

CSIKESZ, Rebecca
Effective: 12/10/2022
District Attorney

KUSNIERCZYK, Peter
Effective: 12/2/2022
Alameda Health System

DOMAGUING, Joseph
Effective: 11/29/2022
General Services Agency

LEE WONG, Wai Yin
Effective: 12/10/2022
Assessor

EDWARDS, Lucile
Effective: 12/23/2022
Alameda Health System

LEFUEL, Mary
Effective: 12/10/2022
Social Services Agency

ELLIS, Steven
Effective: 1/7/2023
Zone 7 Water Agency

LOPEZ, Yvonne
Effective: 1/7/2023
Health Care Services Agency

**APPENDIX A
REPORT ON SERVICE RETIREMENTS**

MACARAIG, Benchito
Effective: 12/10/2022
Community Development Agency

RAZZANO, Theresa
Effective: 1/7/2023
Health Care Services Agency

MADERO, Alma
Effective: 12/10/2022
Social Services Agency

SANCHEZ, Sonia
Effective: 1/7/2023
Social Services Agency

MC GEHEE-WRIGHT, Teresa
Effective: 12/10/2022
District Attorney

SMITH, Rudolph
Effective: 1/7/2023
Health Care Services Agency

MILLER, Lavina
Effective: 12/10/2022
Probation

TOLEDO, Linda
Effective: 1/7/2023
Alameda Health System

O'MALLEY, Nancy
Effective: 1/3/2023
District Attorney

TORRES, Hiram
Effective: 12/31/2022
Superior Court

OSEYE, Ayofemi
Effective: 12/10/2022
Social Services Agency

TRENOFF, Dolores
Effective: 11/18/2022
Health Care Services Agency

QUAN, Sue
Effective: 1/7/2023
Alameda Health System

WALSH, Stephen
Effective: 1/1/2023
County Administrator's Office

RATCLIFF, Philippa
Effective: 12/24/2022
District Attorney

WARREN, Cynthia
Effective: 12/30/2022
Superior Court

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

MADRID, Alexander
Public Works Agency
Effective Date: 1/23/2023

MIMS-COCHRAN, Toni
Superior Court
Effective: 12/23/2022

MENDEZ-PAJARITO, Marisol
Sheriff's Office
Effective: 1/6/2023

MOODY-DAVIS, Asher
Alameda Health System
Effective: 1/5/2023

**APPENDIX B
LIST OF DEFERRED RETIREMENTS**

MORADI, Tamana
Social Services Agency
Effective: 1/6/2023

TECSON, Ian
Library
Effective: 1/16/2023

OZENE, Nicole
Social Services Agency
Effective: 1/6/2023

VELANDIA CELY, Cyndy
Retirement (ACERA)
Effective: 1/13/2023

PEREZ, Rebecca
Health Care Services Agency
Effective: 1/11/2023

WALKER, Shauniqua
Superior Court
Effective: 1/13/2023

ROMO, Marco
Sheriff's Office
Effective: 1/20/2023

WALTON, Tammy
Alameda Health System
Effective: 1/11/2023

SALVADOR, Eloisa
Alameda Health System
Effective: 12/31/2022

WATTS, Shanel
Superior Court
Effective: 1/6/2023

SUAREZ, Eduardo
Alameda Health System
Effective: 1/2/2023

WAZWAZ, Abdullah
Sheriff's Office
Effective: 12/20/2022

WEYGANDT, Suzann
Alameda Health System
Effective: 1/12/2023

**APPENDIX C
LIST OF DECEASED MEMBERS**

BAILEY, Frank
Probation
12/9/2022

FOSTER, Judy
District Attorney
2/2/2023

BUCKMAN, Robert
Probation
1/18/2023

GARCIA, Cecil
Public Works Agency
1/31/2023

COSTELLO, Betty
Alameda Health System
12/6/2022

HILL, Peggy
Non-Mbr Survivor of Edward Hill
1/31/2023

DOWNING, Bonnie
Social Services Agency
1/17/2023

JONES, Shirley
Non-Mbr Survivor of John Jones
2/1/2023

**APPENDIX C
LIST OF DECEASED MEMBERS**

MOORE, Pamela
Social Services Agency
12/9/2022

RUBIN, Gary
Sheriff's Office
12/15/2020

PETERSEN, Neil
Alameda Health System
2/2/2023

SANTOS, Justita
Social Services Agency
2/26/2023

RAUGUST Margherita
Social Services Agency
1/21/2023

SWANN, Irene
Public Health
1/29/2023

REPPOND, George
Public Works Agency
2/25/2023

THOMAS, Bessie
Social Services Agency
2/16/2023

REYES, Luzviminda
Social Services Agency
2/2/2023

TOMLINSON, Stanley
Non-Mbr Survivor of Cheryl Tomlinson
2/23/2023

RICHARDSON, Gerald
Sheriff's Office
1/16/2023

TORNHEIM, Mark
Assessor
1/21/2023

WILCOX, Gordon
Sheriff's Office
2/15/2023

CONSENT CALENDAR ITEM

**April 5, 2023
Operations Committee Minutes
For approval under April 20, 2023
Board “Consent Calendar”**



MINUTES OF APRIL 5, 2023 OPERATIONS COMMITTEE MEETING

To: Members of the Operations Committee

From: Kellie Simon, Chair

Subject: **Summary of the April 5, 2023 Operations Committee Meeting**

Committee Chair Kellie Simon called the April 5, 2023 Operations Committee meeting to order at 9:31 a.m.

ACERA TRUSTEES, SENIOR MANAGERS AND PRESENTING STAFF IN ATTENDANCE

Committee members present were Kellie Simon, Henry Levy, Elizabeth Rogers and Ophelia Basgal. Also present were Jaime Godfrey, George Wood, and alternate member Cynthia Baron. Keith Carson, George Wood, and alternate member Kevin Bryant arrived after roll call.

Staff present were David Nelsen, Chief Executive Officer; Lisa Johnson, Assistant Chief Executive Officer; Carlos Barrios, Assistant Chief Executive Officer; Jeff Rieger, Chief Counsel; Sandra Dueñas-Cuevas, Benefits Manager; Jessica Huffman, Benefits Manager; Betty Tse, Chief Investment Officer; Vijay Jagar, Chief Technology Officer; Erica Haywood, Fiscal Services Officer; and Harsh Jadhav, Chief of Internal Audit.

PUBLIC INPUT

None

Action Items

1. Review of the Administrative Hearing Policy

After discussion it was moved by Henry Levy and seconded by Elizabeth Rogers that the Operations Committee recommend to the Board of Retirement that the Administrative Hearing Policy continues to be necessary and that the Board adopt the redline revisions to the Administrative Hearing Policy included in the agenda packet.

The motion carried 8 yes (*Basgal, Carson, Godfrey, Levy, Rogers, Simon, Wood, and Bryant*), 0 no, and 0 abstentions.

2. Review of the Error Correction Policy

After discussion it was moved by Elizabeth Rogers and seconded by George Wood that the Operations Committee recommend to the Board of Retirement that the Error Correction Policy

continues to be necessary and that the Board adopt the changes to the Error Correction Policy shown in the redline included in the agenda packet, except that the proposed change to the repayment schedule from ten years to five years should not be made.

The Motion carried 8 yes (*Basgal, Carson, Godfrey, Levy, Rogers, Simon, Wood, and Bryant*), 0 no, and 0 abstentions.

3. Review of Board and Committee Operations Policy for Possible Additional Limitations on Public Comment at Board and Committee Meetings

After discussion it was moved by George Wood and seconded by Henry Levy that the Operations Committee recommend that the Board of Retirement adopt the changes to the Board and Committee Operations Policy shown in the redline included in the agenda packet.

The Motion carried 8 yes (*Basgal, Carson, Godfrey, Levy, Rogers, Simon, Wood, and Bryant*), 0 no, and 0 abstentions.

INFORMATION ITEMS

1. Operating Expenses as of 02/28/2023

Staff presented the Operating Expense Report. As of February 28, 2023, actual expenses were \$68K under budget. Budget overages noted were Staffing (\$10K over budget) and Professional Fees (\$9K over budget). Budget surpluses noted were Staff Development (\$20K under budget), Office Expense (\$15K under budget), Member Services (\$20K under budget), Systems (\$31K under budget), and Board of Retirement (\$1K under budget).

2. Statement of Reserves as of 12/31/2022

Staff reported on the Statement of Reserves as of December 31, 2022. For the six-month period ending December 31, 2022, approximately \$358.7 million of total interest was credited to all the valuation reserve accounts, including the 401(h) account, SRBR and the advanced UAAL contribution reserve.

3. Board Effects Presentation

Staff provided a verbal presentation on the implementation of the Program Board Effects.

TRUSTEE INPUT AND DIRECTION TO STAFF

None.

FUTURE DISCUSSION ITEMS

May (to be presented at Board Meeting)

- Quarterly Financial Statements as of 03/31/23
- Operating Expenses as of 03/31/23

Operations Committee Meeting Summary

April 5, 2023

Page 3 of 3

- Quarterly Cash Forecast Report
- Board Member Conference Expense Report for 1st Qtr. 2023
- Senior Manager Conference and Training Expense Report for 1st Qtr. 2023

June

- Operating Expenses as 04/30/23
- Technology Report
- MMRO Annual Report

ESTABLISHMENT OF NEXT MEETING DATE

The next meeting is scheduled for Wednesday June 7, 2023, at 9:30 a.m.

MEETING ADJOURNED

The meeting adjourned at 10:25 a.m.

CONSENT CALENDAR ITEM

**April 5, 2023
Retirees Committee Minutes
For approval under April 20, 2023
Board “Consent Calendar”**



MINUTES OF APRIL 5, 2023 RETIREES COMMITTEE MEETING

To: Members of the Retirees Committee
From: Elizabeth Rogers, Chair
Subject: Summary of the April 5, 2023 Retirees Committee Meeting

Committee Chair Elizabeth Rogers called the April 5, 2023 Committee meeting to order at 10:33 a.m.

ACERA TRUSTEES, SENIOR MANAGERS AND PRESENTING STAFF IN ATTENDANCE

Committee members present were Elizabeth Rogers, Henry Levy, Ophelia Basgal, Keith Carson, and Kellie Simon. Also present were Cynthia Baron, Kevin Bryant, Jaime Godfrey, and George Wood.

Staff present were Victoria Arruda, Human Resource Officer; Carlos Barrios, Assistant Chief Executive Officer; Sandra Dueñas-Cuevas, Benefits Manager; Erica Haywood, Fiscal Services Officer; Jessica Huffman, Benefits Manager; Harsh Jadhav, Chief of Internal Audit; Vijay Jagar, Chief Technology Officer; Lisa Johnson, Assistant Chief Executive Officer; David Nelsen, Chief Executive Officer; Jeff Rieger, Chief Counsel and Betty Tse, Chief Investment Officer.

PUBLIC INPUT

None.

INFORMATION ITEMS

Chair Rogers moved the following information item to the top of the agenda to provide for more complete background before considering the action item:

1. Via Benefits 2022 Year- in Review

Via Benefits provided information on Medicare and pre-65 retirees related to enrollment statistics and activity, call statistics, customer satisfaction survey results, Health Reimbursement Arrangement (HRA) account activity, and 2022 and 2023 enhancements.

In response to Trustee Basgal's request, Staff will find out how many Medicare eligible retirees enrolled through Via Benefits live outside ACERA's HMO service areas. Also, in response to Trustee Levy's question, Staff will find out how many other counties provide health care benefits to their retirees.

ACTION ITEMS

1. Proposed Extension of Existing Contract and Negotiation of New Contract with Willis Towers Watson (Via Benefits) for Individual Medical Plans Coverage and Services After Review of Request for Information (RFI) Results

Staff and Segal, ACERA's Benefits Consultant, provided information and the results of the Request for Information that was conducted for individual medical plans coverage and services.

It was moved by George Wood and seconded by Kellie Simon that the Retirees Committee recommend to the Board of Retirement to (1) approve an extension to ACERA's existing contract with Willis Towers Watson (Via Benefits) to provide individual medical plans coverage and services for the period January 1, 2024 to December 31, 2024, and (2) approve negotiating a new contract for up to a five-year term effective January 1, 2025.

The motion carried 6 yes (*Bryant, Godfrey, Levy, Rogers, Simon, Wood*), 0 no, 0 abstentions. Trustees Basgal and Carson were not present for the vote on the motion.

INFORMATION ITEMS.

2. Supplemental Retiree Benefit Reserve Financial Status

Staff presented a 10-year history of the Supplemental Retiree Benefit Reserve (SRBR) activity through December 31, 2022. The total interest credited to the SRBR for 2022 was approximately \$79.4 million of regular earnings, using the assumed rate of return of 3.4545%, and \$10.7 million of excess earnings, at the assumed rate of return. Net deductions were approximately \$52.6 million. The December 31, 2022 ending balance was approximately \$1.2 billion.

TRUSTEE REMARKS

None.

FUTURE DISCUSSION ITEMS

- Approval of Payment for Implicit Subsidy Cost for 2022
- Possible Declaration of Intent to Fund Implicit Subsidy Program for 2024
- Review of Potential Alternative to the Discontinued Active Death Equity Benefit (ADEB) Program

ESTABLISHMENT OF NEXT MEETING DATE

The next meeting is scheduled for June 7, 2023 at 10:30 a.m.

MEETING ADJOURNED

The meeting adjourned at 11:16 a.m.

CONSENT CALENDAR ITEM

**April 12, 2023
Investment Committee Minutes
For approval under April 20, 2023
Board “Consent Calendar”**

**The April 12, 2023
Investment Committee Minutes
will be distributed under separate cover**

CONSENT CALENDAR ITEM


Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code Duty Officer Program-Training/Oversight – 42Y



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: April 20, 2023

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **New Pay Item/Code: Approve as “Compensation Earnable” and Exclude from “Pensionable Compensation” – County of Alameda**

The County of Alameda (County) requested that new pay item/code Duty Officer Program-Training/Oversight – 42Y be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation. This new pay code establishes a footnote provision for additional compensation of 8% of the base pay to be paid to an employee in the job classification of Registered Nurse IV (Job Code #5320SM) when assigned the responsibilities described below.

On February 28, 2023, the Board of Supervisors of the County of Alameda approved adding Subsection 3-12.98 to Article 3, Section 3-12 of the County of Alameda Salary Ordinance. It states: “Effective January 9, 2022, not to exceed one (1) employee in Job Code #5320, when assigned the responsibilities of training Health Care Services Agency clinical staff on First Call Duty Officer duties and having oversight of the Alameda County Public Health Department’s Duty Officer program on behalf of the County of Alameda, shall receive an additional eight percent (8%) compensation of the base pay. This footnote shall be reviewed by the Director of Human Resource Services on or before January 4, 2025.”

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that because this pay code is for one employee, it does not qualify as “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members). However, this pay code does qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members). The two relevant Government Code sections are attached for the Board of Retirement’s (Board) reference.

Staff informed the County that its determination will be included on the Board’s Consent Calendar for its April 20, 2023 meeting. If this item is not pulled from the Consent Calendar for discussion, then the Board will approve Staff’s determination to exclude pay item/code Duty Officer Program-Training/Oversight – 42Y from “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members) and include it as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Attachments



**ALAMEDA COUNTY
AUDITOR-CONTROLLER AGENCY
MELISSA WILK
AUDITOR-CONTROLLER/CLERK-RECORDER**

REQUEST FOR ACERA'S REVIEW OF A NEW PAY ITEM/CODE

Employer Name:	County of Alameda
Date of Request	03/16/2023
Employer Department Submitting the Request	Auditor-Controller's Agency
Contact Person/Employer (include title/position)	Stephanie Tsurumoto
Contact Person Telephone incl area code	(510)272-6581
Contact Person Email address	stephanie.tsurumoto@acgov.org
Pay Item Name (and code Number)	42Y – Duty Officer Prog-Trng/Ovrsght
Pay Item Effective Date per authorization:	01/09/22
State if additional documentation is attached	Yes – Board Letter

NOTE: The following information is required before ACERA can review and respond to the request. To meet ACERA's requirements, please provide substantive responses below or on a separate paper and return, with this form, all of the supporting documentation prior to issuing (paying) the pay item to any employee who is an ACERA member.

1. State the job classification of employees eligible for the pay item (i.e. Job Code 0499-Nurse Practitioners II may receive this pay item)

RESPONSE #1: Job Code 5320 – Registered Nurse IV

2. State employment status of employees eligible to receive the pay item (i.e. full time employees, part time employees)

RESPONSE #2: Full Time

3. State the number of members or employees who are eligible to receive the pay item (i.e. all members or employees in a job classification eligible to receive the pay item, or "not to exceed one employee")

RESPONSE #3: One employee

4. State whether pay item is for overtime or regular base pay

RESPONSE #4: Regular Base Pay

5. State whether pay item is calculated as a fixed amount or percentage of the base pay

RESPONSE #5: Percentage, paid an additional 8% of base pay

6. State whether the pay item is paid one time (i.e. incentive pay, referral pay, bonus, award)

RESPONSE #6: No

7. State whether the pay item is an ad hoc payment (i.e, stipend, payment for attending a meeting during the working hours, payment for attending a meeting during non-working hours)

RESPONSE #7: No

8. State whether the pay item is a reimbursement (i.e., car allowance, housing allowance, uniform allowance, mileage payment, cell phone allowance)

RESPONSE #8: No

9. State regular working hours of the employees who will receive the pay item (i.e., 37.5 hour workweek employees, 40 hour workweek employees)

RESPONSE #9: 40 Hour Workweek

10. State whether pay item is for work performed outside of the regular workweek (i.e., payment for work or services performed outside of the employee's 37.5 hour workweek, or outside the employee's 40 hour workweek)

RESPONSE #10: No

11. State whether the pay item is for deferred compensation

RESPONSE #11: No

12. State whether the pay item is for retro payments

RESPONSE #12: No

13. State whether the pay item is for accrued unused leaves (i.e., sick leave, annual leave, floating holiday, vacation, comp time)

RESPONSE #13: No

14. State whether the payment is compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member or employee

RESPONSE #14: No

15. State whether the payment is severance or other payment in connection with or in anticipation of a separation from employment (and state if this payment is made while employee is working)

RESPONSE #15: No

16. State whether the pay item is paid in one lump sum or biweekly (or over some other time period-monthly, quarterly, annually)

RESPONSE #16: Biweekly

17. State the basis for eligibility for the pay item (i.e., certification of completion of training program conducted by an accredited university, or employee assigned as supervisor of badge distribution)

RESPONSE #17: Per Salary Ordinance 3-12.98

- iii. Amend Article 3, Section 12 (Health Care Services Agency) to add a new subsection 3-12.98, to create a footnote for one (1) employee in the classification of Registered Nurse IV (JC #6320SM) to receive an additional eight percent (8%) compensation of base pay when assigned the responsibilities of training Health Care Services Agency clinical staff on First Call Duty Officer duties and having oversight of the Alameda County Public Health Department's Duty Officer program on behalf of the County of Alameda ("County") retroactive to January 9, 2022.

Article 3, Section 3-12, Subsection 3-12.98 of the County of Alameda Salary Ordinance is hereby added, to read as follows:

3-12.98 – Effective January 9, 2022, not to exceed one (1) employee in Job Code #6320, when assigned the responsibilities of training Health Care Services Agency clinical staff on First Call Duty Officer duties and having oversight of the Alameda County Public Health Department's Duty Officer program on behalf of the County of Alameda, shall receive an additional eight percent (8%) compensation of the base pay. This footnote shall be reviewed by the Director of Human Resource Services on or before January 4, 2025.

SECOND READING - CONTINUED FROM 02/07/2023



AGENDA NO. 97 February 7, 2023

Lakeside Plaza Building
1401 Lakeside Drive, Suite 200
Oakland, CA 94612-4305
TDD: (510) 272-3703

Human Resource Services

February 7, 2023

2nd Reading 2/28/23

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

SUBJECT: ADOPT SALARY ORDINANCE AMENDMENTS TO 1) UPDATE SUBSECTION 1-1.1 TO ESTABLISH ONE (1) NEW CLASSIFICATION OF COURT APPOINTED SPECIAL ADVOCATES PROGRAM MANAGER (JC #6187); 2) UPDATE SUBSECTION 3-12.19 TO ADD JC #6187; AND 3) AMEND SECTION 3-12 (HEALTH CARE SERVICES AGENCY) TO ADD SUBSECTION 3-12.98 TO CREATE A FOOTNOTE FOR ONE (1) EMPLOYEE IN THE CLASSIFICATION OF REGISTERED NURSE IV (JC #5320)

Dear Board Members:

RECOMMENDATION:

Adopt Salary Ordinance amendments:

- i. Update Article 1, Section 1-1 (Pay Rate Schedules), subsection 1-1.1, to establish one (1) new classification of Court Appointed Special Advocates ("CASA") Program Manager (Job Code ("JC") #6187) effective March 5, 2023;
- ii. Update Article 3, Section 3-12 (Health Care Services Agency), subsection 3-12.19, to establish salary administration criteria for the new classification of CASA Program Manager (JC #6187) effective March 5, 2023; and
- iii. Amend Article 3, Section 12 (Health Care Services Agency) to add a new subsection 3-12.98, to create a footnote for one (1) employee in the classification of Registered Nurse IV (JC #5320SM) to receive an additional eight percent (8%) compensation of base pay when assigned the responsibilities of training Health Care Services Agency clinical staff on First Call Duty Officer duties and having oversight of the Alameda County Public Health Department's Duty Officer program on behalf of the County of Alameda ("County") retroactive to January 9, 2022.

*New
Paycode
424*

DISCUSSION/SUMMARY:

Staff recommends that your Board approve establishing one (1) new classification of CASA Program Manager (JC #6187) represented by the Alameda County Management Employees' Association ("ACMEA") General Government Unit, effective March 5, 2023. The Health Care Services Agency ("HCSA") requested the creation of this new classification of CASA Program Manager (JC #6187) to provide day-to-day operational oversight and supervision of program staff. This is a single-position classification created to closely reflect the duties and uniqueness of the CASA program requirements. The CASA Program Manager (JC #6187) is the first-line manager and in addition to supervising assigned staff, this position will be responsible for developing techniques to evaluate the CASA program's effectiveness and oversee the recruitment and support of CASA volunteers and recommend program modifications or development. This position will report to the recently created classification of CASA Program Administrator (JC #6188). Staff recommends establishing the proposed salary

An Equal Opportunity Employer

range for the new classification of CASA Program Manager (JC #6187) as listed in the Salary Ordinance amendment effective March 5, 2023.

In addition, staff recommends amending Article 3, Section 3-12 (Health Care Services Agency), subsection 3-12.19 of the Salary Ordinance to include salary administration criteria for the new classification of CASA Program Manager (JC #6187) effective March 5, 2023.

3-12-98
Lastly, at the request of HCSA, the Human Resource Services, Personnel Services Division determined that additional compensation is warranted for one (1) employee in the classification of Registered Nurse IV (JC #5320), when assigned the responsibilities of training HCSA clinical staff on First Call Duty Officer duties and having oversight of the Alameda County Public Health Department's Duty Officer program on behalf of the County. The additional duties require the incumbent to develop, administer, implement and oversee the training for all clinical managers (nurse and physician managers) within HCSA for the First Call Duty Officer program. In addition, the incumbent is responsible for oversight of the entire Duty Officer Program (First and Second Call Duty Officer) on behalf of the County. Due to the extenuating circumstances surrounding the additional functions and the meet and confer process, staff recommends adding a new subsection 3-12.98 to establish a footnote for one (1) employee in the classification of Registered Nurse IV (JC #5320) when assigned the responsibilities as outlined above, to receive an additional eight percent (8%) compensation of the base pay retroactive to January 9, 2022. Said footnote will be reviewed by the Director of Human Resource Services on or before January 4, 2025.

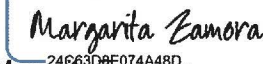
FINANCING:

Funds are available in the 2022-2023 Approved Budget and will be included in future years' requested budgets to cover the costs resulting from the recommendation.

VISION 2026 GOAL:

The annual Ordinance adoption meet the 10x goal pathways of **Employment for All** in support of our shared vision of a **Prosperous and Vibrant Economy**.

Very truly yours,

DocuSigned by:

Margarita Zamora
24663D9E074A48D...
Labor Relations Manager

- c: CAO
- Auditor-Controller
- County Counsel
- Director, Health Care Services Agency

13 21 + 1 17
24 2/28/23

3-12.98 – Effective January 9, 2022, not to exceed one (1) employee in Job Code #5320, when assigned the responsibilities of training Health Care Services Agency clinical staff on First Call Duty Officer duties and having oversight of the Alameda County Public Health Department's Duty Officer program on behalf of the County of Alameda, shall receive an additional eight percent (8%) compensation of the base pay. This footnote shall be reviewed by the Director of Human Resource Services on or before January 4, 2025.

SECTION IV

This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against it in the Inter-City Express, a newspaper published in the County of Alameda.

Gov. Code Sec. 31461. (a) "Compensation earnable" by a member means the average compensation as determined by the board, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and at the same rate of pay. The computation for any absence shall be based on the compensation of the position held by the member at the beginning of the absence. Compensation, as defined in Section 31460, that has been deferred shall be deemed "compensation earnable" when earned, rather than when paid.

(b) "Compensation earnable" does not include, in any case, the following:

(1) Any compensation determined by the board to have been paid to enhance a member's retirement benefit under that system. That compensation may include:

(A) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member, and which was converted to and received by the member in the form of a cash payment in the final average salary period.

(B) Any one-time or ad hoc payment made to a member, but not to all similarly situated members in the member's grade or class.

(C) Any payment that is made solely due to the termination of the member's employment, but is received by the member while employed, except those payments that do not exceed what is earned in each 12-month period during the final average salary period regardless of when reported or paid.

(2) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, in an amount that exceeds that which may be earned in each 12-month period during the final average salary period, regardless of when reported or paid.

(3) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(4) Payments made at the termination of employment, except those payments that do not exceed what is earned in each 12-month period during the final average salary period, regardless of when reported or paid.

Gov. Code Sec. 7522.34. (a) "Pensionable compensation" of a new member of any public retirement system means the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment for services rendered on a full-time basis during normal working hours, pursuant to publicly available pay schedules.

(b) Compensation that has been deferred shall be deemed pensionable compensation when earned rather than when paid.

(c) "Pensionable compensation" does not include the following:

(1) Any compensation determined by the board to have been paid to increase a member's retirement benefit under that system.

(2) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member and which was converted to and received by the member in the form of a cash payment.

(3) Any one-time or ad hoc payments made to a member.

(4) Severance or any other payment that is granted or awarded to a member in connection with or in anticipation of a separation from employment, but is received by the member while employed.

(5) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, regardless of when reported or paid.

(6) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(7) Any employer-provided allowance, reimbursement, or payment, including, but not limited to, one made for housing, vehicle, or uniforms.

(8) Compensation for overtime work, other than as defined in Section 207(k) of Title 29 of the United States Code.

(9) Employer contributions to deferred compensation or defined contribution plans.

(10) Any bonus paid in addition to the compensation described in subdivision (a).

(11) Any other form of compensation a public retirement board determines is inconsistent with the requirements of subdivision (a).

(12) Any other form of compensation a public retirement board determines should not be pensionable compensation.

CONSENT CALENDAR ITEM


Approve Staff Recommendation regarding the County of Alameda's New Pay Item/Code Quality Improvement Responsibility & Public Health Infrastructure – 42Z



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: April 20, 2023

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **New Pay Item/Code: Approve as “Compensation Earnable” and Exclude from “Pensionable Compensation” – County of Alameda**

The County of Alameda (County) requested that new pay item/code Quality Improvement Responsibility & Public Health Infrastructure – 42Z be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation. This new pay code establishes a footnote provision for additional compensation of 15% of the base pay to be paid to an employee in the job classification of Deputy Director, Public Health (Job Code #5047) when assigned the responsibilities described below.

On March 21, 2023, the Board of Supervisors of the County of Alameda approved adding Subsection 3-12.97 to Article 3, Section 3-12 of the County of Alameda Salary Ordinance. It states: “Effective February 19, 2023, not to exceed one (1) employee in Job Code 5047 in the Health Care Services Agency, Public Health Department, when assigned responsibility for redesigning new processes and models to facilitate continuous quality improvement and the reinvention of public health infrastructure, shall be compensated an additional fifteen percent (15%) compensation of the base pay. This footnote shall be reviewed by the Director of Human Resource Services on or before December 31, 2025.”

Staff and Chief Counsel reviewed the required supporting documentation (attached) and made the determination that because this pay code is for one employee, it does not qualify as “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members). However, this pay code does qualify as “compensation earnable” under Government Code Section 31461 (for Legacy members). The two relevant Government Code sections are attached for the Board of Retirement’s (Board) reference.

Staff informed the County that its determination will be included on the Board’s Consent Calendar for its April 20, 2023 meeting. If this item is not pulled from the Consent Calendar for discussion, then the Board will approve Staff’s determination to exclude pay item/code Quality Improvement Responsibility & Public Health Infrastructure – 42Z from “pensionable compensation” under Government Code Section 7522.34 (for PEPRAs members) and include it as “compensation earnable” under Government Code Section 31461 (for Legacy members).

Attachments



**ALAMEDA COUNTY
AUDITOR-CONTROLLER AGENCY
MELISSA WILK
AUDITOR-CONTROLLER/CLERK-RECORDER**

REQUEST FOR ACERA'S REVIEW OF A NEW PAY ITEM/CODE

Employer Name:	County of Alameda
Date of Request	03/20/23
Employer Department Submitting the Request	Auditor-Controller's Agency
Contact Person/Employer (include title/position)	Stephanie Tsurumoto
Contact Person Telephone incl area code	(510)272-6581
Contact Person Email address	stephanie.tsurumoto@acgov.org
Pay Item Name (and code Number)	42Z – Qual. Improv Rsp & PH Infrastr
Pay Item Effective Date per authorization:	2/19/23
State if additional documentation is attached	Yes – Board Letter

NOTE: The following information is required before ACERA can review and respond to the request. To meet ACERA's requirements, please provide substantive responses below or on a separate paper and return, with this form, all of the supporting documentation prior to issuing (paying) the pay item to any employee who is an ACERA member.

1. State the job classification of employees eligible for the pay item (i.e. Job Code 0499-Nurse Practitioners II may receive this pay item)

RESPONSE #1: 5047 – Deputy Director, Public Health

2. State employment status of employees eligible to receive the pay item (i.e. full time employees, part time employees)

RESPONSE #2: Full Time

3. State the number of members or employees who are eligible to receive the pay item (i.e. all members or employees in a job classification eligible to receive the pay item, or "not to exceed one employee")

RESPONSE #3: One employee

4. State whether pay item is for overtime or regular base pay

RESPONSE #4: Regular Base Pay

5. State whether pay item is calculated as a fixed amount or percentage of the base pay

RESPONSE #5: Percentage, paid an additional 15% of base pay

6. State whether the pay item is paid one time (i.e. incentive pay, referral pay, bonus, award)

RESPONSE #6: No

7. State whether the pay item is an ad hoc payment (i.e, stipend, payment for attending a meeting during the working hours, payment for attending a meeting during non-working hours)

RESPONSE #7: No

8. State whether the pay item is a reimbursement (i.e., car allowance, housing allowance, uniform allowance, mileage payment, cell phone allowance)

RESPONSE #8: No

9. State regular working hours of the employees who will receive the pay item (i.e., 37.5 hour workweek employees, 40 hour workweek employees)

RESPONSE #9: 40 Hour Workweek

10. State whether pay item is for work performed outside of the regular workweek (i.e., payment for work or services performed outside of the employee's 37.5 hour workweek, or outside the employee's 40 hour workweek)

RESPONSE #10: No

11. State whether the pay item is for deferred compensation

RESPONSE #11: No

12. State whether the pay item is for retro payments

RESPONSE #12: No

13. State whether the pay item is for accrued unused leaves (i.e., sick leave, annual leave, floating holiday, vacation, comp time)

RESPONSE #13: No

14. State whether the payment is compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member or employee

RESPONSE #14: No

15. State whether the payment is severance or other payment in connection with or in anticipation of a separation from employment (and state if this payment is made while employee is working)

RESPONSE #15: No

16. State whether the pay item is paid in one lump sum or biweekly (or over some other time period-monthly, quarterly, annually)

RESPONSE #16: Biweekly

17. State the basis for eligibility for the pay item (i.e., certification of completion of training program conducted by an accredited university, or employee assigned as supervisor of badge distribution)

RESPONSE #17: Per Salary Ordinance 3-12.97

Adopt a Salary Ordinance amendment to amend Article 3, Section 12 (Health Care Services Agency) to add a new subsection 3-12.97, to create a footnote for one (1) employee in the classification of Deputy Director, Public Health (Job Code ("JC") #5047) to receive an additional 15% compensation of base pay when assigned the responsibility to facilitate quality improvement and the reinvention of the public health infrastructure effective February 19, 2023.

3-12.97 - Effective February 19, 2023, not to exceed one (1) employee in Job Code 5047 in the Health Care Services Agency, Public Health Department, when assigned responsibility for redesigning new processes and models to facilitate continuous quality improvement and the reinvention of public health infrastructure, shall be compensated an additional fifteen percent (15%) compensation of the base pay. This footnote shall be reviewed by the Director of Human Resource Services on or before December 31, 2025.



AGENDA NO. ~~37~~ 38 January 24, 2023
2/7/23
Lakeside Plaza Building
1401 Lakeside Drive, Suite 200
Oakland, CA 94612-4305
TDD: (510) 272-3703

Human Resource Services

January 24, 2023

2nd ready 2/28/23
3/14/23
Moved to 3/21/23

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

SUBJECT: ADOPT A SALARY ORDINANCE AMENDMENT TO ADD SUBSECTION 3-12.97 TO CREATE A FOOTNOTE FOR THE CLASSIFICATION OF DEPUTY DIRECTOR, PUBLIC HEALTH (JOB CODE #5047)

Dear Board Members:

RECOMMENDATION:

New
Add'l
Pay
A23

Adopt a Salary Ordinance amendment to amend Article 3, Section 12 (Health Care Services Agency) to add a new subsection 3-12.97, to create a footnote for one (1) employee in the classification of Deputy Director, Public Health (Job Code ("JC") #5047) to receive an additional 15% compensation of base pay when assigned the responsibility to facilitate quality improvement and the reinvention of the public health infrastructure effective February 19, 2023.

DISCUSSION/SUMMARY:

At the request of HCSA, the Human Resource Services, Personnel Services Division determined that additional compensation is warranted for one (1) employee in the classification of Deputy Director, Public Health (JC #5047), when assigned the responsibility to facilitate continuous quality improvement and the reinvention of the public health infrastructure. The additional duties include strengthening staffing and priorities identified during the pandemic, promoting the expansion of local public health delivery systems, and assisting in the development of health services programs and initiatives designed to strengthen the public health community. As such, staff recommends adding a new subsection 3-12.97 to establish a footnote for one (1) employee in the classification of Deputy Director, Public Health (JC #5047) when assigned the responsibility to facilitate continuous quality improvement and reinvention of the public health infrastructure, to receive an additional fifteen percent (15%) compensation of the base pay effective February 19, 2023. Said footnote will be reviewed by the Director of Human Resource Services on or before December 31, 2025.

FINANCING:

Funds are available in the 2022-2023 Approved Budget and will be included in future years' requested budgets to cover the costs resulting from the recommendation.

VISION 2026 GOAL:

The annual Ordinance adoption meet the 10x goal pathways of Employment for All in support of our shared vision of a Prosperous and Vibrant Economy.

1st reading 1/24/23 + 2/7/23
2nd reading 3/14/23 → 3/21/23

Approved as to Form
DONNA ZIEGLER, County Counsel

By 
Kristy van Herick, Asst. County Counsel

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2022-2023
COUNTY OF ALAMEDA SALARY ORDINANCE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Article 3, Section 3-12, Subsection 3-12.97 of the County of Alameda Salary Ordinance is hereby added, to read as follows:

3-12.97 - Effective February 19, 2023, not to exceed one (1) employee in Job Code 5047 in the Health Care Services Agency, Public Health Department, when assigned responsibility for redesigning new processes and models to facilitate continuous quality improvement and the reinvention of public health infrastructure, shall be compensated an additional fifteen percent (15%) compensation of the base pay. This footnote shall be reviewed by the Director of Human Resource Services on or before December 31, 2025.

New
Add
427

SECTION II

This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against it in the Inter-City Express, a newspaper published in the County of Alameda.

Gov. Code Sec. 31461. (a) "Compensation earnable" by a member means the average compensation as determined by the board, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and at the same rate of pay. The computation for any absence shall be based on the compensation of the position held by the member at the beginning of the absence. Compensation, as defined in Section 31460, that has been deferred shall be deemed "compensation earnable" when earned, rather than when paid.

(b) "Compensation earnable" does not include, in any case, the following:

(1) Any compensation determined by the board to have been paid to enhance a member's retirement benefit under that system. That compensation may include:

(A) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member, and which was converted to and received by the member in the form of a cash payment in the final average salary period.

(B) Any one-time or ad hoc payment made to a member, but not to all similarly situated members in the member's grade or class.

(C) Any payment that is made solely due to the termination of the member's employment, but is received by the member while employed, except those payments that do not exceed what is earned in each 12-month period during the final average salary period regardless of when reported or paid.

(2) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, in an amount that exceeds that which may be earned in each 12-month period during the final average salary period, regardless of when reported or paid.

(3) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(4) Payments made at the termination of employment, except those payments that do not exceed what is earned in each 12-month period during the final average salary period, regardless of when reported or paid.

Gov. Code Sec. 7522.34. (a) "Pensionable compensation" of a new member of any public retirement system means the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment for services rendered on a full-time basis during normal working hours, pursuant to publicly available pay schedules.

(b) Compensation that has been deferred shall be deemed pensionable compensation when earned rather than when paid.

(c) "Pensionable compensation" does not include the following:

(1) Any compensation determined by the board to have been paid to increase a member's retirement benefit under that system.

(2) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member and which was converted to and received by the member in the form of a cash payment.

(3) Any one-time or ad hoc payments made to a member.

(4) Severance or any other payment that is granted or awarded to a member in connection with or in anticipation of a separation from employment, but is received by the member while employed.

(5) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, regardless of when reported or paid.

(6) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(7) Any employer-provided allowance, reimbursement, or payment, including, but not limited to, one made for housing, vehicle, or uniforms.

(8) Compensation for overtime work, other than as defined in Section 207(k) of Title 29 of the United States Code.

(9) Employer contributions to deferred compensation or defined contribution plans.

(10) Any bonus paid in addition to the compensation described in subdivision (a).

(11) Any other form of compensation a public retirement board determines is inconsistent with the requirements of subdivision (a).


(12) Any other form of compensation a public retirement board determines should not be pensionable compensation.

CONSENT CALENDAR ITEM

Approve Staff Recommendation regarding the County of Alameda's Amendment to Pay Item/Code Retention Pay – 74E



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: April 20, 2023
TO: Members of the Board of Retirement
FROM: Sandra Dueñas-Cuevas, Benefits Manager 
SUBJECT: **Amendment to Pay Item/Code Retention Pay – 74E**

The County of Alameda (County) requested an amendment to pay item/code Retention Pay – 74E, which is for pay that is included in “compensation earnable” but is excluded from “pensionable compensation.” Pay code 74E was initially approved at the Board of Retirement’s (Board) March 16, 2023 meeting for a retention pay stipend program effective December 20, 2022 for eligible employees in the classifications of Child Welfare Worker I (Job Code 6740) and Child Welfare Worker II (Job Code 6745) in the amounts ranging from \$1,000 to \$5,000 based on the required length of service in the Emergency Response (ER) field units.

The requested amendment, which is effective January 10, 2023, will expand the use of pay code 74E to include employees in the classification of Child Welfare Supervisor (Job Code #6750) assigned to work in the ER field units. This pay code will include all retention pay stipend payments that the County makes to all similarly situated employees in a class, provided the payment does not violate any other rules for “compensation earnable.”

In addition, the amendment provides a retention pay stipend for employees in this classification who are not regularly assigned to work in the ER field units, as described below:

“Moreover, employees in the Job Code 6750 who are regularly assigned to supervise interns in ER and on an as-needed basis, required to cover for employees in Job Code 6750 assigned to work in ER field units, shall be eligible to receive fifty percent (50%) of the Retention Pay Stipend Amount after said employee completes the corresponding Required Length of Service in ER Field Units.”

The lengths of service are shown in the table below:

Required Length of Service in ER Field Units	Retention Pay Stipend Amount
Completion of 12-months	\$1,000
Completion of 18-months	\$2,500
Completion of 24-months	\$3,000
Completion of 36-months	\$4,000
Completion of 60-months	\$5,000

Staff and Chief Counsel reviewed the request for amendment (attached) and determined that it is appropriate. The retention pay stipend payments that are made to all similarly situated members of a class are properly included in “compensation earnable” and properly excluded from “pensionable compensation.” Thus, it is appropriate to use pay code 74E for such payments.

“Pensionable compensation” is comprised of a member’s “normal monthly rate of pay or base pay” and it expressly does not include any one-time or ad hoc payments, or any bonus paid in addition to an employee’s normal monthly rate of pay or base pay. See Government Code Section 7522.34(a),(c)(3),(c)(10).

Government Code Section 31461(a) states that “compensation earnable” means “the average compensation as determined by the board, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and at the same rate of pay.” In *Ventura County Deputy Sheriffs’ Assn. v. Board of Retirement* (1997) 16 Cal.4th 483, the court held that ACERA must look to “the average pay of the individual retiring employee computed on the basis of the number of hours worked by other employees in the same class and pay rate--that is the average monthly pay, excluding overtime, received by the retiring employee for the average number of days worked in a month by the other employees in the same job classification at the same base pay level.” *Id.* at 504. Thus, in general, cash payments, other than payments that fall under certain express exclusions are included in “compensation earnable.” The pay at issue here satisfies the basic definition of “compensation earnable” and it is not excluded by any of the express statutory exclusions.

The two relevant Government Code sections are attached for the Board’s reference.

Staff informed the County that its determination will be included on the Board’s Consent Calendar for its April 20, 2023 meeting. If this item is not pulled from the Consent Calendar for discussion, then the Board will approve Staff’s determination to amend pay item/code Retention Pay – 74E so that the County may use it for all retention pay stipend payments to all similarly situated members of a class.

Attachments



**ALAMEDA COUNTY
AUDITOR-CONTROLLER AGENCY
MELISSA WILK
AUDITOR-CONTROLLER/CLERK-RECORDER**

REQUEST FOR ACERA’S REVIEW OF A NEW PAY ITEM/CODE - AMENDED

Employer Name:	County of Alameda
Date of Request	01/17/2023
Employer Department Submitting the Request	Auditor-Controller’s Agency
Contact Person/Employer (include title/position)	Stephanie Tsurumoto
Contact Person Telephone incl area code	(510)272-6581
Contact Person Email address	stephanie.tsurumoto@acgov.org
Pay Item Name (and code Number)	74E Retention Pay
Pay Item Effective Date per authorization:	January 10, 2023
State if additional documentation is attached	Yes – Board Letter

NOTE: The following information is required before ACERA can review and respond to the request. To meet ACERA’s requirements, please provide substantive responses below or on a separate paper and return , with this form, all of the supporting documentation prior to issuing (paying) the pay item to any employee who is an ACERA member.

1. State the job classification of employees eligible for the pay item (i.e. Job Code 0499-Nurse Practitioners II may receive this pay item)

RESPONSE #1: Employees in following Job Codes assigned to work in the Emergency Response (ER) field units who are 1) continuously employed and working in the ER field units and complete the Required Length of Service in the ER Field Units and 2) who are in active status during the Pay Period ending as specified in the Payment Period Determination End Date

Job Code #6750 Child Welfare Supervisor

2. State employment status of employees eligible to receive the pay item (i.e. full time employees, part time employees)

RESPONSE #2: Full Time Employees

3. State the number of members or employees who are eligible to receive the pay item (i.e. all members or employees in a job classification eligible to receive the pay item, or “not to exceed one employee”)

RESPONSE #3: Employees in Job Codes #6750 who are 1) continuously employed and working in the ER field units and complete the Required Length of Service in the ER Field Units as specified in the Required Length of Service in ER Field Units and 2) who are in active status during the Pay Period ending as specified in the Payment Period Determination End Date

4. State whether pay item is for overtime or regular base pay

RESPONSE #4: One Time Payment

5. State whether pay item is calculated as a fixed amount or percentage of the base pay

RESPONSE #5: Fixed Amount

6. State whether the pay item is paid one time (i.e. incentive pay, referral pay, bonus, award)

RESPONSE #6: Yes

7. State whether the pay item is an ad hoc payment (i.e. stipend, payment for attending a meeting during the working hours, payment for attending a meeting during non-working hours)

RESPONSE #7: No

8. State whether the pay item is a reimbursement (i.e., car allowance, housing allowance, uniform allowance, mileage payment, cell phone allowance)

RESPONSE #8: No

9. State regular working hours of the employees who will receive the pay item (i.e., 37.5 hour workweek employees, 40 hour workweek employees)

RESPONSE #9: 40.0 Hour Workweek

10. State whether pay item is for work performed outside of the regular workweek (i.e., payment for work or services performed outside of the employee's 37.5 hour workweek, or outside the employee's 40 hour workweek)

RESPONSE #10: No

11. State whether the pay item if for deferred compensation

RESPONSE #11: No

12. State whether the pay item is for retro payments

RESPONSE #12: No

13. State whether the pay item is for accrued unused leaves (i.e., sick leave, annual leave, floating holiday, vacation, comp time)

RESPONSE #13: No

14. State whether the payment is compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member or employee

RESPONSE #14: No

15. State whether the payment is severance or other payment in connection with or in anticipation of a separation from employment (and state if this payment is made while employee is working)

RESPONSE #15: No

16. State whether the pay item is paid in one lump sum or biweekly (or over some other time period-monthly, quarterly, annually)

RESPONSE #16: Lump Sum

17. State the basis for eligibility for the pay item (i.e., certification of completion of training program conducted by an accredited university, or employee assigned as supervisor of badge distribution)

RESPONSE #17: Per Salary Ordinance Section 3-18.45

- iii. Update Article 3, Section 3-18 (Social Services Agency) subsection 3-18.45 to provide retention pay stipends of \$1,000, \$2,500, \$3,000, \$4,000, and \$5,000 based on the required length of service in the ER field units of 12-, 18-, 24-, 36-, and 60-months, respectively, to eligible employees in the classification of Child Welfare Supervisor (JC #6750) in active status as of effective 1/10/23

Article 3, Section 3-18, Subsection 3-18.45 of the County of Alameda Salary Ordinance is hereby amended as follows:

3-18.45 – Effective December 20, 2022, employees in Job Codes 6740NM and 6745NM, and effective January 10, 2023, employees in Job Code 6750MA, assigned to work in the Emergency Response (“ER”) field units who are 1) continuously employed and working in the ER field units and complete the Required Length of Service in the ER Field Units as noted below; and 2) who are in active status during the pay period (“PP”) ending date as specified in the Payment Period Determination End Date below, shall be eligible to receive the corresponding Retention Pay Stipend Amount.

Required Length of Service in ER Field Units	Retention Pay Stipend Amount
Completion of 12-months	\$1,000
Completion of 18-months	\$2,500
Completion of 24-months	\$3,000
Completion of 36-months	\$4,000
Completion of 60-months	\$5,000

Thereafter, on an annual basis, said employees who complete the above-referenced Required Length of Service in the ER Field Units shall receive said Retention Pay Stipend Amount in accordance with the Payment Period Determination End Date below:

Payment Year	Payment Period Determination End Date
2022	The full PP following ACERA pensionability determination.
2023	The PP ending November 25, 2023 (PP 23-25).
2024	The PP ending November 23, 2024 (PP 24-25).
2025	The PP ending June 21, 2025 (PP 25-14).

Moreover, employees in the Job Code 6750 who are regularly assigned to supervise interns in ER and on an as-needed basis, required to cover for employees in Job Code 6750 assigned to work in ER field units, shall be eligible to receive fifty percent (50%) of the Retention Pay Stipend Amount after said employee completes the corresponding Required Length of Service in ER Field Units.

This subsection shall sunset and be deleted from the Salary Ordinance the earliest of June 30, 2025 or when SSA no longer receives said grant funds from the State of California as appropriated in the Budget Act of 2021.

1st Reading 1/10/23
 2nd Reading 1/24/23 2/7/23
 Φ - 2023-4

SECTION III

Article 3, Section 3-18, Subsection 3-18.45 of the County of Alameda Salary Ordinance is hereby amended as follows:

3-18.45 – Effective December 20, 2022, employees in Job Codes 6740NM and 6745NM and effective January 10, 2023, employees in Job Code 6750MA assigned to work in the Emergency Response (“ER”) field units who are 1) continuously employed and working in the ER field units and complete the Required Length of Service in the ER Field Units as noted below; and 2) who are in active status during the pay period (“PP”) ending date as specified in the Payment Period Determination End Date below, shall be eligible to receive the corresponding Retention Pay Stipend Amount.

Required Length of Service in ER Field Units	Retention Pay Stipend Amount
Completion of 12-months	\$1,000
Completion of 18-months	\$2,500
Completion of 24-months	\$3,000
Completion of 36-months	\$4,000
Completion of 60-months	\$5,000

Thereafter, on an annual basis, said employees who complete the above-referenced Required Length of Service in the ER Field Units shall receive said Retention Pay Stipend Amount in accordance with the Payment Period Determination End Date below:

Payment Year	Payment Period Determination End Date
2022	The full PP following ACERA pensionability determination.
2023	The PP ending November 25, 2023 (PP 23-25).
2024	The PP ending November 23, 2024 (PP 24-25).
2025	The PP ending June 21, 2025 (PP 25-14).

Moreover, employees in the Job Code 6750 who are regularly assigned to supervise Interns in ER and on an as-needed basis, required to cover for employees in Job Code 6750 assigned to work in ER field units, shall be eligible to receive fifty percent (50%) of the Retention Pay Stipend Amount after said employee completes the corresponding Required Length of Service in ER Field Units.

This subsection shall sunset and be deleted from the Salary Ordinance the earliest of June 30, 2025 or when SSA no longer receives said grant funds from the State of California as appropriated in the Budget Act of 2021.

SECTION IV

This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against it in the Inter-City Express, a newspaper published in the County of Alameda.

Gov. Code Sec. 31461. (a) "Compensation earnable" by a member means the average compensation as determined by the board, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and at the same rate of pay. The computation for any absence shall be based on the compensation of the position held by the member at the beginning of the absence. Compensation, as defined in Section 31460, that has been deferred shall be deemed "compensation earnable" when earned, rather than when paid.

(b) "Compensation earnable" does not include, in any case, the following:

(1) Any compensation determined by the board to have been paid to enhance a member's retirement benefit under that system. That compensation may include:

(A) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member, and which was converted to and received by the member in the form of a cash payment in the final average salary period.

(B) Any one-time or ad hoc payment made to a member, but not to all similarly situated members in the member's grade or class.

(C) Any payment that is made solely due to the termination of the member's employment, but is received by the member while employed, except those payments that do not exceed what is earned in each 12-month period during the final average salary period regardless of when reported or paid.

(2) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, in an amount that exceeds that which may be earned in each 12-month period during the final average salary period, regardless of when reported or paid.

(3) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(4) Payments made at the termination of employment, except those payments that do not exceed what is earned in each 12-month period during the final average salary period, regardless of when reported or paid.

Gov. Code Sec. 7522.34. (a) "Pensionable compensation" of a new member of any public retirement system means the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment for services rendered on a full-time basis during normal working hours, pursuant to publicly available pay schedules.

(b) Compensation that has been deferred shall be deemed pensionable compensation when earned rather than when paid.

(c) "Pensionable compensation" does not include the following:

(1) Any compensation determined by the board to have been paid to increase a member's retirement benefit under that system.

(2) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member and which was converted to and received by the member in the form of a cash payment.

(3) Any one-time or ad hoc payments made to a member.

(4) Severance or any other payment that is granted or awarded to a member in connection with or in anticipation of a separation from employment, but is received by the member while employed.

(5) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, regardless of when reported or paid.

(6) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(7) Any employer-provided allowance, reimbursement, or payment, including, but not limited to, one made for housing, vehicle, or uniforms.

(8) Compensation for overtime work, other than as defined in Section 207(k) of Title 29 of the United States Code.

(9) Employer contributions to deferred compensation or defined contribution plans.

(10) Any bonus paid in addition to the compensation described in subdivision (a).

(11) Any other form of compensation a public retirement board determines is inconsistent with the requirements of subdivision (a).

(12) Any other form of compensation a public retirement board determines should not be pensionable compensation.

5.A. DISABILITY, DEATH AND OTHER BENEFIT CLAIMS:

This Item will be addressed in Closed Session, pursuant to Gov't Code § 54957(b):

Government Code Section 54957 & 88 Ops. Cal. Atty. Gen. 16 – Personnel matter (1 matter): Application of Jintapa Piyamanothamkul for earlier effective date of disability retirement – Alameda County Sheriff's Office.

5.B. DISABILITY, DEATH AND OTHER BENEFIT CLAIMS:

This item will be addressed in Open Session (materials are included in the public agenda packet), but the Board may go into Closed Session to receive advice from counsel, per Gov't Code § 54956.9(d)(2):

Jean Luevano's Service-Connect Death Benefit Application (Deceased Member Kenneth Ryken): Consideration of Hearing Officer's Proposed Findings of Fact and Recommended Decision, pursuant to Gov't Code § 31534.

NEW BUSINESS

- 7.A. Motion to instruct the Chief Executive Officer (or his Designee) on how to vote ACERA's proxy on behalf of the Board of Retirement for the SACRS Business Meeting action items.**



*Office of the Chief Executive Officer
Office of Administration*

DATE: April 20, 2023
TO: Members of the Board of Retirement
FROM: Dave Nelsen, Chief Executive Officer *DN*
SUBJECT: Voting Proxy on SACRS Business Meeting Action Items

As you are aware, the State Association of County Retirement Systems (SACRS) will be conducting its Business Meeting at the Spring Conference on May 12, 2023. There are four action items the Board of Retirement can vote on, if it chooses to do so. The action items are as follows:

- Secretary's Report-Receive and File
- Treasurer's Report-Receive and File
- Audit Committee Report-Approve Annual Audit
- Nomination Committee Report-Board of Directors Election

The first three items are common, and fairly pro-forma. The last item is more significant.

Board of Directors Election: The SACRS Nominating Committee has provided a recommended slate of candidates, including the one "Open" Regular Member position. This position remains as open as an interested candidate withdrew after the nominating period had ended. No other candidates submitted information for consideration to the Nominating Committee.

You can vote to support the slate below, or choose not to support the slate or any individual candidate. However, individuals who have not been nominated through the SACRS process are not eligible for consideration.

SACRS Nominating Committee Final Ballot:

- President – David MacDonald, Contra Costa CERA
- Vice President – Adele Tagalao, Orange CERS
- Treasurer – Jordan Kaufman, Kern CERA
- Secretary – Zandra Cholmondeley, Santa Barbara CERS
- Regular Member – David Gilmore, San Diego CERA
- Regular Member – Open

Recommendation

The first three items are fairly pro forma, and I would recommend you advise me to vote to receive and file and approve the audit. I would also recommend you support the slate of candidates provided, since no other candidates applied for consideration.

Your options are to:

1. Instruct the CEO (or his Designee) on how to vote on each individual SACRS action item.
2. Give the CEO (or his Designee) authority to vote proxy on all the SACRS action items using his discretion on behalf of the Board of Retirement, which includes voting for the candidates recommended by the Nominating Committee.

Enclosure: 1) SACRS Business Meeting Packet

ENCLOSURE 1



March 24, 2023

To: SACRS Trustees & SACRS Administrators/CEO's
 From: Dan McAllister, SACRS Immediate Past President, Nominating Committee Chair
 SACRS Nominating Committee
 Re: SACRS Board of Director Elections 2023-2024 Elections – Final Ballot

SACRS BOD 2023-2024 election process began January 2023. Please provide the final ballot and voting instructions to your Board of Trustees and Voting Delegates.

DEADLINE	DESCRIPTION
March 1, 2023	Any regular member may submit nominations for the election of a Director to the Nominating Committee, provided the Nominating Committee receives those nominations no later than noon on March 1 of each calendar year regardless of whether March 1 is a Business Day. Each candidate may run for only one office. Write-in candidates for the final ballot, and nominations from the floor on the day of the election, shall not be accepted.
March 25, 2023	The Nominating Committee will report a final ballot to each regular member County Retirement System prior to March 25
May 12, 2023	Nominating Committee to conduct elections during the SACRS Business Meeting at the Spring Conference, May 9-12, 2023
May 12, 2023	Board of Directors take office for 1 year (until Spring 2024 Elections)

Per SACRS Bylaws, Article VIII, Section 1. Board of Director and Section 2. Elections of Directors:

Section 1. Board of Directors. *The Board shall consist of the officers of SACRS as described in Article VI, Section 1, the immediate Past President, and two (2) regular members.*

A. Immediate Past President. *The immediate Past President, while he or she is a regular member of SACRS, shall also be a member of the Board. In the event the immediate Past President is unable to serve on the Board, the most recent Past President who qualifies shall serve as a member of the Board.*

B. Two (2) Regular Members. *Two (2) regular members shall also be members of the Board with full voting rights.*

Section 2. Elections of Directors. *Any regular member may submit nominations for the election of a Director to the Nominating Committee, provided the Nominating Committee receives those nominations no later than noon on March 1 of each calendar year regardless of whether March 1 is a Business Day. Each candidate may run for only one office. Write-in candidates for the final ballot, and nominations from the floor on the day of the election, shall not be accepted.*

The Nominating Committee will report its suggested slate, along with a list of the names of all members who had been nominated, to each regular member County Retirement System prior to March 25. The Administrator of each regular member County Retirement System shall be responsible for communicating the Nominating Committee's suggested slate to each trustee and placing the election of



SACRS Directors on his or her board agenda. The Administrator shall acknowledge the completion of these responsibilities with the Nominating Committee.

Director elections shall take place during the first regular meeting of each calendar year. The election shall be conducted by an open roll call vote, and shall conform to Article V, Sections 6 and 7 of these Bylaws.

Newly elected Directors shall assume their duties at the conclusion of the meeting at which they are elected, with the exception of the office of Treasurer. The incumbent Treasurer shall co-serve with the newly elected Treasurer through the completion of the current fiscal year.

The elections will be held at the SACRS Spring Conference on Friday, May 12, 2023, during the scheduled business meeting at the Paradise Point Resort & Spa, San Diego, CA.

SACRS Nominating Committee Recommended Slate:

- President – David MacDonald, Contra Costa CERA
- Vice President – Adele Tagaloa, Orange CERS
- Treasurer – Jordan Kaufman, Kern CERA
- Secretary – Zandra Cholmondeley, Santa Barbara CERS
- Regular Member – David Gilmore, San Diego CERA
- Regular Member – Open

The Regular Member listed as “Open” is due to a late withdrawal of a submission by an interested candidate. We are past the deadline to submit a nomination, and we received no other submissions of interest. SACRS Bylaws do not allow nominations or write-in candidates from the floor, therefore the Nominating Committee will be reaching out to the regular membership in search of interested parties that would like to serve.

***Bylaws- Article VIII Board of Directors/Section 2/ Elections of Directors**

The Bylaws state that the Board of Directors can make an appointment if there is a vacant position on the Board. Once the Board of Directors are elected, at their first meeting in June, they will fill the vacancy.

***Bylaws- Article VIII Board of Directors/Section 6/ Elections of Directors**

Regular members interested in serving as a “Regular Member” of the SACRS Board of Directors may complete a supplemental candidate form for consideration. Send the supplemental candidate form, no later than April 21, 2023, to sulema@sacrs.org to be reviewed by the Nominating Committee. At the SACRS Business meeting in May, the Nominating Committee will update the membership on submissions received and make a recommendation to the newly elected Board of Directors.

Please prepare your voting delegate to have the ability to vote by the recommended ballot and by each position separately.

If you have any questions, please contact me at Dan McAllister, Dan.McAllister@sdcounty.ca.gov or Sulema Peterson, sulema@sacrs.org (916) 701-5158.

Continued



Thank you for your prompt attention to this timely matter.

Sincerely,

Dan McAllister

Dan McAllister, San Diego CERA Trustee
SACRS Nominating Committee Chair

CC: SACRS Board of Directors
SACRS Nominating Committee Members
Sulema H. Peterson, SACRS Executive Director

Attached: 2023-2024 Candidate submissions
Candidate Form



**SACRS Nomination SUPPLEMENTAL Submission
Form SACRS Board of Directors Elections**

All interested candidates that would like to be considered for appointment to the Board of Directors for the 2023-2024 OPEN REGULAR MEMBER position must complete this form and submit along with a letter of intent. **Both the form and the letter of intent must be submitted no later than April 21, 2023.** Please submit to the Nominating Committee Chair at Dan.McAllister@sdcounty.ca.gov AND to SACRS at sulema@sacrs.org. If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 701-5158.

Name of Candidate	Name:
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: Email Address: Phone:
Name of Retirement System Candidate Currently Serves On	System Name:
List Your Current Position on Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)	<input type="radio"/> Chair <input type="radio"/> Alternate <input type="radio"/> General Elected <input type="radio"/> Retiree <input type="radio"/> Other
Applying for SACRS Board of Directors Position (select only one)	<input type="radio"/> President <input checked="" type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
Brief Bio in Paragraph Format	

President Candidate Form - David MacDonald, Contra Costa CERA



SACRS Board of Directors Elections 2023-2024

All interested candidates must complete this form and submit along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2023.** Please submit to the Nominating Committee Chair at Dan.McAllister@sdcounty.ca.gov AND to SACRS at sulema@sacrs.org. If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 701-5158.

Name of Candidate	Name: David J. MacDonald, MD
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: [REDACTED] Email Address: dmacdcccera@gmail.com Phone: [REDACTED]
Name of Retirement System Candidate Currently Serves On	System Name: CCCERA
List Your Current Position on Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)	<input type="radio"/> Chair <input type="radio"/> Alternate <input type="radio"/> General Elected <input type="radio"/> Retiree <input checked="" type="radio"/> Other - Vice Chair X (elected board member)
Applying for SACRS Board of Directors Position (select only one)	<input checked="" type="radio"/> President X <input type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
Brief Bio	<ul style="list-style-type: none"> * SACRS Board of Directors, Member – 2020-2021 & 2021-2022 * SACRS Vice President – 2022-2023 * Vice Chair, CCCERA Board of Retirement * Elected general member trustee of CCCERA since 2016 * President, Physicians' and Dentists' of Contra Costa (PDOCC), since 2010 (Union for health care providers working at Contra Costa County). * 29 years serving on the PDOCC Executive Board, including many years as Vice President and President. * 32 years of service to Contra Costa County as a physician working in the Department of Health Services. * Education/Pension Trustee Certificates: <ul style="list-style-type: none"> - Bachelors of Science, Biology – UC Irvine - Doctor of Medicine – UC Irvine - UC Berkeley (SACRS) – Modern Investment Theory & Practice for Retirement Systems - Wharton Business School – Portfolio Concepts & Management - IFEBP – CAPPP program, Trustees Masters Program - CALAPRS Trustee Education – Principles of Pension Governance

Vice President Candidate Form - Adele Tagaloa, Orange CERS



**SACRS Nomination Submission Form
SACRS Board of Directors Elections 2022-2023**

All interested candidates must complete this form and submit along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2022.** Please submit to the Nominating Committee Chair at Dan.McAllister@sdcountry.ca.gov AND to SACRS at sulema@sacrs.org. If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 701-5158.

Name of Candidate	Adele Tagaloa
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: [REDACTED] Email Address: atagaloa@ocers.org [REDACTED] Phone: [REDACTED]
Name of Retirement System Candidate Currently Serves On	System Name: Orange County Employees Retirement System (OCERS)
List Your Current Position on Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)	<input type="radio"/> Chair <input type="radio"/> Alternate <input checked="" type="radio"/> General Elected <input type="radio"/> Retiree <input type="radio"/> Other _____
Applying for SACRS Board of Directors Position (select only one)	<input type="radio"/> President <input checked="" type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
Brief Bio	<ul style="list-style-type: none"> ◆ Secretary, [REDACTED] ram and Bylaws Committee ◆ Elected General Member Trustee, OCERS, 2020 to present Over 13 years of service to the County of Orange Proudly serving 1.8 million registered voters at the Registrar of Voters office ◆ Chair, OCERS Disability Committee 2020 to present ◆ Vice- Chair, OCERS Investment Committee 2022 to present ◆ Member, OCERS Governance Committee member 2022 to present ◆ Union Steward, Orange County Employees Association (OCEA) 2012 to present ◆ Board of Directors, OCEA 2018 to present ◆ Political Action Committee and Scholarship Committee member, OCEA <p>Public Pension Trustee Certificates: Public Pension Investment Management Program - UC Berkeley CALAPRS Principles of Pension Governance and Principles for Trustees Completed 190 hours of education, 2020 - present</p>

Treasurer Candidate Form - Jordan Kaufman, Kern CERA



**SACRS Nomination Submission Form
SACRS Board of Directors Elections 2023-2024**

All interested candidates must complete this form and submit along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2023.** Please submit to the Nominating Committee Chair at Dan.McAllister@sdcounty.ca.gov AND to SACRS at sulema@sacrs.org. If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 701-5158.

Name of Candidate	Name:
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: [REDACTED] Email Address: jkaufman@kerncounty.com [REDACTED]
Name of Retirement System Candidate Currently Serves On	System Name: Kern CERA
List Your Current Position on Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)	<input type="radio"/> Chair <input type="radio"/> Alternate <input type="radio"/> General Elected <input type="radio"/> Retiree <input checked="" type="radio"/> Other <u>Statutory</u>
Applying for SACRS Board of Directors Position (select only one)	<input type="radio"/> President <input type="radio"/> Vice President <input checked="" type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
Brief Bio in Paragraph Format	<p>I am the current SACRS Treasurer and am excited for the opportunity to continue in this role. I am in my second term as the elected Kern County Treasurer-Tax Collector with fiduciary responsibility over the \$5.2 billion Treasury Investment Pool and the responsibility of annually collecting over \$1.4 billion in local property taxes. I am also the Plan Administrator for the \$670 million deferred compensation plan for County employees. Prior to being elected, I became the assistant Treasurer-Tax Collector in 2006. Prior to 2006, I spent over a decade in the County Administrative Office where I performed budget and policy analysis and was involved in the issuance of various types of municipal bonds for the County. I am the Treasurer and past Chairman of the United Way of Kern County, Trustee and past Chairman of the Kern County Employees Retirement Association (KCERA), Commissioner on the California Statewide Communities Development Authority (CSCDA), Treasurer of the Boy Scouts of America Southern Sierra Council. I have a Bachelor of Science degree in Industrial Technology from Cal Poly San Luis Obispo. I live in Bakersfield with my beautiful wife Kristen and we have four children.</p>

Secretary Candidate Form - Zandra Cholmondeley, Santa Barbara CERS



**SACRS Nomination Submission Form
SACRS Board of Directors Elections 2023-2024**

All interested candidates must complete this form and submit along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2023.** Please submit to the Nominating Committee Chair at Dan.McAllister@sdcounty.ca.gov AND to SACRS at sulema@sacrs.org. If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 701-5158.

Name of Candidate	Name: Zandra Cholmondeley
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: [REDACTED] Email Address: zcholmondeley@gmail.com <input type="checkbox"/> Phone: [REDACTED] <input type="checkbox"/>
Name of Retirement System Candidate Currently Serves On	System Name: Santa Barbara County Employees' Retirement System (SBCERS)
List Your Current Position on Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)	<input type="radio"/> Chair <input type="radio"/> Alternate <input type="radio"/> General Elected <input checked="" type="radio"/> Retiree <input type="radio"/> Other _____
Applying for SACRS Board of Directors Position (select only one)	<input type="radio"/> President <input type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input checked="" type="radio"/> Regular Member
Brief Bio in Paragraph Format	<p>Zandra Cholmondeley was elected to represent County retirees as a trustee on the governing board of the Santa Barbara County Retirement System (SBCERS) in November 2008. She joined the SBCERS Board in January 2009 and starting in January 2010, served two terms as Chair of the Board. She has also served three terms as the President of the Retired Employees of Santa Barbara County (RESBC).</p> <p>Zandra retired in July 2008. As Principal Analyst for Santa Barbara County she was charged with overseeing the development of the County's annual budget and performed numerous special projects for the County Executive Officer (CEO). Her budget responsibilities included working with County departments to ensure the accuracy of projections and overall preparation of the budget document. Special projects experience included implementing fiscal policy for the County Executive and oversight of internal service funds including the fleet and self-insurance funds.</p>

Regular Member Candidate Form - David Gilmore, San Diego CERA



**SACRS Nomination Submission Form
SACRS Board of Directors Elections 2023-2024**

All interested candidates must complete this form and submit along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2023.** Please submit to the Nominating Committee Chair at Dan.McAllister@sdcounty.ca.gov AND to SACRS at sulema@sacrs.org. If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 701-5158.

Name of Candidate	Name: David Gilmore
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: [REDACTED] Email Address: DGilmore@sdcera.org Phone: [REDACTED]
Name of Retirement System Candidate Currently Serves On	System Name:
List Your Current Position on Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)	<input type="radio"/> Chair <input type="radio"/> Alternate <input checked="" type="radio"/> General Elected <input type="radio"/> Retiree <input type="radio"/> Other _____
Applying for SACRS Board of Directors Position (select only one)	<input type="radio"/> President <input type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input checked="" type="radio"/> Regular Member
Brief Bio in Paragraph Format	<p>I have over 25 years with the County of San Diego and have been in management for the past 13 years. I am currently in my second term at SDCERA as a trustee and occupy the safety seat. I was elected to the SACRS Board of Directors last year and am seeking re-election for the upcoming year. I have a degree in accounting and a graduate degree in public administration.</p> <p>Thank you for your consideration and please see my letter of intent attached.</p>

NEW BUSINESS

7.B. Presentation of the 2023-2024 ACERA Business Plan.



MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: April 20, 2023

TO: Members of the Board of Retirement

FROM: Lisa Johnson, Assistant Chief Executive Officer

A handwritten signature in blue ink that reads "L. Johnson".

SUBJECT: **Business Planning 2023 - 2025**

It has been ACERA's practice to review and update the organization's Strategic Plan every three years and out of that, to create a single or multi-year business plan to foster achievement of specific business goals.

In May of 2022, ACERA engaged Mosaic Governance Advisors, LLC (Mosaic) for strategic planning. Over a five-month period Mosaic took a 360° survey of ACERA, its stakeholders, and business partners; and held a series of meetings to gain further understanding of ACERA's current state of strengths and opportunities for growth towards a desired future state. From that work, four key business goals were identified.

Four identified strategic goals:

- Goal 1: Improve Funded Status while maintaining an appropriate risk posture in the area of Investments.
- Goal 2: Manage Internal and External People transitions at all levels.
- Goal 3: Modernize Technology & Optimize Processes and Operations.
- Goal 4: Implement Cost-Effective Member Service Improvements and Expanded Communications.

Striving to achieve the business goals through key projects

ACERA's leadership team has held a series of meetings to review the strategic plan and key goals. Twelve projects have been identified that will help ACERA grow towards the desired future state in the goals listed above. Of the twelve projects two are goal 1 initiatives, three (3) are goal 2; five are goal 3, and two are goal 4 initiatives. The attached chart lists the planned projects and they will be discussed during the Board Meeting today along with next steps.

Business Projects	Goal	Duration	Schedule	Department Leading the project
Investments General Consultant RFP	Goal 1	1 Year	Aug 2022- Sep 2023	Investments
Investment license services for private market and Subscription	Goal 1	5 Months	Jul 2023 – Dec 2023	Investments
Comprehensive Pension Administration System PG3 training as a training foundation for model of all org training	Goal 2	1 Year	May 2023 – Fall 2024	Benefits
Review WFE tools for performance evaluation and training for update or replacement.	Goal 2	9 Months	Oct 2022 – Jul 2023	HR/PRISM/ Communications
Continuation of PAS Upgrade to PG3	Goal 2	In-Progress	Complete in June 2024	Benefits
On-Base Case Management process improvement Projects, disability optimization, and active death	Goal 3	1 Year	2023-2024	Project spans multiple departments
Board packet meeting software review, analysis and implementation	Goal 3	1 Year	Fall 2022 – Fall 2023	PRISM/Administration

Business Projects	Goal	Duration	Schedule	Department or Area Leading the project
Research Agency Intranet Solution for internal Document management, Knowledgebase, internal information storage and retrieval.	Goal 3	6 Months	Spring 2023 - Fall 2023	Multiple Departments
Research expense S/W subscription options with digital receipt submission and system integration capabilities.	Goal 3	3 Months	Mar 2023 – Jun 2023	PRISM/Admin/ Fiscal
Product analysis for GP upgrade or similar Accounting Software	Goal 3	4 Months	Aug 2023 - Dec 2023	PRISM/Fiscal Services
New Member onboarding documentation process (forms, info collection, details)	Goal 4	10 Months	Complete Fall 2023	Benefits
Communications Methods and approach for New and continuing members.	Goal 4	8 Months	Apr 2023 – Dec 2023	Benefits/Comm unications

NEW BUSINESS

7.C. Chief Executive Officer's Report.



*Office of the Chief Executive Officer
Office of Administration*

DATE: April 20, 2023
TO: Members of the Board of Retirement
FROM: Dave Nelsen, Chief Executive Officer *DN*
SUBJECT: **Chief Executive Officer's Report**

Senior Manager Recruitment

None

Committee/Board Action Items

ASSIGNED FOLLOW-UP ITEMS

Follow-Up Board Item	Assigned Senior Leader	Estimated Completion Date	Completion Date	Notes
Develop ACERA Re-Opening Plan.	Dave Nelsen	April 2023	On-going	We are currently scheduling meet and confer meetings with our employee representative groups.
ACERA Business Plan	Lisa Johnson	March of 2023	April 2023	The Business Plan report is on the agenda for today's meeting.

Conference/Event Schedule

None upcoming.

Other Items

COVID-19 Responses

We continue to move forward with our re-opening plan. We are now open to the public every day of the week. Counseling remains by appointment, but walk-ins can be accommodated for questions, and an appointment scheduled. We will continue to use virtual means as the primary source of customer service, but in-person meetings will remain an option for service delivery. We are still working with County labor and the employee unions regarding our regular Staffing Plan. As you know, the County lifted the COVID mask and social distancing requirements in County Offices for employees and the public, but they are optional, and we will still be cognizant of this in our scheduling for meetings and such. Our customers are continuing to use alternative means of service, and feedback has been generally positive that their service needs are being met.

As I have mentioned previously, our Post-COVID Staffing Plan for the organization will include remote work as a team member's work requirements allow. We are not planning to mandate a set number of days in the Office for all team members, such as Monday, Wednesday and Friday. Alternatively, we will allow eligible team members to work from home to the extent their work allows, based upon classification and acceptable performance. Some will need to be on-site more or less than others.

Pension Administration System (PAS) Update

The review for Design Phase 4 was completed in late March. During April, management and team members are meeting with LRS to review all Problem Incident Reports and Change Requests submitted by ACERA during all testing to date. Training and User Acceptance Training for Design Phase 4 will begin mid-July and run through early September. We expect the final employer test file to be submitted in June so that testing and any changes needed will be complete by October 1st. Deadlines have been met in all areas of this part of the project. Preliminary process improvement work is occurring on the Beneficiary Change Process, Medicare Age-in Process and New Member Enrollment Process in preparation for workflow development.

Work on the On-Base system programming is continuing with the current focus on a large, complex Disability Case Manager and an Active Member Death process workflow.

Business Planning Update

The Strategic Plan was adopted in December 2022. Staff has identified potential projects to undertake to support the Strategic Plan, and will present those to the Board in this meeting.

Legislative Update

There are a few new bills of interest regarding pensions and open meetings. I have included in the packet a monthly legislative update from the SACRS Lobbying firm which discusses those bills. Of special interest is a bill that would create a panel to look at the liability incurred when the provisions of reciprocity are applied (SSB 660).

Key Performance Indicators

Below are the high level performance indicators for ACERA, with the latest scores included:

Scorecard KPI	2022 Performance Goal
PRUDENT INVESTMENT PRACTICES	
Portfolio Performance vs. Policy Benchmark	<i>Annualized 10-year return will meet or exceed Policy benchmark at the total fund level</i> January of 2023: We were .06% short of the benchmark.
EFFECTIVE PLAN ADMINISTRATION	
Actual Spent vs. Approved Budget	<i>On budget or 10% below 2022 approved budget</i> As February of 2023: 2% under budget.
COMPREHENSIVE ORGANIZATION DEVELOPMENT	
Employee Engagement Survey Results	<i>80% of responses in top two rating boxes on the question: "Is ACERA a great place to work?"</i> As of the latest survey (October of 2022): 71%.
SUPERIOR CUSTOMER SERVICE	
Service Excellence Survey	<i>80% of responses in top two rating boxes on the question: "Did ACERA meet or exceed my expectations for my customer service experience?"</i> For 1st Quarter of 2023: 100%



April 6, 2023

TO: State Association of County Retirement Systems

FROM: Edelstein Gilbert Robson & Smith, LLC

RE: **Legislative Update – April 2023**

General Update

With the bill introduction deadline behind us, the Legislature now turns to policy committee hearings for the first house. The Legislature will have until April 28 for all fiscal bills to be heard in policy committee. Until this date (aside from Spring Recess from March 30 – April 10), the Legislature will be busy conducting hearings for bills introduced this year.

By this point, most of the “spot” or “intent” bills (placeholder bills without substantive language) have since been amended with substantive language that will allow them to move forward in the legislative process and get a hearing in policy committee.

Non-fiscal bills will have until May 5 to be heard in policy committee.

Legislation of Interest

AB 1020 (Grayson) – CERL Disability Presumptions. This bill would establish several new disability retirement presumptions for various injuries and illnesses in the CERL, similar to provisions that exist in the Labor Code. The bill is sponsored by the California Professional Firefighters.

SB 252 (Gonzalez) – PERS and STRS Fossil Fuel Divestment. Senator Gonzalez reintroduced SB 1173 from last session. Like last year, this bill applies to CalPERS and CalSTRS and prohibits the retirement systems from renewing or making new investments in fossil fuel companies as well as requiring them to liquidate existing investments by July 1, 2030, among other requirements. The bill was introduced as part of a package of climate legislation.

SB 660 (Alvarado-Gil) - CA Public Retirement System Agency Cost and Liability Panel. This bill would establish the CA Public Retirement System Agency Cost and

Liability Panel that would be tasked to determine how costs and unfunded liability are apportioned to a public agency when a member changes employers within the same retirement system or concurrently retires with two or more systems that have entered into a reciprocity agreement. The panel would include a member from the State Association of County Retirement Systems (SACRS).

Public Meeting Bills

Since the onset of the COVID-19 pandemic, teleconferencing flexibilities have become a subject of interest in California's Legislature, with local government groups sponsoring various bills on the topic since 2021. This session is no exception, and a handful of bills have been introduced:

AB 557 (Hart) - AB 361 Sunset Extension. This bill would remove the sunset established in AB 361 (R. Rivas) as well as increase the time period when the Board must renew the findings of an emergency or need for social distancing from 30 days to 45 days.

AB 817 (Pacheco) – Open Meeting Flexibility for Subsidiary Bodies. This bill allows subsidiary bodies to use teleconferencing without regard to a state of emergency if they meet certain requirements. Subsidiary bodies are bodies that serve in an advisory capacity and do not take final action on specified items.

AB 1379 (Papan) - Teleconference Flexibilities. AB 1379 expands various flexibilities for local agencies under the Brown Act including, but not limited to, relaxing requirements for posting teleconference locations, relaxing certain quorum requirements, removing the existing January 1, 2026 sunset date of flexibilities in current law, removing restrictions that prohibit members from participating remotely for more than two meetings a year, among other changes. The bill also requires that a legislative body have at least two meetings a year where members are in person at a single designated location.

SB 411 (Portantino) - Teleconferencing for Appointed Bodies. This bill would allow local legislative bodies with appointed members to use teleconferencing indefinitely regardless of the presence of an emergency. The author intends this bill to apply to neighborhood councils. The bill is an urgency bill and therefore requires a 2/3 vote.

SB 537 (Becker) - Teleconference Flexibilities. This bill was recently amended with substantive language that allows multijurisdictional, cross county legislative bodies to use teleconferencing indefinitely and without regard to a state of emergency and adds certain requirements, like requiring a legislative body to provide a record of attendance on its website within 7 days of the meeting. The bill also adds to the list of circumstances where a member is permitted to participate remotely. We have met with the author's staff and are preparing some amendments to clarify that local retirement systems are covered by the bill. The bill is an urgency bill and therefore requires a 2/3 vote.

CLOSED SESSION

See Agenda Items 5A and 5B

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