

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

**REGULAR MEETING
Monday, April 18, 2022
9:30 A.M.**

Pursuant to Assembly Bill 361, signed into law on September 16, 2021 as urgency legislation, Governor Newsom’s Proclamation of a State of Emergency on March 4, 2020, which Proclamation is still in effect; and Board of Retirement Resolution 2022-03, this meeting will be conducted by video/teleconference only, in compliance with Government Code section 54953 as amended by Assembly Bill 361. None of the locations from which the Board members will participate will be open to the public.

Members of the public who wish to observe and/or participate in the meeting may do so via the Zoom app or via telephone. Members of the public who wish to provide comment during the meeting may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing * 9 on your telephone keypad.

OCERS Zoom Video/Teleconference information	
<p>Join Using Zoom App (Video & Audio)</p> <p>https://ocers.zoom.us/j/89815488651</p> <p>Meeting ID: 898 1548 8651 Password: 557806</p> <p>Go to https://www.zoom.us/download to download Zoom app before meeting Go to https://zoom.us to connect online using any browser.</p>	<p>Join by Telephone (Audio Only)</p> <p>Dial by your location</p> <p>+1 669 900 6833 US (San Jose) +1 346 248 7799 US (Houston) +1 253 215 8782 US +1 301 715 8592 US +1 312 626 6799 US (Chicago) +1 929 436 2866 US (New York)</p> <p>Meeting ID: 898 1548 8651 Password: 557806</p>
<p>A Zoom Meeting Participant Guide is available on OCERS website Board & Committee meetings page</p>	

AGENDA

The Orange County Board of Retirement welcomes you to this meeting. This agenda contains a brief general description of each item to be considered. The Board of Retirement may take action on any item included in the following agenda; however, except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. The Board of Retirement may consider matters included on the agenda in any order, and not necessarily in the order listed.

CALL MEETING TO ORDER AND ROLL CALL

PUBLIC COMMENTS

At this time, members of the public may comment on (1) matters not included on the agenda, provided that the matter is within the subject matter jurisdiction of the Board; and (2) any matter appearing on the Consent Agenda. Members of the public who wish to provide comment at this time may do so by “raising your hand” in the Zoom app, or if joining by telephone, by pressing * 9 on your telephone keypad. When addressing the Board, please state your name for the record prior to providing your comments. Speakers will be limited to three (3) minutes.

In addition, public comment on matters listed on this agenda will be taken at the time the item is addressed.

CONSENT AGENDA

All matters on the Consent Agenda are to be approved by one action unless a Board Member requests separate action on a specific item.

BENEFITS

C-1 OPTION 4 RETIREMENT ELECTION

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

- 1. Alfred Laschober

ADMINISTRATION

C-2 BOARD MEETING MINUTES

Regular Board Meeting Minutes

March 21, 2022

Recommendation: Approve minutes.

C-3 BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-04

Recommendation: That the Board:

(1) Reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic and determine whether:

- i. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; and/or
- ii. State or local officials continue to impose or recommend measures to promote social distancing; and

(2) If the Board so determines, adopt Board of Retirement Resolution 2022-04 to reflect such findings pursuant to Government Code section 54953, as amended by AB 361.

C-4 RETIREE REQUEST TO BE REINSTATED – WILLIAM ZIDBECK

Recommendation: Reinstate Mr. Zidbeck as an active member under the provisions of Government Code Section 31680.4 and 31680.5

DISABILITY/MEMBER BENEFITS AGENDA

9:30 AM

NOTE: WHEN CONSIDERING DISABILITY RETIREMENT APPLICATIONS OR MEMBER APPEALS OF BENEFIT OR DISABILITY RETIREMENT DETERMINATIONS, THE BOARD MAY ADJOURN TO CLOSED SESSION TO DISCUSS MATTERS RELATING TO THE MEMBER’S APPLICATION OR APPEAL, PURSUANT TO GOVERNMENT CODE SECTIONS 54957 OR 54956.9. IF THE MATTER IS A DISABILITY APPLICATION UNDER SECTION 54957, THE MEMBER MAY REQUEST THAT THE DISCUSSION BE IN PUBLIC.

OPEN SESSION

CONSENT ITEMS

All matters on the Consent Agenda are to be approved by one action unless a Board member requires separate action on a specific item. If separate action is requested, the item will be discussed in closed session during agenda item DA-1.

DC-1: STEVEN BADEN

Deputy Sheriff I, Orange County Sheriff’s Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement per Government Code Section 31720.6.
- Set the effective date as the day after the last day of regular compensation.

DC-2: GEORGE CASARIO

Battalion Chief, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant Service connected disability retirement.
- Set the effective date as December 18, 2020.

DC-3: DONNA CORRAL

Deputy Juvenile Correctional Officer II, Orange County Probation Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as October 9, 2020.

DC-4: ROBERT DAVIDSON

Firefighter, Orange County Fire Authority (Safety 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: MELISSA GUTIERREZ-KAUFMAN

Coach Operator, Orange County Transportation Authority (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement.
- Set the effective date as December 22, 2019.

DC-6: JASON HALL

Deputy Sheriff I, 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 the day after the last day of regular compensation.

DC-7: ROSEMARY HARVEY

Coach Operator, Orange County Transportation Authority (General Member)

Recommendation: The Disability Committee recommends that the Board:

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

DC-8: AMY LINDQUIST

Deputy Sheriff I, 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 the day after the last day of regular compensation.

DC-9: JOHN MANNING

Fire Apparatus Engineer, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Deny service connected disability retirement due to insufficient evidence of permanent incapacity.

DC-10: ALEJANDRO SILVA

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

Recommendation: The Disability Committee recommends that the Board:

- Grant service connected disability retirement per Government Code Section 31720.5.
- Set the effective date as the day after the last day of regular compensation.

DC-11: MICHELLE WACHTER

Coach Operator, Orange County Transportation Authority (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Deny service connected disability retirement due to insufficient evidence of permanent incapacity and job causation.

CLOSED SESSION

Government Code section 54957

Adjourn to Closed Session under Government Code section 54957 to consider member disability applications and to discuss member medical records submitted in connection therewith. The applicant may waive confidentiality and request his or her disability application to be considered in Open Session.

OPEN SESSION

REPORT OF ACTIONS TAKEN IN CLOSED SESSION

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

DA-2: BOARD HEARING PURSUANT TO SUBDIVISION (d) OF SECTION 31534 OF THE GOVERNMENT CODE IN THE MATTER OF THE RETIREMENT BENEFIT APPEAL OF ROBERT S. SZEWCZYK AND RODNEY I. MORIKAWA, APPLICANTS

Recommendation: The Board of Retirement will conduct a hearing pursuant to subdivision (d) of section 31534 of the California Government Code In the Matter of the Retirement Appeal of Robert S. Szewczyk and Rodney I. Morikawa, Applicants, and will:

- (1) Accept the record that was presented to Hearing Officer Duane Bennett in the administrative hearing that was conducted in this matter together with written briefs and additional evidence submitted by the parties;
- (2) In lieu of taking testimony at the Board meeting/hearing on April 18, 2022, accept the transcript of the hearing that was held on April 26, 27 and 29, 2021 before Hearing Officer Duane Bennett;
- (3) Hear oral argument from the parties; and

- (4) Consider all such transcripts, administrative records, parties' briefs, additional evidence submitted with the briefs, and oral argument by the parties and decide the matter as if it had not been referred to the Hearing Officer.

CLOSED SESSION

Government Code section 54957

Adjourn to Closed Session under Government Code section 54957 to consider member disability applications and to discuss member medical records submitted in connection therewith. The applicant may waive confidentiality and request his or her disability application to be considered in Open Session.

OPEN SESSION

REPORT OF ACTIONS TAKEN IN CLOSED SESSION

ACTION ITEMS

NOTE: Public comment on matters listed in this agenda will be taken at the time the item is addressed, prior to the Board's discussion of the item. **Members of the public who wish to provide comment in connection with any matter listed in this agenda may do so by "raising your hand" in the Zoom app, or if joining by telephone, by pressing * 9, at the time the item is called.**

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

**A-2 [SACRS BOARD OF DIRECTORS ELECTION 2022-2023 – DIRECTION TO OCERS' VOTING DELEGATE](#)
*Presentation by Gina Ratto, General Counsel, OCERS***

Recommendation: Consider the SACRS Nominating Committee's recommended slate of candidates and the list of additional candidates interested in running for the election of SACRS Directors; and give direction to OCERS' Voting Delegate and Alternate Delegates for the SACRS Board of Directors election to be held during the SACRS Spring Conference on May 13, 2022.

**A-3 [OCERS BUILDING COMMITTEE DIRECTION](#)
*Presentation by Brenda Shott, Assistant CEO of Internal Operations, OCERS***

Recommendation: Approve issuance of an RFI to develop the existing OCERS properties for the future use of a new OCERS headquarters and other best use of the properties.

INFORMATION ITEMS

Each of the following informational items will be presented to the Board for discussion.

Presentations

- I-1 ANNUAL FIDUCIARY EDUCATION**
Presentation by Harvey Leiderman, ReedSmith, LLP
- I-2 BROWN ACT TRAINING**
Presentation by Gina Ratto, General Counsel, OCERS and Manuel Serpa, Legal Counsel, OCERS
- I-3 COVID-19 UPDATE**
Presentation by Steve Delaney, Chief Executive Officer, OCERS

WRITTEN REPORTS

The following are written reports that will not be discussed unless a member of the Board requests discussion.

- R-1 MEMBER MATERIALS DISTRIBUTED**
Written Report

Application Notices April 18, 2022
Death Notices April 18, 2022
- R-2 COMMITTEE MEETING MINUTES**
 - 08-13-2021 – Building Committee Meeting Minutes
 - 01-27-2022 – Audit Committee Meeting Minutes
 - 02-07-2022 – Personnel Committee Meeting Minutes
 - 02-22-2022 – Disability Committee Meeting 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 FIRST QUARTER 2022 TRAVEL AND TRAINING EXPENSE REPORT**
Written Report

CIO COMMENTS

Orange County Employees Retirement System
April 18, 2022
Regular Board Meeting – Agenda

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

COUNSEL COMMENTS

BOARD MEMBER COMMENTS

ADJOURNMENT:

NOTICE OF NEXT MEETINGS

GOVERNANCE COMMITTEE MEETING

May 3, 2022

1:00 P.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

DISABILITY COMMITTEE MEETING

May 16, 2022

8:30 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

REGULAR BOARD MEETING

May 16, 2022

9:30 A.M.

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

2223 E. WELLINGTON AVENUE, SUITE 100

SANTA ANA, CA 92701

AVAILABILITY OF AGENDA MATERIALS - Documents and other materials that are non-exempt public records distributed to all or a majority of the members of the OCERS Board or Committee of the Board in connection with a matter subject to discussion or consideration at an open meeting of the Board or Committee of the Board are available at the OCERS' website: <https://www.ocers.org/board-committee-meetings>. If such materials are distributed to members of the Board or Committee of the Board less than 72 hours prior to the meeting, they will be made available on the OCERS' website at the same time as they are distributed to the Board or Committee members. Non-exempt materials distributed during an open meeting of the Board or

Orange County Employees Retirement System
April 18, 2022
Regular Board Meeting – Agenda

Page 9

Committee of the Board will be made available on the OCERS' website as soon as practicable and will be available promptly upon request.

It is OCERS' intention to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or participant at this meeting, you will need any special assistance beyond that normally provided, OCERS will attempt to accommodate your needs in a reasonable manner. Please contact OCERS via email at adminsupport@ocers.org or call 714-558-6200 as soon as possible prior to the meeting to tell us about your needs and to determine if accommodation is feasible. We would appreciate at least 48 hours' notice, if possible. Please also advise us if you plan to attend meetings on a regular basis.



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Jonathea Tallase, Member Services Manager
SUBJECT: **OPTION 4 RETIREMENT ELECTION – ALFRED LASCHOB**

Recommendation

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

Background/Discussion

This member elected Option 4 as the benefit payment option for his service retirement allowance as required by his Domestic Relations Order (DRO), effective January 14, 2022. The Orange County Employees Retirement System (OCERS) was joined in the member's dissolution of marriage and under the terms of the DRO, the member's ex-spouse was awarded a lifetime continuance as a percentage of the member's allowance.

The approval of Option 4 will not increase OCERS liability because the cost of this Option 4 benefit is proportional to the cost of the other benefit plans. Segal Consulting has calculated the member's monthly allowance as indicated in the attached letter, as well as the allowance payable to the member's ex-spouse.

Submitted by:



J. T. – APPROVED

Jonathea Tallase
Member Services Manager



Molly Calcagno, ASA, MAAA, EA
Actuary
T 415.263.8254
mcalcagno@segalco.com

180 Howard Street, Suite 1100
San Francisco, CA 94105-6147
segalco.com

Personal and Confidential

April 7, 2022

Jonathea Tallase
Member Services Manager
Orange County Employees Retirement System
2223 Wellington Avenue
Santa Ana, CA 92701-3101

**Re: Orange County Employees Retirement System (OCERS)
Option 4 Calculation for Alfred C. Laschober**

Dear Jonathea:

Pursuant to your request, we have determined the Option 4 benefits payable to Alfred C. Laschober and his ex-spouse based on the unmodified benefit and other information provided in the System’s request dated April 5, 2022.

The monthly benefits payable to the member and the ex-spouse and the data we used for our calculations are as follows:

Member’s Date of Birth	
Ex-Spouse’s Date of Birth	
Date of Retirement	January 14, 2022
Plan of Membership	General Plan B and Safety Plan F
Monthly Unmodified Benefit	Plan B: \$119.09 Plan F: <u>9,889.72</u> Total: \$10,008.81
Ex-Spouse’s Share of Monthly Unmodified Benefit	17.96%
Type of Retirement	Service Retirement

Jonathea Tallase
 April 7, 2022
 Page 2

We calculated the adjustment to the member's unmodified benefit to provide a 17.96% continuance to the ex-spouse. As instructed by OCERS, the cost to provide the continuance benefit to the ex-spouse is paid for entirely by the ex-spouse.

	Payable while the Member is Alive	Payable After the Member's Death
Monthly benefit payable to member		
Plan B Annuity:	\$22.18	
Plan B Pension:	75.52	
Plan F Annuity:	1,942.82	
Plan F Pension:	<u>6,170.71</u>	
Total:	\$8,211.23	\$0.00
Monthly benefit payable to ex-spouse ¹	\$1,553.92	\$1,553.92

ACTUARIAL ASSUMPTIONS

Effective interest rate of 4.136253% per year, which is calculated using an investment return assumption of 7.00% per year together with a cost-of-living adjustment assumption of 2.75% per year.

Headcount-Weighted RP-2014 Healthy Annuitant Mortality Table projected 20 years with the two-dimensional mortality improvement scale MP-2016 set back four years, weighted 80% male and 20% female for members.²

Headcount-Weighted RP-2014 Healthy Annuitant Mortality Table projected 20 years with the two-dimensional mortality improvement scale MP-2016, weighted 20% male and 80% female for beneficiaries.

¹ This is equal to 17.96% of the member's unmodified benefit (i.e., 17.96% * \$10,008.81 or \$1,797.58) adjusted further to provide a benefit payable over the ex-spouse's lifetime or to the estate of the ex-spouse if the ex-spouse pre-deceases the member.

² Since the member last worked as a Safety member, we used Safety assumptions in determining optional benefits even for benefits paid from the General Plan.

Jonathea Tallase
April 7, 2022
Page 3

The actuarial calculations contained in this letter were prepared under my supervision. I am a member of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Please let us know if you have any comments or questions. As in all matters pertaining to the interpretation and application of the law, Plan, or individual Option 4 Calculation provisions, you should be guided by the advice of the Plan's Legal Counsel.

Sincerely,



Molly Calcagno, ASA, MAAA, EA
Actuary

JY/hy



April 7, 2022

Alfred C. Laschober

Re: Retirement Election Confirmation – Option 4

Dear Mr. LASCHOBER:

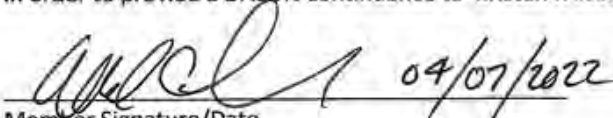
You have elected Option 4 as your retirement option. This option will provide a 17.96% of your monthly benefit, for the life of the benefit, to:

Kristen K Laschober

This designation is irrevocable; you will not be allowed to change your retirement option or designated beneficiary.

Please complete this form and return to OCERS as soon as possible.

I understand that my retirement option is irrevocable; by choosing Option 4 I will take a monthly reduction in order to provide a 17.96% continuance to Kristen K Laschober.


Member Signature/Date 04/07/2022

Sincerely,

A handwritten signature in blue ink, appearing to be "Cesar Rodriguez", written in a cursive style.

Cesar Rodriguez
Retirement Program Specialist

PO Box 1229, Santa Ana, CA 92702 • Telephone (714) 558-6200 • www.ocers.org
"We provide secure retirement and disability benefits with the highest standards of excellence."

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

**REGULAR MEETING
March 21, 2022
9:30 a.m.**

MINUTES

Chair Eley called the meeting to order at 9:32 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; Molly A. Murphy, CFA, Chief Investment Officer; Gina Ratto, General Counsel; Jenny Sadoski, Director of Information Technology, Anthony Beltran, Audio-Visual Technician; Brittany Cleberg, Recording Secretary; Marielle Horst, Executive Assistant

Guests via Zoom:

Harvey Leiderman, ReedSmith

CONSENT AGENDA

Chair Eley pulled Consent Agenda item C-3 to allow for discussion by the Board.

MOTION by Packard, **seconded** by Freidenrich, to approve staff's recommendations on Consent Agenda items, C-1 and C-2:

BENEFITS

C-1 OPTION 4 RETIREMENT ELECTION

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

1. Kevin R. Webster

ADMINISTRATION

C-2 BOARD MEETING MINUTES

Regular Board Meeting Minutes

February 22, 2022

Recommendation: Approve minutes.

The motion passed **unanimously**.

Mr. Prevatt arrived at 9:45 p.m.

C-3 BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-03

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 2022-03 to reflect such findings.

C-4 OCERS BUILDING COMMITTEE CHARTER

Recommendation: Adopt OCERS Building Committee Charter.

MOTION by Prevatt, **seconded** by Packard, to approve the recommendation on Consent Agenda item, C-4.

The motion passed **unanimously**.

CONSENT ITEMS: DISABILITY/MEMBER BENEFITS AGENDA

OPEN SESSION

CONSENT ITEMS

MOTION by Dewane, **seconded** by Packard, to approve staff's recommendations on all of the following items on the Disability/Member Benefits Consent Agenda:

DC-1: JORGE AMBRIZ

Coach Operator, 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-2: GREGORY ELLIS

Fire Apparatus Engineer, 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 26, 2021.

DC-3: RINKY NEMNICH

Fire Apparatus Engineer, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Grant Service connected disability retirement.
- Set the effective date as the day after the last day of regular compensation.

DC-4: RYAN RINEHART

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 the day after the last day of regular compensation.

DC-5: GLENN STEWART

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 the day after the last day of regular compensation.

DC-6: JOHN SAHM

Firefighter, Orange County Fire Authority (Safety 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-7: JOHN VU

Senior System Software Analyst, Orange County Transportation Authority (General Member)

Recommendation: The Disability Committee recommends that the Board:

- Deny service connected disability retirement due to insufficient evidence of permanent incapacity and job causation.

The motion passed **unanimously**.

CLOSED SESSION

The Board adjourned into closed session at 10:04 a.m.

The Board reconvened into open session at 10:12 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

DA-2: GLENN JOHNSON

Correctional Services Technician, Orange County Sheriff's Department

Recommendation: Approve and adopt the findings and recommendations of the Hearing Officer as set forth in the Summary of Evidence, Findings of Fact, Conclusions of Law, and Recommendations dated January 29, 2022 (Recommendation) wherein the Hearing Officer recommended that the Board grant the Applicant (Glenn Johnson) a non-service connected disability retirement with an effective date of April 2, 2014 on his psychiatric condition, and *deny* service connected disability retirement on both his psychiatric and orthopedic conditions.

In Closed Session, the Board voted **unanimously** to adopt staff's recommendation as presented.

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 2022-03

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:
 - iii. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; and
 - iv. State or local officials continue to impose or recommend measures to promote social distancing.

and

- (3) Adopt Board of Retirement Resolution 2022-03 to reflect such findings.

MOTION by Packard, **seconded** by Prevatt to approve recommendations on Consent Agenda item, C-3. The motion passed 8-1 in favor of the motion, with Ms. Freidenrich voting “No”.

A-2 2022 STAR COLA FINAL APPROVAL

Presentation by Suzanne Jenike, Assistant Chief Executive Officer, External Operations, OCERS

Recommendation: Approve payment of STAR COLA for the period April 1, 2022 through March 31, 2023 in the amount of \$351,903.

Ms. Jenike presented the 2022 STAR COLA for final approval.

Sara Ruckle-Harms, representing Retired Employees Association of Orange County (REAOC), thanked OCERS Board and staff for their hard work and dedication and asked the Board to grant the STAR COLA for an additional year.

MOTION by Dewane, **seconded** by Tagaloa, to approve staff’s recommendation to approve payment of the 2022 STAR COLA.

The motion passed **unanimously**.

The Board recessed for break at 11:00 a.m.

The Board reconvened from break at 11:22 a.m.

Recording Secretary administered the Roll Call attendance.

INFORMATIONAL ITEMS

Presentations

I-1 SUMMARY OF DECISION OF THE FIFTH DISTRICT COURT OF APPEAL IN O’NEAL V. STANISLAUS COUNTY EMPLOYEES’ RETIREMENT ASSOCIATION, ET AL (CASE NO. F079201)

Presentation by Harvey Leiderman, Reed Smith

Mr. Leiderman gave a history of this case and a summary of the decision.

I-2 UPDATE ON FINAL AVERAGE SALARY

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

Ms. Jenike gave an update to the Board on the Final Average Salary project. This project is still ongoing.

I-3 COVID-19 UPDATE

Presentation by Steve Delaney, Chief Executive Officer, OCERS

Mr. Delaney provided the monthly COVID-19 update. Staff returned to the office on March 11, 2022 in a hybrid model. The OCERS building will reopen to the public on May 2, 2022.

Written Reports

No written reports were pulled for discussion.

R-1 MEMBER MATERIALS DISTRIBUTED

Written Report

Application Notices

March 21, 2022

Death Notices

March 21, 2022

R-2 COMMITTEE MEETING MINUTES

- 10-28-2021 Governance Committee Meeting 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 FIRST QUARTER REVIEW OF OCERS 2022-2024 STRATEGIC PLAN

Written Report

R-8 FOURTH QUARTER 2021 BUDGET VS. PRELIMINARY ACTUALS REPORT

Written Report

R-9 FOURTH QUARTER UNAUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 2021

Written Report

R-10 STATE OF MEMBER SERVICES QUALITY REPORT – 2021

Written Report

CLOSED SESSION

The Board adjourned into closed session at 11:27 a.m.

The Board reconvened into open session at 12:52 p.m.

E-1 THREAT TO PUBLIC SERVICES OR FACILITIES (GOVERNMENT CODE SECTION 54957)

Adjourn into Closed Session pursuant to Government Code section 54957 to consult with Steve Delaney, CEO, Brenda Shott, Asst. CEO; Matthew Eakin, Director of Information Security; Jenny Sadoski, Director of Information Technology; Jon Gossard, Information Security Manager; and Gina M. Ratto, General Counsel.

Recommendation: Take appropriate action.

Chair Eley noted no reportable action was taken in Closed Session.

CHIEF INVESTMENT OFFICER COMMENTS

Ms. Murphy addressed the Russian-Ukrainian war effects on the performance of OCERS' investment portfolio and reported that the geopolitical conflicts that we are watching in real time are not currently affecting our portfolio. Ms. Murphy reported that OCERS' investment performance is set to end on a positive for this week.

CHIEF EXECUTIVE OFFICER COMMENTS

Mr. Delaney noted that the Board of Stanislaus County Retirement System has the authority to grant STAR COLA, but has not done so recently.

BOARD MEMBER COMMENTS

Ms. Tagaloo shared she has been appointed to the Programming Committee and By-Laws Committee at SACRS.

STAFF/COUNSEL COMMENTS

N/A

The meeting **ADJOURNED** at 1:16 p.m.

Submitted by:

Approved by:

Steve Delaney

Frank Eley

Orange County Employees Retirement System
March 21, 2022
Regular Board Meeting – Minutes

Page 8

Secretary to the Board

Chairman



Memorandum

DATE: April 18, 2022
TO: Members of the Board
FROM: Gina M. Ratto, General Counsel
SUBJECT: **BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-04**

Recommendation

That the Board:

- (1) Reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic and determine whether:
 - i. The state of emergency continues to directly impact the ability of the members of the Board to meet safely in person; and/or
 - ii. State or local officials continue to impose or recommend measures to promote social distancing; and
- (2) If the Board so determines, adopt Board of Retirement Resolution 2022-04 to reflect such findings pursuant to Government Code section 54953, as amended by AB 361.

Background/Discussion

In March of 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, Governor Newsom declared a state of emergency and issued a series of Executive Orders that modified certain requirements of the Brown Act. The orders waived several requirements for meetings conducted by teleconference, including the requirement that each teleconference location be accessible to the public, that agendas are posted at all teleconference locations, and that each teleconference location be accessible to the public.

On June 11, 2021, the Governor issued Executive Order N-08-21, rescinding the aforementioned modifications of the Brown Act effective September 30, 2021. On September 16, 2021, Assembly Bill 361 was signed into law as urgency legislation. AB 361 provides local agencies with the ability to meet remotely during proclaimed states of emergency under modifications to the Brown Act that are similar in many ways to the rules and procedures established by the Governor's Executive Orders. On September 20, 2021, the Governor signed an executive order waiving the application of AB 361 until October 1, 2021.

AB 361 amended the teleconference rules of the Brown Act and added new provisions for abbreviated teleconferencing procedures that deviate from the traditional teleconferencing procedures during a proclaimed state of emergency, subject to certain requirements specified in the statute.

More specifically, AB 361 amended the Brown Act to add subdivision (e) to Gov't Code § 54953. This subdivision describes the circumstances and procedures for adopting abbreviated teleconferencing procedures during a

proclaimed state of emergency, such as the current continuing COVID-19 pandemic. Subdivision (e)(1) of the statute provides the circumstances and requirements under which a local legislative body may adopt the abbreviated teleconferencing procedures. Once a local legislative body meets the requirements for adopting teleconferencing procedures, subdivision (e)(2) provides the requirements for the abbreviated teleconferencing procedures that the local legislative body must implement.

Adopting Abbreviated Teleconferencing Procedures Under AB 361

A local legislative body, such as OCERS and its standing committees, may elect to use the abbreviated teleconferencing procedures under AB 361 where a state of emergency has been formally proclaimed, **provided that**:

- State or local officials have imposed or recommended measures to promote social distancing at the time the legislative body holds the meeting (Gov't Code § 54953(e)(1)(A)); **or**
- The legislative body holds a meeting for the first time for the purpose of determining by majority vote whether, as a result of proclaimed state of emergency, meeting in person would present imminent risks to the health and safety of attendees (Gov't Code § 54953(e)(1)(B)), **or**
- The legislative body has determined (per previous bullet) that, as a result of the proclaimed state of emergency, meeting in person would continue to present imminent risks to the health or safety of attendees (Gov't Code § 54953(e)(1)(C)).

AB 361 further imposes on local legislative bodies a duty to make factual findings to justify the election to continue to use the abbreviated teleconferencing procedures. (Gov't Code § 54953(e)(3).) Local legislative bodies who wish to consider using the AB 361 abbreviated teleconferencing procedures must make the following factual findings within 30 days after teleconferencing for the first time after the expiration of Executive Order N-29-20, and every 30 days thereafter:

- 1) The legislative body has reconsidered the circumstances of the state of emergency; and
- 2) One or both of the following circumstances exist:
 - a. The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - b. State or local officials continue to impose or recommend measures to promote social distancing.

Until January 1, 2024, public retirement boards and their Boards must reconsider the aforementioned circumstances and make factual findings by majority vote that the circumstances continue to exist in order for the local legislative body to elect and continue to use the abbreviated teleconferencing procedures. (Note that AB 361 was designed not only to deal with COVID-19 but also with other types of states of emergency, as defined in Gov't Code § 8625 of the California Emergency State Services Act.)

On March 19, 2022, the Board adopted Resolution 2022-03 to reflect the findings made by the Board pursuant to AB 361. Staff recommends the Board reconsider the circumstances of the state of emergency resulting from the COVID-19 pandemic, and if the Board determines the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person and/or state or local officials continue to impose or

recommend measures to promote social distancing, that the Board renew its findings and adopt Resolution 2022-04 in order for the Board and its committees to continue to meet by teleconference.

Reconsideration of the State of Emergency and Requisite Findings

The standards, guidance and recommendations of health officials set forth below support a determination by the Board that the state of emergency continues to directly impact the ability of the members of the Board and its committees to meet safely in person, and confirms that both state and local officials continue to impose or recommend measures to promote social distancing.

The COVID-19 Prevention Emergency Temporary Standards issued by the California Division of Occupational Safety and Health (Cal/OSHA) (codified at 8 C.C.R. § 3205) **recommends physical distancing and requires it under certain circumstances**. For example, the Emergency Temporary Standards require employers to exclude from the workplace employees who had a close contact (“close contact” means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period) until certain specified requirements are met, except that employees who were fully vaccinated before the close contact and who do not develop COVID-19 symptoms do not need to be excluded if they wear a face covering and maintain six feet of distance from others at the workplace for 14 days following the last date of close contact. On December 16, the Occupational Safety and Health Standards Board readopted the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards for the second time. The draft emergency standards include important revisions to make the workplace rules consistent with the latest requirements and recommendations from the California Department of Public Health (CDPH). The revised emergency standards were to be effective commencing January 14, 2022; however, as of the date of this memorandum, the final revised emergency standards had not yet been published. A fact sheet about the revised emergency standards is attached to the Resolution.

In addition, OSHA has issued guidance on mitigating and preventing the spread of COVID-19 in the workplace that recommends physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers: “[a] **key way to protect such workers is to physically distance** them from other such people (workers or customers) – generally **at least 6 feet of distance is recommended**, although this is not a guarantee of safety, especially in enclosed or poorly ventilated spaces.” (Emphasis added.) The CDC currently recommends that individuals who are not up to date on their COVID-19 vaccines stay six feet away from others when indoors in public, especially if they are at higher risk of getting very sick from COVID-19.

Moreover, the County of Orange Health Officer’s “Orders and Strong Recommendations” (revised March 24, 2022) states at page 13 that, “[i]n general, the older a person is, the more health conditions a person has, and the more severe the conditions, the more important it is to take preventive measures for COVID-19 such as getting vaccinated, including boosters, **social distancing** and wearing a mask when around people who don’t live in the same household, and practicing hand hygiene.” (Emphasis added.) The Health Officer also recognizes, at page 15 of the “Orders and Strong Recommendations”, the Center for Disease Control’s admonition that anyone infected with COVID-19 can spread it even if they do not have symptoms; and (at page 15) that “the current consensus among public health officials for slowing down the transmission of and avoiding contracting COVID-19 is for at-risk persons to complete a COVID-19 vaccination series and receive a booster if eligible, wear well-fitted

mask in indoor settings when around others outside of their household, **practice distancing**, frequently wash hands with soap” (Emphasis added.)

Based on the foregoing, if the Board determines the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing, staff recommends that the Board renew its findings and adopt Resolution 2022-04 in order for the Board and its committees to continue to meet by teleconference.

Attachments

Submitted by:

Gina M. Ratto
General Counsel

**OCERS BOARD OF RETIREMENT
RESOLUTION NO. 2022-04**

RESOLUTION OF THE BOARD OF THE ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM:

- **RATIFYING (1) THE PROCLAMATION OF A LOCAL HEALTH EMERGENCY BY THE COUNTY OF ORANGE HEALTH OFFICER ON FEBRUARY 26, 2020; (2) THE PROCLAMATION OF A LOCAL EMERGENCY BY THE CHAIRWOMAN OF THE ORANGE COUNTY BOARD OF SUPERVISORS ON FEBRUARY 26, 2020; (3) RESOLUTIONS NO. 20-011 AND 20-012 OF THE ORANGE COUNTY BOARD OF SUPERVISORS RATIFYING THE LOCAL HEALTH EMERGENCY AND THE LOCAL EMERGENCY; AND (4) THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020; AND**
- **AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD AND ITS COMMITTEES THROUGH MAY 18, 2022, PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the Board of the Orange County Employees Retirement System (OCERS Board) is a legislative body under Government Code section 54952; and

WHEREAS, OCERS is committed to preserving and nurturing public access and participation in meetings of the OCERS Board and its committees; and

WHEREAS, all meetings of the OCERS Board and its committees are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the OCERS Board and its committees conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a State of Emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the geographical boundaries within which the OCERS Board and its committees hold their meetings, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in Orange County, specifically, a Local Health Emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in Orange County

was declared by the County of Orange Health Officer on February 26, 2020; a Local Emergency based on the imminent and proximate threat to public health from the introduction of COVID-19 that created conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County was proclaimed by the Chairwoman of the Board of Supervisors on February 26, 2020; Resolutions No. 20-011 and No. 20-012 of the Orange County Board of Supervisors were adopted on March 2, 2020, ratifying the Local Health Emergency and Local Emergency; and a State of Emergency was proclaimed by Governor Newsom for the State of California on March 4, 2020 based on an outbreak of respiratory illness due to COVID-19; and

WHEREAS, the California Division of Occupational Safety and Health has issued COVID-19 prevention Emergency Temporary Standards requiring employers to exclude from the workplace employees who had a close contact ("close contact" means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period) until certain specified requirements are met, except that employees who were fully vaccinated before the close contact and who do not develop COVID-19 symptoms do not need to be excluded if they wear a face covering and maintain six feet of distance from others at the workplace for 14 days following the last date of close contact; and

WHEREAS, the County of Orange Health Officer's Orders and Strong Recommendations, last revised on March 24, 2022, state that "the current consensus among public health officials for slowing down the transmission of and avoiding contracting COVID-19 is for at-risk persons to complete a COVID-19 vaccination series and receive a booster if eligible, wear well-fitted mask in indoor settings when around others outside of their household, practice distancing, frequently wash hands with soap"; and

WHEREAS, the CDC currently recommends that individuals who are not up to date on their COVID-19 vaccines stay six feet away from others when indoors in public, especially if they are at higher risk of getting very sick from COVID-19; and

WHEREAS, the OCERS Board does hereby find that the COVID-19 pandemic has caused, and will continue to cause, conditions of peril to the safety of persons that are likely to be beyond the control of services, personnel, equipment, and facilities of OCERS; and

WHEREAS, in making the aforementioned finding, the OCERS Board acknowledges the proclamation of State of Emergency by the Governor of the State of California; the proclamation of Local Health Emergency by the County of Orange Health Officer; the proclamation of a Local Emergency by the Chairwoman of the Orange County Board of Supervisors; and the ratification of the Local Health Emergency and Local Emergency by the Orange County Board of Supervisors; as well as CalOSHA's prevention Emergency Temporary Standards requiring exclusion from the workplace employees who have had a close contact with someone who has COVID-19; the County of Orange Health Officer's Orders and Strong Recommendations for at-risk persons to wear well-fitted mask in indoor settings when around others outside of their household and practice distancing; and the CDC's recommendation for unvaccinated persons to maintain physical distance when in public, indoor settings; and

WHEREAS, as a consequence of the State of Emergency, Local Health Emergency and Local Emergency, the OCERS Board does hereby find that conditions exist to enable the OCERS Board and its committees to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the OCERS Board and its committees will comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, members of the public who wish to observe or participate in the meeting may do so via the Zoom application or via telephone, as explained in the agenda for the meeting posted on the OCERS' website and at its business office location at least 72 hours prior to the meeting.

NOW, THEREFORE, THE OCERS BOARD DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Acknowledgement of Proclamation of State and Local Emergency. The OCERS Board hereby acknowledges that a State of Emergency has been proclaimed by the Governor of the State of California effective March 4, 2020; that a Local Health Emergency has been proclaimed by the Orange County Health Officer on February 26, 2020; that a Local Emergency has been proclaimed by the Chairwoman of the Board of Supervisors on February 26, 2020; and that the Local Health Emergency and Local Emergency were ratified by the Orange County Board of Supervisors on March 2, 2020, all of which continue to exist within the geographical boundaries of the territory within which the OCERS Board and its committees hold meetings to conduct business.

Section 3. Determination Regarding Health and Safety Need to Continue Teleconferencing. The OCERS Board finds that the State of Emergency directly impacts the ability of the OCERS Board, its committees, members and staff to meet safely in person, and that state or local officials continue to impose or recommend measures to promote social distancing.

Section 4. Remote Teleconference Meetings. The staff and the OCERS Board and each of its committees are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution will take effect immediately upon its adoption and shall be effective until the earlier of May 19, 2022, or such time the OCERS Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the OCERS Board and its committees may continue to meet by teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of the Orange County Employees Retirement System this 18th day of April 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DECLARATION OF A LOCAL HEALTH EMERGENCY

WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biologic agent, toxin, or radioactive agent;

WHEREAS, the Centers for Disease Control and Prevention announced on February 25, 2020 that community spread of COVID-19 is likely to occur in the United States;

WHEREAS, based on the Centers for Disease Control and Prevention statements, there is an ongoing risk and likelihood of COVID-19 positive patients being identified in Orange County;

WHEREAS, based on the foregoing, there is an imminent and proximate threat of the introduction of COVID-19 in the County of Orange and a threat to the public health of the County residents;

THEREFORE, the County Health Officer hereby declares a health emergency.



Nichole Quick, MD, MPH
Health Officer

2/26/2020

Date

COUNTY OF ORANGE
STATE OF CALIFORNIA
PROCLAMATION OF A LOCAL EMERGENCY

REQUEST FOR GOVERNOR TO DECLARE A STATE OF EMERGENCY

WHEREAS, in accordance with Government Code Section 8630, a local emergency may be proclaimed by the Board of Supervisors of the County of Orange or by an official so designated by ordinance adopted by the Board of Supervisors; and

WHEREAS, Section 3-1-6(a) of the Codified Ordinances of the County of Orange provides that the Director of Emergency Services shall request the Board of Supervisors to proclaim a local emergency when the Board of Supervisors is in session and the Chair of the Emergency Management Council to so proclaim when the Board of Supervisors is not in session; and

WHEREAS, the Board of Supervisors is not currently in session, and the Director of Emergency Services has requested that the Chair of the Emergency Management Council proclaim a local emergency; and

WHEREAS, a novel coronavirus, COVID-19, which causes infectious disease resulting in symptoms of fever, coughing and shortness of breath with outcomes ranging from mild to severe illness and in some cases death, has arisen in China and spread to numerous other countries including the United States; and

WHEREAS, the Centers for Disease Control and Prevention has determined the virus to be a very serious public health threat, yet the method and efficacy of transmission of the virus is not yet fully understood and no vaccine currently exists; and

WHEREAS, Orange County has a population of over 3 million residents, is a major tourist destination, has a high volume airport within its jurisdiction and is a significant

destination for business travel all resulting in high volumes of foreign and domestic travelers traveling into and out of the County, which has the potential to result in significant spreading of the disease; and

WHEREAS, the Health Officer of the County of Orange has determined that the County is preparing for an imminent and proximate threat to public health from the virus; and

WHEREAS, communities within the geographic boundaries of Orange County have and will continue to prepare and, as necessary, take significant response actions to any developing contagion and to any other risks that may arise from introduction and possible spread of the virus;

WHEREAS, the above described events are creating a condition of extreme peril to the safety of persons and property within the territorial limits of the County of Orange which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the County of Orange, and require the combined forces of other political subdivisions to combat;

IT IS HEREBY PROCLAIMED that a local emergency exists within the geographic area of Orange County;

IT IS FURTHER PROCLAIMED AND ORDERED that as of this date all County departments and agencies take those actions, measures and steps deemed necessary to assure the safety and welfare of Orange County residents and property, including requesting mutual aid to the extent such aid is necessary and utilizing EOC Cal Cards and any other available funding stream to acquire resources determined by the DES or an authorized emergency purchaser as necessary to respond to this declared emergency.

ACCORDINGLY, THE CHAIR OF THE BOARD OF SUPERVISORS ACTING AS THE CHAIR OF THE EMERGENCY MANAGEMENT COUNCIL HEREBY REQUESTS that the Governor declare a State of Emergency and make all relevant funds available to the County of Orange and all eligible community members and businesses, including but not limited to, California Disaster Assistance Act funds and State Private Nonprofit Organizations Assistance Program funds, and that the Governor request that the President of the United States make a Presidential Declaration of Emergency in and for the County of Orange and make all relevant funds available to the County of Orange and all eligible community members and businesses, including, but not limited to, aid provided by the Small Business Administration.

Date: 2/26/20

Signed: 

Michelle Steel,
Chairwoman of the Board of Supervisors Acting as
the Chair of the Emergency Management Council
County of Orange

Attachment A

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
March 2, 2020

WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biologic agent, toxin, or radioactive agent;

WHEREAS, on February 26, 2020, the County's Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of a novel coronavirus (named "COVID-19") in Orange County.

WHEREAS, under Health and Safety Code Section 101080, the local health emergency shall not remain in effect for more than seven days unless ratified by the Board of Supervisors;

WHEREAS, the Board of Supervisors hereby finds that there continues to exist an imminent and proximate threat to public health from the introduction of COVID-19 in Orange County for reasons set forth in the declaration of local health emergency by County's Health Officer, dated February 26, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Supervisors that:


1. The local health emergency declared by the County's Health Officer on February 26, 2020 is hereby ratified. Under Health and Safety Code Section 101080, the local health emergency may remain in effect for no more than 30 days from the date of this Resolution.
2. The County's Health Officer is directed to bring for review by the Board of Supervisors the need for continuing the local health emergency no later than the date

coinciding with the expiration of this Resolution

3. The Board of Supervisors delegates authority to the County's Health Officer to terminate the local health emergency, pursuant to Health and Safety Code Section 101080, "at the earliest possible date that conditions warrant the terminations."
4. All County departments and agencies take those actions, measures, and steps deemed necessary to assure the health, safety and welfare of Orange County citizens and property, including requesting mutual aid to the extent such aid is necessary.

///
///

APPROVED AS TO FORM
OFFICE OF THE COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By 
Deputy
Date 2/27/20

Attachment C

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
March 2, 2020

WHEREAS, Government Code section 8630 and section 3-1-6(a) of the Codified Ordinances of the County of Orange empower the Director of Emergency Services to request the Chair of the Emergency Management Council to proclaim the existence or threatened existence of a local emergency, subject to ratification by the Board of Supervisors within seven days; and

WHEREAS, a novel coronavirus, COVID-19, which causes infectious disease resulting in symptoms of fever, coughing and shortness of breath with outcomes ranging from mild to severe illness and in some cases death, has arisen in China and spread to numerous other countries including the United States; and

WHEREAS, the Centers for Disease Control and Prevention has determined the virus to be a very serious public health threat, yet the method and efficacy of transmission of the virus is not yet fully understood and no vaccine currently exists; and

WHEREAS, Orange County has a population of over 3 million residents, is a major tourist destination, has a high volume airport within its jurisdiction and is a significant destination for business travel all resulting in high volumes of foreign and domestic travelers traveling into and out of the County, which has the potential to result in significant spreading of the disease; and

WHEREAS, the Health Officer of the County of Orange has determined that the County is preparing for an imminent and proximate threat to public health from the virus; and

WHEREAS, communities within the geographic boundaries of Orange County have and will continue to prepare and, as necessary, take significant response actions to any developing contagion and to any other risks that may arise from introduction and possible spread of the virus;

Attachment C

WHEREAS, the above described events are creating conditions of extreme peril and such conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County, requiring the combined forces of other political subdivisions to combat;
and

WHEREAS, at the request of the Director of Emergency Services, the Chair of the Emergency Management Council, on February 26, 2020, did proclaim the existence of local emergency within the County of Orange; and

WHEREAS, the Board of Supervisors does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency;
and

WHEREAS, the Board of Supervisors also finds a local emergency does exist and shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors does hereby ratify the Chair of the Emergency Management Council's February 26, 2020, Proclamation of a Local Emergency.

BE IT FURTHER RESOLVED that all powers, functions, and duties of the emergency organization of the County of Orange shall be vested in such persons as prescribed by federal and state law, by County ordinances and resolutions, and by the Orange County Emergency Plan now in effect.


BE IT FURTHER RESOLVED that all County departments and agencies take those actions, measures, and steps deemed necessary to assure the safety and welfare of Orange County citizens and property, including requesting mutual aid to the extent such aid is necessary.

///

///

Resolution No. _____ Item No. _____
Proclamation of a Local Emergency

APPROVED AS TO FORM
OFFICE OF THE COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By 
Deputy
Date 2/27/20

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The



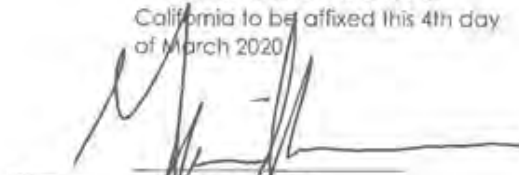
notification requirement of Civil Code section 1798.24, subdivision (f), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2020.


GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State





California Department of Industrial Relations
Division of Occupational Safety & Health

UPDATE - COVID-19 Prevention Emergency Temporary Standards **What Employers Need to Know About the December 16 Standards**

December 16, 2021

On December 16, the Occupational Safety and Health Standards Board readopted the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS) for the second time. These emergency standards include important revisions to make the workplace rules consistent with the latest requirements and recommendations from the California Department of Public Health (CDPH). The emergency standards take effect on **January 14, 2022**, and apply to most workers in California not covered by the [Aerosol Transmissible Diseases standard](#).

Some important requirements that remain unchanged in the COVID-19 Emergency Temporary Standards:

- Employers must establish, implement, and maintain an effective written COVID-19 Prevention Program that includes:
 - Identifying and evaluating employee exposures to COVID-19 health hazards.
 - Implementing effective policies and procedures to correct unsafe and unhealthy conditions.
 - Allowing adequate time for handwashing and cleaning frequently touched surfaces and objects.
- Employers must provide effective training and instruction to employees on how COVID-19 is spread, infection prevention techniques, and information regarding COVID-19-related benefits that affected employees may be entitled to under applicable federal, state, or local laws.

Important revisions to the COVID-19 Prevention Emergency Temporary Standards include:

Investigating and responding to COVID-19 cases in the workplace

Employers must continue to properly notify employees, employee representatives and any other workers at a worksite of possible COVID-19 exposures within one business day. This section was updated to give employers more clear instructions on how to notify workers who were at the same worksite as the COVID-19 case during the high-risk exposure period.

Face Coverings

Employees who are exempted from wearing a face covering due to a medical or mental health condition, or disability and cannot wear a non-restrictive alternative must physically distance at least six feet from others and either be fully vaccinated or tested at least weekly for COVID-19.

Note: The testing must be during paid time and at no cost to the employee.

(continued on next page)

Testing and Exclusion

- Employers are now required to make COVID-19 testing available at no cost and during paid time to employees who were fully vaccinated before the “close contact” with a COVID-19 case occurred, even if they are asymptomatic.
- During outbreaks and major outbreaks, employers must now make weekly testing (outbreaks) or twice-weekly testing (major outbreaks) available to asymptomatic fully vaccinated employees in the exposed group
- Employees who have recently recovered from COVID-19 and those who are fully vaccinated are not required to be excluded from the workplace after “close contact” but must wear a face covering and maintain six feet of physical distancing for 14 calendar days following the last date of contact.

Return to Work Criteria

The period of time before an employee can return to work after “close contact” or COVID-19 illness has been revised to be consistent with current CDPH guidelines. These time frames will automatically update if CDPH updates their guidelines pursuant to the Governor’s executive order.

Definitions

- “Worksite” now specifically excludes the employee’s personal residence, locations where an employee works alone, and remote work locations chosen by the employee.
- Definitions revised to be more consistent with federal OSHA, including:
 - “COVID-19 test” now includes specific instructions for workers using a test at home with self-read results. The employer or a telehealth professional must observe the test results.
 - “Face coverings” was updated to include more specific detail on the different types of acceptable face coverings.
 - “Fully vaccinated,” now mentions the minimal amount of time workers need to wait between the first and second shot of a two-dose vaccine.

This guidance is an overview, for full requirements see Title 8 sections [3205](#), [3205.1](#), [3205.2](#), [3205.3](#), [3205.4](#)





COVID-19

How to Protect Yourself & Others

Updated Feb. 25, 2022



Get Vaccinated and stay up to date on your COVID-19 vaccines

- [COVID-19 vaccines](#) are effective at preventing you from getting sick. [COVID-19 vaccines](#) are highly effective at preventing severe illness, hospitalizations, and death.
- Getting vaccinated is the best way to slow the spread of SARS-CoV-2, the virus that causes COVID-19.
- CDC recommends that everyone who is eligible [stay up to date on their COVID-19 vaccines](#), including [people with weakened immune systems](#).



Wear a mask

- Everyone ages 2 years and older should properly wear a well-fitting mask indoors in public in areas where the [COVID-19 Community Level](#) is high, regardless of vaccination status.
- Wear a mask with the best fit, protection, and comfort for you.
- If you are in an area with a high [COVID-19 Community Level](#) and are ages 2 or older, wear a mask indoors in public.
- If you are sick and need to be around others, or are caring for someone who has COVID-19, wear a mask.
- If you are at increased risk for severe illness, or live with or spend time with someone at higher risk, speak to your healthcare provider about wearing a mask at medium COVID-19 Community Levels.
- People who have a condition or are taking medications that [weaken their immune system](#) may not be fully protected even if they are up to date on their COVID-19 vaccines. They should talk to their healthcare providers about what additional precautions may be necessary.
 - For more information, see [COVID-19 Vaccines for Moderately or Severely Immunocompromised People](#)

[Wearing a mask over your nose and mouth is required](#) on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and while indoors at U.S. transportation hubs such as airports and stations. Travelers are not required to wear a mask in outdoor areas of a conveyance (like on open deck areas of a ferry or the uncovered top deck of a bus).



COVID-19 County Check

Find community levels and prevention steps by county.

Select a Location (all fields required)

State	↕	County
-------	---	--------



Stay 6 feet away from others

- Inside your home: Avoid close contact with people who are sick, if possible. If possible, maintain 6 feet between the person who is sick and other household members. If you are taking care of someone who is sick, make sure you properly wear a [well-fitting mask](#) and follow other steps to protect yourself.
- Indoors in public: If you are not [up to date on COVID-19 vaccines](#), stay at least 6 feet away from other people, especially if you are at [higher risk of getting very sick](#) with COVID-19.



Avoid poorly ventilated spaces and crowds

- If indoors, [bring in fresh air](#) by opening windows and doors, if possible.
- If you are at [increased risk of getting very sick](#) from COVID-19, avoid crowded places and indoor spaces that do not have fresh air from the outdoors.



Test to prevent spread to others

- You can choose from many different [types of tests](#).
- Tests for [SARS-CoV-2](#) (the virus that causes COVID-19) tell you [if you have an infection](#) at the time of the test. This type of test is called a **viral test** because it looks for viral infection.
- Regardless of the test type you select, a [positive test result](#) means that you have an infection and should [isolate](#) and inform your [close contacts](#) to avoid spreading disease to others.
- Over-the-counter [self-tests](#) are viral tests that can be used at home or anywhere, are easy to use, and produce rapid results. Anyone can use self-tests, regardless of their vaccination status or whether they have symptoms.
- COVID-19 [self-tests](#) are one of many risk-reduction measures, along with vaccination, masking, and physical distancing, that protect you and others by reducing the chances of spreading COVID-19.



Wash your hands often

- **Wash your hands** often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
- It's especially important to wash your hands:
 - Before eating or preparing food
 - Before touching your face
 - After using the restroom
 - After leaving a public place
 - After blowing your nose, coughing, or sneezing
 - After handling your mask
 - After changing a diaper
 - After caring for someone sick
 - After touching animals or pets
- If soap and water are not readily available, **use a hand sanitizer that contains at least 60% alcohol**. Cover all surfaces of your hands and rub them together until they feel dry.
- **Avoid touching your eyes, nose, and mouth** with unwashed hands.



Cover coughs and sneezes

- **If you are wearing a mask:** You can cough or sneeze into your mask. Put on a new, clean mask as soon as possible and wash your hands.
- **If you are not wearing a mask:**
 - Always cover your mouth and nose with a tissue when you cough or sneeze, or use the inside of your elbow and do not spit.
 - Throw used tissues in the trash.
 - Immediately **wash your hands** with soap and water for at least 20 seconds. If soap and water are not readily available, clean your hands with a hand sanitizer that contains at least 60% alcohol.



Clean and disinfect

- Clean high touch surfaces regularly or as needed and after you have visitors in your home. This includes tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks.
- **If someone is sick or has tested positive for COVID-19, disinfect frequently touched surfaces.**
 - Use a household disinfectant product from [EPA's List N: Disinfectants for Coronavirus \(COVID-19\)](#) [↗](#) according to manufacturer's labeled directions.
 - **If surfaces are dirty, clean them** using detergent or soap and water prior to disinfection.



Monitor your health daily

- **Be alert for symptoms:**
 - Watch for fever, cough, shortness of breath, or [other symptoms of COVID-19](#).
 - **Take your temperature** if symptoms develop.
 - Don't take your temperature within 30 minutes of exercising or after taking medications that could lower your temperature, like acetaminophen.
 - Follow [CDC guidance](#) if symptoms develop.
- Monitoring symptoms is especially important if you are running errands, going into the office or workplace, and in settings where it may be difficult to keep a physical distance of 6 feet.



Follow recommendations for quarantine

- If you come into [close contact](#) with someone with COVID-19: follow CDC's [recommendations for quarantine](#).



Follow recommendations for isolation

- If you [test positive](#) for COVID-19 or have [symptoms](#): follow CDC's [recommendations for isolation](#).



Take precautions when you travel

- Follow CDC's [recommendations for domestic and international travel](#).

Additional Resources

For more information, see:

- [Families with vaccinated and unvaccinated members](#)
- [Improve How Your Mask Protects You](#)
- Information for specific groups of people (link: [COVID-19 Information for Specific Groups of People | CDC](#))



Related Pages

[Prevent Getting Sick](#)

[Symptoms](#)

[How COVID-19 Spreads](#)

[If You Are Sick or Caring for Someone](#)

[People at Increased Risk](#)

[Frequently Asked Questions](#)

[Hand Sanitizer Use](#)

[Quarantine and Isolation](#)

Last Updated Feb. 25, 2022
Content source: [National Center for Immunization and Respiratory Diseases \(NCIRD\)](#), Division of Viral Diseases



REGINA CHINSIO-KWONG, DO
COUNTY HEALTH OFFICER

MATTHEW ZAHN, MD
DEPUTY COUNTY HEALTH OFFICER/MEDICAL DIRECTOR CDCD

405 W. 5TH STREET, 7TH FLOOR
SANTA ANA, CA 92701
www.ocalthinfo.com

**COUNTY OF ORANGE HEALTH OFFICER'S
ORDERS AND STRONG RECOMMENDATIONS
(Revised March 24, 2022)**

In light of recent Face Mask Guidance issued by the California Department of Public Health (CDPH) and certain recent orders issued by the State Public Health Officer regarding COVID-19 vaccine requirements, the following Orders and Strong Recommendations shall revise and replace the prior Orders and Strong Recommendations of the County Health Officer that were issued on March 11, 2022. The Orders and Strong Recommendations issued on March 11, 2022, are no longer in effect as of March 24, 2022.

Pursuant to California Health and Safety Code sections 101030, 101040, 101470, 120175, and 120130, the County Health Officer for County of Orange orders and strongly recommends the following:

ORDERS

Effective immediately, and continuing until further notice, the following shall be in effect in unincorporated and incorporated territories of Orange County, California:

I. Self-Isolation of Persons with COVID-19 Order

NOTE: This Self-Isolation Order DOES NOT in any way restrict access by first responders to an isolation site during an emergency.

1. Persons who are symptom-free but test positive for COVID-19.

If you do not have any COVID-19 symptoms (as defined below in this Order) but test

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 2 of 17

positive for COVID-19, you shall immediately isolate yourself in your home or another suitable place for at least 5 days from the date you test positive and may end your self-isolation after day 5:

- If you continue not having any COVID-19 symptoms and a diagnostic specimen collected on day 5 or later tests negative.
 - While an antigen test, nucleic acid amplification test (NAAT), or LAMP test are acceptable, use of an antigen test is recommended. Use of Over-the-Counter tests are also acceptable to end isolation.

Exceptions.

- 1) If you are unable or choose not to test on day 5 or after, or if you test positive after day 5, you shall continue your self-isolation through day 10 from the date of your initial positive test and may end your self-isolation after 10 days from the date of your initial positive test.
- 2) If you develop COVID-19 symptoms during the time of your self-isolation, you shall isolate yourself for at least 10 days from the date of symptom(s) onset. You may end your self-isolation sooner if a diagnostic specimen collected on day 5 (or later) from the date of symptom(s) onset tests negative.

All persons who test positive for COVID-19 should continue to wear a well-fitting mask at all times around other people through day 10.

2. Persons who have COVID-19 symptoms.

If you have COVID-19 symptoms, you shall immediately isolate yourself in your home or another suitable place for 10 days from the date of your symptom(s) onset and may end your self-isolation sooner under any of the following conditions:

- If your symptoms resolve within the first 24 hours of onset without any fever reducing agents.

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 3 of 17

- If a diagnostic specimen collected as early as the date of your symptom(s) onset tests negative.
 - While an antigen test, nucleic acid amplification test (NAAT), or LAMP test are acceptable, use of an antigen test is recommended. Use of Over-the-Counter tests are also acceptable to end isolation.
- If you obtain an alternative diagnosis from a healthcare provider.

Exception:

If you have COVID-19 symptoms and test positive for COVID-19, you shall isolate yourself for at least 10 days from the date of symptom(s) onset. You may end your self-isolation sooner if a diagnostic specimen collected on day 5 (or later) from the date of symptom(s) onset tests negative.

You are not required to self-isolate for more than 10 days from the date of your COVID-19 symptom(s) onset regardless of whether your symptoms are present on Day 11.

All persons who have COVID-19 symptoms should continue to wear a well-fitting mask at all times around other people through at least Day 10.

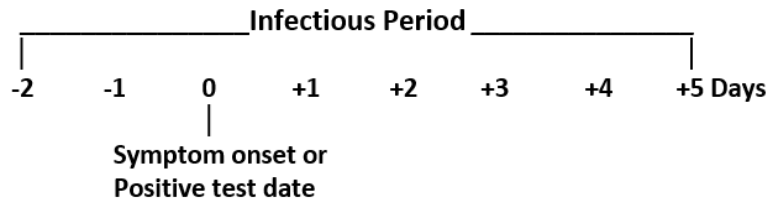
Additional Considerations for Self-Isolation.

- A person who is self-isolated may not leave his or her place of isolation except to receive necessary medical care.
- If a more specific and individualized isolation order is issued by the County Health Officer for any county resident, the resident shall follow the specific order instead of the order herein.
- People who are severely ill with COVID-19 might need to stay in self-isolation longer than 5 days and up to 20 days after symptoms first appeared. People with weakened immune systems should talk to their healthcare provider for more information.

Timing for “Day 0”- As noted in CDPH Isolation and Quarantine Q&A, the 5-day clock for isolation period starts on the date of symptom onset or (day 0) for people who test

Order and Strong Recommendations of the County of Orange Health Officer
 March 24, 2022
 Page 4 of 17

positive after symptoms develop, or initial test positive date (day 0) for those who remain asymptomatic. If an asymptomatic person develops symptoms, and test positive, date of symptom onset is day 0.



Note: In workplaces, employers and employees are subject to the Isolation and quarantine requirements as stated in the CalOSHA COVID-19 Emergency Temporary Standards (ETS) as modified by the Governor’s Executive Order N-5-22 or in some workplaces the Cal/OSHA Aerosol transmissible Diseases (ATD) Standard. Information about CalOSHA COVID-19 Emergency Temporary Standards (ETS) can be found at <https://www.dir.ca.gov/dosh/coronavirus>.

Definition.

Whenever the term “symptom” or “*COVID-19 symptom*” is used, it shall mean COVID-19 symptom. People with COVID-19 have had a wide range of symptoms reported – ranging from mild symptoms to severe illness. Symptoms may appear 2-14 days after exposure to the virus. Anyone can have mild to severe symptoms. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 5 of 17

- Congestion or runny nose
- Nausea or vomiting
- Diarrhea
- The list above does not include all possible symptoms.

II. Face-Coverings/Masks:

To help prevent the spread of droplets containing COVID-19, all County residents and visitors are strongly recommended to wear face coverings in accordance with and as required by the Guidance for the Use of Face Coverings issued by CDPH, effective March 1, 2022. The Guidance is attached herein as Attachment "A" and can be found at:

A: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>.

Masks are required for all individuals in the following indoor settings, regardless of vaccination status:

- Public Transit and in transportation hubs- Masks guidance/requirement is subject to Federal Requirements and guidance found at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/face-masks-public-transportation.html> Examples: airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares) and in transportation hubs (examples: airports, bus terminals, marina, train station, seaport or other port, subway station, or any other area that provides transportation).
- Emergency shelters and cooling and heating centers.
- Healthcare settings (applies to all healthcare settings, including those that are not covered by State Health Officer Order issued on July 26, 2021).
- Local correctional facilities and detention centers.
- Long Term Care Settings & Adult and Senior Care Facilities.

NOTE: In workplaces, employers are subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) as modified by the [Governor's Executive Order N-5-22](#) or in

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 6 of 17

some workplaces the Cal/OSHA Aerosol Transmissible Diseases (ATD) Standard and should consult those regulations for additional applicable requirements.

NOTE: In accordance with State Health Officer Order, issued on July 26, 2021, and found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx>, in certain healthcare situations or settings, surgical masks are required.

No person shall be prevented from wearing a mask as a condition of participation in an activity or entry into a business.

Exemptions to masks requirements.

- The following individuals are exempt from this mask order:
 - Persons younger than two years old.
 - Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance.
 - Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
 - Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

III. Health Care Workers COVID-19 Vaccine Requirement Order:

To help prevent transmission of COVID-19, all workers who provide services or work in facilities described below shall comply with the COVID-19 vaccination and booster dose requirements as set forth in the February 22, 2022, State Health Officer Order. A copy of the State Health Officer Order is attached herein as Attachment "**B**" and can be found at the following link:

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 7 of 17

B: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx>

Facilities covered by this order include:

- General Acute Care Hospitals
 - Skilled Nursing Facilities (including Subacute Facilities)
 - Intermediate Care Facilities
 - Acute Psychiatric Hospitals
 - Adult Day Health Care Centers
 - Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
 - Ambulatory Surgery Centers
 - Chemical Dependency Recovery Hospitals
 - Clinics & Doctor Offices (including behavioral health, surgical)
 - Congregate Living Health Facilities
 - Dialysis Centers
 - Hospice Facilities
 - Pediatric Day Health and Respite Care Facilities
 - Residential Substance Use Treatment and Mental Health Treatment Facilities
- o. The word, "worker," as used in this Order shall have the same meaning as defined in the State Health Officer's Order, dated December 22, 2021.

IV. Requirements and Guidance for Specific Facilities

Requirements for COVID-19 Vaccination Status Verification, COVID-19 Testing, and Masking for Certain Facilities.

To help prevent transmission of COVID-19, all facilities described below shall comply with the State Health Officer Order, issued on July 26, 2021 and effective August 9, 2021. A copy of the State Health Officer Order is attached herein as Attachment "C" and can be found at the following link:

C: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx>

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 8 of 17

Facilities covered by this order include:

- Acute Health Care and Long-Term Care Settings:
 - General Acute Care Hospitals
 - Skilled Nursing Facilities (including Subacute Facilities)
 - Intermediate Care Facilities
- High-Risk Congregate Settings:
 - Adult and Senior Care Facilities
 - Homeless Shelters
 - State and Local Correctional Facilities and Detention Centers
- Other Health Care Settings:
 - Acute Psychiatric Hospitals
 - Adult Day Health Care Centers
 - Adult Day Programs Licensed by the California Department of Social Services
 - Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
 - Ambulatory Surgery Centers
 - Chemical Dependency Recovery Hospitals
 - Clinics & Doctor Offices (including behavioral health, surgical)
 - Congregate Living Health Facilities
 - Dental Offices
 - Dialysis Centers
 - Hospice Facilities
 - Pediatric Day Health and Respite Care Facilities
 - Residential Substance Use Treatment and Mental Health Treatment Facilities

1. Requirements for COVID-19 Vaccine Status Verification and COVID-19 Testing for School Workers in Transitional Kindergarten through Grade 12.

To prevent the further spread of COVID-19 in K-12 school settings, all public and private schools serving students in transitional kindergarten through grade 12 shall comply with the State Health Officer Order, effective August 12, 2021, regarding verification of COVID-19 vaccination status and COVID-19 testing of all workers. A

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 9 of 17

copy of the State Health Officer Order is attached herein as Attachment "D" and can be found at the following link:

D: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Vaccine-Verification-for-Workers-in-Schools.aspx>

This Order does not apply to (i) home schools, (ii) child care settings, or (iii) higher education.

2. Local Correctional Facilities and Detention Centers Health Care Worker Vaccination Requirement.

To prevent the further spread of COVID-19 in local correctional facilities and detention centers, all individuals identified in the State Health Officer Order, effective December 22, 2021, shall comply with the State Health Officer's Order with regards to obtaining COVID-19 vaccination and booster doses. A copy of the State Health Officer Order is attached herein as Attachment "E" and can be found at the following link:

E: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx>

3. Adult Care Facilities and Direct Care Worker Vaccination Requirements.

To help prevent transmission of COVID-19, all individuals specified below shall comply with the COVID-19 vaccination and booster dose requirements as set forth in the February 22, 2022, State Health Officer Order. A copy of the State Health Officer Order is attached herein as Attachment "F" and can be found at the following link:

F: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Adult-Care-Facilities-and-Direct-Care-Worker-Vaccine-Requirement.aspx>

Individuals covered by this order include:

- All workers who provide services or work in Adult and Senior Care Facilities licensed by the California Department of Social Services;

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 10 of 17

- All in-home direct care services workers, including registered home care aides and certified home health aides, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services;
- All waiver personal care services (WPCS) providers, as defined by the California Department of Health Care Services, and in-home supportive services (IHSS) providers, as defined by the California Department of Social Services, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services;
- All hospice workers who are providing services in the home or in a licensed facility; and
- All regional center employees, as well as service provider workers, who provide services to a consumer through the network of Regional Centers serving individuals with developmental and intellectual disabilities, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services.

4. Requirements for Visiting Acute Health Care and Long-Term Care Settings.

To help prevent transmission of COVID-19, all acute health care and long-term care settings shall comply with the indoor visitation requirements set forth in the State Health Officer issued February 7, 2022. A copy of the State Health Officer Order is attached herein as Attachment "G" and can be found at the following link:

G. <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Requirements-for-Visitors-in-Acute-Health-Care-and-Long-Term-Care-Settings.aspx>

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 11 of 17

V. Seasonal Flu Vaccination Order:

Seasonal Flu Vaccination for Certain County Residents.

All individuals who reside or work in Orange County and fall under one of the following categories, shall obtain the seasonal flu vaccination unless a medical or religious exemption applies: (i) current providers for congregate settings; (ii) current health care providers; and (iii) current emergency responders. However, nothing herein shall be construed as an obligation, on the part of employers, public or private, to require employees obtain the seasonal flu vaccination as a term or condition of employment.

- *Emergency responder* shall mean military or national guard; law enforcement officers; correctional institution personnel; fire fighters; emergency medical services personnel; physicians; nurses; public health personnel; emergency medical technicians; paramedics; emergency management personnel; 911 operators; child welfare workers and service providers; public works personnel; and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency; as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.
- *Health care provider* shall mean physicians; psychiatrists; nurses; nurse practitioners; nurse assistants; medical technicians; any other person who is employed to provide diagnostic services, preventive services, treatment services or other services that are integrated with and necessary to the provision of patient care and, if not provided, would adversely impact patient care; and employees who directly assist or are supervised by a direct provider of diagnostic, preventive, treatment, or other patient care services; and employees who do not provide direct health care services to a patient but are otherwise integrated into and necessary to the provision those services – for example, a laboratory technician who processes medical test results to aid in the diagnosis and treatment of a health condition. A person is not a health care provider merely because his or her employer provides health care services or because he or she provides a service that affects the provision of health care services. For example, IT professionals,

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 12 of 17

building maintenance staff, human resources personnel, cooks, food services workers, records managers, consultants, and billers are not health care providers, even if they work at a hospital of a similar health care facility.

STRONG RECOMMENDATIONS

Effective immediately, and continuing until further notice, the following shall be in effect in unincorporated and incorporated territories in Orange County, California:

1. Self-quarantine of Persons Exposed to COVID-19

- If you are known to be exposed to COVID-19 (regardless of vaccination status, prior disease, or occupation), it is strongly recommended to follow CDPH Quarantine guidance found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Guidance-on-Isolation-and-Quarantine-for-COVID-19-Contact-Tracing.aspx>.
- **K-12 Schools and Child Care**
 - Schools/school districts are advised to follow CDPH COVID-19 Public Health Guidance for K-12 Schools in California, 2021-2022 School Year found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2021-22-School-Year.aspx>
 - Child care providers and programs are advised to follow CDPH Guidance for Child Care Providers and Programs found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Child-Care-Guidance.aspx>.
- **Workplaces**
 - In workplaces, employers and employees are subject to the Quarantine requirement as stated in the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) as modified by the Governor's Executive Order N-5-22 or in some workplaces the Cal/OSHA Aerosol Transmissible Diseases (ATD) Standard.

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 13 of 17

Exposed to COVID-19 or exposure to COVID-19 mean to be within 6 feet of someone who has COVID-19 for a cumulative total of 15 minutes or more over a 24-hour period.

2. **For Vulnerable Populations.** In general, the older a person is, the more health conditions a person has, and the more severe the conditions, the more important it is to take preventive measures for COVID-19 such as getting vaccinated, including boosters, social distancing and wearing a mask when around people who don't live in the same household, and practicing hand hygiene. For more information see <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.
3. **COVID-19 Vaccination for County Residents.** All Orange County residents should receive COVID-19 vaccination in accordance with the Federal Food and Drug Administration (FDA) and CDC guidance. Minors, who are eligible to receive COVID-19 vaccination in accordance with the applicable CDC guidelines, should be vaccinated in the presence of their parent or legal guardian.

CDC Guidance can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html>
4. **Seasonal Flu Vaccination for County Residents.** All County residents who are six months of age or older should obtain the seasonal flu vaccination unless a medical or religious exemption applies.
5. **COVID-19 Vaccination and Testing for Emergency Medical Technicians, Paramedics and Home Healthcare Providers.** To help prevent transmission of COVID-19, it is strongly recommended that all Emergency Medical Technicians, Paramedics, and Home Healthcare Providers (including In Home Supportive Services Program workers) remain up-to-date as defined by CDC with COVID-19 vaccination. CDC Guidance can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html>
6. Furthermore, it is strongly recommended that all unvaccinated Emergency Medical Technicians, Paramedics, and Home Healthcare Providers (including In Home Supportive Services Program workers) undergo at least twice weekly testing for COVID-19 until such time they are fully vaccinated.

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 14 of 17

GENERAL PROVISIONS

1. The Orders and Strong Recommendations, above, shall not supersede any conflicting or more restrictive orders issued by the State of California or federal government. If any portion of this document or the application thereof to any person or circumstance is held to be invalid, the remainder of the document, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the orders and strong recommendations are severable.
2. The Orders contained in this document may be enforced by the Orange County Sheriff or Chiefs of Police pursuant to California Health and Safety Code section 101029, and California Government Code sections 26602 and 41601. A violation of a health order is subject to fine, imprisonment, or both (California Health and Safety Code section 120295).

REASONS FOR THE ORDERS AND STRONG RECOMMENDATIONS

1. On February 26, 2020, the County of Orange Health Officer declared a Local Health Emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in Orange County.
2. On February 26, 2020, the Chairwoman of the Board of Supervisors, acting as the Chair of Emergency Management Council, proclaimed a Local Emergency in that the imminent and proximate threat to public health from the introduction of COVID-19 created conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County.
3. On March 2, 2020, the Orange County Board of Supervisors adopted Resolutions No. 20-011 and No. 20-012 ratifying the Local Health Emergency and Local Emergency, referenced above.
4. On March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19.
5. As of March 23, 2022, the County has reported a total of 546,125 recorded confirmed COVID-19 cases and 6,857 of COVID-19 related deaths.

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 15 of 17

6. Safe and effective authorized COVID-19 vaccines are recommended by the CDC.
According to CDC, anyone infected with COVID-19 can spread it, even if they do NOT have symptoms. The novel coronavirus is spread in 3 ways: 1) Breathing in air when close to an infected person who is exhaling small droplets and particles that contain the virus. 2) Having these small droplets and particles that contain virus land on the eyes, nose, or mouth, especially through splashes and sprays like a cough or sneeze. 3) Touching eyes, nose, or mouth with hands that have the virus on them.
See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>.
7. The CDPH issued a revised Guidance for the Use of Face Coverings, effective March 1, 2022, available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>
8. According to the CDC and CDPH, older adults, individuals with medical conditions, and pregnant and recently pregnant persons are at higher risk of severe illness when they contract COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>
9. The Orders and the Strong Recommendations contained in this document are based on the following facts, in addition to the facts stated under the foregoing paragraphs: (i) Safe and effective FDA authorized COVID-19 vaccines have become widely available, but many Orange County residents have not yet had the opportunity to be vaccinated, or have not completed their vaccination series to be fully vaccinated or boosted; (ii) there is limited supply of therapeutic options for high-risk individuals who have a high risk of exposure to COVID-19 or have mild-moderate COVID-19 infection; (iii) the current consensus among public health officials for slowing down the transmission of and avoiding contracting COVID-19 is for at-risk persons to complete a COVID-19 vaccination series and receive a booster if eligible, wear well-fitted mask in indoor settings when around others outside of their household, practice distancing, frequently wash hands with soap (iv) some individuals who contract COVID-19 have no symptoms or have only mild symptoms and so are unaware that they carry the virus and are transmitting it to others; (v) current evidence shows that the novel coronavirus can

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 16 of 17

survive on surfaces and can be indirectly transmitted between individuals; (vi) older adults and individuals with medical conditions are at higher risk of severe illness; (vii) sustained COVID-19 community transmission continues to occur; (viii) the age, condition, and health of a portion of Orange County's residents place them at risk for serious health complications, including hospitalization and death, from COVID-19; (ix) younger and otherwise healthy people are also at risk for serious negative health outcomes and for transmitting the novel coronavirus to others.

10. The orders and strong recommendations contained in this document are necessary and less restrictive preventive measures to control and reduce the spread of COVID-19 in Orange County, help preserve critical and limited healthcare capacity in Orange County and save the lives of Orange County residents.
11. The California Health and Safety Code section 120175 requires the County of Orange Health Officer knowing or having reason to believe that any case of a communicable disease exists or has recently existed within the County to take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.
12. The California Health and Safety Code sections 101030 and 101470 require the county health officer to enforce and observe in the unincorporated territory of the county and within the city boundaries located with a county all of the following: (a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters; (b) Orders, including quarantine and other regulations, prescribed by the department; and (c) Statutes relating to public health.
13. The California Health and Safety Code section 101040 authorizes the County of Orange Health Officer to take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code, within his or her jurisdiction. "Preventive measure" means abatement, correction, removal, or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health.
14. The California Health and Safety Code section 120130 (d) authorizes the County of Orange Health Officer to require strict or modified isolation, or quarantine, for any case

Order and Strong Recommendations of the County of Orange Health Officer
March 24, 2022
Page 17 of 17

of contagious, infectious, or communicable disease, when such action is necessary for the protection of the public health.

IT IS SO ORDERED:

Date: March 24, 2022

A handwritten signature in black ink, appearing to read "Regina Chinsio-Kwong DO". The signature is fluid and cursive, with a large initial "R" and "K".

Regina Chinsio-Kwong, DO
County Health Officer
County of Orange



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Megan Cortez, Disability Manager
SUBJECT: **Retiree Request to be Reinstated – William Zidbeck**

Recommendation:

Reinstate Mr. Zidbeck as an active member under the provisions of Government Code Section 31680.4 and 31680.5.

Background:

Application for re-employment of retired member

Commissioner, Orange County Superior Court

Date of request: 04/01/2022

Date of entry to OCERS: 12/04/1990

Years of OCERS service: 30.1912

Separation date: 11/12/2020

Date of Service Retirement: 11/13/2020

Former position: Executive Manager, Orange County District Attorney's Office

Discussion:

Mr. Zidbeck service retired from the Orange County District Attorney's Office on November 13, 2020. He has requested to be reinstated as an active employee under the provisions of Government Code Sections 31680.4 and 31680.5.

Mr. Zidbeck has been offered regular full time employment as a Commissioner with the Orange County Superior Court.

Pursuant to OCERS policy Mr. Zidbeck underwent a physical examination on April 12, 2022, with an independent OCERS panel physician to determine whether he was physically capable of returning to full time employment. It is the panel physician's opinion that Mr. Zidbeck can return to work without restriction.

Submitted by:

MC-Approved

Megan Cortez
Disability Manager

Retiree Request to be Reinstated – William Zidbeck

2 of 2

Regular Board Meeting 04-18-2022



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Suzanne Jenike, Assistant CEO, External Operations
SUBJECT: **BOARD HEARING PURSUANT TO SUBDIVISION (d) OF SECTION 31534 OF THE GOVERNMENT CODE IN THE MATTER OF THE RETIREMENT BENEFIT APPEAL OF ROBERT S. SZEWCZYK AND RODNEY I. MORIKAWA, APPLICANTS**

Recommendation

The Board of Retirement will conduct a hearing pursuant to subdivision (d) of section 31534 of the California Government Code *In the Matter of the Retirement Appeal of Robert S. Szewczyk and Rodney I. Morikawa, Applicants*, and will:

- (1) Accept the record that was presented to Hearing Officer Duane Bennett in the administrative hearing that was conducted in this matter together with written briefs and additional evidence submitted by the parties;
- (2) In lieu of taking testimony at the Board meeting/hearing on April 18, 2022, accept the transcript of the hearing that was held on April 26, 27 and 29, 2021 before Hearing Officer Duane Bennett;
- (3) Hear oral argument from the parties; and
- (4) Consider all such transcripts, administrative records, parties' briefs, additional evidence submitted with the briefs, and oral argument by the parties and decide the matter as if it had not been referred to the Hearing Officer.

Background

Robert Szewczyk and Rodney Morikawa (collectively, "Applicants") are retired Deputy Sheriffs II, who retired from the Orange County Sheriffs' Department ("OCSD") in March 2018. As of their retirement dates, Applicants had been assigned to the Theo Lacy Facility in the Correctional Medical Services Unit. This matter began in 2018 with a request by Applicants for a written review of OCERS Staff's determination that certain overtime pay received by Applicants for working an extra half-hour every other Wednesday ("Overtime Pay") should be excluded from "compensation earnable" when calculating Applicants' retirement allowances. Pursuant to the OCERS Board's "Adjudication Policy and Administrative Hearing Rules" applicable to requests for hearing filed with OCERS between June 1, 2018 and August 17, 2020, OCERS' CEO, acting through his designee, provided the written review and upheld Staff's determination of Applicants' retirement allowances. On July 18, 2019, Applicants filed a timely request for an administrative hearing on the issue of OCERS' exclusion of the Overtime Pay from "compensation earnable" when calculating Applicants' retirement allowances.

An administrative hearing was held on April 26, 27 and 29, 2021 before Hearing Officer Duane Bennett. The Applicants were represented by Jacob A. Kalinski of Rains Lucia Stern St. Phalle & Silver, P.C. and OCERS was

represented by OCERS Staff Attorney, Dawn Matsuo. On November 9, 2021, the Hearing Officer issued his Proposed Findings of Fact, Conclusions and Recommendation (“Recommendations”) and recommended:

- (1) That the appeals of the Applicants be **Granted**, and that the 6FE overtime compensation at issue be regarded as compensation earnable for purposes of calculating the retirement benefits of Applicants Robert Szewczyk and Rodney Morikawa.
- (2) ... [T]hat the final calculation allowances of Applicants Robert Szewczyk and Rodney Morikawa be adjusted retroactively to the dates of their respective retirements.

The Recommendations hinged upon a proposed finding of Hearing Officer Bennett that purported to create a **new hybrid classification of OCSD employees – Deputy Sheriff Assigned to Jail/Custody Operations** – comprised of both Deputy Sheriffs I and Deputy Sheriffs II. This proposed finding by Hearing Officer Bennett conflicts with the finding of the Board in another matter involving Applicants titled *The Matter of Robert Szewczyk, Jesse Oller and Robert Morikawa*. In *The Matter of Robert Szewczyk, Jesse Oller and Robert Morikawa*, Hearing Officer Jane Kearl issued recommendations that included a proposed finding that Applicants were members of the classification of Deputy Sheriff II at the time of their retirement. On May 18, 2020, the Board approved and adopted the recommendations of Hearing Officer Kearl, and thereby found that Applicants’ classification was that of Deputy Sheriffs II.

On January 18, 2022, the Board rejected the Recommendations of Hearing Office Bennett in the current matter and determined that it would exercise its authority pursuant to subdivision (d) of section 31534 of the California Government Code and conduct its own hearing and decide the matter as if it had not been referred to a Hearing Officer.

The Board’s hearing was initially scheduled for March 21, 2022, with OCERS’ opening brief due on February 8, 2022, Applicants’ response brief due on March 1, 2022, and OCERS’ reply brief due one week later on March 8, 2022. OCERS timely served its opening brief and additional evidence on Applicants on February 8, 2022. On February 10, 2022, the attorney for the Applicants requested a two-week extension of time, until March 15, 2022, to file their response brief. On February 14, 2022, Board Chair Frank Eley granted the extension of time to Applicants, with the response brief due March 15, 2022, OCERS’ reply brief due March 22, 2022, and the Board hearing postponed to April 18, 2022. Applicants timely served their response brief and additional evidence on March 15, 2022, and OCERS timely served its reply on March 22, 2022.

Submitted by:



SJ-Approved

Suzanne Jenike
Assistant CEO, External Operations

D-2 ATTACHMENTS

Attachments available by request. Please contact: Bill Singleton at
prarequest@ocers.org.



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Gina M. Ratto, General Counsel
SUBJECT: **SACRS BOARD OF DIRECTORS ELECTION 2022-2023 – DIRECTION TO OCERS’ VOTING DELEGATE**

Recommendation

Consider the SACRS Nominating Committee’s recommended slate of candidates and the list of additional candidates interested in running for the election of SACRS Directors; and give direction to OCERS’ Voting Delegate and Alternate Delegates for the SACRS Board of Directors election to be held during the SACRS Spring Conference on May 13, 2022.

Background/Discussion

The election for the SACRS Board of Directors for 2022–2023 will be held on May 13, 2022 during the regular business meeting portion of the SACRS Spring Conference. The Administrator of each regular member County Retirement System is 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 is required to acknowledge the completion of these responsibilities with the Nominating Committee. The election will be conducted by an open roll call vote, and OCERS’ voting delegate should be prepared to vote the recommended ballot and by each board position separately. Newly elected directors 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 will co-serve with the newly elected Treasurer through the completion of the current fiscal year.

The SACRS Nominating Committee’s Recommend Ballot for the 2022—2023 election includes the following candidates:

President	Vivian Gray, Los Angeles CERA
Vice President	David MacDonald, Contra Costa CERA
Treasurer	Jordan Kaufman, Kern CERA
Secretary	Adele Tagalao, Orange CERS
Regular Member	Vere Williams, San Bernardino CERA
Regular Member	David Gilmore, San Diego CERA

The candidate submissions are attached for the Board’s consideration. This year, the SACRS Nominating Committee did not receive a Submission Form from any candidates other than those appearing on the recommended ballot (listed above).

As you may recall, on February 22, 2022, the OCERS Board met and took action to nominate OCERS trustee, Adele Tagaloa, for a position on the SACRS Board of Directors. Ms. Tagaloa submitted her letter of intent to run for the position of SACRS Board Secretary.

At the SACRS business meeting, OCERS' voting delegate will have the opportunity to cast OCERS' vote as directed by the Board. In accordance with OCERS' SACRS Voting Authority Policy (copy attached), OCERS' voting delegate is the Board Chair, and all other members of the Board and the CEO are alternate delegates. If the Board Chair is unable to attend a SACRS business meeting at which a vote is taking place, the Policy provides that the Vice Chair shall be designated as alternate voting delegate. If both the Chair and Vice Chair are unable to attend, the alternate voting delegate will be determined, among the Board members in attendance at the business meeting, alphabetically by the Board member's last name. The voting delegate may vote by recommended ballot or by each position separately.

Staff requests that the Board direct the OCERS voting delegate/alternate delegates on how to cast OCERS' vote at the election.

Attachments

- (1) SACRS Memorandum dated March 15, 2022 re: Board of Director Elections 2022-2023 Elections – Final Ballot
- (2) SACRS BOD Election Submissions for Consideration 2022-2023
- (3) SACRS Voting Authority Policy

Submitted by:



Gina M. Ratto
General Counsel



March 15, 2022

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 2022-2023 Elections – Final Ballot

SACRS BOD 2022-2023 election process began January 2022. Please provide the final ballot and voting instructions to your Board of Trustees and Voting Delegates.

DEADLINE	DESCRIPTION
March 1, 2022	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, 2022	The Nominating Committee will report a final ballot to each regular member County Retirement System prior to March 25
May 13, 2022	Nomination Committee to conduct elections during the SACRS Business Meeting at the Spring Conference, May 10-13, 2022
May 13, 2022	Board of Directors take office for 1 year (until Spring 2023 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 13, 2022 during the scheduled business meeting at the Omni Rancho Las Palmas Hotel and Resort in Rancho Mirage, CA.

SACRS Nominating Committee Recommended Slate:

- President – Vivian Gray, Los Angeles CERA
- Vice President – David MacDonald, Contra Costa CERA
- Treasurer – Jordan Kaufman, Kern CERA
- Secretary – Adele Tagaloa, Orange CERS
- Regular Member – Vere Williams, San Bernardino CERA
- Regular Member – David Gilmore, San Diego CERA

No other letters of intent or submissions were received.

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 (619) 531-5231.

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: Candidate submissions

SACRS Submission for President

VIVIAN H. GRAY

300 N. LAKE AVENUE, SUITE 820 ~PASADENA, CA 91101 ~ VGRAY@LACERA.COM

February 23, 2022

VIA EMAIL

SACRS Nominating Committee
Mr. Dan McAllister, Chair

Dear Mr. McAllister and Members of the Nominating Committee:

I would like to express my desire to be considered for SACRS' President for 2022/2023.

I have been humbly honored to serve as SACRS President for two years. 2020 was a very difficult year for everyone. SACRS was no exception. 2021 was difficult also as we had to get back on our feet, stand tall and continue with our mission in spite of a "new normal" we faced.

My focus in 2021 for SACRS expanded two original concepts of "Relevance and Sustainability" to "Recovery, Relevance and Sustainability". Within these three concepts, SACRS was able to begin 'recovery' from the pandemic while adhering to health restrictions; remain 'relevant' to the pension community through innovative approaches to education and 'sustainable' by building on technological advances to return to live conference for our members yet also continue to provide quality education through alternative mediums.

Most notably SACRS accomplishments for 2020 and 2021 include, but are not limited to the following:

- Continued communications with 37 Act systems and administrators through SACRS' website and SACRS Magazine
- Presentation of SACRS 2020 conferences in a virtual format without sacrificing quality of speakers, presentations or interactions among trustees, affiliates and staff and "in-person" return in 2021 and Spring 2022.
- Presenting the SACRS Berkeley Education Program in a virtual format with on-demand replays of the classes presented
- Maintaining an active role in the legislative process as it affected county retirement systems

In spite of the pandemic and post pandemic challenges, I am very proud of the work SACRS' Board has accomplished under my leadership. We continue to be productive while recovering and remaining relevant and sustainable for the SACRS membership.

I would be honored to serve another term as President of SACRS. Thank you in advance for your consideration of my candidacy for re-election.

Sincerely,

Vivian Gray

cc: Sulema Peterson, SACRS

002



**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@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: Vivian H. Gray
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: 300 N. Lake Ave., Ste. 820, Pasadena CA 91101 Email Address: viviangray@aol.com, vgray@lacera.com Phone: 213.440.0142
Name of Retirement System Candidate Currently Serves On	System Name: Los Angeles County Employees Retirement Assoc. (LACERA)
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 checked="" type="radio"/> President <input type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
Brief Bio	2021 President, SACRS 2019 Vice Chair, SACRS President 2017 Chair, SACRS Bylaws Committee Elected general member trustee since 2012 38 years of service to Los Angeles County 10 years in Law Enforcement 28 years as an attorney for Los Angeles County 6 years in private law practice Education/Pension Trustee Certificates - Bachelors of Arts: UCLA - JD: UWLA - New York Law School -Public Pension Trustee Fiduciary Program - Stanford Law School (CALAPRS) -Principles of Pension Management - Harvard Law School Program - Trustee Work Life - UC Berkeley (SACRS) - Modern Investment Theory & Practice for Retirement Systems - IFEBP -Trustee Master's Program - NCPERS Public Pension Funding Forum - National Assoc. of Corporate Directors (NACD) Board Leadership Fellow

SACRS Submission for Vice President

David J MacDonald, MD

255 Ramsgate Way
Vallejo, CA 94591
dmacdcccera@gmail.com
510-409-4458 (mobile)

February 11, 2022

SACRS Nominating Committee
Mr. Dan McAllister, Chair

Dear Mr. McAllister,

I would like to express my interest in running as Vice President for the SACRS' Board of Directors for the 2021/2022 year.

I was first elected to the SACRS board in 2020. I am also an elected trustee of the CCCERA Retirement Board (since 2016) and currently serve as CCCERA Board Vice Chair. I appreciate the level of responsibility entrusted to me in looking after our members' retirement plans. I understand the incredible value of a defined benefit plan for my coworkers and our retirees.

I have a long history of dedicated service to my coworkers and union members and I carry this spirit into my role as an elected trustee. My work with SACRS has meant for further education and inspiration from the SACRS organization via its conferences and programs. SACRS has enhanced my abilities to serve as an effective CCCERA trustee.

I desire to continue my service on the SACRS board. Doing so allows me to further promote, protect and build upon pension programs under CERL for county public employees statewide.

Thank you for your time and consideration.

Sincerely and Respectfully,

David J MacDonald, MD

David J MacDonald, MD



**SACRS Nomination Submission Form
SACRS Board of Directors Elections 2021-2022**

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	Name: David J. MacDonald, MD
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: 255 Ramsgate Way, Vallejo, CA 94591 Email Address: dmacdcccera@gmail.com Phone: 510-409-4458
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 checked="" type="radio"/> General Elected X <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 X <input type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
Brief Bio	* SACRS Board of Directors, Member – 2020-2021 & 2021-2022 * 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). * 28 years serving on the PDOCC Executive Board, including many years as Vice President and President. * 31 years of service to Contra Costa County as a physician working in the Department of Health Services. * Education/Pension Trustee Certificates: - 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 – CAPP program - CALAPRS Trustee Education – Principles of Pension Governance

SACRS Submission for Treasurer



Jordan Kaufman
Treasurer and Tax Collector
Chase Nunneley
Assistant Treasurer and Tax Collector

February 9, 2022

Dan McAllister, Nominating Committee Chairman
State Association of County Retirement Systems

Re: Letter of interest for SACRS position of Treasurer of the Board of Directors

Dear Mr. McAllister and members of the Nominating Committee,

Thank you for the opportunity to express my interest in the position of Treasurer of the SACRS Board of Directors. I believe that I have the knowledge, experience and motivation to add value to the Board. I am in my second term as the elected Kern County Treasurer-Tax Collector, and I am a 17 year member of the Kern County Employees Retirement Association (KCERA) as a general elected, alternate, and statutory trustee. I have a deep background in public fund investment and retirement plan administration and I am or have been the Treasurer of many organizations and associations.

As the elected Treasurer-Tax Collector, I manage the County's \$4.5 billion treasury pool, provide banking services to over 200 different county agencies and districts, and collect over \$1.3 billion in local property taxes. I am also the Plan Administrator for the County's 457(b) deferred compensation plan with over \$720 million in participant assets.

I am or have been the Treasurer of the following entities: County of Kern; California Association of County Treasurer's and Tax Collectors (CACTTC); United Way of Kern County; Boy Scouts of America Southern Sierra Council; California Statewide Communities Development Authority (CSCDA); and Kern County Management Council.

I have dedicated my career to public service and I am proud to serve the residents of Kern County and the employees of the County of Kern. I am interested in becoming more involved in pension and investment management on a larger scale and I feel that my knowledge and expertise outlined above would make me a good candidate for the Treasurer of the Board. I feel I could bring value to the board while at the same time expanding my knowledge base in pension management and administration.

Attached is my resume for your information. Thank you in advance for your consideration and feel free to call me if you have any questions at 661-204-1510.

Sincerely,

Jordan Kaufman
Kern County Treasurer-Tax Collector
Deferred Compensation Plan Administrator

Attachment

M:\Administration\SACRS\SACRS Board Letter of Interest.doc

1115 Truxtun Avenue * Bakersfield, CA 93301-4639 * (661) 868-3490 * 800-552-KERN
Fax: (661) 868-3409 * Email: TTC@KernCounty.com * www.kcttc.co.kern.ca.us



**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@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: Jordan Kaufman
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: 1115 Truxtun Avenue, 2nd floor Bakersfield, CA 93301 Email Address: jkaufman@kerncounty.com Phone: (661) 868-3454
Name of Retirement System Candidate Currently Serves On	System Name: Kern County Employees' Retirement Association
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	I am in my second term as the elected Kern County Treasurer-Tax Collector with fiduciary responsibility over the \$4.5 billion Treasury Investment Pool and the responsibility of annually collecting over \$1.3 billion in local property taxes. I am also the Plan Administrator for the \$720 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, and an Adjunct Professor at the California State University Bakersfield. 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.

SACRS Submission for Secretary



Serving the Active and Retired Members of:

CITY OF SAN JUAN
CAPISTRANO

COUNTY OF ORANGE

ORANGE COUNTY
CEMETERY DISTRICT

ORANGE COUNTY CHILDREN &
FAMILIES COMMISSION

ORANGE COUNTY
DEPARTMENT OF EDUCATION
(CLOSED TO NEW MEMBERS)

ORANGE COUNTY
EMPLOYEES RETIREMENT
SYSTEM

ORANGE COUNTY FIRE
AUTHORITY

ORANGE COUNTY IN-HOME
SUPPORTIVE SERVICES PUBLIC
AUTHORITY

ORANGE COUNTY LOCAL
AGENCY FORMATION
COMMISSION

ORANGE COUNTY PUBLIC LAW
LIBRARY

ORANGE COUNTY
SANITATION DISTRICT

ORANGE COUNTY
TRANSPORTATION
AUTHORITY

SUPERIOR COURT OF
CALIFORNIA, COUNTY
OF ORANGE

TRANSPORTATION
CORRIDOR AGENCIES

UCI MEDICAL CENTER AND
CAMPUS (CLOSED TO NEW
MEMBERS)

February 23, 2022

By Mail and Electronic Mail [dan.mcallister@sdcounty.ca.gov]

Mr. Dan McAllister
SACRS Nominating Committee Chair
SACRS
840 Richards Blvd.
Sacramento, CA 95811

Re: NOMINATION FOR SACRS BOARD OF DIRECTORS ELECTION 2022-2023

Dear Mr. McAllister:

This letter supersedes the letter I sent to you earlier today.

As a regular member of SACRS, the Orange County Employees Retirement System (OCERS) is entitled, under the SACRS Bylaws, Article VIII, Section 2, to submit nominations for the election of directors for the SACRS Board of Directors.

On February 22, 2022, the OCERS Board of Retirement met and took action to nominate OCERS trustee, Adele Tagalao, for the position of SECRETARY of the SACRS Board of Directors, and directed me to submit this nomination to the SACRS Nominating Committee.

Accordingly, please accept this letter as **OCERS' nomination of OCERS Trustee, Adele Tagalao, for election to the position of SECRETARY of the SACRS Board of Directors at the 2022-2023 SACRS Board of Directors Election to take place on May 13, 2022.**

Please do not hesitate to contact me at (714) 558-6222 if you have any questions or require additional information.

Thank you.

Best regards,

Steve Delaney - Chief Executive Officer
cc: Sulema H. Peterson, SACRS Administrator

Adele Tagaloa

2223 East Wellington Ave, Suite 100, Santa Ana, CA 92804 | 714-349-9716 | atagaloa@ocers.org

February 24, 2022

Mr. Dan McAllister
SACRS Immediate Past President, Nominating Committee Chair
State Association of County Retirement Systems (SACRS)
840 Richards Blvd
Sacramento, CA 95811

Dear Mr. Dan McAllister:

Please accept this letter of my intent to run for SACRS Board of Directors for the office of Secretary.

My 15 years of leadership experience in the private and public sector makes me an exceptional candidate for SACRS Secretary. My experience serving (1) as an Executive Board member of my employee labor organization; (2) my employment by the Registrar of Voters to ensure accurate and transparent elections for 1.8 million registered Orange County voters; and most importantly (3) my service as a Trustee on the Orange County Employees Retirement System has made me uniquely qualified to serve on the SACRS Board of Directors.

My passion for democracy, organized labor, and accessibility education has been the cornerstone of my career and life. Since I have been elected to the OCERS Board of Retirement, my personal trustee education has been one of my main priorities. Although the last two years has proven to be a challenge for in-person education, I prioritized expanding my knowledge on pensions and legislation.

While attending SACRS Fall Conference in 2021, the level of professionalism and outstanding leadership solidified my desire to be more than a future attendee. In SACRS, I have found an organization that like me, understands the challenge and importance of pensions, education and duty for trustees in the CERL 37 Act Systems. I have shared too many people about the fantastic speakers and the subjects that reach beyond pensions at SACRS.

Using my leadership experience, it is my goal to continue to share all the benefits of SACRS to members, support leadership and to continue to make SACRS the premier pension organization in a changing world.

It would be an honor to serve on the SACRS Board of Directors as Secretary and truly appreciate your consideration.

Sincerely,



Adele Tagaloa
Trustee, General Member-Elected
Orange County Employees Retirement System (OCERS)



**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@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	Adele Tagaloo
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: 2223 East Wellington Ave, Suite 100 Santa Ana, CA 92701 Email Address: atagaloo@ocers.org adele.tagaloo@gmail.com Phone: (714) 349-9716
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 type="radio"/> Vice President <input type="radio"/> Treasurer <input checked="" type="radio"/> Secretary <input type="radio"/> Regular Member
Brief Bio	<ul style="list-style-type: none"> ◆ Member, SACRS Program and Bylaws Committee ◆ Elected General Member Trustee, OCERS, 2020 to present 12 1/2 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 ◆ Executive Board of Directors - Secretary, OCEA 2020 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>

SACRS Submission for General Board Member

February 28, 2022

VIA Email

Dan McAllister,
SACRS Immediate Past President/ Nominating Committee Chair
SACRS Nominating Committee

Dear Mr. Immediate Past President/Nominating Committee Chair McAllister,

Please accept this letter as my letter of intent to be a candidate to be re-elected to the position of Regular Member in SACRS Board of Directors Elections 2022-2023.

If re-elected as a Regular Member, I will continue working to ensure that SACRS remain the preeminent educational organization for the CERL 37 Act Systems by maintaining the high caliber of our conferences (both as formal seminars and superb networking opportunities.) I will continue encouraging greater participation from the Trustees and Staff of the 37 Act Systems. I strongly believe in getting involved as demonstrated by my contribution at SACRS' Board meetings and having volunteered to lead a CALAPRS Trustee Roundtable after attending only a few sessions. Over the years, I have served on the governing Boards of the Teamsters Local 1932, the Working Assembly of Governmental Employees and other organizations. Currently, I serve as a Regular Member on SACRS' Board along with being a member of SACRS' Audit and Education committees.

I have been a Trustee with the San Bernardino County Employees' Retirement Association (SBcera) from January 2015 and attended my first SACRS conference that year. I found the sessions to be very informative and educational with the presenters being experts and/or thought leaders in their field. Since then, I have attended several conferences sponsored by other organizations that are single topic focused and I have also completed certification programs at Wharton, Pepperdine, UCLA and Berkeley. In comparison, SACRS conferences provide a comprehensive insight into the "nuts and bolts" of the functioning of Retirement Systems with an emphasis on current applications of the topics. SACRS provides attendees an opportunity to understand different perspectives thereby encouraging clearer lines of communication and to also hear about what works and what may be problematic. The networking and information sharing opportunities with colleagues at SACRS is immensely valuable. These practical qualities and timely information helped to draw me into the SACRS' orbit.

SACRS recent expansion of the Board to include additional members was a very good strategic move that has helped to enhance the experience pool and expand the knowledge base. I believe the current SACRS Board is a team exhibiting a very good blend of geography, experience and perspective. Consequently, I would very much like to continue contributing (based on my education and experience) to SACRS - a superlative organization: *"Providing insight. Fostering oversight."*

I thank you in advance for your kind consideration and support. It would be a high honor for me to be re-elected to continue serving as a Regular Member on the SACRS Board for the 2022-2023 term.

Please find attached the completed SACRS nomination form.

Respectfully,

Vere Williams

Vere Williams, MBA

SBcera Board of Directors – General Elected Member

cc: Sulema Peterson, SACRS



**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	Name: <u>Vere Williams</u>
Candidate Contact Information (Please include – Phone Number, Email Address and Mailing Address)	Mailing Address: <u>8379 Icicle Drive, Pinon Hills, CA 92372</u> Email Address: <u>verevlw@aol.com</u> Phone: <u>(760) 486-6311</u>
Name of Retirement System Candidate Currently Serves On	System Name: <u>San Bernardino County Employees' Retirement Association</u>
List Your Current Position on Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)	<input type="radio"/> <u>General Elected</u>
Applying for SACRS Board of Directors Position (select only one)	<input type="radio"/> <u>Regular Member</u>
Brief Bio	<p>I was elected to SBcera's Board in January 2015 and has served on the Administrative, Audit and Investment Committees. Currently, I serve as a Regular Member of the SACRS Board. My community involvement includes serving on the governing Boards of the Teamsters Local 1932, California State Conference of the NAACP, Working Assembly of Governmental Employees (WAGE) and other organizations. I am a past president of the San Bernardino County Association of African-American Employees and currently serves as treasurer for the Hispanic Employees Alliance. I have earned an MBA in Information Management/Accounting and has completed certification courses on Retirement System Management courses at Berkeley, UCLA, Pepperdine and Wharton. I have been an enrolled Agent with the IRS for over 20 years along with more than 25 years working in the finance department at Arrowhead Regional Medical Center. I have been trained in conflict resolution and have completed various workshops and seminars on organization dynamics and interplay. I am currently a member of the SACRS Audit and Education Committees.</p> <p>A guiding quote – “I always wondered why somebody didn't do something about that, then I realized I was somebody.” – Lily Tomlin</p>

SACRS Submission for General Board Member

February 25, 2022

Mr. Dan McAllister
Chair
Nominating Committee
State Association of County Retirement Systems

Dear Mr. McAllister,

This letter is to serve as an introduction and to submit my application for the State Association of County Retirement Systems Board of Directors.

I have been working with retirement education since first joining the county of San Diego almost 25 years ago. One of my first educational presentations regarding retirement occurred while I was in the academy with the explanation of deferred compensation and the importance of planning ahead.

Over the past many years, I have been approached and encouraged by my fellow county employees to get involved and help improve communications about retirement. I worked from the retirement committee at the Deputy Sheriff's Association (DSA), then to the retirement chair at the DSA. I have been involved for over 15 years with the County of San Diego Deferred Compensation Advisory Committee. After serving many roles with the DSA and the county of San Diego, I was encouraged to step forward and run for the Board of Trustees at the San Diego County Employee Retirement Association (SDCERA). In 2019 I was elected to the SDCERA Board of Trustees and currently serve as the Secretary.

The support from SACRS has been invaluable for my education as a trustee. The many hours of training that we obtain from SACRS has improved the quality of stewardship for our retirement systems. Additionally, the SACRS support in Sacramento in the form of review and feedback to our legislative branch of government is vital.

My goal is to not only join the SACRS Board of Directors but to contribute to this process of developing and supporting the member county retirement systems. I respectfully request and thank you in advance for the consideration of the Nominating Committee in supporting my candidacy for election to the SACRS Board of Directors.

Respectfully,

David Gilmore
SDCERA Trustee



Providing insight. Fostering oversight.

**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@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: 2275 Rio Bonito Way, San Diego, CA 92108-1685 Email Address: DGilmore@SDCERA.ORG Phone: 619-770-7854
Name of Retirement System Candidate Currently Serves On	System Name: San Diego County Employees Retirement Association
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	David Gilmore was elected to the SDCERA Board of Directors in 2019 and serves as the Board Secretary. He is on the Audit Committee for this fund of over \$17 billion. He served for over twenty years in various roles with the Deputy Sheriff's Association including being elected to the Board of Directors where he was the Secretary Treasurer. Prior to joining the Sheriff's Department in 1997, he was an internal auditor and systems analyst in the mortgage banking industry. He holds a bachelors degree in business administration-accounting and a masters degree in public administration. He is a Lieutenant with the Sheriff's Department and has held various management positions for the past 11 years including the Sheriff's Standards and Compliance Manager reporting to the Office of the Sheriff. He is also a founding member of the County of San Diego Deferred Compensation Investment Advisory Committee.



OCERS Board Policy SACRS Voting Authority Policy

Background

1. The State Association of County Retirement Systems (SACRS) is an association of 20 California county retirement systems, established under the County Employees Retirement Law of 1937. SACRS meets as an organization twice a year with all 20 counties participating through attendance by Trustees, Administrators, and staff.
2. Regular member County Retirement Systems have the right to vote on the election of the officers/directors of SACRS, amendments to the Articles of Incorporation and By-laws, legislative proposals for SACRS' sponsorship and positions on non-SACRS' sponsored legislation, resolutions, and other items of SACRS' business. Regular member County Retirement Systems are entitled to one (1) voting delegate.
3. The voting delegate must be designated in writing by the member County Retirement Board and must be a Trustee or an Administrator who is employed directly by the County Retirement System. Alternate delegates may be designated in writing by the member County Retirement Board.

Policy Guidelines

4. In order to ensure that OCERS is represented by a voting delegate at each business meeting of SACRS, OCERS will designate the current Board Chair as OCERS' voting delegate and each member of the Board and the Administrator as alternate delegates.
5. Credentials for the delegates who are voting participants shall be filed by OCERS with the SACRS Credentials Committee in writing prior to any meeting of SACRS at which voting will take place. Credentials will include the name of the member County Retirement System, and designate the Board Chair as OCERS' voting delegate and designate all other Board members and the Administrator as alternate voting delegates.
6. Voting at meetings of SACRS shall be the exclusive privilege of the delegate or one of the alternate delegates. If the Board Chair is present at the SACRS business meeting, he or she will cast OCERS' vote(s) at the meeting. If the Board Chair is not present at the SACRS business meeting at which a vote is taking place, the Vice Chair shall cast OCERS' vote(s) at the meeting. If neither the Board Chair nor Vice Chair are present, the alternate voting delegate to cast OCERS' vote(s) will be determined, among the Board members in attendance, alphabetically by the Board member's last name. The voting delegate, or designated alternate delegate if the voting delegate is absent, may cast one (1) vote on each matter submitted to a vote of the SACRS membership.
7. Where the OCERS' Board has taken an official Board position on an item to be voted on at a SACRS business meeting, the voting delegate or designated alternate voting delegate must cast a vote consistent with the Board position. If the Board has not taken a position on an item to be voted on, the voting delegate or designated alternate voting delegate must comply with the Board policy or policies that address(es) the subject matter of the item. When the item to be voted on is not addressed in any OCERS' Board policy and the Board has not taken a position, the voting delegate or designated alternate voting delegate may use his or her best judgment to vote in accordance



OCERS Board Policy **SACRS Voting Authority Policy**

with the position he or she believes the Board would take on the item, or abstain from voting. Notwithstanding the foregoing, the voting delegate and designated alternate voting delegate shall not vote on any item that would obligate OCERS financially to pay any sums other than SACRS dues.

Policy Review

- 8. The Board will review this policy at least every three years to ensure that it remains relevant and appropriate.

Policy History

- 9. This policy was adopted on May 9, 1988.
- 10. This policy was revised on August 25, 2008, May 17, 2011, March 17, 2014, May 15, 2017, and April 20, 2020.

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

Steve Delaney
Secretary of the Board

04/20/2020

Date



Memorandum

DATE: April 5, 2022,
TO: Members of the Board of Retirement
FROM: Brenda Shott, Assistant CEO, Finance and Internal Operations
SUBJECT: OCERS BUILDING COMMITTEE DIRECTION

Recommendation

Approve issuance of a Request for Interest (RFI) to develop the existing OCERS properties for the future use of a new OCERS headquarters and other best use of the properties.

Background/Discussion

OCERS' headquarters building located at 2223 E. Wellington Ave, Santa Ana (the Wellington property) was built in 1979 and needs significant renovations to meet OCERS future needs. In December 2019, the Board approved the purchase of the adjacent building at 1200 N. Tustin Ave (the Tustin property) with the intention of either building the future headquarters on the Tustin property or to monetize the two properties together and relocate. When the pandemic hit and the related "stay at home orders" were issued across the nation, the Building Committee decided to pause the development of the various headquarter options. Pausing the project allowed Staff and the Committee to consider what remote work might mean for the needs of OCERS office space for the long term as well as to determine if the pandemic would cause a disruption to the commercial real estate market.

With many organizations and companies utilizing an expanded remote workforce over the past two years, office spaces have been underutilized. During that period, Staff and the Cushman Wakefield representatives have led discussions and provided timely insights to the OCERS Building Committee on what has been transpiring in office space here locally and more broadly across the nation.

As the pandemic has begun to evolve into an endemic and offices are beginning to open back up, it was timely for the Building Committee to evaluate the options available for moving the project forward and select the most desirable option. In general terms, there were four options the Committee considered:

1. Do nothing now, continue to wait for the markets to stabilize and observe what the new best practices will be for workplace environments post pandemic (estimated opportunity cost of \$3M - \$9M)
2. Demolish the building at 1200 N. Tustin Ave and build a new OCERS Headquarters (estimated building cost of \$491 - \$524 per sq ft – offset with sale/development of Wellington property)
3. Monetize the existing properties and lease a new Headquarters (estimated net gain of \$1M - \$6M over 10-year lease, risk of higher costs at the end of 10 years)
4. Monetize the existing properties and purchase a new Headquarters (estimated cost of \$400 per sq. foot)

The Committee determined that the following factors were key driving factors when selecting the option to move forward:

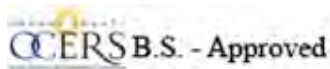
1. Location – desire to be centrally located to the participating employers (but not adjacent to or collocated with them) and close proximity to John Wayne airport
2. Ease of access – desire to be in area with less traffic congestion, easy/quick access on and off major freeway, safe neighborhood

3. Ample parking – the surface parking at existing headquarters is highly desirable
4. Acknowledge that OCERS building needs will most likely require customizations (Board room, Member Services)

After evaluating the options presented by Cushman Wakefield, the Committee unanimously agreed that Option 2 - building a new headquarters at the Tustin property and getting the best acceptable use of the Wellington property would achieve the optimal solution to meet OCERS long term needs. To move this option forward the Committee recommends issuing a Request for Interest with the objective of identifying experienced and interested development teams with creativity and technical capability and gathering information, guidance and advice from such teams on how to best achieve the OCERS goals.

While the RFI is under development, the Building Committee has indicated to Cushman that they would like to view some available existing properties as per Option 4 to ensure they have done their full due diligence with regards to the options.

Submitted by:

The logo features the text "OCERS B.S. - Approved" in a serif font. Above the text is a small graphic of a sun with rays. The text "OCERS" is in a larger, bold font, and "B.S. - Approved" is in a smaller font to its right.

Brenda Shott
Assistant CEO, Finance and Internal Operations



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Gina M. Ratto, OCERS General Counsel
SUBJECT: **ANNUAL FIDUCIARY EDUCATION**

Presentation

The Board's fiduciary counsel will present the Annual Fiduciary Education to the Board.

Submitted by:

Gina M. Ratto
General Counsel

ANNUAL FIDUCIARY EDUCATION

Board of Retirement
Orange County Employees
Retirement System

April 18, 2022

Harvey L. Leiderman
Maytak Chin
Reed **Smith** LLP



FUNDAMENTAL FIDUCIARY DUTIES

- Primary Loyalty Rule
- Exclusive Benefit Rule
- Duty of Prudence
- Duty to Diversify
- Follow the Plan



FUNDAMENTAL FIDUCIARY DUTIES

- *Primary Loyalty Rule* – Duty to act in the best interests of the members and beneficiaries, not to promote personal or others’ interests (this duty takes precedence over all others)
- *Exclusive Benefit Rule* – Duty to use plan assets solely for the purpose of paying the members’ promised benefits and reasonable administrative expenses
- *Prudence Standard* – Duty to act “under the circumstances then prevailing” as would a prudent person “in a like capacity *and familiar with these matters...*in the conduct of an enterprise of like character and with like aims”

FUNDAMENTAL FIDUCIARY DUTIES

- *Diversification* – Duty to diversify the investments so as to minimize risk and maximize return, unless clearly not prudent to do so
- *Follow the Plan Documents* – Duty to administer the Plan in accordance with the Plan documents – including the Constitution, the CERL, IRC and regulations, Board regulations, charters and policies. The Board is not responsible for plan design; rather, plan *implementation*

WHAT IT MEANS TO BE “LOYAL” – AND TO WHOM

- An “interested” board, but not a “representative” one
- You have a constituency of one – the members
- Avoid conflicts of interest – the strongest test of loyalty
 - Serving others’ interests
 - Personal financial interests
 - Accepting gifts and other things of value
 - You have a duty to disclose, recuse if conflicted
 - Severe penalties for violations
 - Complicated rules – seek counsel!

ONE COURT SAYS IT ALL

The fiduciary provisions of trust law were designed to prevent a trustee from being put in a position where he has dual loyalties, and therefore, he cannot act exclusively for the benefit of a plan's participants and beneficiaries. **An employee benefit fund trustee is a fiduciary whose duty to the trust beneficiaries must overcome any loyalty to the interest of the party that appointed him.** Thus, the statutes defining the duties of a management-appointed trustee make it virtually self-evident that trustees are not representatives.

* * *

One of the means of insuring neutrality in the administration of a trust was to give each side of the bargaining table an equal voice in the selection of trustees. It is also a recognition of the fact that the administration of a trust fund often gives rise to questions over which representatives of management and labor may have legitimate differences of opinion that are entirely consistent with their fiduciary duties.

The guarantee of impartiality in making decisions of this kind is not a total divorce of every trustee from the interests that appointed him. **There is a distinction between the process by which a person is appointed to office and the manner in which he performs that office after he has been appointed.**

NLRB v. Amax Coal Co., 433 U. S. 322 (1981)

ANOTHER SUPREME COURT SAYS IT, TOO

“[A] person cannot serve two masters simultaneously. ... If a public official is pulled in one direction by his financial interest and in another direction by his official duties, his judgment cannot and should not be trusted, even if he attempts impartiality. ... Where a prohibited interest is found, ... the official ... is subject to a host of civil and (if the violation was willful) criminal penalties, including imprisonment and disqualification from holding public office in perpetuity.”

Lexin v. Superior Court (2010) 47 Cal.4th 1050

WHAT ELSE IT MEANS TO BE “LOYAL”

- Impartiality – treating all members fairly
 - Active and retired members may have different interests
 - Work to balance all members’ interests
 - Avoid sacrificing long-term financial success to achieve short-term financial or other goals
 - Allowed discretion recognizes how difficult this balance can be to achieve

WHAT IT MEANS TO BE “PRUDENT”

- Heightened prudence standard - you are expected to be “knowledgeable”
- Duty to delegate: If you don’t have the expertise, go out and get it
- Don’t rubber stamp delegates – question them
- Don’t “set and forget” – monitor and adjust
- Process matters more than results – so record it!

ANOTHER COURT SAYS IT ALL

A fiduciary's investments are prudent if s/he has given appropriate consideration to those facts and circumstances that are relevant to the particular investment involved and has acted accordingly. Appropriate consideration includes a determination by the fiduciary that the particular investment is reasonably designed to further the purposes of the plan, **taking into consideration the risk of loss and the opportunity for gain, in addition to consideration of the portfolio's diversification, liquidity, and projected return relative to the plan's funding objectives.** In addition, under trust law, a fiduciary normally has a continuing duty of some kind to monitor investments and remove imprudent ones.

The test for determining whether a fiduciary has satisfied his duty of prudence is whether the individual trustees, **at the time they engaged in the challenged transactions, employed the appropriate methods** to investigate the merits of the investment and to structure the investment.

In other words, we must focus on whether the fiduciary engaged in a **reasoned decision-making process**, consistent with that of a prudent person acting in a like capacity. Courts have readily determined that fiduciaries who act reasonably - i.e., who appropriately investigate the merits of an investment decision prior to acting - easily clear this bar.

Pfeil v. State Street Bank and Trust Co. 806 F. 3d 377 (6th Cir. 2015)

TO ESTABLISH PRUDENCE, TAKE A PAGE OUT OF *O'NEAL V. STANCERA*

- When faced with a crisis or key decision:
 - Seek expert advice from actuaries, counsel, consultants
 - Hold open and public meetings
 - Invite all stakeholders to participate
 - Gather all relevant facts and consider all reasonable options
 - Remember your primary duty of loyalty to members
 - Document and record all proceedings

“HOT BUTTON” ISSUES THAT MAY TEST YOUR FIDUCIARY COMMITMENT



- Funding decisions that impact the County and all stakeholders – employer and employee contribution rates and budgets
- Complying with a controversial law (like *Alameda*)
- Delegating increasing authority to staff
- Integrating ESG into investment decisions
- Peer pressure

A CURRENT EXAMPLE: RUSSIAN DIVESTMENT LEGISLATION SB 1328

- California pension funds to cease investing in or hiring companies that have active business operations in Russia or Belarus, unless they take substantial action to halt
- Pension funds must divest from Russia/Belarus holdings
- Funds must hire research firms to analyze; and collaborate with peer funds
- BUT: Board need not take action unless it determines divestment is consistent with its fiduciary duties

SO: IS IT?

Discuss: Duty of loyalty, exclusive benefit, prudence, duty to diversify

QUESTIONS?



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Gina M. Ratto, OCERS General Counsel
SUBJECT: **BROWN ACT TRAINING**

Presentation

Members of the OCERS legal team will present training on the Brown Act.

Submitted by:

Gina M. Ratto
General Counsel



THE BROWN ACT

Presentation to the Board of Retirement
Orange County Employees Retirement System
April 18, 2022



Purpose

Preamble to the Brown Act

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State **exist to aid in the conduct of the people’s business.** It is the intent of the law that their **actions be taken openly** and that their **deliberations be conducted openly.**”

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, **do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.** The people insist on remaining **informed so that they may retain control** over the instruments they have created.”



Purpose

- The purpose is to facilitate public participation in local government decisions and to expose those decisions to the sunshine.
- The Act balances the public's right of access to board meetings with the need for confidential candor, debate, and information gathering.
- There is a presumption in the law in favor of public access.



Bodies Subject to the Act

- Governing bodies of local government agencies
- Any board, commission, committee, or other body of a local agency created by charter, ordinance, resolution, or formal action
 - ▣ Exception for an advisory or *ad hoc* committee comprised solely of less than a quorum of the members of the legislative body that created it and provided it is not a standing committee.



What is a “Meeting”

- Any congregation of a majority of the members of the board at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the agency.
- Conferences that are open to the public and involve issues of interest to the public or the local agency are exempt so long as a majority of the members do not discuss (other than as part of the scheduled program) any issues that are within the subject matter jurisdiction of the agency.
- Agency retreats are ***not*** exempt.



What is a “Meeting”

- Attendance by a majority of the members at a purely social or ceremonial occasion is not a “meeting” provided that the members do not discuss amongst themselves specific business within the jurisdiction of the agency.
- “Serial meetings” are meetings subject to the Act. A majority of the board must not, outside a meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of agency business.



Serial Meetings

- Serial communications that advance or clarify a member's understanding of an issue, facilitate agreement or compromise among members, or advance the ultimate resolution of an issue are "meetings." This may include circulation of written materials and emails.

Examples:

- Daisy chain: member A communicates with member B, member B communicates with member C, etc., until a quorum of members have communicated about the issue.



Serial Meetings

Hub and spoke:

- Member A communicates with member B, member A communicates with member C, etc., until a quorum of members have communicated about the issue.
- A staff member (the hub) briefs a majority of members (the spokes) prior to a formal meeting and, in the process, information about the members' respective views is revealed.
- One-way communications from staff to the members are not included if member views are not relayed.



Teleconferencing

The Brown Act permits the use of any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session.

“Teleconference” means a meeting where some or all the board members are in different locations, connected by electronic means, through either audio or video, or both.



Teleconferencing

Requirements:

- The agenda for a meeting via teleconference must be posted at all teleconference locations and provide an opportunity for members of the public to address the board directly at each location.
- Each teleconference location must be identified in the notice and agenda of the meeting and each teleconference location must be accessible to the public.



Teleconferencing

- During the teleconference, at least a quorum of the members of the board must participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.
- All votes taken during a teleconferenced meeting shall be by rollcall.



Notice and Agenda Requirements

- ❑ *Regular Meetings* – Agenda with brief general description of each item to be discussed must be posted at least 72 hours prior to meeting.
- ❑ *Special Meetings* – May be called anytime on 24 hours notice; by the Chair or a majority of the members.
- ❑ No action or discussion permitted on any item not appearing on the agenda, except for matters requiring immediate action that came to the attention of the agency after the agenda was posted, provided that 2/3 of members present vote to consider the matter (or unanimous if less than 2/3 of members are present).



Rights of the Public

- Every agenda for a regular meeting must provide an opportunity for the public to address the board/committee on any item within the subject matter jurisdiction of the board/committee.
- Additionally, the public must be given the opportunity to comment on any item listed on the agenda before or during the board/committee's consideration of the item.
- The body may establish procedures for public comment including reasonable time limitations by topic or speaker.



Closed Sessions

- Each item to be transacted or discussed in closed session must be briefly described on the agenda;
- Before adjourning into closed session, a representative of the body must announce the items to be discussed in closed session (can be satisfied by referring to the item by number as it appears on the agenda); and
- Once the closed session has concluded, the agency must reconvene in open session where it may be required to report votes and actions taken.



Authorized Closed Sessions

- ❑ Must be expressly authorized by law; and the authority is narrowly construed.
- ❑ Confidentiality of information acquired at a closed session must be maintained.
- ❑ Persons whose participation in the closed session is not essential to the business at hand, or who must be recused from participation, must be excluded.



Authorized Closed Sessions

- **Litigation:** To confer with legal counsel regarding pending litigation, significant exposure to litigation or deciding whether to initiate litigation.
- **Personnel Matters:** To consider the appointment, employment, evaluation of performance, discipline or dismissal of a public employee, but NOT to discuss or take action on compensation.
- **Real Property Negotiations:** To meet with negotiator prior to purchase, sale, exchange or lease of real property to grant authority re: price and terms.
- **Public Fund Investments:** To consider the purchase or sale of particular specific pension fund investments.
- **Threats to Security:** To confer with security consultants or a security operations manager, agency counsel or law enforcement on matters posing a threat to the security of public buildings or essential public services, or the public's right of access thereto.



Voting

- Trustees have a fiduciary duty to participate and vote, as part of their duty to administer the system/plan. Abstentions should be avoided.
- All votes in closed session must be recorded as roll call votes and when action is reported out in public session, the votes must be announced.



Motion or Direction?

- **Motions** are used to take action on matters within the subject matter jurisdiction of OCERS (e.g., adopt a policy, make an expenditure of funds, enter into a contract).
- **Direction** is used to request a ministerial task of staff (like putting an item on the next agenda), or to ask staff to review or research a matter, change a practice, provide additional information or report to the board at a future date. Direction should come from the Chair and does not require the consensus of the other members.



Meeting Materials – Public Records?

- Agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of the body by any person in connection with a matter subject to discussion or consideration at an open meeting, are disclosable public records unless exempt from public disclosure under the PRA.
- The records “must be made available upon request without delay.”
- Records that are distributed to the members at the meeting must be available to the public on the day of the meeting.



Remedies and Penalties

- ❑ Criminal: Member who attends a meeting in violation of the Brown Act where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled is guilty of a misdemeanor.
- ❑ Civil:
 - ❑ Actions by mandamus, injunction or declaratory relief
 - ❑ May be commenced by the D.A. or any interested party
 - ❑ Actions by taken in violation can be declared null and void
 - ❑ Agency has opportunity to cure before suit may be filed
 - ❑ Attorneys fees and costs may be awarded against the agency (but not the individual members)



QUESTIONS?





Hypothetical #1

The CEO emails an article to all of the Board members that praises another pension system for adopting a shorter actuarial smoothing period. The article is timely because the Board will be discussing its actuarial funding policies next month. In his email, the CEO asks the Board members to “let me know what you think.” The CEO carefully “BCCs” the Board members so that when they respond, they can’t “REPLY ALL” and create a serial meeting. Seven of the Board members reply to the CEO with their thoughts.

Was the CEO successful in preventing a serial meeting?



Hypothetical #2

The Board meeting is going to be a really long one – it’s going to be at least 5:00 before the meeting is concluded. The Board takes a short, 30 minute, lunch break to try to make up some time. Four of the Board members discuss one of the upcoming agenda items over lunch in an effort to save time during the meeting – and great news – they are all in agreement. The Board Chair agrees to catch a fifth member of the Board before she goes back into the meeting to see if he can get her to vote with the others.

Any issues?



Hypothetical #3

A Board member has what he thinks is a novel idea for an investment that will create significant returns for the pension fund. He writes a detailed letter to his fellow Board members describing the investment opportunity and advocating for OCERS' investment. He hands out the letter at the beginning of the Investment Committee meeting where the Committee will consider investing in a competing opportunity. He instructs the Board members and staff that his letter is not to be distributed beyond the Board members – he doesn't want other investors to beat OCERS to the opportunity.

Can the letter be protected from disclosure?

Can the Committee consider the new opportunity at the meeting?



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **COVID-19 UPDATE**

Presentation

OCERS staff returned to the headquarters office on Friday, March 11. That date was chosen as it was the start of a pay period.

A staff member completing a request to his or her manager can in most cases work a hybrid schedule of three days a week in the office, and two days a week working virtually from home. With that availability, almost all OCERS staff work in the building on Wednesdays, and that is when we will hold the majority of our in-person meetings.

As I shared with the Board when the staff first began working virtually in March 2020, it was always my intent that we return working a hybrid schedule. I had for some time prior to COVID been concerned with our ability to complete our daily tasks in a disaster situation, such as the loss of our building due to an earthquake. I had already begun working on some form of hybrid work schedule to ensure all OCERS staff learned the skills necessary to work from home, when COVID-19 arrived and forced our hand sooner than anticipated.

As part of our disaster recovery plan, I support a permanent form of hybrid work schedule, so long as we as an agency continue to meet our mission goals.

As per our website, the OCERS headquarters building remains officially closed to the public and vendors, with a tentative reopen date in early May 2022.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

*Orange County Employees Retirement System
Retirement Board Meeting
April 18, 2022
Application Notices*

<i>Member Name</i>	<i>Agency/Employer</i>	<i>Retirement Date</i>
Acayan, Antonio	Sanitation District	2/18/2022
Adkins, Bobbie	OCTA	2/18/2022
Aguilera, Meinardo	Sheriff's Dept	2/11/2022
Balicki, Joseph	Sheriff's Dept	1/28/2022
Ball, Alan	Sheriff's Dept	1/28/2022
Baytieh, Ebrahim	District Attorney	2/11/2022
Bercaru, Alexandrina	OCERS	1/28/2022
Berg, Robert	County Executive Office (CEO)	1/28/2022
Boston, Gregory	Sheriff's Dept	1/28/2022
Cappel, Kamelia	Sheriff's Dept	1/28/2022
Castle, Vernon	Health Care Agency	1/28/2022
Cope, Joseph	Sheriff's Dept	1/28/2022
Criscuolo, Keith	Sanitation District	1/16/2022
Crow, Bill	Fire Authority (OCFA)	1/28/2022
Damyen, Christopher	OCTA	2/1/2022
Daniels, Warren	Sheriff's Dept	1/28/2022
Diogostine, Annette	County Executive Office (CEO)	2/10/2022
Dowell, Eric	District Attorney	2/12/2022
Duffy, Jennifer	Probation	1/28/2022
Enamorado, Soledad	OC Community Resources	1/28/2022
Esber, Eli	OCWR	2/11/2022
Escobar, Rosalinda	Sheriff's Dept	1/28/2022
Fox, Paula	Probation	2/22/2022
Gadea, Antonio	OCTA	1/30/2022
Garces, Ricardo	Public Defender	2/1/2022
Garcia, Angelica	Social Services Agency	2/11/2022
Garcia, Renee	Public Defender	12/30/2021
Geller, Mark	District Attorney	1/28/2022
Ghobrial, Amir	Assessor	1/28/2022
Gonzales, Mercedes	District Attorney	1/28/2022
Gonzales, Vincent	OC Public Works	1/28/2022
Haller, Lynn	Probation	2/1/2022
Harkins, John	District Attorney	2/12/2022
Hassaram, Maria	District Attorney	2/12/2022
Hatcher, Elisabeth	District Attorney	1/28/2022
Heydari Dayeni, Zahra	Health Care Agency	2/12/2022
Hoffman-Winberry, Karen	Health Care Agency	2/12/2022
Kehoe, Kevin	Sheriff's Dept	2/15/2022
Kirby, Darryl	OCTA	1/31/2022
Kruse, Deborah	Superior Court	2/23/2022
Krzyzanowski, Richard	Health Care Agency	2/21/2022
Lange, Greta	Superior Court	1/28/2022
Ledesma, Steven	Social Services Agency	1/1/2022
Llanes, Editha	OC Public Works	1/2/2022
Lujan Carpenter, Sherry	Sheriff's Dept	2/24/2022
Mead, Margo	Probation	2/19/2022

<i>Member Name</i>	<i>Agency/Employer</i>	<i>Retirement Date</i>
Melendez, Minerva	OCTA	2/24/2022
Miller, Tracy	District Attorney	1/28/2022
Mraz, Mark	Sheriff's Dept	2/11/2022
Navarro, Kevin	Sheriff's Dept	1/14/2022
Nguyen, Angie	County Executive Office (CEO)	1/28/2022
O'Brien, Brett	Health Care Agency	2/12/2022
Ochoa, Sara	Superior Court	2/12/2022
O'Connor, Jeffrey	OCTA	2/2/2022
Park, Young	OC Community Resources	1/20/2022
Payne, Douglas	Sheriff's Dept	2/12/2022
Pelham, George	Social Services Agency	1/1/2022
Perez, Raymond	Health Care Agency	2/11/2022
Reardon, Mark	County Executive Office (CEO)	1/28/2022
Reiter, William	OC Public Works	2/12/2022
Rodono, Annette	Social Services Agency	1/28/2022
Shanks, Ronald	City of San Juan Capistrano	12/15/2021
Tanabe, Michael	Sheriff's Dept	2/25/2022
Velarde, Sabrina	Child Support Services	1/28/2022
Velasco, Marcopolo	Sanitation District	1/14/2022
Ward, Winifreda	Assessor	1/28/2022
Webb, Gary	Treasurer-Tax Collector	1/1/2022
Webster, Kevin	Sheriff's Dept	1/14/2022
Weiss, Mark	Fire Authority (OCFA)	12/31/2022
Williams, Beatriz	Superior Court	1/7/2022
Williams, Jaymi	Sheriff's Dept	1/28/2022
Williams, Kimberly	Probation	2/23/2022
Williams, Sherrill	Social Services Agency	1/28/2022
Wilson, Barbara	Probation	2/22/2022
Zamorano, Richard	Probation	1/28/2022

***Orange County Employees Retirement
Retirement Board Meeting
April 18, 2022
Death Notices***

<i>Active Members</i>	<i>Agency/Employer</i>
Sato, Lisa	Probation

<i>Retired Members</i>	<i>Agency/Employer</i>
Andrieff, Lea	Social Services Agency
Bagoye, Peter	District Attorney
Bird, Lawrence	OC Public Works
Boardman, Karen	Registrar of Voters
Chau, Andy	Child Support Services
Escobedo, Eleazar	OC Public Works
Fortune, Ken	Sheriff's Dept
Goklish, Millie	Social Services Agency
Gray, Rosalie	Health Care Agency
Haugen, Marjorie	Social Services Agency
Jenkins, Mayo	Sheriff's Dept
Jordan, Patirica	OCTA
Kisselburg, Ruth	Assessor
Lee, Alex	OCERS
Macniven, Joanne	Law Library
Manzala, Jose	OCTA
Martinez, Alice	Sheriff's Dept
Martinez, Patricia	Clerk of the Board
Maupin, Lois	Health Care Agency
McLucas, Sylvia	OC Public Works
Mcperson, Ronald	Probation
Mowbray, Mary	Superior Court
Ong, Camille	Social Services Agency
Oudmayer, Phyllis	Child Support Services
Parker, Betty	Superior Court
Proctor, Jennie	Probation
Riniti, Anthony	Fire Authority (OCFA)
Scherzi, Ginamarie	Health Care Agency
Searle, Robert	OC Public Works
Shackelford, Joe	Probation
Sisco, Charles	Probation
Slikker, Albert	Sheriff's Dept
Stapp, Bonnie	OC Community Resources
Stonebrook, Scott	Probation
Tunstall, Michael	Sheriff's Dept
Victor, Marshall	OC Public Works
Walsworth, Eileen	County Clerk/Recorder
Webster, Vali	District Attorney

Williams, Helen	Social Services Agency
Winkle, Arnold	Social Services Agency

<i>Surviving Spouses</i>	
Clark, Debbie	
Curtis, Janet	
De Celis, Mary	
Lee, Julian	
Nim, Lai Kee	
St. Clair, Constance	
Welch, Deborah	
Zimmerman, Alice	

.93;2658Ä/8<479:4Ä1.*Ä# \$(#&Ä., %Ä\$. "/Ä+-&+Ä+\$!;' /)-0(.

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

**BUILDING COMMITTEE MEETING
Friday, August 13, 2021
9:30 A.M.**

Members of the Committee

Wayne Lindholm, Chair
Charles Packard, Vice Chair
Adele Tagoloa
Chris Prevatt

MINUTES

Chair Lindholm called the meeting to order at 9:33 a.m.

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

Present via Zoom video teleconference pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020:

Present: Wayne Lindholm, Chair; Charles Packard, Vice Chair; Adele Tagoloa; Chris Prevatt

Also

Present: Steve Delaney, Chief Executive Officer; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Gina Ratto, General Counsel; Anthony Beltran, Visual Technician; Brittany Cleberg, Recording Secretary

Guests via Zoom: Cushman & Wakefield: Lars Platt; Robert Lambert; Brian Booth

CONSENT AGENDA

MOTION by Packard, **seconded** by Prevatt, to approve staff's recommendation on all of the following items on the Consent Agenda:

C-1 COMMITTEE MEETING:

Building Committee Meeting

February 9, 2021

Recommendation: Approve minutes.

The motion passed **unanimously**, pursuant to a Roll Call vote, as follows:

.93;2658Ä/8<479:4Ä1.*Ä# \$(#&Ä., %Ä\$. "/Ä+-&+Ä+\$!;' /)-0(.

Orange County Employees Retirement System
August 13, 2021
Building Committee Meeting – Minutes

AYES

NAYS

ABSTAIN

ABSENT

Mr. Packard
Mr. Prevatt
Ms. Tagaloa
Chair Lindholm

ACTION ITEMS

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

No items were trailed from the Consent Agenda.

A-2 BUILDING COMMITTEE CHARTER

Presentation by Brenda Shott, Assistant Chief Executive Officer, Internal Operations, OCERS

After discussion by the Committee, **MOTION** by Prevatt, **seconded** by Packard, to approve staff’s recommendation to recommend the Board of Retirement adopt the Building Committee Charter.

The motion passed **unanimously**, pursuant to a Roll Call vote, as follows:

AYES

NAYS

ABSTAIN

ABSENT

Mr. Packard
Mr. Prevatt
Ms. Tagaloa
Chair Lindholm

A-3 BOARD ROOM AUDIO/VISUAL EQUIPMENT REPLACEMENT

Presentation by Brenda Shott, Assistant Chief Executive Officer, Internal Operations & Jenny Sadoski, Director of Information Technology, OCERS

After discussion by the Committee, **MOTION** by Prevatt, **seconded** by Tagaloa, to approve staff’s recommendation to recommend the Board of Retirement authorize staff to execute an agreement with Key Code Media, Inc. for Board Room audio visual equipment replacement and implementation services in the amount not to exceed \$532,000 and authorize the Assistant CEO, Finance and Internal Operations to transfer budget from the Services and Supplies budget category to the Capital Projects budget category to fund additional project costs.

The motion passed **unanimously**, pursuant to a Roll Call vote, as follows:

.93;2658Ä/8<479:4Ä1.*Ä# \$(#&Ä., %Ä\$. "/Ä+&+Ä+\$!;' /)-0(.

Orange County Employees Retirement System
August 13, 2021
Building Committee Meeting – Minutes

AYES

NAYS

ABSTAIN

ABSENT

Mr. Packard
Mr. Prevatt
Ms. Tagaloa
Chair Lindholm

INFORMATION ITEMS

I-1 OCERS HEADQUARTERS DISCUSSION

Discussion by Brenda Shott, Assistant Chief Executive Officer, Internal Operations, OCERS; Lars Platt, Robert Lambert, & Brian Booth, Cushman Wakefield

After discussion by the Committee on the direction for staff, Mr. Delaney confirmed and Chair Lindholm agreed that staff will work with the consultants to identify steps to working with developers and run scenarios of staffing requirements in order to estimate space requirements for the next few years. Staff will come back with a series of options for the Committee to consider persuing at the next Committee meeting.

WRITTEN REPORTS

None

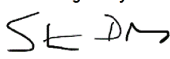
COMMITTEE MEMBER/CEO/STAFF/CONSULTANT/COMMENTS

None


The meeting **ADJOURNED** at 11:10 a.m.

Submitted by:

Approved by:

DocuSigned by:

C00D5744FF39463...

Steve Delaney
Secretary to the Committee

DocuSigned by:

2E6CBA37640F4A8...

Wayne Lindholm
Chair

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

**AUDIT COMMITTEE MEETING
January 27, 2022
9:30 a.m.**

MINUTES

OPEN SESSION

The Chair called the meeting to order at 9:31 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; Shari Freidenrich, Vice Chair; Charles Packard; Richard Oates

Also Present via Zoom:

David Kim, Director of Internal Audit; Steve Delaney, Chief Executive Officer; Gina Ratto, General Counsel; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Jeff Lamberson, Director of Member Services; Jenny Sadoski, Director of Information Technology; Mark Adviento, Internal Auditor; William Singleton, Recording Secretary; Anthony Beltran, Audio Visual Technician.

PUBLIC COMMENT

None.

C-1 APPROVE AUDIT COMMITTEE MEETING MINUTES

Audit Committee Meeting Minutes

December 15, 2021

MOTION by Mr. Packard, **seconded** by Mr. Oates, to approve the Minutes.

The motion passed **unanimously** with Ms. Freidenrich being absent.

A-2 AUDIT OF AUTOMATED CLEARING HOUSE (ACH) PAYMENT AND WIRE TRANSACTION PROCESS

Presentation by Mark Adviento, Internal Auditor

Recommendation: Receive and file.

Audit Committee Meeting
January 27, 2022

After Committee discussion, **MOTION** by Mr. Packard, **SECONDED** by Mr. Oates to adopt staff's recommendation.

The motion passed **unanimously** with Ms. Freidenrich being absent.

Ms. Freidenrich joined the meeting at 9:42 a.m.

A-3 CONTINUOUS AUDIT OF FINAL AVERAGE SALARY CALCULATIONS (Q4 2021)

Presentation by David Kim, Director of Internal Audit

Recommendation: Receive and file.

After Committee discussion, **MOTION** by Mr. Oates, **SECONDED** by Mr. Packard to adopt staff's recommendation.

The motion passed **unanimously**.

A-4 CONSIDERATION OF 2022 RISK ASSESSMENT AND 2022 AUDIT PLAN

Presentation by David Kim, Director of Internal Audit

Recommendation: Receive and file

After Committee discussion, **MOTION** by Mr. Packard, **SECONDED** by Mr. Oates to adopt staff's recommendation.

The motion passed **unanimously**.

The committee recessed to Closed Session at

E-1 THREAT TO PUBLIC SERVICES OR FACILITIES (GOVERNMENT CODE SECTION 54957)

Adjourn into Closed Session pursuant to Government Code section 54957 to consult with Steve Delaney, CEO, Brenda Shott, Asst. CEO; Suzanne Jenike, Assistant CEO, External Operations; Matthew Eakin, Director of Information Security; Jenny Sadoski, Director of Information Technology; Jon Gossard, Information Security Manager; and Gina M. Ratto, General Counsel.

Recommendation: Take appropriate action.

The Audit Committee took no reportable action.

COMMITTEE MEMBER COMMENTS

None

STAFF COMMENTS

Mr. Kim shared an article from NASRA Newsclips.

Audit Committee Meeting
January 27, 2022

CHIEF EXECUTIVE OFFICER

Mr. Delaney commented on Chair Eley's assistance to OCERS staff.

COUNSEL COMMENTS

None

ADJOURNMENT

The Chair adjourned the meeting at 11:41 a.m.

Submitted by:

Approved by:

Steve Delaney
Secretary to the Board

Frank Eley
Chair

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

PERSONNEL COMMITTEE MEETING

Monday, February 7, 2022

9:30 AM

Members of the Committee

Chris Prevatt, Chair

Charles Packard, Vice Chair

Richard Oates

Shawn Dewane

MINUTES

Charles Packard called the meeting to order at 9:36 a.m.

Recording Secretary administered the Roll Call attendance.

Mr. Prevatt was absent

Attendance was as follows:

Present via Zoom video teleconference pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020:

Present: Chris Prevatt, Chair; Charles Packard, Vice Chair; Richard Oates; Shawn Dewane

Also

Present: Steve Delaney, Chief Executive Officer; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Gina Ratto, General Counsel; Molly Murphy, Chief Investment Officer; Cynthia Hockless, Director of Human Resources; Anthony Beltran, Visual Technician; and Brittany Cleberg, Recording Secretary

PUBLIC COMMENTS

None

CONSENT AGENDA

MOTION by Oates, **seconded** by Dewane, to approve staff's recommendation on all of the following items on the Consent Agenda:

C-1 COMMITTEE MEETING:

Personnel Committee Meeting

September 15, 2021

Recommendation: Approve minutes.

The motion passed **unanimously**, pursuant to a Roll Call vote, as follows:

AYES

NAYS

ABSTAIN

ABSENT

Mr. Dewane
Mr. Oates
Mr. Packard

Chair Prevatt

ACTION ITEMS

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

No items were trailed from the Consent Agenda.

A-2 REVIEW OF THE PERSONNEL COMMITTEE CHARTER

Presentation by Cynthia Hockless, Human Resources Director & Steve Delaney, CEO, OCERS

After discussion by the Committee, **MOTION** by Dewane, **seconded** by Oates, to review the Personnel Committee Charter and recommend the approved changes to the OCERS Board of Retirement.

The motion passed **unanimously**, pursuant to a Roll Call vote, as follows:

AYES

NAYS

ABSTAIN

ABSENT

Mr. Dewane
Mr. Oates
Mr. Packard

Chair Prevatt

A-3 REQUEST ADDITION OF EXTRA HELP POSITIONS IN EXTERNAL OPERATIONS AND A BUDGET AMENDMENT

Presentation by Suzanne Jenike, Assistant CEO External Operations, OCERS

After discussion by the Committee, **MOTION** by Dewane, **seconded** by Oates, the committee (1) approved the addition of two Extra Help positions, classified as a Member Services Manager and a Disability Manager in the External Operations division. (2) Approved 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.

The motion passed **unanimously**, pursuant to a Roll Call vote, as follows:

Orange County Employees Retirement System
February 7, 2022
Personnel Committee Meeting - Minutes

AYES

NAYS

ABSTAIN

ABSENT

Mr. Dewane
Mr. Oates
Mr. Packard

Chair Prevatt

INFORMATION ITEMS

The following informational items were presented to the Committee:

I-1 2022 - CEO RECOMMENDED PERSONNEL ISSUES

Presentation by Steve Delaney, CEO, OCERS

I-2 RETURN TO THE OCERS HEADQUARTERS – UPDATE

Presentation by Steve Delaney, CEO, OCERS

Mr. Prevatt arrived at 10:07 a.m.

CEO/COMMITTEE MEMBER/COUNSEL/STAFF COMMENTS

None

The meeting **ADJOURNED** at 10:10 a.m.

Submitted by:

Approved by:

Steve Delaney
Secretary to the Committee

Chris Prevatt
Chair

+608/325Ä,5914671Ä.+Ä+& \$,\$*Ä+%+)Ä"(-%Ä)"!Ä-"(&*!##"+-

**ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM
2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CALIFORNIA 92701**

**DISABILITY COMMITTEE MEETING
February 22, 2022
8:30 a.m.
MINUTES**

OPEN SESSION

The Chair called the meeting to order at 8:34 a.m.

Recording Secretary administered roll call.

Attendance was as follows:

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

Adele Tagaloa, Chair; Charles Packard; Jeremy Vallone

Also Present via Zoom:

Steve Delaney, Chief Executive Officer; Gina Ratto, General Counsel; Suzanne Jenike, Assistant CEO, External Operations; Megan Cortez, Disability Manager; David Acuna, Disability Investigator; Cammy Torres, Recording Secretary; Anthony Beltran, Audio Visual Technician

PUBLIC COMMENT

None.

CONSENT ITEMS

MOTION by Vallone, **seconded** by Packard, to approve staff's recommendation on all of the following items on the Consent Agenda:

The motion passed **unanimously**.

DC-1: GREGORY ELLIS

Fire Apparatus Engineer, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as March 26, 2021.

+608/325Ä,5914671Ä.+Ä+& \$,\$*Ä+%+)Ä"(-%Ä)"!Ä-"(&*!##"+-

DC-2: RINKY NEMNICH

Fire Apparatus Engineer, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant Service connected disability retirement.
- Set the effective date as the day after the last day of regular compensation.

DC-3: RYAN RINEHART

Fire Captain, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as the day after the last day of regular compensation.

DC-4: GLENN STEWART

Fire Captain, Orange County Fire Authority (Safety Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Grant service connected disability retirement.
- Set the effective date as the day after the last day of regular compensation.

CLOSED SESSION

The Committee recessed into Closed Session at 8:39 a.m.

The Committee resumed into Open Session at 8:51 a.m.

A. REPORT OF ACTIONS TAKEN IN CLOSED SESSION

OPEN SESSION

ACTION ITEMS

DA-1: INDIVIDUAL ACTION ON ANY ITEM TRAILED FROM THE CONSENT AGENDA

N/A

DA-2: JEANETTE LANG

Coach Operator, Orange County Transportation Authority (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Deny service and non-service connected disability retirement due to insufficient

+608/325Ä,5914671Ä.+Ä+& \$,\$*Ä+%+)Ä"(-%Ä)!Ä-"(&*!##"+-

evidence of permanent incapacity.

MOTION by Vallone, **seconded** by Packard, to approve staff's recommendation on item DA-2:

The motion passed **unanimously**.

DA-3: BAO VINH

Senior Social Worker, Orange County Social Services Agency (General Member)

Recommendation: Staff recommends that the Disability Committee forward to the Board of Retirement a recommendation to:

- Deny service connected disability retirement due to insufficient evidence of permanent incapacity.

Substitute MOTION by Vallone, **seconded** by Packard, to send item DA-3 back to staff for further development.

The motion passed **unanimously**.

B. MINUTES FROM THE JANUARY 18, 2022 DISABILITY COMMITTEE MEETING

Recommendation: Approve the Minutes.

MOTION by Packard, **seconded** by Vallone, to approve the minutes from the January 18, 2022 Disability Committee Meeting.

The motion passed **unanimously**.

COMMITTEE MEMBER COMMENTS

N/A

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

N/A

COUNSEL COMMENTS

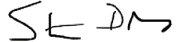
N/A

ADJOURNMENT


+608/325Ä,5914671Ä.+Ä+& \$,\$*Ä+%+)Ä"(-%Ä)!"Ä-"(&!##"+-

The meeting adjourned at 8:51 a.m.

Submitted by:

DocuSigned by:

C00D5744FF39463... ,

Approved by:

DocuSigned by:

D4180179322C41D...
Adele Tagaloa



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **CEO FUTURE AGENDAS AND 2022 OCERS BOARD WORK PLAN**

Written Report

AGENDA TOPICS FOR THE OCERS BOARD OF RETIREMENT

MAY

Preliminary December 31, 2021 valuation

JUNE

December 31, 2021 Actuarial Valuation Final Approval
2022 Strategic Planning Workshop - Initial Proposed Agenda
OCERS 2022 Business Plan and 2022-2024 Strategic Plan: Mid-Year Review
2021 Annual Financial Report and related audit reports
CIO Comments

JULY

Travel and Training Expense Report
Strategic Planning Workshop – Final Agenda
Consideration of Early Payment of Employer Contributions For Fiscal Year 2023-2024
Segal Cost Projections
CIO Comments

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

OCERS RETIREMENT BOARD - 2022 Work Plan

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep (Offsite)	Oct	Nov	Dec
System Oversight	Receive Quality of Member Services Report (I)	STAR COLA Posting (I)	Approve 2022 STAR COLA (A)	SACRS Board of Directors Election (A)	Preliminary December 31, 2021 Valuation (I)	Mid-Year Review of 2022 Business Plan Progress (I)	Alt. Invest. Return and Assumption Sensitivity: 20-year Illustration (I)	Review 2nd Quarter Budget to Actuals Financial Report (I)	Strategic Planning Workshop (I)	Overview of 2023 Administrative Budget and Investment (Workshop) (I)	Review 3rd Quarter Budget to Actuals Financial Report (I)	
	Receive OCERS Innovation Report (I)	Approve 2023 COLA (A)	Quarterly 2022-2024 Strategic Plan Review (A)			Approve December 31, 2021 Actuarial Valuation & Funded Status of OCERS (A)	Actuarial Review: Risk Assessment (I)	Receive OCERS by the Numbers (I)	Annual OCERS Employer Review (I)	Approve 2023-2025 Strategic Plan (A)	Approve 2023 Administrative (Operating) Budget (A)	
						Approve 2021 Comprehensive Annual Financial Report (A)	Approve Early Payment Rates for Fiscal Year 2022-24 (A)	Receive Evolution of the UAAL (I)		Approve 2023 Business Plan (A)	Annual CEO Performance Review and Compensation (A)	
						Quarterly 2022-2024 Strategic Plan Review (A)		Employer & Employee Pension Cost Comparison (I)				
											Adopt 2023 Board Meeting Calendar (A)	
Board Governance				Brown Act Training (biannual) (I)				Sexual Harassment Prevention Training (I)				Adopt Annual Work Plan for 2023 (A)
				Fiduciary Training (I)								Vice-Chair Election (A)
												Receive 2023 Board Committee Assignments (A)
Regulation / Policies	Communication Policy Fact Sheet (I)											
Compliance	Status of Board Education Hours for 2021 (I)			Form 700 Due (A)		Receive Financial Audit (I)			State of OCERS (I)			

(A) = Action (I) = Information



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Jim Doezie, Contracts, Risk and Performance Administrator
SUBJECT: QUIET PERIOD – NON-INVESTMENT CONTRACTS

Written Report
Background/Discussion

1. **Quiet Period Policy Guidelines**

The following guidelines established by the Quiet Period Policy, section 3.c, will govern a search process for any contract to be awarded by OCERS:

“...Board Members and OCERS staff shall not knowingly communicate with any party financially interested in any prospective contract with OCERS regarding the contract, the services to be provided under the contract or the selection process;”

2. **Quiet Period Guidelines**

In addition, the following language is included in all distributed RFP’s:

“From the date of issuance of this RFP until the selection of one or more respondents is completed and announced, respondents are not permitted to communicate with any OCERS staff member or Board Members regarding this procurement, except through the Point of Contact named herein. Respondents violating the communications prohibition may be disqualified at OCERS’ discretion. Respondents having current business with OCERS must limit their communications to the subject of such business.”

Distributed RFP’s

The RFP’s noted below are subject to the quiet period until such time as a contract(s) is finalized.

- An RFP for Insurance Broker Services was distributed in late March 2022. This RFP is to put into place an Insurance Broker as our current vendor contract has been in place for six years and their services needs to be re-bid per the Procurement and Contracting Policy.
- An Actuarial Auditor Services RFP was released early April 2022. These services are requested every five years and it is time to perform this review.

Submitted by:



JD - Approved

 Jim Doezie
 Contracts, Risk and Performance Administrator



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: BOARD COMMUNICATIONS

Written Report

Background/Discussion

To ensure that the public has free and open access to those items that could have bearing on the decisions of the Trustees of the Board of Retirement, the OCERS Board has directed that all written communications to the entire Board during the interim between regular Board meetings be included in a monthly communications summary.

News Links

The following news and informational item was provided by the CEO for distribution to the entire Board:

Steve Delaney:

- Noticed by a trustee, this article expresses a different view of the common push to pursue ESG investment initiatives. I'm sharing to ensure a fulsome airing of the topic.
https://www.wsj.com/articles/conservative-group-wants-to-stop-state-pensions-from-pursuing-esg-initiatives-11649274933?mod=hp_minor_pos10

Attached: OCERS Activities and Updates for February 2022.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

Subject: FW: FEBRUARY 2022 OCERS Activities and Update Report
Attachments: IMG_0307.jpg; IMG_0308.jpg; IMG_0309.jpg; IMG_0306.jpg; IMG_7862.jpg; 2022 - February Summary.docx

From: Delaney, Steve <sdelaney@ocers.org>
Sent: Thursday, March 31, 2022 8:44 PM
To: Delaney, Steve <sdelaney@ocers.org>
Subject: FEBRUARY 2022 OCERS Activities and Update Report

To the members of the OCERS Board of Retirement,

I wanted to start by sharing a few photos as the OCERS team returned to the main headquarters office as of Friday, March 11.

The first photo is of a welcome banner on the Second Floor.

The second photo is of a welcome banner on the Third Floor.

The third photo is of a portion of the parking lot from my office window, nice to see the parking lot filling once again.

The fourth photo is of the welcome banner on the First Floor.

The fifth photo is of the Human Resources team – dressed as they would have been while working from virtually from home. On Wednesday, March 16, for a bit of a fun diversion, we allowed the entire OCERS team to come to the office dressed as casually as they did when they worked from home for the past two years 😊!

The final attachment is my monthly Activities and Update report for FEBRUARY 2022. If any items there raise questions, comments or concerns, please call at any time.

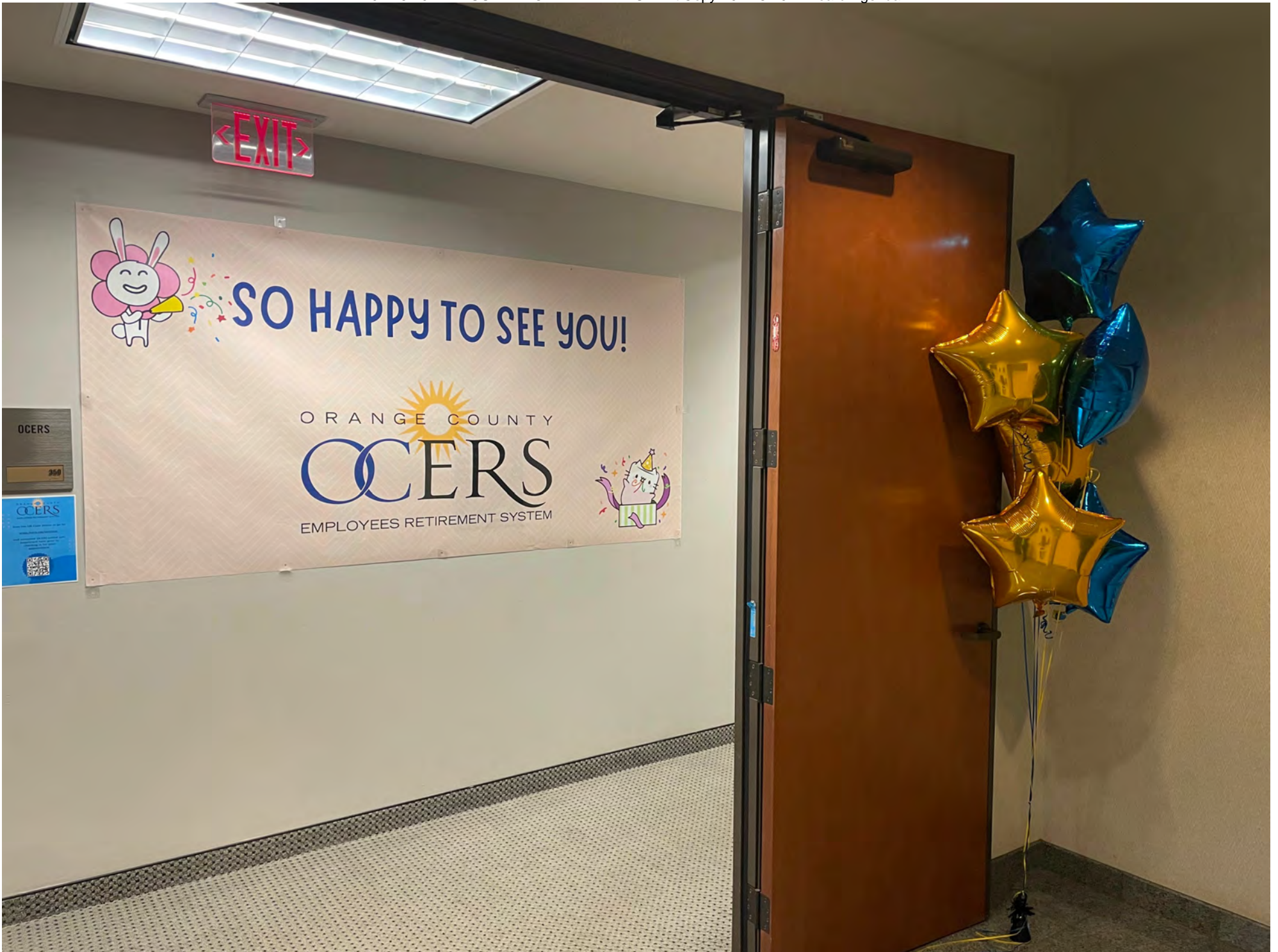
Good health to us all,

STEVE DELANEY | Chief Executive Officer | **Orange County Employees Retirement System (OCERS)**

P: (714) 558-6222 | C: (714) 697-8291 | ✉️: sdelaney@ocers.org | 2223 E. Wellington Ave., Suite 100 | Santa Ana, CA 92701

"We provide secure retirement and disability benefits with the highest standards of excellence."













Monthly Team Status February 2022

To the members of the OCERS Board of Retirement,

The following is my regular monthly summary of OCERS' team activity, starting with an overview of key customer service statistics as well as activity highlights followed by updates for February.

MEMBER SERVICES MONTHLY METRICS

Retirement Applications Received					2022 Customer Service Statistics						
Month	2019	2020	2021	2022	Month	Unplanned Recalculations	Member Satisfaction Approval Rate	Calls Received via Call Center	Calls Direct to Extension	Calls Received by Operator	Total Calls (monthly)
Jan	265	240	117	346	January	0	98%	3,004	5,402	1,060	9,466
Feb	193	152	91	157	February	0	98%	2,972	5,577	1,271	9,820
Mar	112	95	51		March						
Apr	41	37	39		April						
May	41	43	52		May						
Jun	50	59	49		June						
Jul	52	262	64		July						
Aug	61	190	59		August						
Sep	42	117	70		September						
Oct	59	51	67		October						
Nov	49	48	95		November						
Dec	68	66	93		December						
Grand Total	1033	1360	847	503	Grand Total	0	98%	5,976	10,979	2,331	19,286

MEMBER SURVEY RESPONSE

"I would just like to tell you how grateful I was to be able to attend the seminar with your OCERS representative. They did an excellent job at explaining this very intimidating process. The representative was very pleasant and made our virtual presentation very fun. Although I am not ready to retire yet, attending this seminar gave me comfort in knowing how professional and knowledgeable OCERS representatives are. I was able to call this same representative later in the week with additional questions and they were just as polite."

February 2022

"I would like to submit a compliment and recognize one of your customer service team members for their efforts in assisting us with understanding a 415 Pension CAP question. They were very professional and listened carefully to all my questions and followed up with answers in a very timely manner. They are a fantastic representative for OCERS and I was so impressed that I wanted to make sure that I passed on how pleased I was with their assistance. Thank You. "

January 2022

"I called last week to start my retirement and I got a hold of a representative who was such a great help. They went far beyond the call of duty and went out of their way to help me. I had very specific questions regarding my situation and this representative helped me through it and was really very patient. I just want to thank you for having an employee like that on duty to make me feel at ease in this somewhat stressful time. Thank you very much and give that representative a thumbs up."

December 2021



Monthly Team Status

February 2022

ACTIVITIES

MEETING WITH THE REGISTRAR OF VOTERS

Special thanks to Ms. Tagaloa who arranged a meeting on February 14 between members of the OCERS Executive team and Orange County Registrar of Voters Neal Kelley and his team. With Mr. Kelley having announced his retirement, this was a chance for both agencies to meet and discuss what has worked best through the years in running OCERS Board elections, to ensure that we can continue with that same positivity while working with Mr. Kelley's replacement.

INVESTMENT TEAM

David Beeson reports:

As of January 31, 2022, the portfolio year-to-date is down 2.7% net of fees, while the one-year return is up 13.6%. The fund value now stands at \$22.4 billion. The OCERS Investment Team continued to work effectively remotely during the COVID pandemic in February. The Investment Team closed on three new private equity funds and one new real estate fund during February. The OCERS Investment Team and Meketa completed the risk mitigation asset class review in February. The risk mitigation asset class will now move to a functional framework with new target weights (33% to first responders, 33% to second responders, and 33% to diversifiers). OCERS' Investment Team and Townsend completed the real estate asset class review and 2022 real estate investment plan. The 2022 real estate investment plan includes committing \$200 million in the core portfolio (2 new investments at \$100 million per fund) and committing \$150 to \$225 million in the non-core portfolio (2-3 new investments at \$75 million per fund). After the February Investment Committee meeting, the OCERS Investment Team began negotiations with Meketa, Aksia TorreyCove, and Aon Townsend on new consultant contracts. Once the contracts are successfully negotiated and executed, the consultant RFP process will be concluded. Finally, after the Russia/Ukraine war began, OCERS' Investment Team has been very busy reaching out to portfolio managers to understand OCERS' exposures to Russia and Ukraine

UPDATES

100% ACCURACY PROJECT

Internal Audit has completed Q1 testing of 50 Final Average Salary calculations out of 196 total applications in the first quarter of 2022. Internal Audit determined Member Services had a 4% error rate for the Q12022. Once again, member services had one month of the quarter (February) with 100% accuracy. The two errors that were discovered in the audit have never been seen before which means the errors that we have seen in the past are not reoccurring. Member Services Management team is providing additional training to help support the team identify these newly uncovered error types in the future.



Monthly Team Status February 2022

ALAMEDA RECALCULATION PROJECT

The team continues to make progress on the *Alameda* implementation. We are working diligently on developing a method to perform automated interest calculations for contribution refunds. Our V3 administration system does not have the ability to perform these calculations internally. We also made great progress on the import functionality for offsetting the pay items in a member's pay history. We plan to implement these changes into production at the beginning of March 2022. This will allow a member to obtain an estimate from our online portal that accurately removes these pay items from their estimates. We will continue to make sure the members are fully informed of the status of the implementation and when they may expect to see their benefit recalculation and contribution refunds if required later this year.

VISION 2030 (Leveraging AI technology)

In these early months the OCERS AI ad hoc Committee continued to meet virtually with other employers both public and private, who have started down the path of embracing AI technology. An early challenge was finding that many systems, such as those in Canada, had begun their research into AI to assist the administrative side of their plans, but quickly moved to the investment side instead finding there was more available data to be crunched in studying investments than in the resolution of plan inaccuracies. To my real pleasure, I subsequently learned that APG, a massive plan that helps with the administration of eight different Dutch pension plans, is nearly five years into an AI initiative still aimed at helping to tame the complexities of their defined benefit plan. We were pleased on February 7 to have a Zoom call with their lead architect and the OCERS AI ad hoc Committee. We will continue to develop that connection because of the practical knowledge we can gain by learning from APG's experience.



As a reminder, you will see this memo included with the BOARD COMMUNICATIONS document as part of the informational agenda for the April 18, 2022 meeting of the OCERS Board of Retirement.



Memorandum

DATE: April 18, 2022
TO: Members of the Board of Retirement
FROM: Gina M. Ratto, General Counsel
SUBJECT: LEGISLATIVE UPDATE

Written Report

State Legislative Update

The California Legislature reconvened for the second year of the 2021-22 Legislative Session on Monday, January 3rd. The Legislature will adjourn for Spring Recess on April 7th and reconvene on April 18th.

A comprehensive list and summary of the pending bills that staff is monitoring during the second year of the 2021-2022 legislative session is attached. **New or updated information since the last report to the Board are indicated in bold text.**

SACRS Sponsored Bills

The SACRS membership approved the SACRS proposed legislation (annual CERL housekeeping bill) at the Fall Conference last November¹. Most of the proposals in the approved SACRS Sponsored Bill have been placed into the annual omnibus committee cleanup bill. (See AB 1824 below.) The remaining proposals, while not controversial, were placed in a policy bill (see AB 1971 below) because they are more than “technical cleanup” amendments suitable for an omnibus bill.

Bills that Would Amend the CERL or PEPRA

AB 498 (Quirk-Silva)

CERL defines compensation earnable for purposes of its provisions, with particular application to the calculation of final compensation and the determination of pension amounts and other benefits. In this regard, “compensation earnable” by a member means the average compensation as determined by the retirement board, for the period considered based on the average number of days ordinarily worked by persons in the same grade or class of positions during the period, as specified. PEPRA prescribes various limitations on public employees, employers, and retirement systems concerning, among other things, the types of remuneration that may be included in compensation that is applied to pensions.

¹ The proposed legislation was approved by the OCERS Board at its October 18, 2021 meeting.

This bill would delete the term “grade” and replace it with the term “group” for purposes of the definition of compensation earnable, as described above. The bill would define the phrase “group or class of positions” for purposes of this definition to mean a number of employees considered together because they share similarities in job duties, work location, collective bargaining unit, or other logical work-related grouping, and would specify that a single employee is not a group or class. The bill would state that its changes are declaratory of existing law and would make a declaration of legislative intent in regards to its application.

(STATUS: AB 498 was originally introduced as a Computer Science Access Initiative. AB 498 passed out of the Assembly and was ordered to the Senate on 05/27/21. In the Senate on 09/10/21, the bill was gutted and replaced with language to amend the CERL. It was referred to Com. on RLS on 09/10/21.)

AB 826 (Irwin)

This bill, which would apply only in Ventura County, would provide that compensation and compensation earnable include flexible benefits plan allowances paid by a county or a district on behalf of its employees as part of a cafeteria plan, as specified, if certain requirements are met. Among these conditions, the bill would require that the retirement system included the flexible benefit plan allowance as part of compensation earnable as of July 30, 2020, that the employer and employee paid contributions to the retirement system based on the flexible benefit plan allowance, and that an employer and an employee continues to pay those contributions as employee earns this allowance. The bill would apply these provisions to eligible members who have retired prior to the effective date of the measure and would state that these provisions are declarative of existing law.

The bill would add section 31461.7 to the Government Code, to read:

(a) This section applies only to a county of the thirteenth class, as defined by Section 28020, as amended by Chapter 1204 of the Statutes of 1971, and Section 28034, as amended by Chapter 1204 of the Statutes of 1971.

(b) (1) Compensation, as defined in Section 31460, and compensation earnable, as defined in Section 31461, include flexible benefits plan allowances paid by a county or a district on behalf of its employees as part of a cafeteria plan offered pursuant to Section 125 of the Internal Revenue Code if all of the following requirements are met:

(A) The flexible benefit plan allowance is made available to any person in the same grade or class of positions. For purposes of this subdivision, “grade or class of positions” means a number of employees considered together because they share similarities in job duties, work location, collective bargaining unit, or other logical, work-related grouping. A single employee shall not be considered a grade or class of positions.

(B) The flexible benefit plan allowance is not expressly excluded from “compensation earnable” pursuant to paragraphs (2) to (4), inclusive, of subdivision (b) of Section 31461.

(C) The retirement system included the flexible benefit plan allowance as part of compensation earnable as of July 30, 2020, and the employer and employee paid contributions to the retirement system based on the flexible benefit plan allowance as of that date.

(D) The employer and employee pay the required contributions to the retirement system as the employee continues to earn the flexible benefit plan allowance.

(2) For employee groups in which the monetary amount of the flexible benefits plan allowance is the same for all employees, regardless of the number of dependents, the entire amount shall be included in compensation earnable. For employee groups in which the monetary amount of the flexible benefits plan allowance varies among employees depending on the number of dependents, the amount included in compensation earnable shall be the amount provided to an employee with no dependents.

(c) This section shall only apply to employees who are not new members, as defined in Section 7522.04.

(d) Paragraphs (1) and (2) of subdivision (b) shall apply to any eligible member who has retired prior to the effective date of this section, as permitted by subdivision (a) of Section 31481.

(e) This section is declarative of existing law.

(STATUS: Introduced 02/16/21 as bill to amend the Public Resources Code. Bill was gutted and replaced with language that would amend the CERL on 06/21/21. In Senate, read third time, amended to apply only in Ventura County and ordered to second reading on 08/31/21. Read second time and ordered to third reading on 09/01/21. Ordered to inactive file at the request of Senator Limón on 09/08/21.)

AB 1824 (Cooper, Voepel, Calderon, Cooley, O'Donnell, and Seyarto) – SACRS Sponsored Bill

This bill represents the annual omnibus bill to propose technical “housekeeping” amendments to the CERL, the PERL, and Education Code provisions applicable to CalSTRS.

With respect to the CERL, the bill would make the following changes:

1. The CERL requires, upon the death of a member, the payment of a retirement allowance earned but not yet paid to a member to be paid to the member’s designated beneficiary. The CERL requires, upon the death of a person receiving a survivor’s allowance, the payment of any allowance earned but not yet paid to the survivor to be paid to the survivor’s designated beneficiary. This bill would amend Government Code section 31452.7 to include a corporation, a trust, or an estate in the definition of “beneficiary” for purposes of these provisions.
2. The CERL restricts the types of employment for which members may receive credit for service and restricts credit for other employment in public service based upon whether the member is entitled to receive a pension or retirement allowance from another public agency. If a member elects to contribute to obtain credit for other employment in another public agency, the CERL requires certification, as specified, of the fact that pension or retirement allowance will not accrue to the member by virtue of the member’s employment. This bill would amend Government Code section 31641.4 to specify that the provisions described above do not prohibit a member from receiving credit for a period of federal public service if federal law expressly permits the credit even though the member is already entitled to receive a pension or retirement allowance from that service.
3. The CERL prescribes a process for purposes of establishing a date of retirement with reference to safety members. Further, the CERL authorizes a safety member to be retired upon the occurrence of certain events and the filing, with the retirement board, of a written application setting forth the date upon which the member desires their retirement to become effective. The CERL prohibits this date from being more than 60 days after the date of filing the application. This bill would amend Government Code

sections 31663.25 and 31663.26 to revise the restrictions on the above-described effective retirement date to prohibit the retirement date from being earlier than the date the application is filed with the board or more than 60 days after the date of filing the application or more than a number of days that has been approved by the board.

4. The CERL authorizes the payment of a death benefit upon the death of a member while in service. It further prescribes the components of the death benefit, which are a member's accumulated contributions and an amount, provided from contributions by a county or district, calculated pursuant to a specified method, not to exceed 50% of annual compensation earnable or pensionable compensation of the deceased. This bill would amend Government Code sections 31761, 31762, 31763, 31764 and 31781 to require, in connection with the calculation of the death benefit, that the computation for any absence be based on the compensation of the position held by the member at the beginning of the absence.
5. The bill would also make non-substantive style and technical changes to the CERL. (Government Code sections 31726 and 31726.5.)

(STATUS: Introduced 02/07/22. Referred to Com. on P.E. & R on 02/18/22. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended on 02/28/22. Re-referred to Com. on P.E. & R on 03/01/22. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended on 03/07/22. **Re-referred to Com. on P.E & R on 03/08/22. From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. Re-referred to Com. on APPR on 03/16/22. From committee: Do pass. To Consent Calendar on 03/30/22. Read second time and ordered to Consent Calendar on 03/31/22.**)

AB 1971 (Cooper) – SACRS Sponsored Bill

The CERL authorizes the board of retirement to make regulations that are not inconsistent with its provisions and these regulations become effective when approved by the applicable board of supervisors. This bill would specify other provisions with which the above-described regulations are required to be consistent and would remove the requirement of approval by the board of supervisors as a necessary condition for them to become effective.

The CERL authorizes a member who returns to active service following an uncompensated leave of absence on account of illness or parental leave to receive service credit for the period of the absence upon the payment of the contributions, as specified. CERL prescribes limits on these benefits and processes for making contributions. CERL authorizes the provision of service credit to members in other specified instances while generally providing that a person is not entitled to service credit for time the person was not in service. This bill would authorize the board to grant members who are subject to a temporary mandatory furlough the same service credit and compensation earnable or pensionable compensation to which the members would have been entitled in the absence of the temporary mandatory furlough. The bill would authorize the board to condition this grant on specified factors.

The CERL generally prohibits a member retired from service from being paid for service rendered to a county or district after retirement, subject to certain exceptions, and prescribes requirements for reinstatement into

a retirement system upon reemployment. CERL and PEPRA authorize reemployment of, and service by, retired members in certain capacities after retirement without reinstatement into the applicable retirement system, and prescribe limits on this service. This bill would authorize a person who is retired under CERL to serve without reinstatement for service on a part-time state, county, city, district, or other political subdivision board or commission. The bill would prohibit a retired person serving in this capacity from acquiring benefits, service credit, or retirement rights with respect to the service and would prescribe limits on the hours of service and the associated salary or stipend for the part-time service.

The CERL regulates disability retirements and authorizes a retirement board to grant a service retirement allowance pending the determination of the entitlement to disability retirement. If a member is found eligible for disability retirement, CERL requires that appropriate adjustments be made in the member's retirement allowance retroactive to the effective date of their disability retirement. CERL prohibits this authorization from being construed to authorize a member to receive more than one type of retirement allowance for the same period of time or to entitle a beneficiary to receive benefits which the beneficiary would not otherwise have been entitled to receive. This bill would apply specified provisions in this regard to a member retired for service who subsequently files an application for disability retirement and, if the member is found to be eligible for disability retirement, would require appropriate adjustments to be made in the retirement allowance retroactive to the effective date of the disability retirement. The bill would also require that, if a member with a disability retirement is subsequently determined not to be incapacitated, and the person's employer does not offer to reinstatement, the person's retirement allowance is to be reclassified to a service retirement in the same amount and subject to any applicable future cost of living adjustments. The bill would require, in this regard, that the optional or unmodified type of allowance selected by at the time of retirement for disability be binding as to the service retirement.

The CERL authorizes a member or a retired member, until the first payment of a retirement allowance is made, to elect to have the actuarial equivalent of a retirement allowance, as of the date of retirement, applied to a lesser retirement allowance payable throughout life in accordance with specified optional settlements. This bill would authorize a member retired for service who is subsequently granted a disability retirement to change the type of optional or unmodified allowance that they elected at the time the service retirement was granted, as specified.

The CERL authorizes the granting of reciprocal benefits to members with service in other retirement systems that have entered into agreements to provide such benefits, provided that the member satisfies specified requirements. CERL prohibits these provisions from being construed to authorize a member credited with service in multiple entities who is eligible for a disability allowance to receive an amount that results in a disability allowance greater than the amount the member would have received had all the member's service been with only one entity. CERL requires, in this connection, that each entity calculate its respective obligations based upon the member's service with that entity and adjust its payment on a pro rata basis. This bill would require, with regard to disability allowances subject to reciprocity to be adjusted on a pro rata basis, as described above, if one entity does not reduce the amount it pays a member, then another entity is to reduce the allowance it pays the member by as much as necessary to ensure that the member does not

receive a disability allowance greater than the amount the member would have received had all the member's service been with only one entity.

(STATUS: Introduced 02/10/22. Referred to Com. on P.E & R on 02/18/22.)

AB 2493 (Chen) Amended 03/25/22 and 04/05/22

(This bill was previously a bill that would have made a non-substantive change to local agency law requiring action by resolution.)

This bill would authorize a county retirement system to adjust retirement payments based on disallowed compensation for sworn peace officers and firefighters of that system. The bill would provide that if the retirement system determines that the compensation reported for a sworn peace officer or firefighter of the system is disallowed compensation, as defined, the system would require the county employer or agency to discontinue reporting the disallowed compensation. The bill would apply this to determinations made on or after July 30, 2020, if an appeal has been filed and the applicable member, retired member, survivor, or beneficiary has not exhausted their administrative or legal remedies.

The bill would require, for an active sworn peace officer or firefighter, that all contributions made on the disallowed compensation be credited against future contributions to the benefit of the employer or agency that reported the disallowed compensation, and any contribution paid by, or on behalf of, that member, be returned to the member by the employer or agency, as specified.

The bill would require, for a retired sworn peace officer or firefighter, survivor, or beneficiary whose final compensation was predicated upon the disallowed compensation, that contributions made on the disallowed compensation be credited against future contributions to the benefit of the employer or agency that reported the disallowed compensation and would require the system to permanently adjust the benefit of the affected retired member, survivor, or beneficiary to reflect the exclusion of the disallowed compensation.

The bill would specify other conditions required to be satisfied with respect to a retired sworn peace officer or firefighter, survivor, or beneficiary whose final compensation was predicated upon disallowed compensation, including, among others, requiring payment of a penalty by the employer or agency that reported contributions on the disallowed compensation. The bill would also require certain information regarding the relevant retired member, survivor, or beneficiary needed for purposes of these provisions to be kept confidential by the recipient.

(STATUS: Introduced 02/17/22. On 03/24/22: Referred to Com. on P.E & R; from committee chair, with author's amendments: amend, and re-refer to Com. on P.E & R; read second time and amended. Re-referred to Com. on P.E & R on 03/28/22. On 04/05/22: From committee chair, with author amendments: amend, and re-refer to Com. on P.E & R; read second time and amended.)

Bills that Would Amend the Brown Act

AB 1944 (Lee)

The Ralph M. Brown Act (the Brown Act), requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to

attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

The Brown Act was amended in response to the COVID pandemic to allow, until January 1, 2024, local agencies to use teleconferencing without complying with the aforementioned teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would further amend the Brown Act (without a sunset provision) to specify that when the legislative body has elected to allow members to participate via teleconferencing, and a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public. However, this bill would require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option. (STATUS: Introduced on 02/10/22. Referred to Com. on L. GOV on 02/18/22.)

AB 2449 (B. Rubio)

The Brown Act, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, provided that the legislative body complies with all of the following: (1) the legislative body gives notice of the meeting and posts agendas as otherwise required by the Brown Act; (2) all members of the legislative body attending the meeting by teleconference participate only through both audio and visual technology; (3) the legislative body allows members of the public to access the meeting; and (4) the agenda provides an opportunity for members of the public to address the legislative body directly.

Additionally, in each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option, and an opportunity for members of the public to attend and address the legislative body at the in-person location of the meeting.

(STATUS: Introduced 02/17/22. Referred to Com. on L. GOV on 03/03/22.)

AB 2647 (Levine)

The Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. (STATUS: Introduced 02/18/22. **Referred to Coms. on L. GOV and JUD on 03/10/22.**)

SB 1100 (Cortese) Amended in Senate on 03/21/22

The Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Existing law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Existing law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Existing law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting.

This bill would authorize the ~~members~~ **presiding member** of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning by the presiding member of the legislative body that the individual is disrupting the proceedings, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to ~~respond to the warning~~. **cease the disruptive behavior.** The bill would similarly require a warning, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to ~~respond to the warning~~ **cease the disruptive behavior** before clearing a meeting room for willful interruptions by a group or groups. The bill would define "willfully interrupting" to mean intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law and applicable rules, as specified. By establishing new requirements for local legislative bodies, this bill would impose a state-mandated program. (STATUS: Introduced 02/16/22. Referred to Coms. on GOV & F and JUD on 02/23/22. **On 03/09/22: From committee with author's amendments; read second time and amended; re-referred to Com. on GOV & F on 03/09/22. From committee: Do pass as amended and re-refer to Com. on JUD on 03/17/22. Read second time and amended. Re-referred to Com. on JUD. on 03/21/22. Set for hearing on April 19.**)

Bills that Would Amend Other Laws Applicable to OCERS

AB 1993 (Wicks, Aguir-Curry, Low, and Akilah Weber)

Existing law, the California Fair Employment and Housing Act (FEHA), establishes the Department of Fair Employment (department) and Housing within the Business, Consumer Services, and Housing Agency and sets forth its powers and duties relating to the enforcement of civil rights laws with respect to housing and employment. Existing federal law, the Federal Food, Drug, and Cosmetic Act, authorizes the United States Secretary of Health and Human Services to approve new drugs and products, including vaccines, for introduction into interstate commerce, and authorizes the secretary to authorize vaccines for use in an emergency upon declaring a public health emergency. On February 4, 2020, the secretary determined that there is a public health emergency and declared circumstances exist justifying the authorization of emergency use of drugs and biological products. The secretary subsequently authorized the emergency use of 3 vaccines for the prevention of COVID-19, and on August 23, 2021, the secretary approved a vaccine for the prevention of COVID-19.

The California Emergency Services Act authorizes the Governor to declare a state of emergency during conditions of disaster or extreme peril to persons or property, including epidemics. On March 4, 2020, the Governor declared a state of emergency relating to the COVID-19 pandemic. Pursuant to this authority, the Governor issued several executive orders requiring individuals in specified employment, health care, school, or other settings to provide proof of a COVID-19 vaccination status, unless specified exceptions are met.

This bill would require an employer to require each person who is an employee or independent contractor, and who is eligible to receive the COVID-19 vaccine, to show proof to the employer, or an authorized agent thereof, that the person has been vaccinated against COVID-19. This bill would establish an exception from this vaccination requirement for a person who is ineligible to receive a COVID-19 vaccine due to a medical condition or disability or because of a sincerely held religious belief, as specified, and would require compliance with various other state and federal laws. The bill would require proof-of-vaccination status to be obtained in a manner that complies with federal and state privacy laws and not be retained by the employer, unless the person authorizes the employer to retain proof. This bill would require, on January 1, 2023, each employer to affirm, in a form and manner provided by the department, that each employee or independent contractor complied with these provisions, and would require the employer to affirm that each new employee or independent contractor is in compliance at the time of hiring or contracting with that person. The bill would require the department to impose a penalty of an unspecified amount on an employer for any violation of these provisions.

The bill would apply to both private and public employers, and defines “public employer” as (1) the state and every state entity, including, but not limited to, the Legislature, the judicial branch, the University of California, and the California State University; and (2) a political subdivision of the state, or agency or instrumentality of the state or subdivision of the state, including, but not limited to, a city, county, city and county, charter city, charter county, school district, community college district, powers authority, joint powers agency, and any public agency, authority, board, commission, or district.

This bill would repeal these provisions when the federal Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices determines that COVID-19 vaccinations are no longer necessary for the health and safety of individuals. This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. This bill would declare that its provisions are severable.

(STATUS: Introduced 02/10/22. **Referred to Coms. on L & E and JUD on 03/17/22. In committee: Hearing canceled at the request of author on 03/29/22.**)

SB 1328 (McGuire and Cortese) – DIVESTMENT BILL Amended 03/23/22

This bill would prohibit the boards of specified state and local public retirement systems from investing public employee retirement funds in a company with business operations in Russia or Belarus or a company that supplies military equipment to Russia or Belarus, as defined. The bill would require those boards to contract with a research firm or firms to determine those companies with business operations in those countries, and to conduct their own review of companies with business operations in those countries, as specified. The bill would require the boards to determine whether a company has business operations in Russia or Belarus or supplies military equipment to Russia or Belarus. The bill, except as specified, would require the board to notify companies determined to have business operations with those countries, and request the company to take substantial action, as defined and specified. If the company fails to complete substantial action, the bill would prohibit the board from making additional or new investments in that company, and would require the board to liquidate the investments of the board in that company, as specified. The bill would also require the board, on or before January 1, 2023, and every year thereafter, to file a specified report with the Legislature. **The bill would repeal these provisions on specified triggering events. By requiring the boards of local public retirement systems to take specified actions, this bill would impose a state-mandated local program.** The bill would provide that it does not require a board to take any action unless the board determines in good faith that the action is consistent with the board’s fiduciary responsibilities established in the California Constitution.

Existing law specifies the duties of the State Controller, which include superintending the fiscal concerns of the state and auditing all claims against the state. This bill, except as specified, would prohibit the Controller from making additional or new investments or renewing existing investments of state moneys in any investment vehicle in the government of Russia **or the government of Belarus** that meets certain conditions, or in or from a Russian **or Belarusian** financial institution currently under sanctions imposed by the United States, as defined and specified. The bill would repeal these provisions on specified triggering events.

Existing law specifies how money received into the treasury must be credited and how those state funds are to be used. Existing law prohibits state funds from being used to reimburse a state contractor for costs incurred to assist, promote, or deter union organizing, as defined and specified. Existing law also prohibits state trust moneys from being used to make additional or new investments or to renew existing investments in business firms that engage in discriminatory practices in further of or in compliance with the Arab League’s economic boycott of Israel, as defined and specified. This bill, except as specified, would prohibit a state agency, as defined, from making additional or new investments or renewing existing investments of state moneys in any investment vehicle in the government of Russia **or the government of Belarus** that meets certain conditions, or in or from Russian **or Belarusian** financial institutions currently under sanctions imposed by the United States,

and would require a state agency to liquidate those investments. The bill would also require a state agency to file a specified report with the Legislature and the Governor. The bill would urge companies operating in California and the Regents of the University of California to divest and separate themselves from the government of Russia, Russian financial institutions, ~~and~~ Russian businesses, **the government of Belarus, Belarusian financial institutions, and Belarusian businesses**, and would request companies doing business in California to report their investments in and contracts with the government of Russia, Russian financial institutions, ~~and~~ Russian businesses, **the government of Belarus, Belarusian financial institutions, and Belarusian businesses**, as specified. The bill would repeal these provisions on specified triggering events.

Existing law authorizes state agencies to contract for goods, information technology, or services with certain suppliers, as specified. Existing law also makes companies in Sudan involved in certain activities ineligible to bid or submit a proposal for, and forbids them from bidding on or submitting a proposal for, a contract with a state agency for goods or services, as specified. This bill, except as specified, would make a company that conducts business with the government of Russia **or the government of Belarus** ineligible to bid or submit a proposal for, and would forbid that company from bidding on or submitting a proposal for, a contract with a state agency for goods or services, as defined and specified. The bill would require a state agency to require a company that submits a bid or proposal with respect to a contract for goods or services to certify that the company is not a scrutinized company, as prescribed. The bill would, among other things, make a company that submits a false certification under these provisions liable for a civil penalty, and would require the Department of General Services to report the company to the Attorney General, who would be required to determine whether to bring a civil action against the company, as specified. The bill would repeal these provisions on specified triggering events.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

(STATUS: Introduced 02/18/22. Read first time. Referred to Com. on RLS on 03/02/22. From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS on 03/03/22. **From committee: Do pass as amended and re-refer to Com. on G.O on 03/22/22. Read second time; amended; and re-referred to Com. on G.O on 03/23/22. From committee: Do pass and re-refer to Com. on APPR on 03/29/22. Set for hearing on April 18.**)

Other Bills of Interest

AB 1795 (Fong)

The Bagley-Keene Open Meeting Act requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified. This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to

participate both in-person and remotely, as defined, in any meeting and to address the body remotely.
(STATUS: Introduced on 02/07/22. Referred to Com. on G.O on 02/18/22.)

SB 931 (Leyva)

Current law prohibits a public employer from deterring or discouraging public employees or applicants to be public employees from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Current law generally vests jurisdiction over violations of these provisions in the Public Employment Relations Board. This bill would authorize an employee organization, as described, to bring a claim before the Public Employment Relations Board alleging that a public employer violated the above-described provisions.

(STATUS: Introduced 02/07/22. Read first time; referred to Com. on RLS for assignment. Referred to Coms. on L., P.E & R and JUD on 02/16/22. **From committee: Do pass and re-referred to Com. on JUD on 03/22/22. Set for hearing on April 19.**)

Bills that Apply to CalPERS and/or CalSTRS Only

AB 386 (Cooper)

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Current law excludes from disclosure certain records regarding alternative investments in which public investment funds invest. This bill would exempt from disclosure under the act specified records regarding an internally managed private loan made directly by CalPERS. Under the bill, these records would include quarterly and annual financial statements of the borrower or its constituent owners, unless the information has already been publicly released by the keeper of the information. The bill would prescribe specified exceptions to the new exemption from disclosure.

(STATUS: Passed out of Assembly and ordered to Senate on 06/01/21. Read first time in Senate on 06/02/21. Read second time, amended, and re-referred to Com. on JUD on 06/29/21. In committee: Set, first hearing; failed passage; and reconsideration granted on 07/13/21.)

AB 551 (Rodriguez)

Current law authorizes CalSTRS to administer an individual retirement plan described in Section 408A of Title 26 of the United States Code, commonly referred to as a Roth IRA, for the purpose of accepting a rollover from an annuity contract or custodial account offered by the system to the extent the rollover complies with specified federal law. Current law establishes the Teachers' Deferred Compensation Fund, which is continuously appropriated, to serve as the repository of funds received by the system for various deferred compensation plans, and specifies where in the fund certain premium and fee revenues received by the system are to be deposited. This bill would also authorize the system to administer an individual retirement plan as described in Section 408 of Title 26 of the United States Code. The bill would eliminate the requirement that the administration of these plans be for the purpose of accepting a rollover from an annuity contract or custodial account offered by the system, as described above. The bill would instead specify categories of people for whom the system could provide this service, including certain former eligible employees and their spouses.

(STATUS: Passed out of Assembly and ordered to Senate on 01/27/22. Read first time in Senate and ordered to Com. on RLS for assignment on 01/27/22.)

AB 1667 (Cooper) Amended 03/24/22

The Teachers' Retirement Law establishes the State Teachers' Retirement System (STRS) and creates the Defined Benefit Program of the State Teachers' Retirement Plan, which provides a defined benefit to members of the program, based on final compensation, credited service, and age at retirement, subject to certain variations. Existing law also creates the Cash Balance Benefit Program, administered by the STRS board, to provide a retirement plan for the benefit of participating employees who provide creditable service for less than 50% of full time. **Existing law authorizes the STRS board to audit, or cause to be audited, the records of any public agency as often as it deems necessary.**

This bill would prescribe various requirements and duties in connection with audits of public agencies by the board. The bill would require the board to provide written notice of and the purpose and scope of an intended audit to the affected public agency and to the exclusive representative of the members affected by the audit. The bill would require the public agency to provide information requested by the board or its designee in a timely manner and, at that time, to also provide the information to the exclusive representative of the members affected by the audit. The bill would authorize an audited public agency and the exclusive representative of affected members to provide the board or its designee information relevant to the audit and would require the board or its designee to consider this information in preparing its draft audit report. The bill would require the board or its designee to provide to the audited public agency and the exclusive representative of the affected members, a draft audit report and a list of every member reasonably known to be affected. The bill would authorize recipients to provide the board written responses to the draft audit report and would require the board to consider the responses in preparing its final audit report.

This bill would require the board to provide the final audit report to an audited public agency, to the exclusive representative or representatives of members affected by the audit, and to the affected members, with an explanation of their appeal rights. The bill would require the board to provide the audited public agency and the exclusive representative or representatives of the affected members a list of all members to whom the board has provided a copy of the final audit report. The bill would require the board, upon request by either the audited public agency or the exclusive representative, to provide the final audit report and explanation of appeal rights to any member not previously notified. The bill would authorize the public agency and the affected members to request administrative hearings if they disagree with the final audit and would prescribe a process for this purpose. Under the bill, the right of a member to an administrative hearing would be limited to the applicability of an audit finding on the member's benefits, and not the validity of the audit. The bill would require STRS to make all final employer audit reports available on its internet website, as specified.

This bill would require STRS to annually publish rules that interpret and clarify the applicability of creditable compensation and creditable service laws. The bill would prohibit new interpretations, including those that would modify prior interpretations, from taking effect until after notice is issued to employers and exclusive bargaining representatives and would prohibit retroactive application to compensation reported prior to that notice, unless that is expressly required by state or federal law, and would generally require application on

July 1, following the notice. The bill would state that for audits and other actions, including actions and penalties relating to disallowed compensation reporting, employers are responsible for the rules in effect at time the compensation is reported, except when expressly superseded by state or federal law. If system rules and guidance are later determined by the system to result in disallowed compensation, the bill would require disallowed compensation reported in accordance with the written guidance to be deemed an error by the system, which would result in system responsibility for assessments or payments owed to a retired member.

The bill would authorize an employer or an exclusive representative of public school employees to submit to STRS items of compensation that are contained or proposed for inclusion in a collective bargaining agreement, as specified, for review by the system for consistency with law governing creditable compensation and with system regulations. The bill would prescribe a process in this regard, which would include requiring the system to provide a written guidance within 30 days of the receipt of all information required for a review. If guidance given by the system in response to a request for review is later determined by the system to result in disallowed compensation, the bill would require disallowed compensation reported in accordance with the written guidance to be deemed an error by the system, which would result in system responsibility for assessments or payments owed to a retired member.

Existing law requires an employer to deduct from the creditable compensation of members who are employed by the employer the member contributions required by the Teachers' Retirement Law and to remit them to the system plus required employer contributions. Existing law requires a county superintendent of schools, among others, that reports directly to the system to draw requisitions for required contributions, as specified, in favor of STRS, and the requisitions, when allowed and signed by the county auditor, are a warrant against the county treasury. Existing law requires the board to assess penalties if required contributions are not paid or if specified monthly reports are not made or are made in an improper form. Existing law creates the county school service fund and prescribes the expenses to which it may be applied. Existing law generally prohibits expending moneys in the fund for any purpose in excess of the latest proposed expenditures for a purpose as approved by the Superintendent of Public Instruction, as specified. Existing law generally requires a county auditor to approve warrants drawn on the service fund for expenses approved in the county school service fund budget. This bill would authorize the county superintendent of schools to draw requisitions against the county school service fund and the funds of the respective employing agencies for the purpose of making certain payments to STRS, as specified, in amounts equal to employing agency payments.

Existing law generally authorizes the board, in its discretion and upon any terms it deems just, to correct the errors or omissions of a member or beneficiary of the Defined Benefit Program, and of any participant or beneficiary of the Cash Balance Benefit Program, if specified facts exist. Under existing law, the failure by a member, participant or beneficiary to make an inquiry that would be made by a reasonable person in like or similar circumstances does not constitute an error or omission. Existing law requires that any overpayment made to, or on behalf of, any member, former member, or beneficiary be deducted from any subsequent benefit that may be payable, except as specified. This bill would revise the requirement to deduct, as described above, to apply it only to overpayments that are the result of intentional misrepresentation or fraud by the member.

Existing law prescribes a process for, and limitations on, payments into or out of the Teachers' Retirement Fund for adjustments of errors or omissions with respect to the Defined Benefit Program or the Defined Benefit Supplement Program. Existing law requires STRS, if an employer reports erroneous information, to calculate the actuarial present value of the expected payments from the member, the former member, or beneficiary, as specified, and requires the employer to pay the difference between the total amount of the overpayment and the calculation of the actuarial present value of expected payments. Existing law establishes limits on the amounts by which a monthly allowance payable under the Defined Benefit Program or benefit payable under the Defined Benefit Supplement Program or the Cash Balance Benefit Program may be reduced to recover an overpayment, if the collection of the overpayment is not the result of fraud or intentional misrepresentation of facts by the recipient of the allowance or benefit. This bill would repeal the above-described requirement that applies if an employer reports erroneous information and the above-described limitations on the reductions of allowances and benefits to recover an overpayment. The bill would prescribe various requirements to apply in instances in which STRS determines that the compensation reported for a member by an employer is disallowed compensation. The bill would define "disallowed compensation" to mean compensation reported by an employer that the system subsequently determines is not properly creditable pursuant to applicable law. The bill would require upon a determination of disallowed compensation that the employer discontinue reporting the compensation as being creditable to the member's designated account. The bill would require, in the case of an active member, that all employer and member contributions be credited to the member's appropriate account, where applicable, and would require that employer contributions on disallowed compensation be credited against future contributions to the benefit of the employer and member contributions be returned to the member by the employer.

The bill would prescribe notice and repayment requirements that would apply to a retired member, survivor, or beneficiary if the final compensation applicable to their pensions was predicated upon disallowed compensation and if specified conditions are met. The bill would require, in this context, if the conditions are met, that the employer that reported contributions on the disallowed compensation pay STRS the full cost of any overpayment of a prior paid benefit resulting from the disallowed compensation, and to pay STRS a penalty, to be calculated according to a specified formulation. The bill would require that 90% of this penalty be paid to the affected retired member, survivor, or beneficiary who was impacted by disallowed compensation and that 10% be paid to STRS, as specified. The bill would require STRS to provide certain notices in this regard to the employer that reported contributions on the disallowed compensation, to a county superintendent of schools, as specified, and to the affected retired member, survivor, or beneficiary. The bill would require, if the employer that reported contributions on disallowed compensation did so in reliance on the written guidance of STRS, that the disallowed compensation be deemed an error by the system, and the system would be financially responsible for any assessments or payments owed. The bill would require, if compensation is determined to be disallowed compensation due to an act by a county superintendent of schools that reports directly to the system on behalf of an employer, that the county superintendent be financially responsible for any assessments or payments owed, except as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest

protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.

~~This bill would state the intent of the Legislature to enact legislation related to CalSTRS, including, among other things, in connection with employee liability for system errors in payments, guidance provided by the system later determined to be erroneous, changes to interpretations of creditable compensation laws by the system, and system audits.~~

(STATUS: Introduced 01/19/2022. **On 03/24/22:** referred to Com. on P.E & R; from committee chair, with author's amendments: amend, and re-refer to Com. on P.E & R; read second time and amended. Re-referred to Com. on P.E & R. on 03/28/22.)

AB 1722 (Cooper)

The PERL, until January 1, 2023, provides a state safety member of CalPERS who retires for industrial disability a retirement benefit equal to the greatest amount resulting from 3 possible calculations. In this regard, the benefit amount is based on an actuarially reduced service retirement, a service retirement allowance, if the member is qualified, or 50% of the member's final compensation, plus an annuity purchased with their accumulated contributions, if any. This bill would delete the termination of these provisions on January 1, 2023, thereby making them operative in perpetuity. By providing that a continuously appropriated fund may be spent for a new purpose, this bill would make an appropriation.

(STATUS: Introduced 01/27/22. Referred to Com. on P.E & R on 02/03/22. **On 03/16/22: From committee: do pass and re-refer to Com. on APPR; re-referred to Com. on APPR.**)

AB 1877 (Fong)

Current law limits the postretirement compensation of a member of the CalSTRS Defined Benefit Program to an amount calculated by CalSTRS, as specified. If the member's postretirement compensation exceeds this amount, the law requires the member's retirement allowance to be reduced by the amount of excess compensation. Current law, however, permits members retired for service from CalSTRS to perform member activities without being subject to the compensation limit under certain limited conditions and circumstances. This bill would exempt from the postretirement compensation limit the compensation of a member retired for service who was a classroom teacher who has returned to work to fulfill a critical need in a position due to a teacher shortage in the area of special education. The bill would require a local school district, county office of education, or other local educational agency exercising this exemption to submit specified documentation, certified under penalty of perjury, to substantiate a retired member's eligibility.

(STATUS: Introduced 02/08/22. Referred to Com. on P.E & R on 02/18/22.)

AB 2443 (Cooley) Amended 03/17/22

(This bill has been amended and is now a bill proposing federal limitations on retirement benefits.)

Current law establishes the **Legislators' Retirement System, Public Employees' Retirement System, the Judges' Retirement System, and Judges' Retirement System II, all of which provide retirement and other benefits to their respective members and are administered by CalPERS administrators.** ~~Current law authorizes a judge who is a member of the system and who retires upon attaining both 65 years of age and 20 or more years of service, or upon attaining 70 years of age with a minimum of 5 years of service, to elect from specified retirement~~

~~benefits, including a monthly pension.~~ Existing federal law prescribes limits on the amount of retirement benefits that a member may receive if a retirement system is to maintain its tax-qualified status and may require that benefits from different retirement plans maintained by the same employer be aggregated. This bill, for purposes of the above-described retirement systems, would prescribe the method by which benefits are to be reduced when federal law requires aggregation of benefits from different plans maintained by the same employer and federal limits on benefits are reached.

~~This bill would make nonsubstantive changes to the provisions authorizing a judge to elect retirement benefits described above.~~

(STATUS: Introduced 02/17/22. **On 03/17/22: referred to Com. on P.E & R; from committee chair, with author's amendments: amend, and re-refer to Com. on P.E & R; read second time and amended. Re-referred to Com. on P.E & R on 03/21/22. From committee: Do pass and re-referred to Com. on APPR on 03/30/22.**)

SB 457 (Portatino & Wilk)

This bill would require the boards of CalPERS and CalSTRS to provide employers that are school districts and cities that participate in the systems an option to elect an investment portfolio that does not contain investment vehicles that are issued or owned by the government of the Republic of Turkey.

(STATUS: Passed out of the Senate; ordered to Assembly on 05/24/21. Referred to Com. on P.E & R on 05/28/21.)

SB 868 (Cortese) Amended 03/24/22

Current law creates the Teachers' Retirement Fund and establishes within that fund a segregated account named the Supplemental Benefit Maintenance Account. Current law continuously appropriates funds in the Supplemental Benefit Maintenance Account for expenditure for the purpose of restoring the purchasing power of the allowances of retired members and nonmember spouses, disabled members, and beneficiaries, and prescribes various schedules pursuant to which these allowances are augmented. This bill would prescribe additional benefits to be paid quarterly from the Supplemental Benefit Maintenance Account, beginning July 1, 2023, to retired members and nonmember spouses, disabled members, and beneficiaries, to be made pursuant to a specified schedule. By providing for additional payments to be made from a continuously appropriated fund, this bill would make an appropriation. The bill would require the amount of these increases to be determined on July 1, 2023, as specified, and would require that amount to be increased each year commencing on July 1, 2024, but not compounded. The bill would specify that these increases are not part of the base allowance, are payable only to the extent that funds are available from the Supplemental Benefit Maintenance Account, and would state the extent to which these payments would be vested.

(STATUS: Introduced 01/24/22. Referred to Com. on L, P.E & R on 02/02/22. **On 03/24/22: from committee with author's amendments; read second time and amended; re-referred to Com. on L, P.E & R. On 04/05/22: from committee: do pass and re-refer to Com. on APPR.**)

SB 1168 (Cortese)

The PERL provides that upon the death of a member after retirement and while receiving a retirement allowance from CalPERS, the sum of \$500 shall be paid to the person's beneficiary, to be provided from contributions by the state or contracting agency, as the case may be. This bill would require the CalPERS board to determine the average benefit paid under various CalPERS provisions upon the death of a member, as provided, and would require the board, beginning on July 1, 2023, to increase the \$500 beneficiary payment

described above annually in a specified amount until the beneficiary payment reaches the average benefit paid, as calculated by the board.

(STATUS: Introduced 02/17/22. Referred to Com. on L., P.E & R on 03/02/22.)

SB 1173 (Gonzalez)

This bill would prohibit the boards of CalPERS and CalSTRS from making new investments or renewing existing investments of public employee retirement funds in a fossil fuel company, as defined. The bill would require the boards to liquidate investments in a fossil fuel company on or before July 1, 2027. The bill would provide that it does not require a board to take any action unless the board determines in good faith that the action is consistent with the board's fiduciary responsibilities established in the California Constitution.

(STATUS: Introduced 02/17/22. Referred to Coms. on L., P.E & R and JUD on 03/02/22. **On 04/05/22: from committee: do pass as amended and re-refer to Com. on JUD.**)

SB 1343 (Leyva) Amended 03/22/22

The Charter Schools Act of 1992 authorizes the establishment and operation of charter schools. Existing law authorizes charter schools to elect to make CalSTRS, ~~and~~ CalPERS, **or both** available to qualifying employees. This bill would require charter schools authorized on and after January 1, 2023, to participate in CalSTRS, ~~and~~ CalPERS, **or both. The bill would specify that this provision does not apply to an employee of a charter school if, prior to January 1, 2023, the employee was not already a member of STRS or PERS, unless the employee requests to become a member of STRS or PERS when the charter school is reauthorized on and after January 1, 2023.** The bill would generally require CalSTRS, the Cash Balance Benefit Program, and CalPERS to apply to charter schools in the same manner as the systems and program apply to other public schools. For the purpose of paying contributions on behalf of a charter school, the bill would require a county superintendent, district superintendent, or other employing agency that reports directly to CalSTRS, upon state apportionment to a charter school, to draw requisitions against the funds of the charter school in amounts equal to the estimated contributions required to be paid by the charter school to CalSTRS, as specified, and pay them to the system. The bill would prohibit these requisitions from exceeding an estimated 3 months of contributions to be paid by the charter school. The bill would require the estimated amount to be determined by the county superintendent, district superintendent, or other employing agency. The bill would create similar requirements and prohibitions for purposes of requisitions related to the Cash Balance Benefit Program and CalPERS. By depositing additional moneys in continuously appropriated funds, this bill would make appropriations. Existing law requires a county superintendent, district superintendent, chancellor of a community college district, or other employing agency that reports directly to CalSTRS to draw requisitions for contributions required pursuant to specified provisions in favor of the system. Existing law requires employers participating in CalSTRS to contribute monthly a specified percentage of the creditable contribution upon which member contributions are based in connection with funding the liability for benefits related to accumulated and unused sick leave. This bill would require that the monthly contributions for benefits related to accumulated and unused sick leave be subject to the above-described requisition process.

(STATUS: Introduced 02/18/22. Referred to Coms. on L., P.E & R and ED on 03/2/22. **On 03/22/22: From committee with author's amendments; read second time and amended; re-referred to Com. on L, P.E & R. On 04/05/22: From committee: do pass and re-refer to Com. on ED.**)

SB 1402 (Umberg)

Current law authorizes a member of CalSTRS to receive creditable service for certain types of service outside the system, including military service, and distinguishes in this regard between service performed before membership and after becoming a member. Current law authorizes receipt of credit for specified military or Merchant Marine service occurring prior to membership and prescribes requirements and limits in this connection. Current law requires, in this context, that the member contribute sufficient funds to cover the total cost of military service credit, as specified. Current law limits the application of this authorization to receive premembership service credit to specified service in the Armed Forces of the United States or in the Merchant Marine of the United States prior to January 1, 1950. This bill would delete the requirement that the service subject to the authorization described above have occurred prior to January 1, 1950.

(STATUS: Introduced 02/18/22. **Referred to Com. on L, P.E & R on 03/09/22.**)

SB 1420 (Dahle)

This bill would require that an agency participating in CalPERS that increases the compensation of a member who was previously employed by a different agency to bear all actuarial liability for the action, if it results in an increased actuarial liability beyond what would have been reasonably expected for the member. The bill would require, in this context, that the increased actuarial liability be in addition to reasonable compensation growth that is anticipated for a member who works for an employer or multiple employers over an extended time. The bill would require, if multiple employers cause increased liability, that the liability be apportioned equitably among them. The bill would apply to an increase in actuarial liability, as specified, due to increased compensation paid to an employee on and after January 1, 2023.

(STATUS: Introduced 02/18/22. **Referred to Com. on L, P.E & R on 03/09/22.**)

Attachments:

Legislative Update

2022 Legislative Calendar

Submitted by:



Gina M. Ratto
General Counsel



**OCERS BOARD OF RETIREMENT
April 18, 2022 MEETING**

**LEGISLATIVE UPDATE – ATTACHMENT
2021 - 2022 CALIFORNIA STATE LEGISLATIVE SESSION
BILLS OF INTEREST**

New or updated information in bold text

AB 386 (Cooper)

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. Current law excludes from disclosure certain records regarding alternative investments in which public investment funds invest. This bill would exempt from disclosure under the act specified records regarding an internally managed private loan made directly by CalPERS. Under the bill, these records would include quarterly and annual financial statements of the borrower or its constituent owners, unless the information has already been publicly released by the keeper of the information. The bill would prescribe specified exceptions to the new exemption from disclosure.

(STATUS: Read first time in Senate on 06/02/21. Read second time, amended, and re-referred to Com. on JUD on 06/29/21. In committee: Set, first hearing; failed passage; and reconsideration granted on 07/13/21.)

AB 498 (Quirk-Silva)

CERL defines compensation earnable for purposes of its provisions, with particular application to the calculation of final compensation and the determination of pension amounts and other benefits. In this regard, “compensation earnable” by a member means the average compensation as determined by the retirement board, for the period considered based on the average number of days ordinarily worked by persons in the same grade or class of positions during the period, as specified. PEPR prescribes various limitations on public employees, employers, and retirement systems concerning, among other things, the types of remuneration that may be included in compensation that is applied to pensions.

This bill would delete the term “grade” and replace it with the term “group” for purposes of the definition of compensation earnable, as described above. The bill would define the phrase “group or class of positions” for purposes of this definition to mean a number of employees considered together because they share similarities in job duties, work location, collective bargaining unit, or other logical work-related grouping, and would specify that a single employee is not a group or class. The bill would state that its changes are declaratory of existing law and would make a declaration of legislative intent in regards to its application.

(STATUS: AB 498 was originally introduced as a Computer Science Access Initiative. Passed out of the Assembly and ordered to the Senate on 05/27/21. In the Senate on 09/10/21, the bill was gutted and replaced with language to amend the CERL. It was referred to Com. on RLS on 09/10/21.)

AB 551 (Rodriguez)

Current law authorizes CalSTRS to administer an individual retirement plan described in Section 408A of Title 26 of the United States Code, commonly referred to as a Roth IRA, for the purpose of accepting a rollover from an annuity contract or custodial account offered by the system to the extent the rollover complies with specified federal law. Current law establishes the Teachers' Deferred Compensation Fund, which is continuously appropriated, to serve as the repository of funds received by the system for various deferred compensation plans, and specifies where in the fund certain premium and fee revenues received by the system are to be deposited. This bill would also authorize the system to administer an individual retirement plan as described in Section 408 of Title 26 of the United States Code. The bill would eliminate the requirement that the administration of these plans be for the purpose of accepting a rollover from an annuity contract or custodial account offered by the system, as described above. The bill would instead specify categories of people for whom the system could provide this service, including certain former eligible employees and their spouses.

(STATUS: Passed out of the Assembly and ordered to the Senate on 01/27/22. Read first time in Senate and ordered to Com. on RLS. for assignment on 01/27/22.)

AB 826 (Irwin)

This bill, which would apply only in Ventura County, would provide that compensation and compensation earnable include flexible benefits plan allowances paid by a county or a district on behalf of its employees as part of a cafeteria plan, as specified, if certain requirements are met. Among these conditions, the bill would require that the retirement system included the flexible benefit plan allowance as part of compensation earnable as of July 30, 2020, that the employer and employee paid contributions to the retirement system based on the flexible benefit plan allowance, and that an employer and an employee continues to pay those contributions as employee earns this allowance. The bill would apply these provisions to eligible members who retired prior to the effective date of the measure and would state that these provisions are declarative of existing law.

The bill would add section 31461.7 to the Government Code, to read:

(a) This section applies only to a county of the thirteenth class, as defined by Section 28020, as amended by Chapter 1204 of the Statutes of 1971, and Section 28034, as amended by Chapter 1204 of the Statutes of 1971.

(b) (1) Compensation, as defined in Section 31460, and compensation earnable, as defined in Section 31461, include flexible benefits plan allowances paid by a county or a district on behalf of its employees as part of a cafeteria plan offered pursuant to Section 125 of the Internal Revenue Code if all of the following requirements are met:

(A) The flexible benefit plan allowance is made available to any person in the same grade or class of positions. For purposes of this subdivision, "grade or class of positions" means a number of employees considered together because they share similarities in job duties, work location, collective bargaining unit, or other logical, work-related grouping. A single employee shall not be considered a grade or class of positions.

(B) The flexible benefit plan allowance is not expressly excluded from "compensation earnable" pursuant to paragraphs (2) to (4), inclusive, of subdivision (b) of Section 31461.

(C) The retirement system included the flexible benefit plan allowance as part of compensation earnable as of July 30, 2020, and the employer and employee paid contributions to the retirement system based on the flexible benefit plan allowance as of that date.

(D) The employer and employee pay the required contributions to the retirement system as the employee continues to earn the flexible benefit plan allowance.

(2) For employee groups in which the monetary amount of the flexible benefits plan allowance is the same for all employees, regardless of the number of dependents, the entire amount shall be included in compensation earnable. For employee groups in which the monetary amount of the flexible benefits plan allowance varies among employees depending on the number of dependents, the amount included in compensation earnable shall be the amount provided to an employee with no dependents.

(c) This section shall only apply to employees who are not new members, as defined in Section 7522.04.

(d) Paragraphs (1) and (2) of subdivision (b) shall apply to any eligible member who has retired prior to the effective date of this section, as permitted by subdivision (a) of Section 31481.

(e) This section is declarative of existing law.

(STATUS: Introduced 02/16/21 as bill to amend the Public Resources Code. Bill was gutted and replaced with language that would amend the CERL on 06/21/21. In Senate, read third time, amended to apply only in Ventura County and ordered to second reading on 08/31/21. Read second time and ordered to third reading on 09/01/21. Ordered to inactive file at the request of Senator Limón on 09/08/21.)

AB 1667 (Cooper) Amended 03/24/22

The Teachers' Retirement Law establishes the State Teachers' Retirement System (STRS) and creates the Defined Benefit Program of the State Teachers' Retirement Plan, which provides a defined benefit to members of the program, based on final compensation, credited service, and age at retirement, subject to certain variations. Existing law also creates the Cash Balance Benefit Program, administered by the STRS board, to provide a retirement plan for the benefit of participating employees who provide creditable service for less than 50% of full time. **Existing law authorizes the STRS board to audit, or cause to be audited, the records of any public agency as often as it deems necessary.**

This bill would prescribe various requirements and duties in connection with audits of public agencies by the board. The bill would require the board to provide written notice of and the purpose and scope of an intended audit to the affected public agency and to the exclusive representative of the members affected by the audit. The bill would require the public agency to provide information requested by the board or its designee in a timely manner and, at that time, to also provide the information to the exclusive representative of the members affected by the audit. The bill would authorize an audited public agency and the exclusive representative of affected members to provide the board or its designee information relevant to the audit and would require the board or its designee to consider this information in preparing its draft audit report. The bill would require the board or its designee to provide to the audited public agency and the exclusive representative of the affected members, a draft audit report and a list of every member reasonably known to

be affected. The bill would authorize recipients to provide the board written responses to the draft audit report and would require the board to consider the responses in preparing its final audit report.

This bill would require the board to provide the final audit report to an audited public agency, to the exclusive representative or representatives of members affected by the audit, and to the affected members, with an explanation of their appeal rights. The bill would require the board to provide the audited public agency and the exclusive representative or representatives of the affected members a list of all members to whom the board has provided a copy of the final audit report. The bill would require the board, upon request by either the audited public agency or the exclusive representative, to provide the final audit report and explanation of appeal rights to any member not previously notified. The bill would authorize the public agency and the affected members to request administrative hearings if they disagree with the final audit and would prescribe a process for this purpose. Under the bill, the right of a member to an administrative hearing would be limited to the applicability of an audit finding on the member's benefits, and not the validity of the audit. The bill would require STRS to make all final employer audit reports available on its internet website, as specified.

This bill would require STRS to annually publish rules that interpret and clarify the applicability of creditable compensation and creditable service laws. The bill would prohibit new interpretations, including those that would modify prior interpretations, from taking effect until after notice is issued to employers and exclusive bargaining representatives and would prohibit retroactive application to compensation reported prior to that notice, unless that is expressly required by state or federal law, and would generally require application on July 1, following the notice. The bill would state that for audits and other actions, including actions and penalties relating to disallowed compensation reporting, employers are responsible for the rules in effect at time the compensation is reported, except when expressly superseded by state or federal law. If system rules and guidance are later determined by the system to result in disallowed compensation, the bill would require disallowed compensation reported in accordance with the written guidance to be deemed an error by the system, which would result in system responsibility for assessments or payments owed to a retired member.

The bill would authorize an employer or an exclusive representative of public school employees to submit to STRS items of compensation that are contained or proposed for inclusion in a collective bargaining agreement, as specified, for review by the system for consistency with law governing creditable compensation and with system regulations. The bill would prescribe a process in this regard, which would include requiring the system to provide a written guidance within 30 days of the receipt of all information required for a review. If guidance given by the system in response to a request for review is later determined by the system to result in disallowed compensation, the bill would require disallowed compensation reported in accordance with the written guidance to be deemed an error by the system, which would result in system responsibility for assessments or payments owed to a retired member.

Existing law requires an employer to deduct from the creditable compensation of members who are employed by the employer the member contributions required by the Teachers' Retirement Law and to remit them to the system plus required employer contributions. Existing law requires a county superintendent of

schools, among others, that reports directly to the system to draw requisitions for required contributions, as specified, in favor of STRS, and the requisitions, when allowed and signed by the county auditor, are a warrant against the county treasury. Existing law requires the board to assess penalties if required contributions are not paid or if specified monthly reports are not made or are made in an improper form. Existing law creates the county school service fund and prescribes the expenses to which it may be applied. Existing law generally prohibits expending moneys in the fund for any purpose in excess of the latest proposed expenditures for a purpose as approved by the Superintendent of Public Instruction, as specified. Existing law generally requires a county auditor to approve warrants drawn on the service fund for expenses approved in the county school service fund budget. This bill would authorize the county superintendent of schools to draw requisitions against the county school service fund and the funds of the respective employing agencies for the purpose of making certain payments to STRS, as specified, in amounts equal to employing agency payments.

Existing law generally authorizes the board, in its discretion and upon any terms it deems just, to correct the errors or omissions of a member or beneficiary of the Defined Benefit Program, and of any participant or beneficiary of the Cash Balance Benefit Program, if specified facts exist. Under existing law, the failure by a member, participant or beneficiary to make an inquiry that would be made by a reasonable person in like or similar circumstances does not constitute an error or omission. Existing law requires that any overpayment made to, or on behalf of, any member, former member, or beneficiary be deducted from any subsequent benefit that may be payable, except as specified. This bill would revise the requirement to deduct, as described above, to apply it only to overpayments that are the result of intentional misrepresentation or fraud by the member.

Existing law prescribes a process for, and limitations on, payments into or out of the Teachers' Retirement Fund for adjustments of errors or omissions with respect to the Defined Benefit Program or the Defined Benefit Supplement Program. Existing law requires STRS, if an employer reports erroneous information, to calculate the actuarial present value of the expected payments from the member, the former member, or beneficiary, as specified, and requires the employer to pay the difference between the total amount of the overpayment and the calculation of the actuarial present value of expected payments. Existing law establishes limits on the amounts by which a monthly allowance payable under the Defined Benefit Program or benefit payable under the Defined Benefit Supplement Program or the Cash Balance Benefit Program may be reduced to recover an overpayment, if the collection of the overpayment is not the result of fraud or intentional misrepresentation of facts by the recipient of the allowance or benefit. This bill would repeal the above-described requirement that applies if an employer reports erroneous information and the above-described limitations on the reductions of allowances and benefits to recover an overpayment. The bill would prescribe various requirements to apply in instances in which STRS determines that the compensation reported for a member by an employer is disallowed compensation. The bill would define "disallowed compensation" to mean compensation reported by an employer that the system subsequently determines is not properly creditable pursuant to applicable law. The bill would require upon a determination of disallowed compensation that the employer discontinue reporting the compensation as being creditable to the member's

designated account. The bill would require, in the case of an active member, that all employer and member contributions be credited to the member's appropriate account, where applicable, and would require that employer contributions on disallowed compensation be credited against future contributions to the benefit of the employer and member contributions be returned to the member by the employer.

The bill would prescribe notice and repayment requirements that would apply to a retired member, survivor, or beneficiary if the final compensation applicable to their pensions was predicated upon disallowed compensation and if specified conditions are met. The bill would require, in this context, if the conditions are met, that the employer that reported contributions on the disallowed compensation pay STRS the full cost of any overpayment of a prior paid benefit resulting from the disallowed compensation, and to pay STRS a penalty, to be calculated according to a specified formulation. The bill would require that 90% of this penalty be paid to the affected retired member, survivor, or beneficiary who was impacted by disallowed compensation and that 10% be paid to STRS, as specified. The bill would require STRS to provide certain notices in this regard to the employer that reported contributions on the disallowed compensation, to a county superintendent of schools, as specified, and to the affected retired member, survivor, or beneficiary. The bill would require, if the employer that reported contributions on disallowed compensation did so in reliance on the written guidance of STRS, that the disallowed compensation be deemed an error by the system, and the system would be financially responsible for any assessments or payments owed. The bill would require, if compensation is determined to be disallowed compensation due to an act by a county superintendent of schools that reports directly to the system on behalf of an employer, that the county superintendent be financially responsible for any assessments or payments owed, except as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This bill would make legislative findings to that effect.

~~This bill would state the intent of the Legislature to enact legislation related to CalSTRS, including, among other things, in connection with employee liability for system errors in payments, guidance provided by the system later determined to be erroneous, changes to interpretations of creditable compensation laws by the system, and system audits.~~

(STATUS: Introduced 01/19/2022. On 03/24/22: referred to Com. on P.E & R; from committee chair, with author's amendments: amend, and re-refer to Com. on P.E & R; read second time and amended. Re-referred to Com. on P.E & R. on 03/28/22.)

AB 1722 (Cooper)

The PERL, until January 1, 2023, provides a state safety member of CalPERS who retires for industrial disability a retirement benefit equal to the greatest amount resulting from 3 possible calculations. In this regard, the benefit amount is based on an actuarially reduced service retirement, a service retirement allowance, if the member is qualified, or 50% of the member's final compensation, plus an annuity purchased with their

accumulated contributions, if any. This bill would delete the termination of these provisions on January 1, 2023, thereby making them operative in perpetuity. By providing that a continuously appropriated fund may be spent for a new purpose, this bill would make an appropriation.

(STATUS: Introduced 01/27/22. Referred to Com. on P.E & R on 02/03/22. **On 03/16/22: From committee: do pass and re-refer to Com. on APPR; re-referred to Com. on APPR.**)

AB 1795 (Fong)

The Bagley-Keene Open Meeting Act requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified. This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

(STATUS: Introduced on 02/07/22. Referred to Com. on G.O on 02/18/22.)

AB 1801 (Nazarian) Amended 03/24/22

(This bill was previously a state retirement systems indemnification bill and has been amended as a bill proposing a state holiday in recognition of the Armenian Genocide.)

Existing law designates specific days as holidays in this state, designates holidays on which community colleges and public schools are required to close, and entitles state employees, with specified exceptions, to be given time off with pay for specified holidays. This bill would add April 24, known as "Armenian Genocide Awareness Day," to these lists of holidays.

~~Current law requires present, future, and former board members of CalPERS or CalSTRS, jointly and individually, state officers and employees, specified research firms, and investment managers under contract with these retirement systems to be indemnified from the General Fund and held harmless by the State of California from all claims, demands, suits, actions, damages, judgments, costs, charges, and expenses, and against all liability, losses, and damages that those persons or entities may sustain by reason of a decision to restrict, reduce, or eliminate certain types of investments. This bill would make nonsubstantive changes to those provisions.~~

(STATUS: Introduced 02/07/22. **On 03/24/22: referred to Coms. On G.O and HIGHER ED; from committee chair, with author's amendments: amend and re-fer to Com. on G.O; read second time and amended. Re-referred to Com. on G.O on 03/28/22.**)

AB 1824 (Cooper, Voepel, Calderon, Cooley, O'Donnell, and Seyarto) – SACRS Sponsored Bill

This bill represents the annual omnibus bill to propose technical "housekeeping" amendments to Education Code provisions applicable to CalSTRS, the PERL and the CERL.

With respect to the CERL, the bill would make the following changes:

1. The CERL requires, upon the death of a member, the payment of a retirement allowance earned but not yet paid to a member to be paid to the member's designated beneficiary. The CERL requires, upon the death of a person receiving a survivor's allowance, the payment of any allowance earned but not yet paid to the survivor to be paid to the survivor's designated beneficiary. This bill would amend

Government Code section 31452.7 to include a corporation, a trust, or an estate in the definition of “beneficiary” for purposes of these provisions.

2. The CERL restricts the types of employment for which members may receive credit for service and restricts credit for other employment in public service based upon whether the member is entitled to receive a pension or retirement allowance from another public agency. If a member elects to contribute to obtain credit for other employment in another public agency, the CERL requires certification, as specified, of the fact that pension or retirement allowance will not accrue to the member by virtue of the member’s employment. This bill would amend Government Code section 31641.4 to specify that the provisions described above do not prohibit a member from receiving credit for a period of federal public service if federal law expressly permits the credit even though the member is already entitled to receive a pension or retirement allowance from that service.
3. The CERL prescribes a process for purposes of establishing a date of retirement with reference to safety members. Further, the CERL authorizes a safety member to be retired upon the occurrence of certain events and the filing, with the retirement board, of a written application setting forth the date upon which the member desires their retirement to become effective. The CERL prohibits this date from being more than 60 days after the date of filing the application. This bill would amend Government Code sections 31663.25 and 31663.26 to revise the restrictions on the above-described effective retirement date to prohibit the retirement date from being earlier than the date the application is filed with the board or more than 60 days after the date of filing the application or more than a number of days that has been approved by the board.
4. The CERL authorizes the payment of a death benefit upon the death of a member while in service. It further prescribes the components of the death benefit, which are a member’s accumulated contributions and an amount, provided from contributions by a county or district, calculated pursuant to a specified method, not to exceed 50% of annual compensation earnable or pensionable compensation of the deceased. This bill would amend Government Code sections 31761, 31762, 31763, 31764 and 31781 to require, in connection with the calculation of the death benefit, that the computation for any absence be based on the compensation of the position held by the member at the beginning of the absence.
5. The bill would also make non-substantive style and technical changes to the CERL. (Government Code sections 31726 and 31726.5.)

(STATUS: Introduced 02/07/22. Referred to Com. on P.E & R on 02/18/22. From committee chair, with author’s amendments: Amend, and re-refer to Com. on P.E & R. Read second time and amended on 02/28/22. Re-referred to Com. on P.E & R on 03/01/22. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E & R. Read second time and amended on 03/07/22. **Re-referred to Com. on P.E & R. on 03/08/22. From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. Re-referred to Com. on APPR on 03/16/22. From committee: Do pass. To Consent Calendar on 03/30/22. Read second time; and ordered to Consent Calendar on 03/31/22.**)

AB 1877 (Fong)

Current law limits the postretirement compensation of a member of the CalSTRS Defined Benefit Program to an amount calculated by CalSTRS, as specified. If the member's postretirement compensation exceeds this amount, the law requires the member's retirement allowance to be reduced by the amount of excess compensation. Current law, however, permits members retired for service from CalSTRS to perform member activities without being subject to the compensation limit under certain limited conditions and circumstances. This bill would exempt from the postretirement compensation limit the compensation of a member retired for service who was a classroom teacher who has returned to work to fulfill a critical need in a position due to a teacher shortage in the area of special education. The bill would require a local school district, county office of education, or other local educational agency exercising this exemption to submit specified documentation, certified under penalty of perjury, to substantiate a retired member's eligibility.

(STATUS: Introduced 02/08/22. Referred to Com. on P.E & R on 02/18/22.)

AB 1944 (Lee)

The Ralph M. Brown Act (the Brown Act), requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

The Brown Act was previously amended in response to the COVID pandemic to allow, until January 1, 2024, local agencies to use teleconferencing without complying with the aforementioned teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would further amend the Brown Act (without a sunset provision) to specify that when the legislative body has elected to allow members to participate via teleconferencing, and a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public. However, this bill would require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.

(STATUS: Introduced on 02/10/22. Referred to Com. on L. GOV on 02/18/22.)

AB 1971 (Cooper) – SACRS Sponsored Bill

The CERL authorizes the board of retirement to make regulations that are not inconsistent with its provisions and these regulations become effective when approved by the applicable board of supervisors. This bill would specify other provisions with which the above-described regulations are required to be consistent and would remove the requirement of approval by the board of supervisors as a necessary condition for them to become effective.

The CERL authorizes a member who returns to active service following an uncompensated leave of absence on account of illness or parental leave to receive service credit for the period of the absence upon the payment of the contributions, as specified. CERL prescribes limits on these benefits and processes for making contributions. CERL authorizes the provision of service credit to members in other specified instances while generally providing that a person is not entitled to service credit for time the person was not in service. This bill would authorize the board to grant members who are subject to a temporary mandatory furlough the same service credit and compensation earnable or pensionable compensation to which the members would have been entitled in the absence of the temporary mandatory furlough. The bill would authorize the board to condition this grant on specified factors.

The CERL generally prohibits a member retired from service from being paid for service rendered to a county or district after retirement, subject to certain exceptions, and prescribes requirements for reinstatement into a retirement system upon reemployment. CERL and PEPRA authorize reemployment of, and service by, retired members in certain capacities after retirement without reinstatement into the applicable retirement system, and prescribe limits on this service. This bill would authorize a person who is retired under CERL to serve without reinstatement for service on a part-time state, county, city, district, or other political subdivision board or commission. The bill would prohibit a retired person serving in this capacity from acquiring benefits, service credit, or retirement rights with respect to the service and would prescribe limits on the hours of service and the associated salary or stipend for the part-time service.

The CERL regulates disability retirements and authorizes a retirement board to grant a service retirement allowance pending the determination of the entitlement to disability retirement. If a member is found eligible for disability retirement, CERL requires that appropriate adjustments be made in the member's retirement allowance retroactive to the effective date of their disability retirement. CERL prohibits this authorization from being construed to authorize a member to receive more than one type of retirement allowance for the same period of time or to entitle a beneficiary to receive benefits which the beneficiary would not otherwise have been entitled to receive. This bill would apply specified provisions in this regard to a member retired for service who subsequently files an application for disability retirement and, if the member is found to be eligible for disability retirement, would require appropriate adjustments to be made in the retirement allowance retroactive to the effective date of the disability retirement. The bill would also require that, if a member with a disability retirement is subsequently determined not to be incapacitated, and the person's employer does not offer to reinstatement, the person's retirement allowance is to be reclassified to a service retirement in the same amount and subject to any applicable future cost of living adjustments. The bill would

require, in this regard, that the optional or unmodified type of allowance selected by at the time of retirement for disability be binding as to the service retirement.

The CERL authorizes a member or a retired member, until the first payment of a retirement allowance is made, to elect to have the actuarial equivalent of a retirement allowance, as of the date of retirement, applied to a lesser retirement allowance payable throughout life in accordance with specified optional settlements. This bill would authorize a member retired for service who is subsequently granted a disability retirement to change the type of optional or unmodified allowance that they elected at the time the service retirement was granted, as specified.

The CERL authorizes the granting of reciprocal benefits to members with service in other retirement systems that have entered into agreements to provide such benefits, provided that the member satisfies specified requirements. CERL prohibits these provisions from being construed to authorize a member credited with service in multiple entities who is eligible for a disability allowance to receive an amount that results in a disability allowance greater than the amount the member would have received had all the member's service been with only one entity. CERL requires, in this connection, that each entity calculate its respective obligations based upon the member's service with that entity and adjust its payment on a pro rata basis. This bill would require, with regard to disability allowances subject to reciprocity to be adjusted on a pro rata basis, as described above, if one entity does not reduce the amount it pays a member, then another entity is to reduce the allowance it pays the member by as much as necessary to ensure that the member does not receive a disability allowance greater than the amount the member would have received had all the member's service been with only one entity.

(STATUS: Introduced 02/10/22. Referred to Com. on P.E & R on 02/18/22.)

AB 1993 (Wicks, Aguir-Curry, Low, and Akilah Weber)

Existing law, the California Fair Employment and Housing Act (FEHA), establishes the Department of Fair Employment (department) and Housing within the Business, Consumer Services, and Housing Agency and sets forth its powers and duties relating to the enforcement of civil rights laws with respect to housing and employment. Existing federal law, the Federal Food, Drug, and Cosmetic Act, authorizes the United States Secretary of Health and Human Services to approve new drugs and products, including vaccines, for introduction into interstate commerce, and authorizes the secretary to authorize vaccines for use in an emergency upon declaring a public health emergency. On February 4, 2020, the secretary determined that there is a public health emergency and declared circumstances exist justifying the authorization of emergency use of drugs and biological products. The secretary subsequently authorized the emergency use of 3 vaccines for the prevention of COVID-19, and on August 23, 2021, the secretary approved a vaccine for the prevention of COVID-19.

The California Emergency Services Act authorizes the Governor to declare a state of emergency during conditions of disaster or extreme peril to persons or property, including epidemics. On March 4, 2020, the Governor declared a state of emergency relating to the COVID-19 pandemic. Pursuant to this authority, the

Governor issued several executive orders requiring individuals in specified employment, health care, school, or other settings to provide proof of a COVID-19 vaccination status, unless specified exceptions are met.

This bill would require an employer to require each person who is an employee or independent contractor, and who is eligible to receive the COVID-19 vaccine, to show proof to the employer, or an authorized agent thereof, that the person has been vaccinated against COVID-19. This bill would establish an exception from this vaccination requirement for a person who is ineligible to receive a COVID-19 vaccine due to a medical condition or disability or because of a sincerely held religious belief, as specified, and would require compliance with various other state and federal laws. The bill would require proof-of-vaccination status to be obtained in a manner that complies with federal and state privacy laws and not be retained by the employer, unless the person authorizes the employer to retain proof. This bill would require, on January 1, 2023, each employer to affirm, in a form and manner provided by the department, that each employee or independent contractor complied with these provisions, and would require the employer to affirm that each new employee or independent contractor is in compliance at the time of hiring or contracting with that person. The bill would require the department to impose a penalty of an unspecified amount on an employer for any violation of these provisions.

The bill would apply to both private and public employers, and defines “public employer” as (1) the state and every state entity, including, but not limited to, the Legislature, the judicial branch, the University of California, and the California State University; and (2) a political subdivision of the state, or agency or instrumentality of the state or subdivision of the state, including, but not limited to, a city, county, city and county, charter city, charter county, school district, community college district, powers authority, joint powers agency, and any public agency, authority, board, commission, or district.

This bill would repeal these provisions when the federal Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices determines that COVID-19 vaccinations are no longer necessary for the health and safety of individuals. This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. This bill would declare that its provisions are severable.

(STATUS: Introduced 02/10/22. Referred to Coms. on L & E and JUD on 03/17/22. In committee: Hearing canceled at the request of author on 03/29/22.)

AB 2443 (Cooley) Amended 03/17/22

(This bill has been amended and is now a bill proposing federal limitations on retirement benefits.)

Current law establishes the **Legislators’ Retirement System, Public Employees’ Retirement System, the Judges’ Retirement System, and Judges’ Retirement System II, all of which provide retirement and other benefits to their respective members and are administered by CalPERS administrators. Current law authorizes a judge who is a member of the system and who retires upon attaining both 65 years of age and 20 or more years of service, or upon attaining 70 years of age with a minimum of 5 years of service, to elect from specified retirement benefits, including a monthly pension.** Existing federal law prescribes limits on the amount of retirement

benefits that a member may receive if a retirement system is to maintain its tax-qualified status and may require that benefits from different retirement plans maintained by the same employer be aggregated. This bill, for purposes of the above-described retirement systems, would prescribe the method by which benefits are to be reduced when federal law requires aggregation of benefits from different plans maintained by the same employer and federal limits on benefits are reached.

~~This bill would make nonsubstantive changes to the provisions authorizing a judge to elect retirement benefits described above.~~

(STATUS: Introduced 02/17/22. On 03/17/22: referred to Com. on P.E & R; from committee chair, with author's amendments: amend, and re-refer to Com. on P.E & R; read second time and amended. Re-referred to Com. on P.E & R on 03/21/22. From committee: Do pass and re-referred to Com. on APPR on 03/30/22.)

AB 2449 (B. Rubio)

The Brown Act, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, provided that the legislative body complies with all of the following: (1) the legislative body gives notice of the meeting and posts agendas as otherwise required by the Brown Act; (2) all members of the legislative body attending the meeting by teleconference participate only through both audio and visual technology; (3) the legislative body allows members of the public to access the meeting; and (4) the agenda provides an opportunity for members of the public to address the legislative body directly.

Additionally, in each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option, and an opportunity for members of the public to attend and address the legislative body at the in-person location of the meeting.

(STATUS: Introduced 02/17/22. Referred to Com. on L. GOV on 03/03/22.)

AB 2493 (Chen) Amended 03/25/22 and 04/05/22

(This bill was previously a bill that would have made a non-substantive change to local agency law requiring action by resolution.)

This bill would authorize a county retirement system to adjust retirement payments based on disallowed compensation for sworn peace officers and firefighters of that system. The bill would provide that if the retirement system determines that the compensation reported for a sworn peace officer or firefighter of the system is disallowed compensation, as defined, the system would require the county employer or agency to

discontinue reporting the disallowed compensation. The bill would apply this to determinations made on or after July 30, 2020, if an appeal has been filed and the applicable member, retired member, survivor, or beneficiary has not exhausted their administrative or legal remedies.

The bill would require, for an active sworn peace officer or firefighter, that all contributions made on the disallowed compensation be credited against future contributions to the benefit of the employer or agency that reported the disallowed compensation, and any contribution paid by, or on behalf of, that member, be returned to the member by the employer or agency, as specified.

The bill would require, for a retired sworn peace officer or firefighter, survivor, or beneficiary whose final compensation was predicated upon the disallowed compensation, that contributions made on the disallowed compensation be credited against future contributions to the benefit of the employer or agency that reported the disallowed compensation and would require the system to permanently adjust the benefit of the affected retired member, survivor, or beneficiary to reflect the exclusion of the disallowed compensation.

The bill would specify other conditions required to be satisfied with respect to a retired sworn peace officer or firefighter, survivor, or beneficiary whose final compensation was predicated upon disallowed compensation, including, among others, requiring payment of a penalty by the employer or agency that reported contributions on the disallowed compensation. The bill would also require certain information regarding the relevant retired member, survivor, or beneficiary needed for purposes of these provisions to be kept confidential by the recipient.

(STATUS: Introduced 02/17/22. On 03/24/22: Referred to Com. on P.E & R; from committee chair, with author's amendments: amend, and re-refer to Com. on P.E & R; read second time and amended. Re-referred to Com. on P.E & R on 03/28/22. On 04/05/22: From committee chair, with author amendments: amend, and re-refer to Com. on P.E & R; read second time and amended.)

AB 2647 (Levine)

The Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. **(STATUS: Introduced 02/18/22. Referred to Coms. on L. GOV and JUD on 03/10/22.)**

SB 457 (Portatino & Wilk)

This bill would require the boards of CalPERS and CalSTRS to provide employers that are school districts and cities that participate in the systems an option to elect an investment portfolio that does not contain investment vehicles that are issued or owned by the government of the Republic of Turkey.

(STATUS: Passed out of the Senate; ordered to Assembly on 05/24/21. Referred to Com. on P.E & R on 05/28/21.)

SB 868 (Cortese) Amended (non-substantive) 03/24/22

Current law creates the Teachers' Retirement Fund and establishes within that fund a segregated account named the Supplemental Benefit Maintenance Account. Current law continuously appropriates funds in the Supplemental Benefit Maintenance Account for expenditure for the purpose of restoring the purchasing power of the allowances of retired members and nonmember spouses, disabled members, and beneficiaries, and prescribes various schedules pursuant to which these allowances are augmented. This bill would prescribe additional benefits to be paid quarterly from the Supplemental Benefit Maintenance Account, beginning July 1, 2023, to retired members and nonmember spouses, disabled members, and beneficiaries, to be made pursuant to a specified schedule. By providing for additional payments to be made from a continuously appropriated fund, this bill would make an appropriation. The bill would require the amount of these increases to be determined on July 1, 2023, as specified, and would require that amount to be increased each year commencing on July 1, 2024, but not compounded. The bill would specify that these increases are not part of the base allowance, are payable only to the extent that funds are available from the Supplemental Benefit Maintenance Account, and would state the extent to which these payments would be vested.

(STATUS: Introduced 01/24/22. Referred to Com. on L, P.E & R on 02/02/22. **On 03/24/22: from committee with author's amendments; read second time and amended; re-referred to Com. on L, P.E & R. On 04/05/22: from committee: do pass and re-refer to Com. on APPR.**)

SB 931 (Leyva)

Current law prohibits a public employer from deterring or discouraging public employees or applicants to be public employees from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Current law generally vests jurisdiction over violations of these provisions in the Public Employment Relations Board. This bill would authorize an employee organization, as described, to bring a claim before the Public Employment Relations Board alleging that a public employer violated the above-described provisions.

(STATUS: Introduced 02/07/22. Read first time; referred to Com. on RLS for assignment on 02/07/22. Referred to Coms. on L, P.E & R and JUD on 02/16/22. **From committee: Do pass and re-referred to Com. on JUD on 03/22/22. Set for hearing on April 19.**)

SB 1100 (Cortese) Amended 03/21/22

The Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Existing law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the

legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Existing law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Existing law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting.

This bill would authorize ~~the members~~ **presiding member** of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning by the presiding member of the legislative body that the individual is disrupting the proceedings, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to ~~respond to the warning~~, **cease the disruptive behavior**. The bill would similarly require a warning, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to ~~respond to the warning~~ **cease the disruptive behavior** before clearing a meeting room for willful interruptions by a group or groups. The bill would define "willfully interrupting" to mean intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law and applicable rules, as specified. By establishing new requirements for local legislative bodies, this bill would impose a state-mandated program. (STATUS: Introduced 02/16/22. Referred to Coms. on GOV & F and JUD on 02/23/22. **On 03/09/22: From committee with author's amendments; read second time and amended; re-referred to Com. on GOV & F on 03/09/22. From committee: Do pass as amended and re-refer to Com. on JUD on 03/17/22. Read second time and amended. Re-referred to Com. on JUD. on 03/21/22. Set for hearing on April 19.**)

SB 1114 (Newman)

This bill would amend the PERL to make a nonsubstantive change to the definition of "employer". (STATUS: Introduced 02/16/22. Referred to Com. on RLS on 02/23/22.)

SB 1168 (Cortese)

The PERL provides that upon the death of a member after retirement and while receiving a retirement allowance from CalPERS, the sum of \$500 shall be paid to the person's beneficiary, to be provided from contributions by the state or contracting agency, as the case may be. This bill would require the CalPERS board to determine the average benefit paid under various CalPERS provisions upon the death of a member, as provided, and would require the board, beginning on July 1, 2023, to increase the \$500 beneficiary payment described above annually in a specified amount until the beneficiary payment reaches the average benefit paid, as calculated by the board.

(STATUS: Introduced 02/17/22. Referred to Com. on L, P.E & R on 03/02/22.)

SB 1173 (Gonzalez)

This bill would prohibit the boards of CalPERS and CalSTRS from making new investments or renewing existing investments of public employee retirement funds in a fossil fuel company, as defined. The bill would require the boards to liquidate investments in a fossil fuel company on or before July 1, 2027. The bill would provide that it does not require a board to take any action unless the board determines in good faith that the action is consistent with the board's fiduciary responsibilities established in the California Constitution.

(STATUS: Introduced 02/17/22. Referred to Coms. on L, P.E & R and JUD on 03/02/22. **On 04/05/22: from committee: do pass as amended and re-refer to Com. on JUD.**)

SB 1328 (McGuire and Cortese) Amended 03/23/22

This bill would prohibit the boards of specified state and local public retirement systems from investing public employee retirement funds in a company with business operations in Russia or Belarus or a company that supplies military equipment to Russia or Belarus, as defined. The bill would require those boards to contract with a research firm or firms to determine those companies with business operations in those countries, and to conduct their own review of companies with business operations in those countries, as specified. The bill would require the boards to determine whether a company has business operations in Russia or Belarus or supplies military equipment to Russia or Belarus. The bill, except as specified, would require the board to notify companies determined to have business operations with those countries, and request the company to take substantial action, as defined and specified. If the company fails to complete substantial action, the bill would prohibit the board from making additional or new investments in that company, and would require the board to liquidate the investments of the board in that company, as specified. The bill would also require the board, on or before January 1, 2023, and every year thereafter, to file a specified report with the Legislature. **The bill would repeal these provisions on specified triggering events. By requiring the boards of local public retirement systems to take specified actions, this bill would impose a state-mandated local program.** The bill would provide that it does not require a board to take any action unless the board determines in good faith that the action is consistent with the board's fiduciary responsibilities established in the California Constitution.

Existing law specifies the duties of the State Controller, which include superintending the fiscal concerns of the state and auditing all claims against the state. This bill, except as specified, would prohibit the Controller from making additional or new investments or renewing existing investments of state moneys in any investment vehicle in the government of Russia **or the government of Belarus** that meets certain conditions, or in or from a Russian **or Belarusian** financial institution currently under sanctions imposed by the United States, as defined and specified. The bill would repeal these provisions on specified triggering events.

Existing law specifies how money received into the treasury must be credited and how those state funds are to be used. Existing law prohibits state funds from being used to reimburse a state contractor for costs incurred to assist, promote, or deter union organizing, as defined and specified. Existing law also prohibits state trust moneys from being used to make additional or new investments or to renew existing investments in business firms that engage in discriminatory practices in further of or in compliance with the Arab League's economic boycott of Israel, as defined and specified. This bill, except as specified, would prohibit a state agency, as

defined, from making additional or new investments or renewing existing investments of state moneys in any investment vehicle in the government of Russia **or the government of Belarus** that meets certain conditions, or in or from Russian **or Belarusian** financial institutions currently under sanctions imposed by the United States, and would require a state agency to liquidate those investments. The bill would also require a state agency to file a specified report with the Legislature and the Governor. The bill would urge companies operating in California and the Regents of the University of California to divest and separate themselves from the government of Russia, Russian financial institutions, ~~and~~ Russian businesses, **the government of Belarus, Belarusian financial institutions, and Belarusian businesses**, and would request companies doing business in California to report their investments in and contracts with the government of Russia, Russian financial institutions, ~~and~~ Russian businesses, **the government of Belarus, Belarusian financial institutions, and Belarusian businesses**, as specified. The bill would repeal these provisions on specified triggering events.

Existing law authorizes state agencies to contract for goods, information technology, or services with certain suppliers, as specified. Existing law also makes companies in Sudan involved in certain activities ineligible to bid or submit a proposal for, and forbids them from bidding on or submitting a proposal for, a contract with a state agency for goods or services, as specified. This bill, except as specified, would make a company that conducts business with the government of Russia **or the government of Belarus** ineligible to bid or submit a proposal for, and would forbid that company from bidding on or submitting a proposal for, a contract with a state agency for goods or services, as defined and specified. The bill would require a state agency to require a company that submits a bid or proposal with respect to a contract for goods or services to certify that the company is not a scrutinized company, as prescribed. The bill would, among other things, make a company that submits a false certification under these provisions liable for a civil penalty, and would require the Department of General Services to report the company to the Attorney General, who would be required to determine whether to bring a civil action against the company, as specified. The bill would repeal these provisions on specified triggering events.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

(STATUS: Introduced 02/18/22. Read first time. Referred to Com. on RLS on 03/02/22. From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS on 03/03/22. **From committee: Do pass as amended and re-refer to Com. on G.O on 03/22/22. Read second time; amended; and re-referred to Com. on G.O on 03/23/22. From committee: Do pass and re-refer to Com. on APPR on 03/29/22. Set for hearing on April 18.**)

SB 1343 (Leyva) Amended 03/22/22

The Charter Schools Act of 1992 authorizes the establishment and operation of charter schools. Existing law authorizes charter schools to elect to make CalSTRS, ~~and~~ CalPERS, **or both** available to qualifying employees. This bill would require charter schools authorized on and after January 1, 2023, to participate in CalSTRS, ~~and~~ CalPERS, **or both. The bill would specify that this provision does not apply to an employee of a charter school if, prior to January 1, 2023, the employee was not already a member of STRS or PERS, unless the employee requests to become a member of STRS or PERS when the charter school is reauthorized on and after January 1, 2023.** The bill would generally require CalSTRS, the Cash Balance Benefit Program, and CalPERS to apply to charter schools in the same manner as the systems and program apply to other public schools. For the purpose of paying contributions on behalf of a charter school, the bill would require a county superintendent, district superintendent, or other employing agency that reports directly to CalSTRS, upon state apportionment to a charter school, to draw requisitions against the funds of the charter school in amounts equal to the estimated contributions required to be paid by the charter school to CalSTRS, as specified, and pay them to the system. The bill would prohibit these requisitions from exceeding an estimated 3 months of contributions to be paid by the charter school. The bill would require the estimated amount to be determined by the county superintendent, district superintendent, or other employing agency. The bill would create similar requirements and prohibitions for purposes of requisitions related to the Cash Balance Benefit Program and CalPERS. By depositing additional moneys in continuously appropriated funds, this bill would make appropriations. Existing law requires a county superintendent, district superintendent, chancellor of a community college district, or other employing agency that reports directly to CalSTRS to draw requisitions for contributions required pursuant to specified provisions in favor of the system. Existing law requires employers participating in CalSTRS to contribute monthly a specified percentage of the creditable contribution upon which member contributions are based in connection with funding the liability for benefits related to accumulated and unused sick leave. This bill would require that the monthly contributions for benefits related to accumulated and unused sick leave be subject to the above-described requisition process.

(STATUS: Introduced 02/18/22. Referred to Coms. on L, P.E & R and ED on 03/2/22. **On 03/22/22: From committee with author's amendments; read second time and amended; re-referred to Com. on L, P.E & R. On 04/05/22: From committee: do pass and re-refer to Com. on ED.**)

SB 1402 (Umberg)

Current law authorizes a member of CalSTRS to receive creditable service for certain types of service outside the system, including military service, and distinguishes in this regard between service performed before membership and after becoming a member. Current law authorizes receipt of credit for specified military or Merchant Marine service occurring prior to membership and prescribes requirements and limits in this connection. Current law requires, in this context, that the member contribute sufficient funds to cover the total cost of military service credit, as specified. Current law limits the application of this authorization to receive premembership service credit to specified service in the Armed Forces of the United States or in the Merchant Marine of the United States prior to January 1, 1950. This bill would delete the requirement that the service subject to the authorization described above have occurred prior to January 1, 1950.

(STATUS: Introduced 02/18/22. **Referred to Com. on L, P.E & R on 03/09/22.**)

SB 1420 (Dahle)

This bill would require that an agency participating in CalPERS that increases the compensation of a member who was previously employed by a different agency to bear all actuarial liability for the action, if it results in an increased actuarial liability beyond what would have been reasonably expected for the member. The bill would require, in this context, that the increased actuarial liability be in addition to reasonable compensation growth that is anticipated for a member who works for an employer or multiple employers over an extended time. The bill would require, if multiple employers cause increased liability, that the liability be apportioned equitably among them. The bill would apply to an increase in actuarial liability, as specified, due to increased compensation paid to an employee on and after January 1, 2023.

(STATUS: Introduced 02/18/22. **Referred to Com. on L, P.E & R on 03/09/22.**)

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
Interim Recess							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29
Wk. 1	30	31					

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
Wk. 1	27	28					

MARCH							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
Wk. 1	27	28	29	30	31		

APRIL							
	S	M	T	W	TH	F	S
Wk. 1						1	2
Wk. 2	3	4	5	6	7	8	9
Spring Recess	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30

MAY							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
No Hrgs.	22	23	24	25	26	27	28
Wk. 4	29	30	31				

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 14** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 17** Martin Luther King, Jr. Day.
- Jan. 21** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)).
Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

- Feb. 18** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 21** Presidents' Day.

- Apr. 1** Cesar Chavez Day observed.
- Apr. 7** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Apr. 18** Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).
- Apr. 29** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20** Last day for **fiscal committees** to hear and report to the **floor** bills introduced in their house (J.R. 61 (b)(8)).
Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23 – 27** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).
- May 27** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 30** Memorial Day.
- May 31** Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by Rules Committee.

OVER

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

JUNE							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30		

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).

June 30 Last day for a legislative measure to qualify for the Nov. 8 General Election ballot (Elections Code Sec. 9040).

JULY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Summer Recess	3	4	5	6	7	8	9
Summer Recess	10	11	12	13	14	15	16
Summer Recess	17	18	19	20	21	22	23
Summer Recess	24	25	26	27	28	29	30
Wk. 1	31						

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
No Hrgs.	14	15	16	17	18	19	20
No Hrgs.	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 15 – 31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

Aug. 25 Last day to **amend** bills on the floor (J.R. 61(b)(17)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)).

Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Oct. 2 Bills enacted on or before this date take effect January 1, 2023. (Art. IV, Sec. 8(c)).

Nov. 8 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 5 2023-24 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2023

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to final approval by Rules Committee.



Memorandum

DATE: April 6, 2022
TO: Members of the Board of Retirement
FROM: Tracy Bowman, Director of Finance
SUBJECT: **FIRST QUARTER 2022 TRAVEL AND TRAINING EXPENSE REPORT**

Written Report

Background/Discussion

In accordance with OCERS' Travel Policy, the Chief Executive Officer is required to submit a quarterly report to the Board of Retirement on conference attendance and related expenditures incurred by OCERS' Board Members and staff. Attached is the First Quarter 2022 Travel and Training Expense Report that includes all expenses submitted through March 31, 2022.

Submitted by:

A rectangular stamp with the OCERS logo on the left and the text "OCERS T.B. - Approved" on the right.

OCERS T.B. - Approved

Tracy Bowman
Director of Finance

04-18-2022 REGULAR BOARD MEETING Print Copy - 04-18-2022 Board Agenda

TRAVEL AND TRAINING EXPENSE REPORT
 FIRST QUARTER 2022
 Submitted Through March 31, 2022**

Name	Trip OR Class Dates	Trip Name	Destination	Trip Type	Mileage	Reg. Fee	Meals	Airfare	Hotel	Trans.	Misc.	2022 YTD Total	2021 Total*
ELEY					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	1,184.49
FREIDENRICH	4/29/22	CALAPRS Trustees' Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	-	120.00	-	-	-	-	-	120.00	
Sub Total					-	170.00	-	-	-	-	-	170.00	2,286.78
OATES	2/27-3/1/22	NAPQ 33rd Pension & Benefit	Las Vegas, NV	Training	303.03	635.00	-	-	439.92	36.00	-	1,413.95	
	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	102.96	250.00	55.65	-	774.24	-	-	1,182.85	
Sub Total					406.99	885.00	55.65	-	1,214.16	36.00	-	2,596.80	3,897.41
PACKARD					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	550.00
PREVATT	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	118.17	250.00	94.08	-	789.24	-	-	1,251.49	
Sub Total					118.17	250.00	94.08	-	789.24	-	-	1,251.49	1,887.79
TAGALOA	2/26-3/1/22	NASRA/NIRS Roundtable & Joint Legislative Conference	Washington D.C.	Training	-	750.00	10.18	289.20	1,006.96	-	-	2,056.34	
	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	-	250.00	62.09	-	774.24	63.00	-	1,149.33	
	3/30-4/1/22	CALAPRS Advanced Principles of Pension Gov for Trustees	Los Angeles, CA	Training	-	3,100.00	-	-	-	-	-	3,100.00	
Sub Total					-	4,100.00	72.27	289.20	1,781.20	63.00	-	6,305.67	7,713.22
VALLONE					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	120.00
BOARD Total					524.16	5,405.00	222.00	289.20	3,784.60	99.00	-	10,323.96	17,639.69
DELANEY	2/10/22	CALAPRS Administrators Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
	2/26-3/1/22	NASRA/NIRS Round Table & Joint Legislative Conference	Washington D.C.	Training	-	750.00	167.55	346.20	639.14	251.25	-	2,154.14	
	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	-	250.00	27.77	-	516.16	-	-	793.93	
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	-	120.00	-	-	-	-	-	120.00	
Sub Total					-	1,170.00	195.32	346.20	1,155.30	251.25	-	3,118.07	6,446.07
JENIKE	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	-	250.00	-	-	-	-	-	250.00	
Sub Total					-	250.00	-	-	-	-	-	250.00	1,315.00
SHOTT	2/28-3/1/22	CIO Leadership Forum	Online	Training	-	1,450.00	-	-	-	-	-	1,450.00	
	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	81.90	250.00	54.89	-	516.16	-	-	902.95	
	5/22-5/25/22	NCPERS 2022 Annual Conference	Washington D.C.	Training	-	900.00	-	939.84	-	-	-	1,839.84	
	6/5-6/8/22	GFOA Annual Conference	Austin, TX	Training	-	555.00	-	571.19	-	-	-	1,126.19	
Sub Total					81.90	3,155.00	54.89	1,511.03	516.16	-	-	5,318.98	7,965.00
EXECUTIVE Total					81.90	4,575.00	250.21	1,857.23	1,671.46	251.25	-	8,687.05	10,726.07
BEESON					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	120.00
CHARY					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	4,570.00
DEPAULA					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	500.00
JJ					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	270.00
MURPHY					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	4,355.55
WALANDER-SARKIN					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	120.00
INVESTMENTS Total					-	-	-	-	-	-	-	0.00	9,935.55
KINSLER					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	50.00
RITCHEY	4/13/22	CALAPRS Communications Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
Sub Total					-	50.00	-	-	-	-	-	50.00	50.00
COMMUNICATIONS Total					-	50.00	-	-	-	-	-	50.00	100.00
MATSUO	2/18/22	CALAPRS Attorney's Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
Sub Total					-	50.00	-	-	-	-	-	50.00	220.00
MCINTOSH	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	-	120.00	-	-	-	-	-	120.00	
Sub Total					-	120.00	-	-	-	-	-	120.00	1,068.16
RATTO	3/6-3/9/22	NAPPA Board Meetings	New Orleans, LA	Training	25.51	-	153.43	696.19	726.72	88.20	-	1,690.05	
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	-	120.00	-	-	-	-	-	120.00	
Sub Total					25.51	120.00	153.43	696.19	726.72	88.20	-	1,810.05	1,845.58
SERPA	2/18/22	CALAPRS Attorney's Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	
Sub Total					-	50.00	-	-	-	-	-	50.00	499.00
SINGLETON	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	-	120.00	-	-	-	-	-	120.00	
Sub Total					-	120.00	-	-	-	-	-	120.00	284.14
LEGAL Total					25.51	460.00	153.43	696.19	726.72	88.20	-	2,150.05	3,916.88
GUEVARA					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	513.50
IBARRA					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	100.00
LAMBERSON					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	2,089.00
LOPEZ	4/11-4/12/22	CALAPRS Management Academy 2022: Module 1	Pasadena, CA	Training	-	3,000.00	-	-	-	-	-	3,000.00	
Sub Total					-	3,000.00	-	-	-	-	-	3,000.00	513.50
PANAMENO					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	100.00
PERSI					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	40.00
RODRIGUEZ					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	100.00
RUBIO					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	100.00
MEMBER SERVICES Total					-	3,000.00	-	-	-	-	-	3,000.00	3,556.00

04-18-2022 REGULAR BOARD MEETING Print Copy - 04-18-2022 Board Agenda

TRAVEL AND TRAINING EXPENSE REPORT
 FIRST QUARTER 2022
 Submitted Through March 31, 2022**

Name	Trip OR Class Dates	Trip Name	Destination	Trip Type	Mileage	Reg. Fee	Meals	Airfare	Hotel	Trans.	Misc.	2022 YTD Total	2021 Total*
BARKER					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	220.00
BOWMAN					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	670.00
DURIGON					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	191.75
KANG					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	1,645.00
REYES					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	210.00
FINANCE Total					-	-	-	-	-	-	-	0.00	2,936.75
ACUNA	Various	Lean Six Sigma Black Belt	Online	Training	-	1,499.00	-	-	-	-	-	1,499.00	
Sub Total					-	1,499.00	-	-	-	-	-	1,499.00	513.50
CORTEZ	Various	Lean Six Sigma Black Belt	Online	Training	-	1,499.00	-	-	-	-	-	1,499.00	
Sub Total					-	1,499.00	-	-	-	-	-	1,499.00	500.00
DISABILITY Total					-	2,998.00	-	-	-	-	-	2,998.00	1,013.50
DURRAH					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	2,656.75
GUNSOLLEY					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	756.75
HOCKLESS					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	400.00
WOZNIUK					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	3,436.75
HUMAN RESOURCES Total					-	-	-	-	-	-	-	0.00	7,250.25
D'AIELLO					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	100.00
DOEZIE					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	415.00
OPERATIONS SUPPORT SERVICES Total					-	-	-	-	-	-	-	0.00	515.00
LARA					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	40.00
SADOSKI					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	40.00
IT Total					-	-	-	-	-	-	-	0.00	80.00
ADVIENTO	Various	CalCPA Government/Commercial	Online	Training	-	350.00	-	-	-	-	-	350.00	
Sub Total					-	350.00	-	-	-	-	-	350.00	1,290.00
KIM					-	-	-	-	-	-	-	0.00	
Sub Total					-	-	-	-	-	-	-	0.00	850.00
INTERNAL AUDIT Total					-	350.00	-	-	-	-	-	350.00	2,140.00
EAKIN	3/5-3/9/22	CALAPRS General Assembly	San Diego, CA	Speaker	-	-	65.10	-	279.08	-	-	344.18	
Sub Total					-	-	65.10	-	279.08	-	-	344.18	40.00
INFORMATION SECURITY Total					-	-	65.10	-	279.08	-	-	344.18	40.00
Total					631.57	16,838.00	690.74	2,842.62	6,461.86	438.45	-	27,903.24	59,849.69

Footnotes:
 * Prior year totals only presented for 2022 active staff & Board members. Totals include online training.
 ** Excludes non-training expenses such as meetings, mileage, strategic planning and tuition reimbursement.