

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM  
BOARD OF RETIREMENT  
2223 E. WELLINGTON AVENUE, SUITE 100  
SANTA ANA, CALIFORNIA**

**REGULAR MEETING  
February 22, 2022  
9:30 a.m.**

**MINUTES**

Chair Eley called the meeting to order at 9:30 a.m.

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

Present via Zoom Video conference pursuant to Government Code § 54953, as amended by AB 361:

Frank Eley, Chair; Shawn Dewane, Vice Chair; Richard Oates, Adele Tagaloa, Charles Packard, Chris Prevatt, Arthur Hidalgo, Jeremy Vallone, Wayne Lindholm, and Shari Freidenrich

Also Present via Zoom: Steve Delaney, Chief Executive Officer; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Gina Ratto, General Counsel; Jenny Sadoski, Director of Information Technology, Anthony Beltran, Audio-Visual Technician; Cammy Torres; Recording Secretary

**CONSENT AGENDA**

**MOTION** by Mr. Packard, **seconded** by Mr. Lindholm to approve recommendations on all of the following items on the Consent Agenda except for item C-3:

**BENEFITS**

**C-1 OPTION 4 RETIREMENT ELECTION**

**Recommendation:** Grant election of retirement benefit payment, Option 4, based on Segal Consulting's actuarial report.

1. None

**ADMINISTRATION**

**C-2 BOARD MEETING MINUTES**

Regular Board Meeting Minutes

January 18, 2022

**Recommendation:** Approve minutes.

**C-3 BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-02**

**Recommendation:** That the Board (1) make the following findings pursuant to Government Code section 54953, as amended by AB 361;

- a. The Board has reconsidered the circumstances of the state of emergency resulting from the COVID-19 pandemic; and
- b. The Board has determined that the following circumstances exist:
  - i. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; and
  - ii. State or local officials continue to impose or recommend measures to promote social distancing.

and

(2) Adopt Board of Retirement Resolution 2022-02 to reflect such findings.

Ms. Freidenrich pulled item C-3.

**C-4 RETIREE REQUEST TO BE REINSTATED – MARY ANN JOHNSON**

**Recommendation:** Reinstate Ms. Johnson as an active member under the provisions of Government Code Section 31680.4 and 31680.5.

The motion passed **unanimously.**

\*\*\*\*\*

**CONSENT ITEMS: DISABILITY/MEMBER BENEFITS AGENDA**

**OPEN SESSION**

**CONSENT ITEMS**

**MOTION** by Packard, **seconded** by Lindholm, to approve staff's recommendation on all of the following items on the Disability/Member Benefits Consent Agenda except for DC-2:

**DC-1: JOE BATRIZ**

Facility Maintenance Specialist I, Orange County Sheriff's Department (General Member)

**Recommendation:** The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as August 14, 2020.

**DC-2: MIHAIL DANCIULESCU**

Sergeant, Orange County Sheriff's Department (Safety Member)

**Recommendation:** The Disability Committee recommends that the Board:

- Grant Service connected disability retirement.
- Set the effective date as November 22, 2019.

Ms. Freidenrich pulled item DC-2.

**DC-3: GARY KING**

Service Worker, Orange County Transportation Authority (General Member)

**Recommendation:** The Disability Committee recommends that the Board:

- Deny service and non-service connected disability retirement without prejudice due to the member's failure to cooperate.

**DC-4: ERIKA OCHOA**

Office Specialist, Orange County Social Services Agency (General Member)

**Recommendation:** The Disability Committee recommends that the Board:

- Deny service and non-service connected disability retirement without prejudice due to the member's failure to cooperate.

**DC-5: PAUL SATRAS**

Fire Captain, Orange County Fire Authority (Safety Member)

**Recommendation:** The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as March 27, 2020.

**DC-6: SIMA AZMA**

Application Developer I, Orange County Superior Court

**Recommendation:** the Board approve and adopt the findings and recommendations of the Hearing Officer as set forth in the Proposed Findings of Fact Conclusions and Recommendation dated October 13, 2021 (Recommendation) wherein the Hearing Officer recommended that the Applicant, Sima Azma, request for service connected disability be denied.

The motion passed **unanimously.**

**CLOSED SESSION**

The Board adjourned into closed session at 9:53 a.m.

The Board reconvened into open session at 10:16 a.m.

**OPEN SESSION**

**REPORT OF ACTIONS TAKEN IN CLOSED SESSION**

**DA-1: INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE DISABILITY/MEMBER BENEFITS  
CONSENT AGENDA**

**DC-2: MIHAIL DANCULESCU**

Sergeant, Orange County Sheriff's Department (Safety Member)

**Recommendation:** The Disability Committee recommends that the Board:

- Grant Service connected disability retirement.
- Set the effective date as November 22, 2019.

Mr. Eley reported out of closed session:

**MOTION** by Packard, **seconded** by Prevatt to find the applicant permanently incapacitated from duties of a Sergeant with effective date of November 22, 2019.

The motion passed **unanimously**.

**ACTION ITEMS:**

**A-1 INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA**

**C-3 BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB  
361, AND ADOPTION OF BOARD RESOLUTION 2022-02**

**Recommendation:** That the Board (1) make the following findings pursuant to Government Code section 54953, as amended by AB 361;

- a. The Board has reconsidered the circumstances of the state of emergency resulting from the COVID-19 pandemic; and
- b. The Board has determined that the following circumstances exist:
  - i. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; and
  - ii. State or local officials continue to impose or recommend measures to promote social distancing

and

(2) Adopt Board of Retirement Resolution 2022-02 to reflect such findings.

Ms. Freidenrich had questions in regards to the “whereas” items in the resolution.

Ms. Ratto and Mr. Delaney responded to Ms. Freidenrich’s concerns.

**MOTION** by Freidenrich, **seconded** by Lindholm, to approve item C-3:

The motion passed **unanimously**.

**A-2 2022 COST OF LIVING ADJUSTMENT**

*Presentation by Suzanne Jenike, Assistant CEO of External Operations, OCERS; Andy Yeung, and Paul Angelo, Segal*

**Recommendation:** Adjust all applicable benefit allowances by 3% effective April 1, 2022, and bank 1%, in accordance with Government Code section 31870.1, resulting from the 3.83% change to CPI in calendar year 2021 (rounded to 4%).

Ms. Jenike presented item A-2.

Mr. Ron Hinshaw, member of the public, had a question in regards to the CPI calculation.

Mr. Angelo, Segal, stated that OCERS uses a 12 month average when calculating CPI and not a month to month calculation.

**MOTION** by Dewane, **seconded** by Packard, to adjust all applicable benefit allowances by 3% effective April 1, 2022, and bank 1%, in accordance with Government Code section 31870.1, resulting from the 3.83% change to CPI in calendar year 2021 (rounded to 4%).

The motion passed **unanimously**.

**A-3 SACRS BOARD OF DIRECTORS ELECTIONS 2022-2023**

*Presentation by Gina M. Ratto, General Counsel*

**Recommendation:** Identify one or more nominees for the SACRS Board of Directors election to be conducted on May 13, 2022; and direct staff to submit the nomination(s) to the SACRS Nominating Committee on or before March 1, 2022.

Ms. Ratto presented item A-3.

Ms. Tagaloa indicated she was willing to be considered a nominee for any SACRS Board of Directors positions.

**MOTION** by Tagaloa, **seconded** by Hidalgo, to direct staff to nominate Ms. Tagaloa for any of the open positions on the SACRS Board of Directors.

The motion passed **unanimously**.

The Board recessed for break at 10:50 a.m.

The Board reconvened from break at 11:07 a.m.

Recording Secretary administered the Roll Call attendance.

**A-4 PERSONNEL COMMITTEE OUTCOMES FROM COMMITTEE MEETING HELD ON FEBRUARY 7, 2022**  
*Presentation by Suzanne Jenike, Suzanne Jenike, Assistant CEO of External Operations, OCERS*

**Recommendation:** The Personnel Committee recommends the Board of Retirement approve the following items:

- 1) Approve the addition of two Extra Help positions, classified as a Member Services Manager and a Disability Manager in the External Operations division; and
- 2) Approve an amendment to OCERS' Administrative Budget for Fiscal Year 2022 by transferring \$25,000 from the Services and Supplies category to the Personnel category to account for budgeted costs for the Business Plan initiatives of a comprehensive review of the applicable MOUs for all OCERS Participating Employers being utilized using Extra Help positions instead of a third party consultant.

Ms. Jenike presented item A-4.

**MOTION** by Lindholm, **seconded** by Prevatt, to approve the Personnel Committee recommendations as presented in item A-4.

The motion passed **unanimously**.

**INFORMATIONAL ITEMS**

**Presentations**

**I-1 2021 EMPLOYEE, MANAGER AND INNOVATOR OF THE YEAR**  
*Presentation by Steve Delaney, Chief Executive Officer, OCERS*

Mr. Delaney presented item I-1. First noting that OCERS Employee of The Year, Ms. Nusa Sio had experienced a family loss and was not able to join the meeting, he promised to return in the summer to allow the Board an opportunity to meet her. He then introduced the two remaining staff awards for 2021.

**I-2 ACTUARIAL TOPICS WITH SEGAL**  
*Presentation by, Todd Tauzer, Andy Yeung, and Paul Angelo, Segal*

Mr. Angelo, Mr. Tauzer, and Mr. Yeung presented item I-2. They, along with the Board, discussed the following topics:

- OCERS mortality assumption will not be noticeably impacted by COVID 19
- Current mortality expectations for Safety Members
- Why they recommend OCERS not consider early adjustment of the Assumed Earnings Rate despite record earnings

**I-3 UPDATE ON FINAL AVERAGE SALARY**

*Presentation by Suzanne Jenike, Assistant CEO of External Operations, OCERS*

Ms. Jenike presented item I-3. She stated that she’s in the process of reviewing documents for the past 10 years to determine the potential impact to OCERS. She hopes to have a more concrete report for the Board by the March Regular Board Meeting.

**I-4 UPDATE ON STAFFING**

*Presentation by Cynthia Hockless, Director of Human Resources, OCERS*

Ms. Hockless presented item I-4 and gave the Board the quarterly update on staff openings, vacancies and status on filling those positions. She also presented the HR staff and thanked them for their hard work.

**I-5 M365 MIGRATION IMPACT TO BOARD MEMBERS**

*Presentation by Matt Eakin, Director of Cyber Security and Manuel Serpa, Staff Attorney, OCERS*

Mr. Eakin presented item I-5. He discussed the M365 transition and impact to the Board.

Mr. Serpa provided brief legal clarifications regarding Board Member use of personal email and/or personal devices for OCERS business.

**I-6 COVID-19 UPDATE**

*Presentation by Steve Delaney, Chief Executive Officer, OCERS*

Mr. Delaney provided the monthly COVID-19 update. The team plans to return to the office on March 11<sup>th</sup>.

**Written Reports**

No written reports were pulled for discussion.

**R-1 MEMBER MATERIALS DISTRIBUTED**

Written Report

Application Notices  
Death Notices

February 22, 2022  
February 22, 2022

**R-2 COMMITTEE MEETING MINUTES**

- 12-15-2021 Audit Committee Minutes

**R-3 CEO FUTURE AGENDAS AND 2022 OCERS BOARD WORK PLAN**

Written Report

**R-4 QUIET PERIOD – NON-INVESTMENT CONTRACTS**

Written Report

**R-5 BOARD COMMUNICATIONS**

Written Report

**R-6 LEGISLATIVE UPDATE**

Written Report

**R-7 OVERPAID AND UNDERPAID PLAN BENEFITS – 2021 REPORT**

Written Report

**R-8 2022 STAR COLA COST POSTING**

Written Report

**R-9 2021 BUSINESS PLAN – END OF YEAR REPORT**

Written Report

**R-10 ANNUAL REPORT OF CONTRACTS GREATER THAN \$100,000**

Written Report

**R-11 2022 POLICY COMPLIANCE REPORT**

Written Report

**R-12 SUMMARY OF DECISION OF THE FIFTH DISTRICT COURT OF APPEAL IN *O’NEAL V. STANISLAUS COUNTY EMPLOYEES’ RETIREMENT ASSOCIATION, ET AL* (CASE NO. F079201)**

Written Report

At Chair Eley’s request Item R-12 will return to the March Regular Board Meeting to allow for a presentation by Mr. Liederman of ReedSmith.

**BOARD MEMBER COMMENTS**

N/A

**CHIEF EXECUTIVE OFFICER/STAFF COMMENTS**

N/A

**COUNSEL COMMENTS**

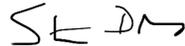
Ms. Ratto reminded the Board that Form 700 would need to be completed by April 1.

\*\*\*\*\*

The meeting **ADJOURNED** at 12:53 p.m.

Submitted by:

Approved by:

DocuSigned by:  
  
C00D5744FF39463...

DocuSigned by:  
  
9F34288D95E2472...

Steve Delaney  
Secretary to the Board

Frank Eley  
Chairman