



ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
BOARD OF RETIREMENT
MINUTES

Thursday, November 21, 2019

Chair Henry Levy called the meeting to order at 2:00 p.m.

Trustees Present: Ophelia Basgal
Keith Carson
Tarrell Gamble
Jaime Godfrey
Liz Koppenhaver
Henry Levy
Elizabeth Rogers
George Wood
Nancy Reilly (*Alternate*)
Darryl Walker (*Alternate*)

Trustees Excused: Dale Amaral

Staff Present: Margo Allen, Fiscal Services Officer
Angela Bradford, Executive Secretary
Sandra Dueñas-Cuevas, Benefits Manager
Kathy Foster, Assistant Chief Executive Officer
Harsh Jadhav, Chief of Internal Audit
Vijay Jagar, Retirement Chief Technology Officer, ACERA
Kathy Mount, Chief Counsel
David Nelsen, Chief Executive Officer
Betty Tse, Chief Investment Officer

Staff Excused: Victoria Arruda, Human Resource Officer
Jessica Huffman, Benefits Manager

CLOSED SESSION

Board Chair Henry Levy moved the following Closed Session agenda items to the top of the calendar to accommodate time constraints by the presenters. The Board went into Closed Session to discuss the following matters:

- A) Government Code section 54956.9(d)(1): Pending litigation, 2 matters:
1. *Rivera v. ACERA*, Alameda County Superior Court, No. RG17877193.
 2. Civil Service Appeal of Marguerite Malloy, OAH No. 201909090358.

The Board reconvened into open session:

PUBLIC INPUT

ACRE President Pete Albert announced that this year's ACRE Holiday Luncheon will be held at the Hilton Hotel in Oakland, CA on Friday, December 13, 2019. The time of the Holiday Luncheon will be provided at a later date.

Mr. Albert inquired as to when the next Joint Board of Supervisors and Board of Retirement meeting will take place. Mr. Nelsen reported that he and County Administrator Susan Muranishi are working on scheduling a date for the Joint meeting.

SEIU Local 1021 Representative Cynthia Landry inquired about the 2017 law regarding pre-payment of employer contributions. Mr. Nelsen explained that the County already allows employers to pre-pay its contributions. However, the law that passed in 2017 opened an opportunity for the Special Districts to also pre-pay employer contributions. It was noted that no employers have contacted ACERA regarding pre-payment of contributions. Staff developed a policy to establish guidelines for Special Districts in the event they decide to pre-pay contribution rates. This issue will be discussed at the Operations Committee and forwarded to the Board for its consideration.

CONSENT CALENDAR REPORTS AND ACTION ITEMS

APPLICATION FOR SERVICE RETIREMENT

Appendix A

APPLICATION FOR RETIREMENT, DEFERRED

Appendix B

Appendix B-1

APPLICATION FOR DEFERRED TRANSFER

Appendix C

LIST OF DECEASED MEMBERS

Appendix D

REQUESTS FOR 130 BI-WEEKLY PAYMENTS TO RE-DEPOSIT CONTRIBUTIONS AND GAIN CREDIT

Appendix E

APPLICATION FOR DISABILITY RETIREMENT – NON-CONTESTED ITEMS

Appendix F

APPLICATION FOR DISABILITY RETIREMENT – HEARING OFFICER RECOMMENDATIONS

Appendix G

APPROVAL OF BOARD and COMMITTEE MINUTES

October 2, 2019 Operations Committee Minutes
Revised October 17, 2019 Minutes of the Regular Board Meeting
November 6, 2019 Investment Committee Minutes

MISCELLANEOUS MATTERS

Operations Committee Information Item(s):

Operating Expenses as of September 30, 2019
Quarterly Financial Statements as of September 30, 2019
Quarterly Cash Forecast Report as of September 30, 2019
Board Member Conference Expense Report as of September 30, 2019
Senior Manager Conference and Training Expense Report as of September 30, 2019
3rd Quarter 2019 Call Center Report

19-77

It was moved by Elizabeth Rogers seconded by Nancy Reilly, and approved by a vote of 7 yes (*Basgal, Carson, Godfrey, Levy, Reilly, Rogers, Wood*), 0 no, and 0 abstentions (*Darryl Walker recused himself because one or more of the consent calendar items involved his employing Departments*):

BE IT RESOLVED BY THIS BOARD that the Consent Calendar is approved, with revisions to the October 17, 2019 Board minutes.

REGULAR CALENDAR
REPORTS AND ACTION ITEMS

DISABILITIES, CURRENT AND CONTINUING RECOMMENDATIONS AND MOTIONS

(Item(s) will be heard in Closed Executive Session)

None.

COMMITTEE REPORTS, RECOMMENDATIONS AND MOTIONS

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

Investment:

Elizabeth Rogers gave an oral report stating that the Investment Committee met on November 6, 2019, and that the Committee was presented with, reviewed information for and discussed an up to \$35 million Investment in Artemis Income & Growth Fund, as part of ACERA's Real Estate Portfolio.

19-78

It was moved by Elizabeth Rogers and seconded by Jaime Godfrey that the Board approve an up to \$35 million Investment in Artemis Income & Growth Fund, as part of ACERA’s Real Estate Portfolio pending completion of legal and investment due diligence and successful contract negotiations. The motion carried 8 yes (*Basgal, Carson, Godfrey, Levy, Reilly, Rogers, Walker, Wood*), 0 no, and 0 abstentions.

There were no Information Items.

Minutes of the meeting were presented to the Board for adoption on the Consent Calendar at today’s Board meeting.

Budget:

Ophelia Basgal gave an oral report stating that the Budget Committee met today and there were no action items. However, the Committee was presented with, reviewed information for and discussed the proposed 2020 ACERA Operating Expense Budget. This item will be brought back for discussion at the December 4, 2019 Operations Committee meeting and presented at the December 19, 2019 Board meeting for approval.

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the December 19, 2019 Board meeting.

Governance:

Elizabeth Rogers gave an oral report stating that the Governance Committee met today and was presented with, reviewed information for and discussed the *1) Board Education Policy; 2) Board Travel Policy; 3) Conflict of Interest Policy; 4) Conflict of Interest Code and the 5) Remote Access by Trustees to Board and Committee Meetings Policy*. The Board made the following motions:

19-79

It was moved by Elizabeth Rogers and seconded by Jaime Godfrey that the Board make the findings and adopt the *Board Education Policy* as revised and recommended by Staff and the Committee. The motion carried 8 yes (*Basgal, Carson, Godfrey, Koppenhaver, Levy, Rogers, Walker, Wood*), 0 no, and 0 abstentions.

19-80

It was moved by Elizabeth Rogers and seconded by Liz Koppenhaver that the Board make the findings and adopt the *Board Travel Policy* as revised and recommended by Staff and the Committee. The motion carried 8 yes (*Basgal, Carson, Godfrey, Koppenhaver, Levy, Rogers, Walker, Wood*), 0 no, and 0 abstentions.

19-81

It was moved by Elizabeth Rogers and seconded by Liz Koppenhaver that the Board make the findings and adopt the *Conflict of Interest Policy* as revised and recommended by Staff and the Committee. The motion carried 8 yes (*Basgal, Carson, Godfrey, Koppenhaver, Levy, Rogers, Walker, Wood*), 0 no, and 0 abstentions.

19-82

It was moved by Elizabeth Rogers and seconded by Liz Koppenhaver that the Board adopt the *Conflict of Code* without revisions as recommended by Staff and the Committee. The motion carried 8 yes (*Basgal, Carson, Godfrey, Koppenhaver, Levy, Rogers, Walker, Wood*), 0 no, and 0 abstentions.

19-83

It was moved by Elizabeth Rogers and seconded by Jaime Godfrey that the Board make the findings and adopt the new *Remote Access by Trustees to Board and Committee Meetings Policy* as recommended by Staff and the Committee. The motion carried 7 yes (*Basgal, Carson, Godfrey, Levy, Rogers, Walker, Wood*), 0 no (*Koppenhaver*), and 0 abstentions.

Minutes of the meeting will be presented to the Board for adoption on the Consent Calendar at the December 19, 2019 Board meeting.

NEW BUSINESS:

Board Off-Site

1) 2019 Input:

Chief Executive Officer Dave Nelsen asked for the Board’s feedback regarding the 2019 Board Off-Site. Trustees felt that the China and Governance presentations were useful. However, some Trustees did not like the lecture type presentations, especially, the diversity and inclusion presentation due to the type of academic information that was presented.

2) 2020 Planning:

Trustees were asked to share their views on what they believe diversity and inclusion is. Trustees stated that it would be of value to have (up-to-date/best practices) and/or educational events throughout the year; and if the Board decided to have an Off-Site, the discussions could include team building between the Board and Staff, governance, Board Policy, accomplishments and other issues of interest. Mr. Nelsen reported that several ‘37Act Plans have educational/training events throughout the year basis as opposed to an annual event. Staff will further discuss ideas for the year 2020 and bring the information back to the Board for its consideration.

David Nelsen, Chief Executive Officer's Report

Mr. Nelsen presented his November 21, 2019, written CEO Report which provided an update on the following items: **1)** Senior Manager Recruitment; **2)** Committee/Board Action Items; **3)** Conference/Event Schedule; **4)** Other Items, which included a Pension Administration System Update and the latest scores for ACERA's Key Performance Indicators.

Mr. Nelsen reported that ACERA contracted with Alliance Resource Consulting LLC regarding the recruitment for the Chief Counsel Position and that the announcement for the position was posted in several locations. Mr. Nelsen further reported that the closing date for the recruitment is Friday, November 22, 2019. However, the closing date may need to be extended. The goal is to have the new Chief Counsel on-board in January 2020.

CONFERENCE/ORAL REPORTS

Trustee Levy attended the complimentary BlackRock Educational Academy where they discussed Asset Allocations and Forecast Investing.

Trustee Levy announced that he has been made the Chair of the California Association of Public Retirement Systems (CALAPRS) Trustees' Roundtable and asked for the Trustees' support. Trustee Darryl Walker stated that the CALAPRS Roundtable is Administrator driven as opposed to Trustee driven and that is why there is not much support by Trustees throughout the '37 Act Plans.

ANNOUNCEMENTS

None.

BOARD INPUT

None.

CLOSED SESSION

- B)** Government Code Section 54957(b)(1): Public Employee Evaluation (Chief Executive Officer).

REPORT ON ACTION TAKEN IN CLOSED SESSION

The Board reconvened into Open Session and Chair Henry Levy announced that the Board:

- A) Pursuant to Government Code section 54956.9(d)(1):
 - Provided direction to Staff regarding:
 - 1. *Rivera v. ACERA*; and
 - 2. Civil Service Appeal of Marguerite Malloy.

- B) ACERA Chief Executive Officer’s Annual Performance Evaluation:**
Board Chair Henry Levy announced that the Trustees discussed Chief Executive Officer Dave Nelsen’s Annual Performance Evaluation and that the Trustees nominated him (Chair Levy) to serve as the Board’s Labor Negotiator for compensation discussions with Chief Executive Officer Nelsen.

ADJOURNMENT

The meeting adjourned at approximately 4:20 p.m.

Respectfully Submitted,



David Nelsen
Chief Executive Officer

12/19/19

Date Adopted

**APPENDIX A
APPLICATION FOR SERVICE RETIREMENT**

ADAMS, Michael
Effective: 09/06/2019
Sheriff's Office

GUCOR, Sarabel B.
Effective: 09/07/2019
Alameda Health System

BISHOP, Timothy
Effective: 08/20/2019
Sheriff's Office

HARBERT, Jacquelyn R.
Effective: 10/01/2019
Superior Court

BOND, Jane T.
Effective: 08/17/2019
Alameda Health System

INSKIP, Ricki D.
Effective: 09/19/2019
Superior Court

COHEN, Alan J.
Effective: 09/06/2019
Health Care Service Agency

JAMES, Cynthia D.
Effective: 09/04/2019
County Administrator

DICKSON, Jon
Effective: 09/22/2019
Alameda Health System

JOHNSON, Stephanie D.
Effective: 03/29/2019
Alameda Health System

DUARTE, Martha
Effective: 09/07/2019
Social Services Agency

JONES, Paulyne K.
Effective: 09/10/2019
Probation

ESPIRITU, Marian G.
Effective: 09/01/2019
Alameda Health System

LAPUS, Ludivina T.
Effective: 09/01/2019
Alameda Health System

ESSIEN, Helen I.
Effective: 08/14/2019
Alameda Health System

LORENTE, Rebecca L.
Effective: 09/17/2019
Child Support Services

GALYEAN, Hugh W.
Effective: 08/21/2018
Human Resources Services

MARCHI, Kris L.
Effective: 11/30/2019
Alameda Health System

GOMEZ, Berdie G.
Effective: 04/01/2017
Health Care Services Agency

MENSINGER, Mitchell S.
Effective: 07/27/2019
Sheriff's Office

**APPENDIX A
APPLICATION FOR SERVICE RETIREMENT**

NIX, Clint
Effective: 10/09/2019
Health Care Services Agency

SCHRAM, Keith W.
Effective: 09/21/2019
General Services Agency

PENA, Maria D.
Effective: 09/07/2019
Information Technology

SECAPURE, Jacqueline G. S.
Effective: 09/07/2019
Sheriff's Office

QUILL, John P.
Effective: 11/20/2018
Sheriff's Office

SLOWLEY, Stewart
Effective: 08/17/2019
Alameda Health System

RAGASA, Virginia A.
Effective: 09/07/2019
Health Care Services Agency

THOMAS, Kevin B.
Effective: 08/31/2019
District Attorney

ROGERS, Tonyita M.
Effective: 09/07/2019
Probation

TOLBERT, Victoria A.
Effective: 09/17/2019
Social Services Agency

SANTIAGO, Anne
Effective: 09/14/2019
Social Services Agency

WESLEY, Rosa
Effective: 09/17/2019
Alameda Health System

**APPENDIX B
APPLICATION FOR DEFERRED RETIREMENT**

STIER, Sandra
Health Care Services Agency
Effective Date: 09/20/19

**APPENDIX B-1
APPLICATION FOR NON-VESTED DEFERRED**

BALL, Elisabeth
Superior Court
Effective: 09/06/2019

BOGART, Janine
Superior Court
Effective: 09/06/2019

GRUBB, Michael D.
Alameda Health System
Effective: 08/07/2019

HAWKINS, Terrance S.
Alameda Health System
Effective: 07/26/2019

LAURENCE, Brian J.
Alameda Health System
Effective: 09/04/2019

MALPARTIDA, Fiorella
District Attorney
Effective: 05/02/2019

MORADI, Tamana.
Social Services Agency
Effective: 08/30/2019

NORRIS, Tabia S.
General Services Agency
Effective: 08/30/2019

NORTHAM, Michael A.
General Services Agency
Effective: 09/06/2019

RUBNER, Michael R.
Public Works Agency
Effective: 08/31/2019

SALINAS, Jessica M.
Alameda Health System
Effective: 08/28/2019

SANCHEZ, Claudia I.
Health Care Services Agency
Effective: 09/05/2019

STALLWORTH, Christopher L.
Alameda Health System
Effective: 08/23/2019

THEUS-SURVINE, Shamari T.
Social Services Agency
Effective: 08/23/2019

VAHIDIZADEH, Ali
Health Care Services Agency
Effective: 09/06/2019

**APPENDIX D
LIST OF DECEASED MEMBERS**

ANTHONY, Johnnie
Non-Mbr Survivor of Ozell Anthony
09/22/2019

GRIFFIN, Maggie
Alameda Health System
09/13/2019

ARNOLD, Marilyn
District Attorney
10/22/2019

HANDIS, Dennis
Probation
10/8/2019

ARTACHO, Ronald
Sheriff's Office
10/10/2019

HANLEY, Donald
Sheriff's Office
09/29/2019

BARRIOS, Ann
Social Services Agency
09/10/2019

HENAS, Patricia
General Services Agency
09/26/2019

BERGMAN, Susan
Alameda Health System
10/10/2019

HERNANDEZ, Rosemarie
Alameda Health System
10/13/2019

BRUNO, Dominic
General Services Agency
10/14/2019

HILLYER, Cameron
Sheriff's Office
09/14/2019

CASTRO, Julia
Non-Mbr Survivor of David Castro
09/12/2019

HUEY, Betty
Social Services Agency
9/22/2019

COOK, James
Alameda Health System
06/29/2019

JOHNSON, George
Alameda Health System
10/3/2019

CROMARTIE, Grace
Probation
09/1/2019

KENNEY, Mary
Non-Mbr Survivor of William Kenney
10/7/2019

CULBERTSON, Sarah
Social Services Agency
10/26/2019

KOCH, Ronald
Social Services Agency
07/10/2019

DUNAKIN, Angela
Sheriff's Office
10/28/2019

LIND, Loren
Non-Mbr Survivor of Agnes Lind
10/2/2019

**APPENDIX D
LIST OF DECEASED MEMBERS**

MARTINEZ, Alvina
Alameda Health System
07/13/2019

REED, Janice
Social Services Agency
09/1/2019

MELANSON, Nancy
Sheriff's Office
10/23/2019

REIMCHE-KILNER, Sandra
Auditor-Controller
08/29/2019

MILLER, Genevieve
Health Care Services Agency
10/20/2019

SAHARA, Akiko
Non-Mbr Survivor of Makoto Sahara
08/29/2019

MONTAGUE, Jery
Assessor
10/5/2019

SCALES-ROWE, Terresia
Social Services Agency
09/15/2019

PIO, Emerenciana
Non-Mbr Survivor of Serafin Pio
09/15/2019

SCHATTENBURG, Iola
Non-Mbr Survivor of Robert Hendershot
07/17/2019

POLLAK, Jeanne
Health Care Services Agency
10/11/2019

TAN, Harris
Alameda Health System
09/21/2019

WOHLFORTH, Timothy
General Services Agency
08/23/2019

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: **Beek, Amy**
Type of Claim: Annual Review for SCD (Granted on 7/19/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Ms. Beek's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: **Bobino, Twila**
Type of Claim: Annual Review for SCD (Granted on 1/18/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Ms. Bobino's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: **Cason, Freddie**
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. Cason's application for a service-connected disability, and waiving future annual medical examinations and questionnaires at this time.

Name: **Finley, Laura**
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. Finley's application for a service-connected disability, and requiring future annual medical examinations and questionnaires.

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

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: **Jacobs, Michelle**
Type of Claim: Annual Review for SCD (Granted on 8/16/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Ms. Jacobs's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: **Jones, Rachel**
Type of Claim: Annual Review for SCD (Granted on 6/22/17)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Ms. Jones's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: **Kennedy, Rhonda**
Type of Claim: Annual Review for SCD (Granted on 7/19/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Ms. Kennedy's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: **Lam, Van**
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. Lam's application for a service-connected disability. Since Ms. Lam is over 55 years old, future annual medical examinations and questionnaires will not be required.

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: **Linares, Julio**
Type of Claim: Annual Review for SCD (Granted on 3/15/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Linares's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: **Morales, Daniel**
Type of Claim: Annual Review for SCD (Granted on 6/21/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Morales's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: **Peterson, Shawn**
Type of Claim: Annual Review for SCD (Granted on 6/21/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Peterson's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: **Thomas, Nasir**
Type of Claim: Annual Review for SCD (Granted on 4/19/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Thomas's service-connected disability and to require future annual medical examinations and questionnaires at this time.

APPENDIX F
APPLICATION FOR DISABILITY RETIREMENT

Name: Tyler, Suzanne
Type of Claim: Annual Review for SCD (Granted on 5/24/18)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Ms. Tyler's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: Vales, Timothy
Type of Claim: Annual Review for SCD (Granted on 6/22/17)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Vales's service-connected disability and to waive future annual medical examinations and questionnaires at this time.

Name: Willis, Taia
Type of Claim: Annual Review for SCD (Granted on 4/21/16)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Ms. Willis's non-service connected disability and to require future annual medical examinations and questionnaires.

Name: Youngblood, Marcus
Type of Claim: Annual Review for SCD (Granted on 12/21/17)

Staff's Recommendation:

Adopt the findings and conclusions and approve and adopt the recommendation contained in the Medical Advisor's report to continue the allowance for Mr. Youngblood's service-connected disability and to waive future annual medical examinations and questionnaires at this time.
