

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

**REGULAR MEETING
Tuesday, January 17, 2023
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 2022-12, this meeting will be conducted by video/teleconference, in compliance with Government Code section 54953 as amended by Assembly Bill 361. In addition, members of the Board and the public are welcome to participate in the meeting via Zoom from the OCERS Boardroom located at 2223 E. Wellington Ave., Santa Ana, CA. However, none of the other locations from which the Board members participate by teleconference will be open to the public.

Members of the public who wish to observe and/or participate in the meeting may do so (1) from the OCERS Boardroom or (2) via the Zoom app or telephone from any location. 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. Members of the public who participate in the meeting from the OCERS Boardroom and who wish to provide comment during the meeting may do so from the podium located in the OCERS Boardroom.

OCERS Zoom Video/Teleconference information	
<p>Join Using Zoom App (Video & Audio)</p> <p>https://ocers.zoom.us/j/83239129228</p> <p>Meeting ID: 832 3912 9228 Passcode: 706545</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> <ul style="list-style-type: none"> +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>Meeting ID: 832 3912 9228 Passcode: 706545</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

OATH OF OFFICE – SHAWN DEWANE, ARTHUR HIDALGO, CHARLES PACKARD, ADELE TAGALOA, ROGER HILTON

Administered by Orange County Clerk-Recorder Hugh Nguyen

PLEDGE OF ALLEGIANCE

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. Persons attending the meeting in person and wishing to provide comment at this time should fill out a speaker card located at the back of the Boardroom and deposit it in the Recording Secretary’s box located near the back counter. 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.

- Σ Enriquez, Consuelo
- Σ Fung, Brian
- Σ Richards, Danny

ADMINISTRATION

C-2 BOARD MEETING MINUTES

Regular Board Meeting Minutes

December 12, 2022

Recommendation: Approve minutes.

C-3 CLASSIFICATION AND COMPENSATION STUDY – COST INCREASE

Recommendation: Approve the total cost of a Classification and Compensation study for the County level job classification for an amount not to exceed \$65,000.

DISABILITY/MEMBER BENEFITS AGENDA

9:30 AM

NOTE: WHEN CONSIDERING DISABILITY RETIREMENT APPLICATIONS OR MEMBER APPEALS OF 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: LARRY COSTA

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

Recommendation: The Disability Committee recommends that the Board:

- ∑ Deny service and non-service connected disability retirement, without prejudice, because the member has opted not to join in on the employer filed application.

DC-2: BILL D. CROW

Firefighter/Paramedic, Orange County Fire Authority (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 February 17, 2022.

DC-3: ANTHONY DUCHI

Fire Captain, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- ∑ Grant service connected disability retirement.
- ∑ Set the effective date as March 11, 2022.

DC-4: AUGUSTINE C. ESTRADA

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

Recommendation: The Disability Committee recommends that the Board:

- Σ Grant service connected disability retirement.
- Σ Set the effective date as April 12, 2022.

DC-5: TRACY J. HARRIS

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

Recommendation: The Disability Committee recommends that the Board:

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

DC-6: WENDY NORWOOD

Fire Captain/Paramedic, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Σ Grant service connected disability retirement.
- Σ Set the effective date as March 25, 2022.

DC-7: STEPHEN J. STEWART

Fire Captain/Paramedic, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Σ Grant service connected disability retirement.
- Σ Set the effective date as March 25, 2022.

DC-8: JONATHON TOMER - PULLED

Deputy Sheriff II, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Σ Deny service and non-service connected disability retirement, without prejudice, because the member has opted not to join in on the employer filed application.

DC-9: JULIAN VALENCIA - PULLED

Deputy Sheriff II, Orange County Sheriff's Department (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- Σ Deny service and non-service connected disability retirement, without prejudice, because the member has opted not to join in on the employer filed application.

DC-10: REBECCA VARGAS

Employment and Eligibility Specialist, Orange County Social Services Agency (General Member)

Recommendation: The Disability Committee recommends that the Board:

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

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.

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

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. Persons attending the meeting in person and wishing to provide comment on a matter listed on the agenda should fill out a speaker card located at the back of the Boardroom and deposit it in the Recording Secretary’s box located near the back counter.**

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

**A-2 BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND
ADOPTION OF BOARD RESOLUTION 2023-01**

Presentation by Gina Ratto, General Counsel, OCERS

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 2023-01 to reflect such findings pursuant to Government Code section 54953, as amended by AB 361.

A-3 DISCUSSION AND ACTION ON RECOMMENDATIONS REGARDING COUNTY RESOLUTION AFFECTING MEMBERS’ RETIREMENT ALLOWANCES SUBJECT TO OCERS’ COMPENSATION EARNABLE POLICY

Presentation by Steve Delaney, Chief Executive Officer, Gina Ratto, General Counsel, OCERS, and Harvey Leiderman, Fiduciary Counsel, ReedSmith

Recommendation: Staff and the Board’s Fiduciary Counsel recommend that the Board direct Staff to:

- (1) Accept the County’s Resolution as authoritative;
- (2) Confer with their counterparts in County administration, the Sheriffs’ Office and AOCDS to obtain the necessary data to enable OCERS to reexamine whether affected law enforcement retirees and employees may now qualify for the inclusion of some or all of their on-call and canine handler maintenance pay as part of the “compensation earnable” on which their retirement allowances are calculated; and
- (3) Provide to the Board at its meeting on March 20, 2023 Staff’s plan for re-adjusting affected members’ benefits consistent with the Compensation Earnable Policy, and a projected timetable for accomplishing those adjustments.

We note that this recommendation does not require the Board to take any formal action by motion at this time; rather, this direction to Staff will be sufficient.

A-4 SUPERIOR COURT NEW PLAN FORMULA – CONTRIBUTION RATE CHANGE FOR FY2023/2024

Presentation by Suzanne Jenike, Assistant CEO, and Segal

Recommendation: Approve and adopt updated employer and employee contribution rates for the FY2023/2024 based on the December 31, 2021 actuarial valuation applicable to rate group 2 Plan U and T based on Superior Court’s benefit enhancement effective July 1, 2023.

A-5 DELEGATING DISABILITY GRANTS TO OCERS CEO

Presentation by Steve Delaney, Chief Executive Officer, Suzanne Jenike, Assistant CEO, and Gina Ratto, General Counsel, OCERS

Recommendation: Delegate to the OCERS CEO the responsibility to fully develop Disability Benefit grant recommendations for the OCERS Board’s consideration and approval.

INFORMATION ITEMS

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

Presentations

I-1 2022 OCERS INNOVATIONS AND PROCESS IMPROVEMENTS

Presentation by Steve Delaney, Chief Executive Officer, and OCERS Management Team

I-2 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

January 17, 2023

Death Notices

January 17, 2023

R-2 COMMITTEE MEETING MINUTES

- October 2022- Audit Committee Minutes

R-3 CEO FUTURE AGENDAS AND 2023 OCERS BOARD WORK PLAN

Written Report

R-4 QUIET PERIOD – NON-INVESTMENT CONTRACTS

Written Report

R-5 BOARD COMMUNICATIONS

Written Report

R-6 COMMUNICATION POLICY FACT SHEET

Written Report

R-7 FORM 700 FILING REQUIREMENTS

Written Report

R-8 STATUS OF BOARD EDUCATION HOURS FOR 2022

Written Report

R-9 2022 DISABILITY STATISTICS

Written Report

R-10 ANNUAL PREVIEW OF “YEAR IN REVIEW”: COMMUNICATION PLAN

Written Report

R-11 QUARTERLY TRAVEL AND TRAINING EXPENSE REPORT

Written Report

R-12 CONTRACT STATUS FOR NAMED SERVICES PROVIDERS

Written Report

CLOSED SESSION ITEMS

E-1 (If Needed)

Recommendation: Take appropriate action.

CIO COMMENTS

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS

COUNSEL COMMENTS

BOARD MEMBER COMMENTS

ADJOURNMENT: (IN MEMORY OF THE ACTIVE MEMBERS, RETIRED MEMBERS, AND SURVIVING SPOUSES WHO PASSED AWAY THIS PAST MONTH)

NOTICE OF NEXT MEETINGS

BUILDING COMMITTEE MEETING

**January 31, 2023
9:30 A.M.**

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

**2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CA 92701**

DISABILITY COMMITTEE MEETING

**February 21, 2023
8:30 A.M.**

ORANGE COUNTY EMPLOYEES RETIREMENT SYSTEM

**2223 E. WELLINGTON AVENUE, SUITE 100
SANTA ANA, CA 92701**

REGULAR BOARD MEETING

**February 21, 2023
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 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: January 17, 2023
TO: Members of the Board of Retirement
FROM: Jonathea Tallase, Member Services Manager
SUBJECT: **OPTION 4 RETIREMENT ELECTION – CONSUELO ENRIQUEZ**

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 her service retirement allowance as required by her Domestic Relations Order (DRO), effective November 18, 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 and the member’s beneficiary (upon the member’s death).

Submitted by:



J. T. – APPROVED

Jonathea Tallase
Member Services Manager



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

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San Francisco, CA 94105-6147
segalco.com

Personal and Confidential

December 22, 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 Consuelo T. Enriquez**

Dear Jonathea:

Pursuant to your request, we have determined the Option 4 benefits payable to Consuelo T. Enriquez, her ex-spouse, and her daughter based on the unmodified benefit and other information provided in the System’s request dated December 20, 2022.

The monthly benefits payable to the member, ex-spouse and daughter 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	November 18, 2022
Plan of Membership	General Plan J
Monthly Unmodified Benefit	\$2,075.22
Ex-Spouse’s Share of Monthly Unmodified Benefit	29.36%
Retirement Type	Service Retirement
Daughter’s Date of Birth	
Continuance Payable to Daughter	10%/25%/30%

Jonathea Tallase
December 22, 2022
Page 2

We have determined the Option 4 benefits using a two-part process. In Part One, we first calculated the adjustment to the member's unmodified benefit to provide a 29.36% 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.

Part One – Before Adjustment for Continuance to Daughter

	Payable while the Member is Alive	Payable after the Member's Death
Monthly benefit payable to member		
Annuity:	\$616.46	
Pension:	<u>849.48</u>	
Total:	\$1,465.94	\$0.00
Monthly benefit payable to ex-spouse ¹	\$562.86	\$562.86

In Part Two, we further adjusted the member's benefit in Part One so that a continuance benefit of 10%, 25%, or 30% can be paid to the member's daughter. In addition, the cost to provide this continuance benefit would be paid for entirely by the member.

Part Two – After Adjustment for Continuance Benefit Payable to Daughter

Alternative A: 10% Continuance

	Payable while the Member is Alive	Payable after the Member's Death
Monthly benefit payable to member		
Annuity:	\$602.94	
Pension:	<u>830.86</u>	
Total:	\$1,433.80	\$0.00
Monthly benefit payable to daughter	\$0.00	\$143.38
Monthly benefit payable to ex-spouse ¹	\$562.86	\$562.86

¹ This is equal to 29.36% of the member's unmodified benefit (i.e., 29.36% * \$2,075.22 or \$609.28) 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.

Jonathea Tallase
 December 22, 2022
 Page 3

Alternative B: 25% Continuance

	Payable while the Member is Alive	Payable after the Member's Death
Monthly benefit payable to member		
Annuity:	\$583.75	
Pension:	<u>804.40</u>	
Total:	\$1,388.15	\$0.00
Monthly benefit payable to daughter	\$0.00	\$347.04
Monthly benefit payable to ex-spouse ²	\$562.86	\$562.86

Alternative C: 30% Continuance

	Payable while the Member is Alive	Payable after the Member's Death
Monthly benefit payable to member		
Annuity:	\$577.62	
Pension:	<u>795.95</u>	
Total:	\$1,373.57	\$0.00
Monthly benefit payable to daughter	\$0.00	\$412.07
Monthly benefit payable to ex-spouse ²	\$562.86	\$562.86

² This is equal to 29.36% of the member's unmodified benefit (i.e., 29.36% * \$2,075.22 or \$609.28) 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.

Jonathea Tallase
December 22, 2022
Page 4

Actuarial Assumptions

We have calculated the Option 4 benefits based on the following actuarial assumptions:

Interest: 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.

Mortality Table: Pub-2010 General Healthy Retiree Amount-Weighted Above-Median Mortality Table with rates increased by 5%, projected generationally with the two-dimensional mortality improvement scale MP-2019 associated with a retirement year of 2024, weighted 40% male and 60% female for members.

Pub-2010 General Contingent Survivor Amount-Weighted Above-Median Mortality Table with rates increased by 5%, projected generationally with the two-dimensional mortality improvement scale MP-2019 associated with a retirement year of 2024, weighted 60% male and 40% female for beneficiaries.

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/elf



December 27, 2022

Consuelo T. Enriquez

Re: Retirement Election Confirmation – Option 4

Dear Ms. ENRIQUEZ:

You have elected Option 4 as your retirement option. This option will provide a 29.36% of your monthly benefit, for the life of the benefit, to Jeffrey Vargas and 30 % survivor benefit to Hannah Enriquez.

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 29.36% continuance to Jeffrey Vargas and 30% survivor benefit to Hannah Enriquez.

C Enriquez _____

Member Signature/Date

Sincerely,



Erika Gonzalez
Retirement Program Specialist



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Jonathea Tallase, Member Services Manager
SUBJECT: OPTION 4 RETIREMENT ELECTION – BRIAN FUNG

Recommendation

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

Background/Discussion

This member has requested Option 4 as the benefit payment option for his service retirement allowance effective November 1, 2022.

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 children.

Submitted by:



J. T. – APPROVED

Jonathea Tallase
Member Services Manager



Molly Calcagno, ASA, MAAA, EA
Actuary
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Personal and Confidential

January 10, 2023

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 Brian Fung**

Dear Jonathea:

Pursuant to your request, we have determined the Option 4 benefits payable to Brian Fung and his two designated beneficiaries based on the unmodified benefit and other information provided in the System’s request dated December 21, 2022.

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

Member’s Date of Birth	
Date of Retirement	November 1, 2022
Plan of Membership	General Plan B
Monthly Unmodified Benefit	\$1,910.94
Retirement Type	Service Retirement
Daughter’s Date of Birth	
Son’s Date of Birth	

Jonathea Tallase
 January 10, 2023
 Page 2

We have been requested to calculate an Option 4 benefit under two scenarios:

	% Continuance		Other Features
	Daughter	Son	
Scenario 1:	50%	50%	Provides 50% continuance to each of the surviving beneficiaries upon the death of the member without reversion between the two beneficiaries
Scenario 2:	50%	50%	Provides 50% continuance to each of the surviving beneficiaries upon the death of the member with reversion between the two beneficiaries, by providing a 100% continuance to the surviving beneficiary upon the death of the other beneficiary

It is our understanding that pursuant to Regulation §1.401(a)(9)-6, the maximum percentage continuance benefit that can be provided to a non-spouse beneficiary may be limited if the difference in the member’s age and the non-spouse beneficiary’s age is greater than ten years. Consistent with calculations previously performed for OCERS, we have used the member’s age and the youngest beneficiary’s age in determining such age difference. The actual calculation is as follows:

- Step 1:** Calculate the difference in age between the member and the beneficiary based on their ages on their birthdays during the calendar year of retirement (60-19=41).
- Step 2:** If the member is retiring before age 70, the age difference determined in Step 1 is reduced by the number of years that the member is retiring before age 70 (41-(70-60)=31).
- Step 3:** The maximum percentage continuance benefit can be found in the table provided in §1.401(a)(9)-6 which for an adjusted age difference of 31 years is 59%.

Therefore, for the purposes of this calculation, we have determined the maximum combined continuance to be 59% payable to the member’s two beneficiaries.

Jonathea Tallase
 January 10, 2023
 Page 3

Benefit Amounts

Scenario #1 – Option 4 Benefit WITHOUT Reversion between the two Beneficiaries:

	Payable while the Member is Alive	Payable After the Member's Death
Monthly benefit payable to member		
Annuity:	\$500.95	
Pension:	<u>1,024.78</u>	
Total:	\$1,525.73	\$0.00
Monthly benefit payable to each beneficiary after the death of the member		\$450.09

Scenario #2 – Option 4 Benefit WITH Reversion between the two Beneficiaries:

	Payable while the Member is Alive	Payable After the Member's Death
Monthly benefit payable to member		
Annuity:	\$489.17	
Pension:	<u>1,000.68</u>	
Total:	\$1,489.85	\$0.00
Monthly benefit payable to each beneficiary while both beneficiaries are alive		\$439.51
Monthly benefit payable to the surviving beneficiary after the death of the first beneficiary		\$879.02

Jonathea Tallase
January 10, 2023
Page 4

Actuarial Assumptions

We have calculated the Option 4 benefits based on the following actuarial assumptions:

Interest: 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.

Mortality Table: Pub-2010 General Healthy Retiree Amount-Weighted Above-Median Mortality Table with rates increased by 5%, projected generationally with the two-dimensional mortality improvement scale MP-2019 associated with a retirement year of 2024, weighted 40% male and 60% female for members.

Pub-2010 General Contingent Survivor Amount-Weighted Above-Median Mortality Table with rates increased by 5%, projected generationally with the two-dimensional mortality improvement scale MP-2019 associated with a retirement year of 2024, weighted 60% male and 40% female for beneficiaries.

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

MYM/bbf



January 13, 2023

Brian Fung

Re: Retirement Election Confirmation – Option 4

Dear Mr. Fung:

You have elected Option 4 as your retirement option. This option will provide a 50% continuance for the life of the benefit, to the named beneficiaries with reversion upon the death of one beneficiary:

Lauren Vienna Fung
Joshua Ethan Fung

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

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 50% continuance to Lauren Vienna Fung and Joshua Ethan Fung.

Brian Fung / 1-13-2023

Member Signature / Date

Sincerely,

Jonathea Tallase
Member Services Manager



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Jonathea Tallase, Member Services Manager
SUBJECT: **OPTION 4 RETIREMENT ELECTION – DANNY RICHARDS**

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 November 23, 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
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180 Howard Street, Suite 1100
San Francisco, CA 94105-6147
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Personal and Confidential

January 10, 2023

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 Danny B. Richards**

Dear Jonathea:

Pursuant to your request, we have determined the Option 4 benefits payable to Danny B. Richards and his ex-spouse based on the unmodified benefit and other information provided in the System's request dated December 21, 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	November 23, 2022
Plan of Membership	General Plan J
Monthly Unmodified Benefit	\$4,649.38
Ex-Spouse's Share of Monthly Unmodified Benefit	22.98%
Retirement Type	Service Retirement

Jonathea Tallase
January 10, 2023
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We calculated the adjustment to the member's unmodified benefit to provide a 22.98% 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		
Annuity:	\$1,707.79	
Pension:	<u>1,873.16</u>	
Total:	\$3,580.95	\$0.00
Monthly benefit payable to ex-spouse¹	\$934.20	\$934.20

Actuarial Assumptions

We have calculated the Option 4 benefits based on the following actuarial assumptions:

Interest: 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.

Mortality Table: Pub-2010 General Healthy Retiree Amount-Weighted Above-Median Mortality Table with rates increased by 5%, projected generationally with the two-dimensional mortality improvement scale MP-2019 associated with a retirement year of 2024, weighted 40% male and 60% female for members.

Pub-2010 General Contingent Survivor Amount-Weighted Above-Median Mortality Table with rates increased by 5%, projected generationally with the two-dimensional mortality improvement scale MP-2019 associated with a retirement year of 2024, weighted 60% male and 40% female for beneficiaries.

¹ This is equal to 22.98% of the member's unmodified benefit (i.e., 22.98% * \$4,649.38 or \$1,068.43) 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.

Jonathea Tallase
January 10, 2023
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

MYM/bbf

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

**REGULAR MEETING
Monday, December 12, 2022
9:30 A.M.**

MINUTES

Chair Eley called the meeting to order at 9:31 a.m.

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

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

Also Present: Steve Delaney, Chief Executive Officer; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations; Molly Murphy, Chief Investments Officer; Gina Ratto, General Counsel; David Kim, Director of Internal Audit; Tracy Bowman, Director of Finance; Anthony Beltran, Audio-Visual Technician; Carolyn Nih, Recording Secretary

Guests: Harvey Leiderman, ReedSmith

Absent: Wayne Lindholm

Ms. Freidenrich arrived at 9:35 am.

CONSENT AGENDA

BENEFITS

C-1 OPTION 4 RETIREMENT ELECTION

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

Σ Ronald Roberts

ADMINISTRATION

C-2 BOARD MEETING MINUTES

Regular Board Meeting Minutes

November 17, 2022

Recommendation: Approve minutes.

C-3 2023 OCERS BOARD ANNUAL WORK PLAN

Recommendation: Approve 2023 OCERS Board Annual Work Plan.

MOTION by Mr. Packard, **SECONDED** by Mr. Dewane, to approve Consent Agenda items, C-1 , C-2 and C-3.

The motion passed **unanimously**.

DISABILITY/MEMBER BENEFITS AGENDA

CONSENT ITEMS

DC-1: JAMES GABBARD

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 July 2, 2021.

DC-2: TODD HART

Administrative Manager II, Orange County District Attorney’s Office (General Member)

Recommendation: The Disability Committee recommends that the Board:

- ∑ Grant non-service connected disability retirement.
- ∑ Set the effective date as May 10, 2019.

DC-3: KEVIN LA PYRNE

Captain, 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 March 11, 2022.

DC-4: ALEXANDER LOPEZ

Firefighter, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- ∑ Grant service connected disability retirement.
- ∑ Set the effective date as June 4, 2021.

DC-5: STEPHEN MAHER

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 date of regular compensation.

DC-6: JUAN OSORIO

Firefighter, Orange County Fire Authority (Safety Member)

Recommendation: The Disability Committee recommends that the Board:

- ∑ Grant service connected disability retirement.
- ∑ Set the effective date as September 23, 2022.

DC-7: TODD PERRIN

Fire Captain/Paramedic, 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 25, 2022.

DC-8: MARK STICHTER

Commander, 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 January 14, 2022.

DC-9: JOHN TIMOTI

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 January 28, 2022.

MOTION by Mr. Packard, **SECONDED** by Mr. Dewane, to approve the Disability Consent Agenda items, DC-1 through DC-9.

The motion passed **unanimously**.

END OF DISABILITY/MEMBER BENEFITS AGENDA

ACTION ITEMS

A-2 BOARD FINDINGS PURSUANT TO GOVERNMENT CODE § 54953, AS AMENDED BY AB 361, AND ADOPTION OF BOARD RESOLUTION 2022-12

Presentation by Gina Ratto, General Counsel, OCERS

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 2022-12 to reflect such findings pursuant to Government Code section 54953, as amended by AB 361.

MOTION by Mr. Packard, **SECONDED** by Ms. Tagaloa, to adopt Board Resolution 2022-12.

The motion passed **unanimously**.

INFORMATION ITEM

I-1 RETIRED EMPLOYEES ASSOCIATION OF ORANGE COUNTY – ISSUES UPDATE

Presentation by Linda Robinson and Doug Storm, Co-Presidents, REAOC

Mr. Storm and Ms. Robinson provided their yearly update and explained the challenges faced by retirees in 2022. They also thanked OCERS staff for their ongoing support and services on behalf of retired members.

ACTION ITEMS

A-3 CONFIRM OCERS BOARD CHAIR AND ELECT OCERS BOARD VICE CHAIR

Presentation by Steve Delaney, Chief Executive Officer, OCERS

Recommendation:

- (1) Confirm the succession of the current Vice Chair of the Board to the position of Chair of the Board for calendar year 2023; and
- (2) Elect an elected member of the Board to serve as Vice Chair of the Board for calendar year 2023.

NOMINATED by Mr. Dewane, **SECONDED** by Mr. Prevatt, to elect Ms. Tagaloa as Vice Chair of the board for calendar year 2023.

The Board voted to pass **unanimously** to confirm Mr. Dewane to the position of Chair of the Board for 2023 and elect Ms. Tagaloa to serve as Vice Chair of the Board for 2023.

A-4 ALAMEDA IMPLEMENTATION PLAN CHANGES FOR PAYEES WITH A \$100 OR LESS PER MONTH BENEFIT IMPACT

Presentation by Suzanne Jenike, Assistant CEO, and Steve Delaney, Chief Executive Officer, OCERS

Recommendation: Approve changes to the Alameda Implementation plan for payees with a monthly benefit impact of \$100 or less.

MOTION by Mr. Dewane, **SECONDED** by Mr. Packard, to approve staff recommendation.

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

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mr. Eley	Mr. Oates		Mr. Lindholm
Mr. Dewane			
Ms. Freidenrich			
Mr. Hidalgo			
Mr. Packard			
Mr. Prevatt			
Ms. Tagaloa			

The Board recessed for break at 10:51 a.m.

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

Recording Secretary administered the Roll Call attendance.

INFORMATION ITEMS

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

Presentations

I-2 2023 OCERS BOARD COMMITTEE ASSIGNMENTS

Presentation by Steve Delaney, Chief Executive Officer, OCERS

CEO Delaney shared the 2023 Board Committee Assignments.

I-3 COVID-19 UPDATE

Presentation by Steve Delaney, Chief Executive Officer, OCERS

CEO Delaney shared about the OCERS approach to COVID-19, with staff continuing a hybrid attendance program.

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
Death Notices

December 12, 2022
December 12, 2022

R-2 COMMITTEE MEETING MINUTES

- March 2022- Building Committee Meeting
- June 2022- Special Building Committee Meeting
- July 2022- Building Committee Meeting

R-3 CEO FUTURE AGENDAS (2023)
Written Report

R-4 QUIET PERIOD – NON-INVESTMENT CONTRACTS
Written Report

R-5 BOARD COMMUNICATIONS
Written Report

R-6 PUBLIC PENSION COORDINATING COUNCIL (PPCC) STANDARDS AWARD FOR FUNDING AND ADMINISTRATION 2022
Written Report

R-7 UPDATE: CONTRACT NEGOTIATIONS – SEGAL CONSULTING
Written Report

CLOSED SESSION ITEMS

Adjourn to closed session at 11:10 am.

**E-1 CONFERENCE REGARDING SIGNIFICANT EXPOSURE TO LITIGATION (ONE MATTER)
(GOVERNMENT CODE SECTION 54956.9)**

Adjourn pursuant to Government Code section 54956.9(d)(2)

Recommendation: Take appropriate action.

Return to open session at 11:30am.

No reportable action taken

ACTION ITEMS

A-5 ANNUAL CEO COMPENSATION

Recommendation: Take appropriate action.

Ms. Freidenrich leaves the meeting to fulfill other duties at 11:45am.

After discussion, **MOTION** by Mr. Dewane, **SECONDED** by Mr. Prevatt, to approve an increase in the salary for the OCERS Chief Executive Officer, Steve Delaney, to \$350,000.

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

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mr. Eley	Mr. Oates		Mr. Lindholm
Mr. Dewane			Ms. Freidenrich
Mr. Hidalgo			
Mr. Packard			
Mr. Prevatt			
Ms. Tagaloa			

CIO COMMENTS- Ms. Murphy noted that the Feds were meeting the next day to determine the CPI. Year to date the fund is estimated to be -6% with the over/under dependent on PE and Energy factors.

CHIEF EXECUTIVE OFFICER/STAFF COMMENTS- None

COUNSEL COMMENTS- None

BOARD MEMBER COMMENTS- None

Meeting **ADJOURNED** at 12:21pm in memory of active members, retired members, and surviving spouses who passed away this passed month.

Submitted by:

Approved by:

Steve Delaney
Secretary to the Board

Frank Eley
Chairman



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Cynthia Hockless, Director of Human Resources
SUBJECT: CLASSIFICATION AND COMPENSATION STUDY – COST INCREASE

Recommendation

Approve the total cost of a Classification and Compensation study for the County level job classification for an amount not to exceed \$65,000.

Background/Discussion

The Board approved a Classification and Compensation study for the County level classifications as part of the 2022 and 2023 Business Plans. The study was anticipated to begin in late 2022.

In 2022, the Board approved \$30,000 to start the study and in 2023, \$20,000 to finalize the study. The vendor under review has presented OCERS with a total cost of \$65,000 for the project, which exceeds the amount budgeted in total for both years and the amount approved by the Board with the annual Business Plan.

Due to the delay in starting this project, the entire cost of the project will be incurred in 2023 resulting in a budget shortfall of \$45,000. However, a budget amendment is not necessary at this time. Through the use of the CEO contingency funds, there are sufficient dollars in the 2023 budget to absorb the difference.

Staff is requesting the Board's authorization to proceed with a contract for the Classification and Compensation study to ensure compliance with the Procurement and Contracting Policy. **The OCERS Contracts and Procurement policy states:**

Non-Routine Items: expenses that are not regularly purchased or budgeted on an annual basis. Contracts or purchase orders for non-routine items require:

- i. Available funds in the approved budget, including any Board approved amendments to the budget designated for the goods or services being procured,*
- ii. Approval by the Executive responsible for the budget in which the goods or services to paid from for expenditures valued at less than \$100,000,*
- iii. Approval by the Board for expenditures valued over \$100,000. The Board may approve of the expenditure either as part of the annual budget, budget amendment, annual Business Plan, or a specific Board approval of the contract or purchase order.*

Although the contract is less than \$100,000, Staff did not designate the full amount of \$65,000 in the 2023 budget or Business Plan as required by the Policy.

Submitted by:



CH- Approved

Cynthia Hockless
Director of Human Resources



Memorandum

DATE: January 17, 2023
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 2023-01**

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 2023-01 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 Government 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. A state of emergency must exist in order for the Board to avail itself of the provisions of subdivision (e)(1) of Government Code § 54953. **On October 17, 2022, Governor Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023.** 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; ***and/or***
 - 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 Government Code § 8625 of the California Emergency State Services Act.)

On June 20, 2022, the Board adopted Resolution 2022-06 to reflect the findings made by the Board pursuant to AB 361. The Board determined that because state and local officials continued to impose or recommend measures to promote physical distancing, the Board would elect to continue to use the abbreviated teleconferencing procedures under Government Code section 54953(e)(3), and adopted Resolution 2022-06 after deleting the following language from Section 3 of the Resolution, "that the State of Emergency directly impacts the ability of the OCERS Board, its committees, members and staff to meet safely in person". At each of its monthly meetings following the June 20, 2022 meeting, the Board has adopted resolutions based on the single finding that state or local officials continue to impose or recommend measures to promote social distancing.

Staff recommends the Board now 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 that state or local officials continue to impose or recommend measures to promote social distancing, that the Board renew its findings and adopt Resolution 2023-01 in order for the Board and its committees to continue to meet by teleconference. Like the resolutions adopted in June 2022 and thereafter, Resolution 2023-01 is based on the single finding that state or local officials continue to impose or recommend measures to promote social distancing. That is, Resolution 2023-01 *does not* include a determination that the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person.

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.

NEW The updated COVID-19 Prevention Standards issued by the California Division of Occupational Safety and Health (Cal/OSHA) (codified at 8 C.C.R. § 3205-3205.4) recognize that COVID-19 prevention protocols include remote work, physical distancing, reducing the density of people indoors, moving indoor tasks outdoors, implementing separate shifts and/or break times, restricting access to the work area, and other prevention measures. The COVID-19 Prevention Standards require employers during an outbreak at the workplace (an "outbreak" is when there have been three or more COVID-19 cases at the workplace during a 14-day period) to consider whether to move indoor tasks outdoors or having them performed remotely, increasing the outdoor air supply when work is done indoors, improving air filtration, increasing physical distancing to the extent feasible and requiring respiratory protection. During a major outbreak (defined as 20 or more cases in a 30-day period) employees in the exposed group who are not wearing respirators required by the employer shall be separated from other persons by at least six feet, except where an employer can demonstrate that at least six feet of separation is not feasible, and except for momentary exposure while persons are in movement. Methods of physical distancing include telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or

procedures, such as reducing production speed, to allow greater distance between employees. When it is not feasible to maintain a distance of at least six feet, individuals shall be as far apart as feasible. The updated COVID-19 Prevention Standards will take effect in January 2023 once they are approved by the Office of Administrative Law. In addition to the COVID-19 Prevention Standards, an updated fact sheet about the standards dated December 15, 2022 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** "[t]he closer you are to a greater number of people, the more likely you are to be exposed to the virus that causes COVID-19. **To avoid this possible exposure, you may want to avoid crowded areas, or keep distance between yourself and others.**" (Emphasis added.)

Moreover, the County of Orange Health Officer's "Orders and Strong Recommendations" (revised September 23, 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 11 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 either that (1) the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person or (2) 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 2023-01 in order for the Board and its committees to continue to meet by teleconference. As mentioned above, the draft Resolution 2023-01 is based on the single finding that state or local officials continue to impose or recommend measures to promote social distancing, and does not include a determination that the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person. Staff will revise the Resolution as necessary to match the findings of the Board.

Attachments

Submitted by:



Gina M. Ratto
General Counsel

**OCERS BOARD OF RETIREMENT
RESOLUTION NO. 2023-01**

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

- Σ **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**
- Σ **AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD AND ITS COMMITTEES THROUGH FEBRUARY 21, 2023, 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 (on October 14, 2022, the Governor announced that the COVID-19 state of emergency will continue until February 28, 2023); and

WHEREAS, the California Division of Occupational Safety and Health has issued COVID-19 Prevention Standards recognizing that physical distancing decreases the spread of COVID-19 and requiring employers to evaluate the need for physical distancing when there has been an outbreak at the workplace (an "outbreak" is when there have been three or more COVID-19 cases at the workplace during a 14-day period) or a "major outbreak" (a "major outbreak" is when there have been 20 or more cases in a 30-day period); and

WHEREAS, the County of Orange Health Officer's Orders and Strong Recommendations, last revised on September 23, 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 "[t]he closer you are to a greater number of people, the more likely you are to be exposed to the virus that causes COVID-19. To avoid this possible exposure, you may want to avoid crowded areas, or keep distance between yourself and others"; 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, which State of Emergency will continue until February 28, 2023; 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 Standards requiring the evaluation of physical distancing when a COVID-19 outbreak occurs at the workplace; the County of Orange Health Officer's Orders and Strong Recommendations for at-risk persons to wear well-fitted masks in indoor settings when around others outside of their household and practice distancing; and the CDC's recommendation for unvaccinated persons to avoid crowded areas and maintain physical distance between yourself and others; 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, and said State of Emergency will continue until February 28, 2023; 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 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 February 22, 2023, 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 17th day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. 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 directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. 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 act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

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to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) 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.

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

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

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(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

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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.

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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.

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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

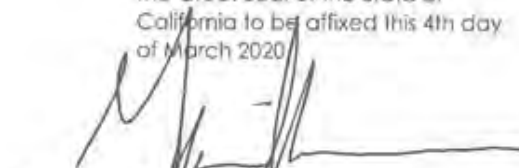
notification requirement of Civil Code section 1798.24, subdivision (f), is suspended.

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



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Subchapter 7. General Industry Safety Orders

Adopt Section 3205 to read:

§ 3205. “Shall” and “Should.” [Repealed] COVID-19 Prevention.

(a) Scope.

- (1) This section shall apply until [OAL insert date two years after effective date], except for the recordkeeping subsections 3205(j)(2) through (3), which shall apply until [OAL insert date three years after effective date].
- (2) This section applies to all employees and places of employment, with the following exceptions:
 - (A) Work locations with one employee who does not have contact with other persons.
 - (B) Employees working from home.
 - (C) Employees with occupational exposure as defined by section 5199, when covered by that section.
 - (D) Employees teleworking from a location of the employee’s choice, which is not under the control of the employer.
- (3) Nothing in this section or sections 3205.1 through 3205.3 is intended to limit more protective or stringent state or local health department orders or guidance.

(b) Definitions. The following definitions apply to this section and to sections 3205.1 through 3205.3.

- (1) “Close contact” means the following, unless otherwise defined by regulation or order of the California Department of Public Health (CDPH), in which case the CDPH definition shall apply:
 - (A) In indoor spaces of 400,000 or fewer cubic feet per floor, a close contact is defined as sharing the same indoor airspace as a COVID-19 case for a cumulative total of 15 minutes or more over a 24-hour period during the COVID-19 case’s infectious period, as defined by this section, regardless of the use of face coverings.
 - (B) In indoor spaces of greater than 400,000 cubic feet per floor, a close contact is defined as being within six feet of the COVID-19 case for a cumulative total of 15 minutes or more over a 24-hour period during the COVID-19 case’s infectious period, as defined by this section, regardless of the use of face coverings.

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(C) Offices, suites, rooms, waiting areas, break or eating areas, bathrooms, or other spaces that are separated by floor-to-ceiling walls shall be considered distinct indoor spaces.

EXCEPTION: Employees have not had a close contact if they wore a respirator required by the employer and used in compliance with section 5144 whenever they would otherwise have had a close contact under subsections 3205(b)(1)(A) or (b)(1)(B).

(2) "COVID-19" (Coronavirus Disease 2019) means the disease caused by SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2).

(3) "COVID-19 case" means a person who:

(A) Has a positive COVID-19 test; or

(B) Has a positive COVID-19 diagnosis from a licensed health care provider; or

(C) Is subject to a COVID-19-related order to isolate issued by a local or state health official; or

(D) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.

(4) "COVID-19 hazard" means potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, or sneezing, or from procedures performed on persons which may aerosolize saliva or respiratory tract fluids.

(5) "COVID-19 symptoms" means fever of 100.4 degrees Fahrenheit or higher, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

(6) "COVID-19 test" means a test for SARS-CoV-2 that is:

(A) Cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the United States Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 virus (e.g., a viral test); and

(B) Administered in accordance with the authorized instructions.

(C) To meet the return to work criteria set forth in subsection 3205(c)(5), a COVID-19 test may be both self-administered and self-read only if another means of

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independent verification of the results can be provided (e.g., a time-stamped photograph of the results).

(7) "Exposed group" means all employees at a work location, working area, or a common area at work, within employer-provided transportation covered by section 3205.3, or residing within housing covered by section 3205.2, where an employee COVID-19 case was present at any time during the infectious period. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The following exceptions apply:

(A) For the purpose of determining the exposed group, a place where persons momentarily pass through, without congregating, is not a work location, working area, or a common area at work.

(B) If the COVID-19 case was part of a distinct group of employees who are not present at the workplace at the same time as other employees, for instance a work crew or shift that does not overlap with another work crew or shift, only employees within that distinct group are part of the exposed group.

(C) If the COVID-19 case visited a work location, working area, or a common area at work for less than 15 minutes during the infectious period, and the COVID-19 case was wearing a face covering during the entire visit, other people at the work location, working area, or common area are not part of the exposed group.

NOTE: An exposed group may include the employees of more than one employer. See Labor Code sections 6303 and 6304.1.

(8) "Face covering" means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers that completely covers the nose and mouth and is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they shall have two layers of fabric or be folded to make two layers. A face covering is a solid piece of material without slits, visible holes, or punctures, and must fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

This definition includes clear face coverings or cloth face coverings with a clear plastic panel that otherwise meet this definition and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

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(9) "Infectious period" means the following time period, unless otherwise defined by CDPH regulation or order, in which case the CDPH definition shall apply:

(A) For COVID-19 cases who develop COVID-19 symptoms, from two days before the date of symptom onset until:

(1) Ten days have passed after symptoms first appeared, or through day five if testing negative on day five or later; and

(2) Twenty-four hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved.

(B) For COVID-19 cases who never develop COVID-19 symptoms, from two days before the positive specimen collection date through 10 days (or through day five if testing negative on day five or later) after the date on which the specimen for their first positive test for COVID-19 was collected.

(10) "Respirator" means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 filtering facepiece respirator.

(11) "Returned case" means a COVID-19 case who was excluded from work but returned pursuant to subsection 3205(c)(5)(A) and did not develop any COVID-19 symptoms after returning. A person shall only be considered a returned case for 30 days after the initial onset of COVID-19 symptoms or, if the person never developed COVID-19 symptoms, for 30 days after the first positive test. If a period of other than 30 days is required by a CDPH regulation or order, that period shall apply.

(12) "Worksite," for the limited purposes of this section and section 3205.1, means the building, store, facility, agricultural field, or other location where a COVID-19 case was present during the infectious period. It does not apply to buildings, floors, or other locations of the employer that a COVID-19 case did not enter.

(c) Application of section 3203. COVID-19 is a workplace hazard and shall be addressed under section 3203, which requires employers to establish, implement, and maintain an effective Injury and Illness Prevention Program. The employer's COVID-19 procedures shall either be addressed in the written Injury and Illness Prevention Program or maintained in a separate document.

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- (1) When determining measures to prevent COVID-19 transmission and to identify and correct COVID-19 hazards, employers shall consider all persons to be potentially infectious, regardless of symptoms, vaccination status, or negative COVID-19 test results.
- (2) When determining measures to prevent COVID-19 transmission and to identify and correct COVID-19 hazards, employers shall review applicable orders and guidance related to COVID-19 from the State of California and the local health department with jurisdiction over the workplace and shall treat COVID-19 as an airborne infectious disease. COVID-19 prevention controls include remote work, physical distancing, reducing the density of people indoors, moving indoor tasks outdoors, implementing separate shifts and/or break times, restricting access to the work area, and other prevention measures, in addition to the requirements of this section.
- (3) Employees shall receive training regarding COVID-19 in accordance with subsection 3203(a)(7).
- (4) The employer's procedure to investigate COVID-19 illness at the workplace, as required by subsection 3203(a)(5), shall include the following:
- (A) The employer shall determine the day and time a COVID-19 case was last present and, to the extent possible, the date of the positive COVID-19 test(s) and/or diagnosis, and the date the COVID-19 case first had one or more COVID-19 symptoms, if any were experienced.
- (B) The employer shall effectively identify and respond to persons with COVID-19 symptoms at the workplace. Employees shall be encouraged to report COVID-19 symptoms and to stay home when ill.
- (5) Employers shall have effective methods and/or procedures for responding to a COVID-19 case at the workplace, including the following:
- (A) Employers shall immediately exclude from the workplace all COVID-19 cases and employees excluded under section 3205.1. The employer shall demonstrate it has met the applicable requirements below:
1. COVID-19 cases who do not develop COVID-19 symptoms shall not return to work during the infectious period;
 2. COVID-19 cases who develop COVID-19 symptoms shall not return to work during the shorter of the following: the infectious period; or through 10 days after the

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onset of symptoms and at least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever-reducing medication.

3. Regardless of vaccination status, previous infection, or lack of COVID-19 symptoms, a COVID-19 case shall wear a face covering in the workplace until 10 days have passed since the date that COVID-19 symptoms began or, if the person did not have COVID-19 symptoms, from the date of their first positive COVID-19 test.

4. The requirements in subsections 3205(c)(5)(A)1. and (c)(5)(A)2. apply regardless of whether an employee has previously been excluded or other precautions were taken in response to an employee's close contact or membership in an exposed group.

(B) Employers shall review current CDPH guidance for persons who had close contacts, including any guidance regarding quarantine or other measures to reduce transmission. Employers shall develop, implement, and maintain effective policies to prevent transmission of COVID-19 by persons who had close contacts.

(C) If an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted.

(D) If no violations of local or state health official orders for isolation, quarantine, or exclusion would result, the Division may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety. In such cases, the employer shall develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at the workplace and, if isolation is not feasible, the use of respirators in the workplace.

(E) Upon excluding an employee from the workplace based on COVID-19 or a close contact, the employer shall give the employee information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under legally mandated sick leave, if applicable, workers' compensation law, local governmental requirements, the employer's own leave policies, and leave guaranteed by contract.

(d) Testing of close contacts. Employers shall make COVID-19 tests available at no cost, during paid time, to all employees of the employer who had a close contact in the workplace, with

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the exception of returned cases as defined in subsection 3205(b)(11), and provide them with the information on benefits described in subsection 3205(c)(5)(E).

(e) Notice of COVID-19 cases.

(1) The employer shall notify employees and independent contractors who had a close contact, as well as any employer with an employee who had a close contact. Notice shall be provided as soon as possible, and in no case longer than the time required to ensure that the exclusion requirements of subsection 3205(c)(5)(A) are met.

(2) When Labor Code section 6409.6 or any successor law is in effect, the employer shall provide notice of a COVID-19 case, in a form readily understandable to employees. Notice shall be given to all employees, employers, and independent contractors at the worksite in accordance with the applicable law.

(3) When Labor Code section 6409.6 or any successor law is in effect, the employer shall provide notice in accordance with the applicable law to the authorized representative, if any, of the COVID-19 case and of any employee who had a close contact. The employer shall also provide notice in accordance with the applicable law to the authorized representative, if any, of all employees on the premises at the same worksite as the COVID-19 case within the infectious period.

(f) Face coverings.

(1) Employers shall provide face coverings and ensure they are worn by employees when required by a CDPH regulation or order. When a CDPH regulation or order requires face coverings indoors, that includes spaces within vehicles. Face coverings shall be clean, undamaged, and worn over the nose and mouth.

(2) When employees are required to wear face coverings under this section or sections 3205.1 through 3205.3, the following exceptions apply:

(A) When an employee is alone in a room or vehicle.

(B) While eating or drinking at the workplace, provided employees are at least six feet apart and, if indoors, the supply of outside or filtered air has been maximized to the extent feasible.

(C) While employees are wearing respirators required by the employer and used in compliance with section 5144.

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(D) Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person. Such employees shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if the condition or disability permits it.

(E) During specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed.

(3) If an employee is not wearing a face covering pursuant to the exceptions in subsections 3205(f)(2)(D) and (f)(2)(E) the employer shall assess COVID-19 hazards and take action as necessary based on subsection 3205(c) and on section 3203.

(4) No employer shall prevent any employee from wearing a face covering, including a respirator, when not required by this section, unless it would create a safety hazard.

(g) Respirators. Upon request, employers shall provide respirators for voluntary use in compliance with subsection 5144(c)(2) to all employees who are working indoors or in vehicles with more than one person. Whenever an employer makes respirators for voluntary use available, the employer shall encourage their use and shall ensure that employees are provided with a respirator of the correct size and that employees are trained how to properly wear the respirator provided; how to perform a user seal check according to the manufacturer's instructions each time a respirator is worn; and the fact that facial hair interferes with a seal.

(h) Ventilation.

(1) For indoor workplaces, employers shall review CDPH and the Division guidance regarding ventilation, including "Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments." Employers shall develop, implement, and maintain effective methods to prevent transmission of COVID-19 including one or more of the following actions to improve ventilation:

(A) Maximize the supply of outside air to the extent feasible, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or maximizing outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.

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(B) In buildings and structures with mechanical ventilation, filter circulated air through filters at least as protective as Minimum Efficiency Reporting Value (MERV)-13, or the highest level of filtration efficiency compatible with the existing mechanical ventilation system.

(C) Use High Efficiency Particulate Air (HEPA) filtration units in accordance with manufacturers' recommendations in indoor areas occupied by employees for extended periods, where ventilation is inadequate to reduce the risk of COVID-19 transmission.

(2) Employers subject to section 5142 or 5143 shall review and comply with those sections, as applicable.

NOTE: Section 5142 requires heating, ventilating, and air conditioning (HVAC) systems to be operated continuously during working hours, with limited exceptions.

(3) In vehicles, employers shall maximize the supply of outside air to the extent feasible, except when doing so would cause a hazard to employees or expose them to inclement weather.

(4) A place of employment subject to section 3205.1 after [OAL insert effective date of this section] shall continue to comply with the ventilation requirements of subsection 3205.1(f) even after the outbreak has passed and section 3205.1 is no longer applicable.

(i) Aerosolizing procedures. For employees in work settings that are exempt from section 5199 in accordance with the conditions in subsections 5199(a)(2)(A) or (a)(2)(B), who are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids, employers shall evaluate the need for respiratory protection to prevent COVID-19 transmission under section 5144 and shall comply with that section.

NOTE: Examples of work covered by subsection 3205(i) include, but are not limited to, certain dental procedures and outpatient medical specialties not covered by section 5199.

(j) Reporting and recordkeeping.

(1) The employer shall keep a record of and track all COVID-19 cases with the employee's name, contact information, occupation, location where the employee worked, the date of the last day at the workplace, and the date of the positive COVID-19 test and/or COVID-19 diagnosis. These records shall be retained for two years beyond the period in

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which the record is necessary to meet the requirements of this section or sections 3205.1 through 3205.3.

(2) Employers shall retain the notices required by subsection 3205(e) in accordance with Labor Code section 6409.6 or any successor law.

(3) Personal identifying information of COVID-19 cases or persons with COVID-19 symptoms, and any employee medical records required by this section or by sections 3205.1 through 3205.3, shall be kept confidential unless disclosure is required or permitted by law. Unredacted information on COVID-19 cases shall be provided to the local health department with jurisdiction over the workplace, CDPH, the Division, and NIOSH immediately upon request, and when required by law.

(k) Orders. Pursuant to title 8, section 332.3, the Division may require an employer to take additional actions to protect employees against COVID-19 hazards through the issuance of an Order to Take Special Action.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3, 144.6, and 6409.6, Labor Code.

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Adopt Section 3205.1 to read:

§ 3205.1. COVID-19 Outbreaks.

(a) Scope. This section applies until [OAL insert date two years after effective date].

(1) This section applies to a workplace covered by section 3205 if three or more employee COVID-19 cases within an exposed group, as defined by subsection 3205(b)(7), visited the worksite during their infectious period at any time during a 14-day period, unless a California Department of Public Health (CDPH) regulation or order defines outbreak using a different number of COVID-19 cases and/or a different time period, in which case this section applies when the number of cases at the worksite constitutes an outbreak under CDPH's definition.

(2) This section shall apply until there are one or fewer new COVID-19 cases detected in the exposed group for a 14-day period.

(b) COVID-19 testing.

(1) Immediately upon being covered by this section, the employer shall make COVID-19 testing available at no cost to its employees within the exposed group, regardless of vaccination status, during employees' paid time, except for returned cases and employees who were not present at the workplace during the relevant 14-day period(s) under subsection 3205.1(a).

(2) Employer shall then make testing available on a weekly basis to all employees in the exposed group who remain at the workplace.

(3) Employees who had close contacts shall have a negative COVID-19 test taken within three to five days after the close contact or shall be excluded and follow the return to work requirements of subsection 3205(c)(5) starting from the date of the last known close contact.

(c) Face coverings. Employees in the exposed group, regardless of vaccination status, shall wear face coverings when indoors, or when outdoors and less than six feet from another person, unless one of the exceptions in subsection 3205(f)(2) applies.

(d) Respirators. Employers shall notify employees of their right to request and receive a respirator for voluntary use under subsection 3205(g).

(e) COVID-19 investigation, review, and hazard correction. The employer shall perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19 when this section initially applies and

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periodically thereafter. The investigation, review, and changes shall be documented and shall include:

- (1) Investigation of new or unabated COVID-19 hazards including the employer's leave policies and practices and whether employees are discouraged from remaining home when sick; the employer's COVID-19 testing policies; insufficient supply of outdoor air to indoor workplaces; insufficient air filtration; and insufficient physical distancing.
 - (2) The review shall be updated every 30 days that this section continues to apply, in response to new information or to new or previously unrecognized COVID-19 hazards, or when otherwise necessary.
 - (3) Any changes implemented to reduce the transmission of COVID-19 based on the investigation and review, which may include: moving indoor tasks outdoors or having them performed remotely; increasing the outdoor air supply when work is done indoors; improving air filtration; increasing physical distancing to the extent feasible; requiring respiratory protection in compliance with section 5144; and other applicable controls.
- (f) Ventilation. In buildings or structures with mechanical ventilation, employers shall filter recirculated air with Minimum Efficiency Reporting Value (MERV)-13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency. The employer shall use High Efficiency Particulate Air (HEPA) air filtration units in accordance with manufacturers' recommendations in indoor areas occupied by employees for extended periods, where ventilation is inadequate to reduce the risk of COVID-19 transmission.
- (g) Major outbreaks. If 20 or more employee COVID-19 cases in an exposed group, as defined by subsection 3205(b)(7), visited the worksite during their infectious period within a 30-day period, the employer shall do the following while section 3205.1 applies:
- (1) The COVID-19 testing described in subsection 3205.1(b) shall be required of all employees in the exposed group, regardless of vaccination status, twice a week or more frequently if recommended by the local health department with jurisdiction over the

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

workplace. Employees in the exposed group shall be tested or shall be excluded and follow the return to work requirements of subsection 3205(c)(5).

(2) The employer shall report the outbreak to the Division. This subsection does not limit the employer's obligation to report employee deaths, serious injuries, or serious illnesses when required by subsection 342(a).

(3) The employer shall provide respirators for voluntary use in compliance with subsection 5144(c)(2) to employees in the exposed group, shall encourage their use, and shall train employees provided respirators for voluntary use, as set forth in subsection 3205(g).

(4) Any employees in the exposed group who are not wearing respirators required by the employer and used in compliance with section 5144 shall be separated from other persons by at least six feet, except where an employer can demonstrate that at least six feet of separation is not feasible, and except for momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees. When it is not feasible to maintain a distance of at least six feet, individuals shall be as far apart as feasible.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

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PROPOSED STATE STANDARD,
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Adopt Section 3205.2 to read:

§ 3205.2. COVID-19 Prevention in Employer-Provided Housing.

(a) Scope. Until [OAL to insert date two years after effective date], this section applies to employer-provided housing. Employer-provided housing is any place or area of land, any portion of any housing accommodation, or property upon which a housing accommodation is located, consisting of: living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations. Employer-provided housing includes a “labor camp” as that term is used in title 8 of the California Code of Regulations or other regulations or codes. The employer-provided housing may be maintained in one or more buildings or one or more sites, including hotels and motels, and the premises upon which they are situated, or the area set aside and provided for parking of mobile homes or camping. Employer-provided housing is housing that is arranged for or provided by an employer, other person, or entity to workers, and in some cases to workers and persons in their households, in connection with the workers' employment, whether or not rent or fees are paid or collected.

The following exceptions apply:

- (1) This section does not apply to housing provided for the purpose of emergency response, including firefighting, rescue, and evacuation, and support activities directly aiding response such as utilities, communications, and medical operations, if:

 - (A) The employer is a government entity; or
 - (B) The housing is provided temporarily by a private employer and is necessary to conduct the emergency response operations.
- (2) This section does not apply to housing in which all residents maintained a household together prior to residing in employer-provided housing, such as family members.
- (3) This section does not apply to employees with occupational exposure as defined by section 5199, when covered by that section.
- (4) This section does not apply to employer-provided housing used exclusively to house COVID-19 cases or where a housing unit houses one employee.

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- (b) Assignment of housing units. To the extent feasible, employers shall assign employee housing to cohorts that travel and work together, separate from other workers. To the extent feasible, residents who usually maintain a household together shall be housed in a single housing unit without other persons.
- (c) Ventilation. In housing units, employers shall maximize the quantity and supply of outdoor air and increase filtration efficiency to the highest level compatible with the existing ventilation system. If there is not a Minimum Efficiency Reporting Value (MERV-13) or higher filter in use, portable or mounted High Efficiency Particulate Air (HEPA) filtration units shall be used, to the extent feasible, in all sleeping areas.
- (d) Face coverings. Employers shall provide face coverings to all residents and provide information to residents on when they should be used in accordance with state or local health department orders or guidance.
- (e) Reporting symptoms. The employer shall encourage residents to report COVID-19 symptoms to the employer.
- (f) COVID-19 testing. The employer shall establish, implement, and maintain effective policies and procedures for COVID-19 testing of residents who had a close contact or COVID-19 symptoms. These policies and procedures shall be communicated to the residents.
- (g) COVID-19 cases and close contacts.
- (1) Employers shall effectively isolate COVID-19 cases from all residents who are not COVID-19 cases, for the period established by subsection 3205(c)(5)(A). Effective isolation shall include housing COVID-19 cases only with other COVID-19 cases, and providing COVID-19 case residents with a sleeping area and bathroom that is not shared by non-COVID-19 case residents.
- (2) Employers shall effectively quarantine residents who have had a close contact from all other residents, in accordance with subsection 3205(c)(5)(B). Effective quarantine shall include providing residents who had a close contact with a private bathroom and sleeping area.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

**STANDARDS PRESENTATION
TO
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PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

Adopt section 3205.3 to read:

§ 3205.3. COVID-19 Prevention in Employer-Provided Transportation.

(a) Scope. Until [OAL insert date two years after effective date], this section applies to employer-provided motor vehicle transportation to and from work, during the course and scope of employment, which is provided, arranged for, or secured by an employer regardless of the travel distance or duration involved, with the following exceptions:

(1) Employees alone in a vehicle, employees taking public transportation, or vehicles in which the driver and all passengers are from the same household outside of work, not subject to section 3205.2.

(2) Employer-provided transportation necessary for emergency response, including firefighting, rescue, and evacuation, and support activities directly aiding response such as utilities, communications, and medical operations.

(3) Employees with occupational exposure as defined by section 5199, when covered by that section.

(b) Employers shall comply with the requirements of section 3205 within a vehicle and shall respond to a COVID-19 case within the vehicle in accordance with the requirements of that section.

(c) Assignment of transportation. To the extent feasible, employers shall assign transportation such that cohorts travel and work together, separate from other workers. To the extent feasible, employees who usually maintain a household together shall travel together.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.



California Department of Industrial Relations
Division of Occupational Safety & Health

UPDATE - COVID-19 Prevention – Non-Emergency Regulation

What Employers Need to Know

December 15, 2022

On December 15, 2022, the Occupational Safety and Health Standards Board voted to adopt non-emergency COVID-19 Prevention regulations. These regulations will take effect once they are approved by the Office of Administrative Law (OAL) in the month of January 2023 and will remain in effect for two years after the effective date, except for the recordkeeping subsections, which will remain in effect for three years. These regulations include some of the same requirements found in the COVID-19 Prevention Emergency Temporary Standards (ETS), plus new provisions aimed at making it easier for employers to provide consistent protections to workers and allow for flexibility if changes are made to CDPH guidance in the future.

Note: These regulations apply to most workers in California who are not covered by the [Aerosol Transmissible Diseases standard](#).

Important requirements from the ETS that are also part of the COVID-19 Prevention regulations include:

- Employers must provide face coverings and ensure they are worn by employees when CDPH requires their use.
 - Employers must review [CDPH Guidance for the Use of Face Masks](#) to learn when employees must wear face coverings.
 - **Note:** Employees still have the right to wear face coverings at work and to request respirators from the employer when working indoors and during outbreaks.
- Employers must report information about employee deaths, serious injuries, and serious occupational illnesses to Cal/OSHA, consistent with existing regulations.
- Employers must make COVID-19 testing available at no cost and during paid time to employees following a close contact.
- Employers must exclude COVID-19 cases from the workplace until they are no longer an infection risk and implement policies to prevent transmission after close contact.
- Employers must review CDPH and Cal/OSHA guidance regarding ventilation, including [CDPH and Cal/OSHA Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#). Employers must also develop, implement, and maintain effective methods to prevent COVID-19 transmission by improving ventilation.

(continued on next page)

Important changes to the COVID-19 Prevention regulations include:

- Employers are no longer required to maintain a standalone COVID-19 Prevention Plan. Instead, employers must now address COVID-19 as a workplace hazard under the requirements found in [section 3203 \(Injury and Illness Prevention Program, IIPP\)](#), and include their COVID-19 procedures to prevent this health hazard in their written IIPP or in a separate document.
 - Employers must do the following:
 - Provide effective COVID-19 hazard prevention training to employees.
 - Provide face coverings when required by CDPH and provide respirators upon request.
 - Identify COVID-19 health hazards and develop methods to prevent transmission in the workplace.
 - Investigate and respond to COVID-19 cases and certain employees after close contact.
 - Make testing available at no cost to employees, including to all employees in the exposed group during an outbreak or a major outbreak.
 - Notify affected employees of COVID-19 cases in the workplace.
 - Maintain records of COVID-19 cases and immediately report serious illnesses to Cal/OSHA and to the local health department when required.
- Employers must now report major outbreaks to Cal/OSHA.
- The COVID-19 Prevention regulations do not require employers to pay employees while they are excluded from work. Instead, the regulations require employers to provide employees with information regarding COVID-19 related benefits they may be entitled to under federal, state, or local laws; their employer's leave policies; or leave guaranteed by contract.

Important changes to definitions

- "Close contact" is now defined by looking at the size of the workplace in which the exposure takes place. For indoor airspaces of 400,000 or fewer cubic feet, "close contact" is now defined as sharing the same indoor airspace with a COVID-19 case for a cumulative total of 15 minutes or more over a 24-hour period during the COVID-19 case's infectious period. For indoor airspaces of greater than 400,000 cubic feet, "close contact" is defined as being within six feet of a COVID-19 case for a cumulative total of 15 minutes or more over a 24-hour period during the COVID-19 case's infectious period.
- "Exposed group" was clarified to include employer-provided transportation and employees residing within employer-provided housing that are covered by the COVID-19 Prevention standards.

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



For assistance with developing a COVID-19 Prevention Program, employers may contact Cal/OSHA Consultation Services at 1 800 963 9424 or InfoCons@dir.ca.gov
 For Consultation information, publications, access the following link or copy the site address:
DOSHConsultation www.dir.ca.gov/dosh/consultation.html



How to Protect Yourself and Others

Updated Aug. 11, 2022

COVID-19 Prevention Actions

There are many ways your actions can help protect you, your household, and your community from severe illness from COVID-19. [CDC's COVID-19 Community Levels](#) provide information about the amount of severe illness in the community where you are located to help you decide when to take action to protect yourself and others.



COVID-19 County Check

Find community levels and prevention steps by county. Data updated we

Select a Location (all fields required)

[State _____] [County _____]

Prevention Actions to Use at All COVID-19 Community Levels

In addition to basic health and hygiene practices, like [handwashing](#), CDC recommends some prevention actions at all COVID-19 Community Levels, which include:

- Staying Up to Date with COVID-19 Vaccines
- Improving Ventilation
- Getting Tested for COVID-19 If Needed
- Following Recommendations for What to Do If You Have Been Exposed
- Staying Home If You Have Suspected or Confirmed COVID-19
- Seeking Treatment If You Have COVID-19 and Are at High Risk of Getting Very Sick
- Avoiding Contact with People Who Have Suspected or Confirmed COVID-19

Staying Up to Date with COVID-19 Vaccines



COVID-19 vaccines help your body develop protection from the virus that causes COVID-19. Although vaccinated people sometimes get infected with the virus that causes COVID-19, [staying up to date](#) on COVID-19 vaccines significantly lowers the risk of getting very sick, being hospitalized, or dying from COVID-19. CDC recommends that everyone who is eligible get a booster and [stay up to date on their COVID-19 vaccines](#), especially [people with weakened immune systems](#).

If you are moderately or severely immunocompromised or severely allergic to COVID-19 vaccines: Talk with a healthcare provider about whether you are eligible for a medicine called Evusheld that you can take before you are exposed to the virus. This medicine is a combination of two monoclonal antibodies provided together. Evusheld can help prevent infection from the virus that causes COVID-19 for 6 months. See [additional information](#) for making a COVID-19 plan to protect yourself from infection.

To find COVID-19 vaccine locations near you: Search vaccines.gov, text your ZIP code to 438829, or call 1-800-232-0233.

Improving Ventilation and Spending Time Outdoors



Improving ventilation (moving air into, out of, or within a room) and **filtration** (trapping particles on a filter to remove them from the air) can help prevent virus particles from accumulating in indoor air. Improving ventilation and filtration can help protect you from getting infected with and spreading the virus that causes COVID-19. Spending time outside when possible instead of inside can also help: Viral particles spread between people more readily **indoors than outdoors**.


Actions that can **improve ventilation and filtration** include:

- Bringing in as much outdoor air as possible—for example, opening windows.
- Increasing air filtration in your heating, ventilation, and air conditioning (HVAC) system, such as by changing filters frequently and using filters that are properly fitted and provide higher filtration.
- Using portable high-efficiency particulate air (HEPA) cleaners.
- Turning on exhaust fans and using other fans to improve air flow.
- Turning your thermostat to the “ON” position instead of “AUTO” to ensure your HVAC system provides **continuous airflow and filtration**.

CDC’s interactive ventilation tools can help you see how much you can improve ventilation in your **home** or **school**.

Moving indoor activities outdoors

You are less likely to be infected with COVID-19 during outdoor activities because virus particles do not build up in the air outdoors as much as they do indoors. As the COVID-19 Community Level rises, consider increasing the number of group activities you move outside.

[Financial support](#)  may be available to certain entities, like schools, to make ventilation improvements.

Getting Tested for COVID-19 If Needed



[Get tested](#) if you have [COVID-19 symptoms](#). A viral test tells you if you are infected with the virus that causes COVID-19. There are two types of viral tests: rapid tests and laboratory tests. These tests might use samples from your nose or throat, or saliva. Knowing if you are infected with the virus that causes COVID-19 allows you to take care of yourself and take actions to reduce the chance that you will infect others.

CDC's [Viral Testing Tool](#) is an online, mobile-friendly tool that asks a series of questions and recommends actions and resources based on your responses. It can help you interpret what your test result means.

You can also access tests the following ways:

- Order free self-tests at [COVIDtests.gov](https://www.covidtests.gov) [↗](#) . Free tests are also available through [local health departments](#).
- If you have Medicare Part B, including those enrolled in a Medicare Advantage plan, Medicare will cover up to 8 free self-tests each calendar month from participating pharmacies and providers. Private health insurance may also reimburse the cost of purchasing self-tests. Visit [FDA's website](#) [↗](#) for a list of authorized tests.
- Call your healthcare provider, visit a [community testing site](#) [↗](#) , or call your local health department for more options.

Following Recommendations for What to Do If You Have Been Exposed

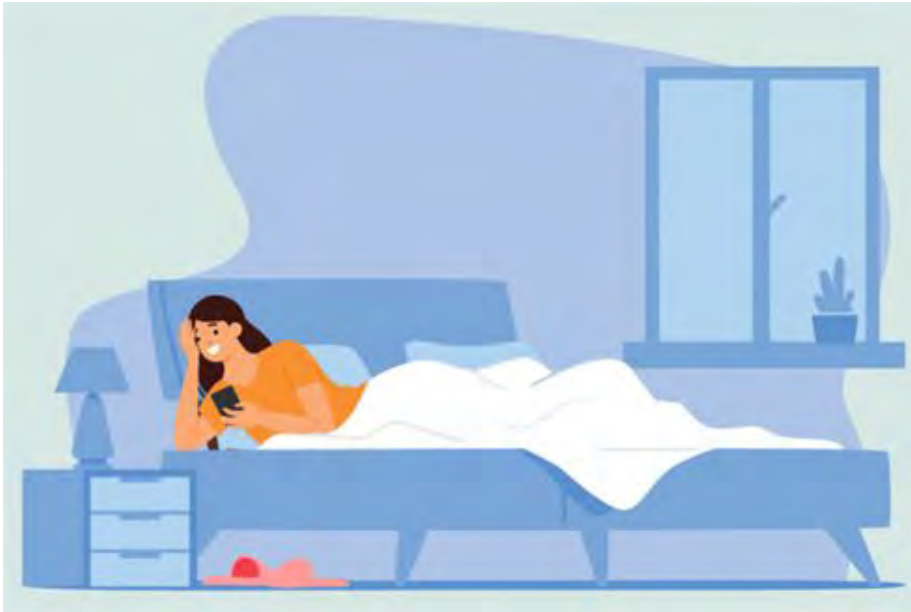
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you were exposed to someone with COVID-19, you may have been infected with the virus. Follow CDC's recommendations for [what to do if you were exposed](#). This includes wearing a high-quality mask when indoors around others (including inside your home) for 10 days, testing, and monitoring yourself for symptoms.

Staying Home When You Have Suspected or Confirmed COVID-19

If



you have COVID-19, you can spread it to others, even if you do not have symptoms. If you have symptoms, get tested and stay home until you have your results. If you have tested positive (even without symptoms), follow CDC's [isolation recommendations](#). These recommendations includes staying home and away from others for at least 5 days (possibly more, depending on how the virus affects you) and wearing a high-quality mask when indoors around others for a period of time.

Seeking Treatment If You Have COVID-19 and Are at High Risk of Getting Very Sick



Effective treatments are now widely available and free, and you may be eligible.

- Contact your healthcare provider, [health department](#), or [Community Health Center](#) [↗](#) to learn about [treatment options](#).
- Don't delay! Treatment must be started within a few days after you first develop symptoms to be effective.
- If you don't have timely access to a healthcare provider, check if a [Test to Treat location](#) [↗](#) is in your community. You can get tested, receive a prescription from a healthcare provider (either onsite or by telehealth), and have it filled all at one location.

Avoiding Contact with People Who Have Suspected or Confirmed COVID-19



Avoiding contact with people who have COVID-19, whether or not they feel sick, can reduce your risk of catching the virus from them. If possible, avoid being around a person who has COVID-19 until they can [safely end home isolation](#). Sometimes it may not be practical for you to stay away from a person who has COVID-19 or you may want to help take care of them. In those situations, use as many prevention strategies as you can, such as practicing hand hygiene, consistently and correctly wearing a high-quality mask, improving ventilation, and keeping your distance, when possible, from the person who is sick or who tested positive.

Prevention Actions to Add as Needed

There are some additional prevention actions that may be done at any level, but CDC especially recommends considering in certain circumstances or at medium or high [COVID-19 Community Levels](#).

- [Wearing Masks or Respirators](#)
- [Increasing Space and Distance](#)

Wearing Masks or Respirators



Masks are made to contain droplets and particles that you breathe, cough, or sneeze out. A variety of masks are available. Some masks provide a higher level of protection than others.

Respirators (for example, N95) are made to protect you by fitting closely on the face to filter out particles, including the virus that causes COVID-19. They can also block droplets and particles you breathe, cough, or sneeze out so you do not spread them to others. Respirators (for example, N95) provide higher protection than masks.

When wearing a mask or respirator (for example, N95), it is most important to choose one that you can wear correctly, that fits closely to your face over your mouth and nose, that provides good protection, and that is comfortable for you.

Increasing Space and Distance



Small particles that people breathe out can contain virus particles. The closer you are to a greater number of people, the more likely you are to be exposed to the virus that causes COVID-19. To avoid this possible exposure, you may want to avoid crowded areas, or keep distance between yourself and others. These actions also protect people who are at [high risk for getting very sick from COVID-19](#) in settings where there are [multiple risks for exposure](#).

Additional Resources

[COVID-19 Community Levels](#)

[Science Brief: SARS-CoV-2 Transmission](#)

[Science Brief: Indicators for Monitoring COVID-19 Community Levels and Making Public Health Recommendations](#)

[Science Brief: Community Use of Masks to Control the Spread of SARS-CoV-2](#)

[Science Brief: COVID-19 Vaccines and Vaccination](#)

Last Updated Aug. 11, 2022
Content source: [National Center for Immunization and Respiratory Diseases \(NCIRD\)](#), Division of Viral Diseases



← OCGOV HOME (<http://www.ocgov.com>) TRANSLATE

(<https://www.ocgov.com>)

[Home \(/\)](#) / **OC Health Officer's Orders & Recommendations**

OC Health Officer's Orders & Recommendations

For the PDF English version, click [here \(/sites/virus/files/2022-09/9.16.22 Health Officer Orders and Recommendations Final Version 2.pdf\)](/sites/virus/files/2022-09/9.16.22%20Health%20Officer%20Orders%20and%20Recommendations%20Final%20Version%202.pdf).

For translation, please click on the black "Translate" button on the top right to translate the same order displayed below.



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**COUNTY OF ORANGE HEALTH OFFICER'S
ORDERS AND STRONG RECOMMENDATIONS
(Revised September 23, 2022)**



9/27/22, 4:57 PM

OC Health Officer's Orders & Recommendations | Novel Coronavirus (COVID-19)

In light of recent updated COVID-19 State Public Health Officer Orders on masking guidance, vaccine requirements and testing recommendations, 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 September 16, 2022. The Orders and Strong Recommendations issued on September 16, 2022, are no longer in effect as of September 23, 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 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.

- 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.
- 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



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 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.
 - Note: A negative PCR or antigen test collected on day 1-2 of symptom onset should be repeated in 1-2 days to confirm negative status. While isolation may end after the first negative test, it is strongly recommended to end isolation upon negative results from the repeat test.
- 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.

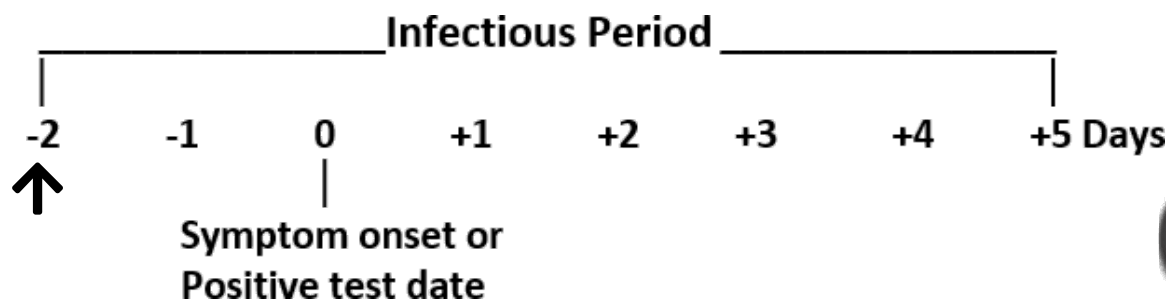


3. Additional Considerations for Self-Isolation.

- 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.
- Rebound: Regardless of whether an individual has been treated with an antiviral agent, risk of transmission during COVID-rebound can be managed by following CDC's guidance on isolation (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html> (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html>)). An individual with rebound may end re-isolation after 5 full days of isolation with resolution of their fever for 24 hours without the use of fever-reducing medication and if symptoms are improving. The individual should wear a mask for a total of 10 days after rebound symptoms started.
 - More information can be found at <https://www.cdph.ca.gov/Programs/OPA/Pages/CAHAN/CAHAN-Paxlovid-Recurrence-06-07-22.aspx> (<https://www.cdph.ca.gov/Programs/OPA/Pages/CAHAN/CAHAN-Paxlovid-Recurrence-06-07-22.aspx>).

Timing for "Day 0" - As noted in CDPH Isolation and Quarantine Q&A

(<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Isolation-Quarantine-QA.aspx>), the 5-day clock for isolation period starts on the date of symptom onset or (day 0) for people who test 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> (<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
- 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 required to wear face coverings in accordance with the Guidance for the Use of Face Coverings issued by CDPH, dated September 20, 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> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>).



NOTE: For Correctional Facilities and Detention centers, when utilizing COVID-19 Community levels to determine masking requirements, an outbreak in these settings is defined as three suspected, probable, or confirmed COVID-19 cases within a 14-day period among residents and/or staff.

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.
- Additional exceptions to masking requirements in high-risk settings can be found at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Face-Coverings-QA.aspx> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Face-Coverings-QA.aspx>).

↑ workplaces, employers and employees are subject to either the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) or the Cal/OSHA Aerosol Transmissible Disease (ATD) Standard and should consult those regulations for additional applicable requirements.



III. COVID-19 Vaccine Requirement Order

- 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 September 13, 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:



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>
 (<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

The word, "worker," as used in this Order shall have the same meaning as defined in the State Health Officer's Order, dated September 13, 2022.

• **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 September 13, 2022, 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 "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-Health-Care-Worker-Vaccine-Requirement.aspx>
(<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Correctional-Facilities-and-Detention-Centers-Health-Care-Worker-Vaccination-Order.aspx>)

- **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 September 13, 2022, State Health Officer Order. A 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-Adult-Care-Facilities-and-Direct-Care-Worker-Vaccine-Requirement.aspx> (<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;
- 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.

IV. 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 health care services to a patient but are otherwise integrated into and necessary to the 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, 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> (<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, 2022-2023 School Year found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2022-23-School-Year.aspx> (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/K-12-Guidance-2022-23-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> (<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 CalOSHA COVID-19 Emergency Temporary Standards (ETS) as modified



the Governor's Executive Order N-5-22 or in some workplaces the Cal/OSHA Aerosol Transmissible Diseases (ATD) Standard.

Exposed to COVID-19 or exposure to COVID-19 means sharing the same indoor space (e.g. home, clinic waiting room, airplane, etc.) for a cumulative total of 15 minutes or more over a 24-hour period (for example, three individual 5- minute exposures for a total of 15 minutes) during an infected person's (laboratory-confirmed or a clinical diagnosis) infectious 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> (<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/stay-up-to-date.html> (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>) and <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html> (<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> (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups.html>)



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 September 23, 2022, the County has reported a total of 664,185 recorded confirmed COVID-19 cases and 7,432 of COVID-19 related deaths.
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 splash sprays like a cough or sneeze. 3) Touching eyes, nose, or mouth with hands that have



on them.

See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>

(<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>)

and <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>

(<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 April 20, 2022, available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx> (<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> (<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 been widely available, but certain populations have been slow to getting vaccinated or boosted (ii) 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 (iii) 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; (iv) current evidence shows that the novel coronavirus can survive on surfaces and can be indirectly transmitted between individuals; (v) older adults and individuals with medical conditions are at higher risk of severe illness; (vi) sustained COVID-19 community transmission continues to occur; (vii) 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; (viii) 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.



9/27/22, 4:57 PM

OC Health Officer's Orders & Recommendations | Novel Coronavirus (COVID-19)

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

IT IS SO ORDERED:

Date: September 23, 2022

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



Additional Resources



COVID-19 in California
(<https://covid19.ca.gov/>)



Centers for Disease Control and Prevention
(<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>)



World Health Organization
(<https://www.who.int/>)



County Directory Assistance
855.886.5400

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Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Steve Delaney, CEO
SUBJECT: **DISCUSSION AND ACTION ON RECOMMENDATIONS REGARDING COUNTY RESOLUTION AFFECTING MEMBERS' RETIREMENT ALLOWANCES SUBJECT TO OCERS' COMPENSATION EARNABLE POLICY**

Recommendation

Staff and the Board's Fiduciary Counsel recommend that the Board direct Staff to:

- (1) Accept the County's Resolution as authoritative;
- (2) Confer with their counterparts in County administration, the Sheriffs' Office and AOCDS to obtain the necessary data to enable OCERS to reexamine whether affected law enforcement retirees and employees may now qualify for the inclusion of some or all of their on-call and canine handler maintenance pay as part of the "compensation earnable" on which their retirement allowances are calculated; and
- (3) Provide to the Board at its meeting on March 20, 2023 Staff's plan for re-adjusting affected members' benefits consistent with the Compensation Earnable Policy, and a projected timetable for accomplishing those adjustments.

We note that this recommendation does not require the Board to take formal action by motion at this time; rather, this direction to Staff will be sufficient.

Background

While implementing the CA Supreme Court's *Alameda* decision in June, 2021, the Board's revised Compensation Earnable Policy drew a number of challenges from affected members and their unions. (A copy of the Compensation Earnable Policy is attached.) In response, the Board directed OCERS Executive Staff and Fiduciary Counsel to help promote a resolution that both respected the California Supreme Court's decision and OCERS' obligation to follow it, and that also respected the legitimate expectations of affected members.

The accompanying Memorandum from Fiduciary Counsel explains the events leading up to the recent Board of Supervisors' Resolution 22-162, adopted on December 20, 2022. The Resolution and the Board of Supervisors' Minute Order are also attached. Finally, attached is a letter from AOCDS Executive Director Paul Bartlett.

Staff concurs in Fiduciary Counsel's recommendations regarding further Board and staff engagement. Counsel and Executive Staff will be available at the January 17 Board meeting to further comment on these developments and to answer any questions the Board may have.

Attachments:

- a) Memorandum dated January 3, 2023 from Reed Smith
- b) Board of Supervisors' Minute Order and Resolution 22-162
- c) Compensation Earnable Policy
- d) January 5, 2023 letter from Paul Bartlett, AOCDS

Submitted by:



SD-Approved

Steve Delaney
CEO



MEMORANDUM

From: Harvey L. Leiderman
Direct Phone: +1 415 659 5914
Email: hleiderman@reedsmith.com

From: Maytak Chin
Direct Phone: +1 415 659 5937
Email: mchin@reedsmith.com

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101 Second Street
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San Francisco, CA 94105-3659
+1 415 543 8700
Fax +1 415 391 8269
reedsmith.com

To: Board of Retirement
Orange County Employees Retirement Association

Date: January 3, 2022

Subject: County Resolution and AOCDS Members' On-Call Pay

BACKGROUND

The Board implemented the California Supreme Court's 2020 Alameda decision in June 2021 by amending OCERS' Compensation Earnable Policy (copy attached). Alameda ruled that since 2013, pay for on-call service time was ineligible for inclusion in calculating a member's retirement benefits. Such pay is for time that is not "ordinarily served by all other employees in the same grade or class and at the same rate of pay" and is pay "for services rendered outside normal working hours." Per Alameda, this is the language of the CERL statute that tells OCERS what elements of pay are and are not to be treated as pensionable.

Obligated to follow the Supreme Court's dictate, OCERS was forced to stop including most on-call pay and canine handler maintenance pay as pensionable, and to recalculate the benefits of many members retiring since 2013 by excluding any ineligible pay from their benefit calculations – both retrospectively and prospectively. The recalculation process has continued for over a year, with many more retiree recalculations waiting in the queue.

As administrator of the retirement system for Orange County and several other participating districts in the County, OCERS follows the official compensation schema established by these employers. The County Board of Supervisors has both constitutional and statutory authority to establish positions and compensation programs for County employees. OCERS accepts and follows the County's position structures and compensation programs. In recent years, the County has only used broad classifications to distinguish among different groups of employees, based on terms and conditions established at the bargaining table. Those terms and conditions establish employees' "normal working hours," their rates of pay, and time that is and is not required to be served by all employees in each classification.

Board of Retirement
 Orange County Employees Retirement Association
 January 3, 2022
 Page 2

In evaluating comparable employees' "normal working hours," OCERS could only determine whether on-call and canine handler maintenance pay was required of all employees in the same broad County *classification* of employees (e.g., all Deputy Sheriff 1 or Deputy Sheriff 2 employees), because the County did not use job "grades" (the other category used in the CERL statute) in its personnel administration. Since the great majority of employees in each such broad classification were not required to serve, and did not serve, on-call or canine handler maintenance time, *Alameda's* interpretation of the CERL required OCERS to exclude from the benefits of those who did serve that time any amounts attributed to their on-call and canine handler maintenance pay.

AOCDS, as the representative bargaining unit for active deputy sheriffs, district attorneys and other law-enforcement personnel, has contested OCERS' determinations and policies relating to their active and retired members' on-call pay and has indicated that it might commence a legal challenge to OCERS' implementation of *Alameda* and its consequent reduction of members' retirement allowances.

Over the past two years, AOCDS has sought a resolution of the dispute over on-call and canine handler maintenance pay, both in the state Legislature and at the County level. The OCERS Board has indicated that it was sympathetic to AOCDS' concerns and would not be opposed to a resolution that was both lawful and able to be implemented without extraordinary administrative cost. The Board has encouraged OCERS' Executive Staff and Fiduciary Counsel to work cooperatively with AOCDS to achieve a satisfactory resolution that might avoid the harsher consequences of the *Alameda* decision. To that end, we have provided OCERS' perspective on multiple alternative solutions AOCDS has proffered.

AOCDS' negotiations with the County sought a rational, reasonable and lawful solution to problem. On December 20, 2022, the County Board of Supervisors passed a Resolution that could impact the retirement benefit calculations for several specialized units of law enforcement. By a 5-0 vote, the Supervisors clarified a series of MOUs the County has entered into with AOCDS since 2013. A copy of the Resolution is attached. The Resolution establishes that for all intents and purposes, employees working in enumerated specialized units were considered to have held unique job grades, each of which required all the employees serving in those grades ordinarily to provide a certain level of on-call or canine handler maintenance service as part of their normal working hours.

Under the Resolution, the County clarified that the bargaining parties always meant to establish certain specialized units as unique job grades, based on their specialized levels of responsibility, required skills and impacts. Per the Resolution's preamble:

These job assignments were and are separate and apart from others in the employees' shared, broader classifications, and employees within these job assignments were selected based upon their specialized training and assigned job duties, including the requirement that they provide on-call or canine handler maintenance services.

Board of Retirement
Orange County Employees Retirement Association
January 3, 2022
Page 3

The Resolution itself establishes job grades for these specialized units and conforms with the test under OCERS' Compensation Earnable Policy for determining whether their on-call pay/canine handler maintenance pay may be treated as pensionable:

BE IT FURTHER RESOLVED THAT on-call and canine handler maintenance services rendered by employees in these Job Grades have been and shall be considered for all purposes as part of the employees' ordinarily required regular work week, and not as having been rendered outside normal working hours, to the extent required to be served, ordinarily served by all employees in the same job grade and not voluntarily served at the election of the employees.

OCERS will now be able to re-examine the on-call and canine handler maintenance levels served by all in those unique job grades, and if "ordinarily served by all other employees in the same grade" OCERS may be able to again include on-call and canine handler maintenance pay in calculating these members' benefits, consistent with its Compensation Earnable Policy. That Policy provides, in Section 10 (c):

(c) Definition of Normal Working Hours.

Normal Working Hours are hours that (i) are required to be worked as part of the employee's regular duties; (ii) are ordinarily worked during the period in question by all other members in the same grade/class/rate of pay as the employee; and (iii) are not and cannot be voluntarily worked by the employee. "Ordinarily worked" does not include time served on a temporary or emergency basis.

RECOMMENDATION

OCERS Executive Staff and this office as your Fiduciary Counsel concur in recommending to the Board that you direct Staff to accept the County's Resolution as authoritative and to proceed to confer with their counterparts in County administration, the Sheriffs' Office and AOCDS to obtain the necessary data to enable OCERS to reexamine whether affected law enforcement retirees and employees may now qualify for the inclusion of their on-call and canine handler maintenance pay as part of the "compensation earnable" on which their retirement allowances are calculated. Further, that you direct Staff to provide to the Board within 60 days Staff's business plan for re-adjusting affected members' benefits consistent with the Compensation Earnable Policy, and a projected timetable for accomplishing those adjustments.

We note that this recommendation does not require the Board to take any formal action by motion at this time; rather, this direction to Staff will be sufficient.

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

December 20, 2022

Submitting Agency/Department: Supervisor Do

Adopt resolution pertaining to Memorandum of Understanding with Association of Orange County Deputy Sheriffs recognizing certain work details, squads, teams, and units as distinct job grades

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) DO: Y (2) FOLEY: Y (3) WAGNER: Y (4) CHAFFEE: Y (5) BARTLETT: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s) 22-162
- Ordinances(s)
- Contract(s)

Item No. S33F

Special Notes:

Copies sent to:

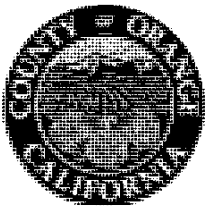
District 1

12/23/22



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By 
Deputy



County of Orange

Memorandum

RECEIVED
2022 DEC 16 AM 9:24
CLERK OF THE BOARD
ROBIN STIELER

December 16, 2022

To: Robin Stieler, Clerk of the Board

From: Supervisor Andrew Do, 1st District

Day Chaffee
C. W. Do for A.D.

Subject: Adopt Resolution Pertaining to Memorandum of Understanding with Association of Orange County Deputy Sheriffs Recognizing Certain Work Details, Squads, Teams, and Units as Distinct Job Grades

S33F

Please add the following item of business to the Board's December 20, 2022, supplemental meeting agenda.

1. Adopt Resolution Pertaining to Memorandum of Understanding with Association of Orange County Deputy Sheriffs Recognizing Certain Work Details, Squads, Teams, and Units as Distinct Job Grades.

BACKGROUND

The County of Orange ("County") and the Association of Orange County Deputy Sheriffs ("AOCDS") are currently parties to a Memorandum of Understanding, Peace Officer Unit and Supervising Peace Officer Unit, 2019-2023 ("Current MOU") and previously were parties to similar, now-superseded Memoranda of Understanding in effect from at least January 1, 2013, to the date of the Current MOU. These MOU have provided, among other things, for specific classes of employees, their regular work periods, and certain elements of pay characterized as "Premium Pay", including on-call pay and canine handler maintenance pay.

In accordance with *Stevenson v. Board of Retirement of the Orange County Employee Retirement System*, 186 Cal.App.4th 498 (2010), the attached resolution documents and recognizes the County's existing practice of treating and compensating employees in the enumerated details, squads, teams and units as if they were occupying different job grades in terms of retirement benefits, distinct from others in their broader classifications, but is not intended to, and does not, change the practice or create additional or different classifications that might give rise to additional due process protections.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF ORANGE DECLARING

December 20, 2022

WHEREAS, the County of Orange (“County”) and the Association of Orange County Deputy Sheriffs (“AOCDS”) are currently parties to that certain Memorandum of Understanding, Peace Officer Unit and Supervising Peace Officer Unit, 2019-2023 (“Current MOU”) and previously were parties to similar, now-superseded Memoranda of Understanding in effect from at least January 1, 2013, to the date of the Current MOU;

WHEREAS, the County and AOCDS, collectively known as “parties”, have entered multiple Memoranda of Understanding (“MOUs”) since at least January 1, 2013, that have provided, among other things, for specific classes of employees, their regular work periods and certain elements of pay characterized as “Premium Pay”, including on-call pay and canine handler maintenance pay;

WHEREAS, during the terms of such MOUs the parties were not required to designate officially any groups of employees, due to their different duties, responsibilities, and schedules, as being in different grades for the purpose of calculating retirement benefits as there was no reason to do so;

WHEREAS, the parties have recognized in practice that certain groups of “Premium Pay” employees within each designated class were required to serve on-call hours. These on-call hours were, in fact, required, as they were deemed by the Orange County Sheriffs Department and Office of the District Attorney to be part of the requirements to be selected into these particular groups of “Premium Pay” employees;

WHEREAS these “Premium Pay” employees were, on a regular basis, assigned days and hours for being on-call, for which they were responsible to fill and, when called in to work, performed the same services as other employees who are part of the on-call and canine handler units and were paid “Premium Pay,” above their normal rates, for providing such services;

WHEREAS, these assigned on-call days and hours were posted weeks, and in some units months, in advance as mandated by the MOU, which provides “[w]hen an employee is assigned on-call duty by the County, the employee shall be informed in writing, in advance whenever practicable, of the dates and inclusive hours of such assignment.”

WHEREAS, all employees in these specialized units were and are required to serve and ordinarily did serve on-call shifts and canine handler maintenance services as part of their regular duties unique to their specialized units, as generally described by the Departments in letters from the Sheriffs Department and the Office of the District Attorney dated June 15, 2021 and June 14, 2021, to County Chief Executive Officer, Frank Kim, respectively;

WHEREAS, on-call shifts or canine handler maintenance services were ordinarily assigned to all employees in these specialized units as part of their regularly assigned work

periods;

WHEREAS, per the Current MOU, on-call status is treated as a premium pay; not as overtime, as documented in the same;

WHEREAS, while there are no express statements as to intent from the parties to the MOU regarding whether to treat "Premium Pay" as required of and ordinarily worked, thereby base-building, said MOU did provide that contributions be collected from employees' paychecks, which amounts were calculated by OCERS based on both regular and premium pays, collected by County and paid by employees;

WHEREAS, the parties have long recognized, in practice, differences in specialized units of employees in the same general class, based on differences in specialized levels of responsibility, required skills and impacts;

WHEREAS, notwithstanding this practice, the parties did not have business reasons to distinguish in their MOUs such different job responsibilities; however, California Government Code Section 31461 (a) provides that "Compensation Earnable" be based on either the same "grade" or "class" of positions;

WHEREAS, the parties, in principle and practice, have treated the following units of job assignments, referenced herein as "a" to "j", as employees with different and distinct duties, responsibilities and schedules which under the analysis of *Stevenson v. Board of Retirement of the Orange County Employee Retirement System*, 186 Cal.App.4th 498 (2010) could be deemed a different "grade," even if the formal recognition of such distinctions was not required in the past. These job assignments were and are separate and apart from others in the employees' shared, broader classifications, and employees within these job assignments were selected based upon their specialized training and assigned job duties, including the requirement that they provide on-call or canine handler maintenance services:

- a. Homicide Detail
- b. Hazard Devices Squad — Explosive Detection Squad
- c. Statewide Transportation
- d. Special Victims Detail
- e. Special Weapons and Tactics Team (SWAT)
- f. Tactical Support Team — Crisis Negotiator
- g. Major Accident Reconstruction Team
- h. DA Special Assignment Unit
- i. DA Homicide Unit
- j. Canine Handlers;

WHEREAS, this Resolution documents and recognizes the existing practice of treating and compensating employees in the enumerated details, squads, teams and units as if they were occupying different job grades in terms of retirement benefits, distinct from others in their broader classifications, but is not intended to, and does not, change the practice or create additional or different classifications that might give rise to additional due process protections,

and;

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

1. Confirms that the foregoing Recitals are true and correct.

2. Recognizes the existing practice of treating employees in the enumerated details, squads, teams and units for all intents and purposes as occupying distinct job grades which are different from other employees in the same broader classifications that are more grounded in seniority and rank but is not intended to, and does not, change the practice or create additional or different classifications that might give rise to additional due process protections.

BE IT FURTHER RESOLVED THAT the on-call and canine handler maintenance services rendered by employees in these Job Grades have been and shall be considered for all purposes as part of the employees' ordinarily required regular work week, and not as having been rendered outside normal working hours, to the extent required to be served, ordinarily served by all employees in the same job grade and not voluntarily served at the election of the employees.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on December 20, 2022, to wit:

AYES: Supervisors: ANDREW DO, DOUG CHAFFEE, KATRINA FOLEY
DONALD P. WAGNER, LISA A. BARTLETT
NOES: Supervisor(s):
EXCUSED: Supervisor(s):
ABSTAINED: Supervisor(s):



CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors

IN WITNESS WHEREOF, I have hereto set my hand and seal.




ROBIN STIELER
Clerk of the Board
County of Orange, State of California

Resolution No: 22-162
Agenda Date: 12/20/2022
Item No: S33F



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Robin Stieler, Clerk of the Board of Supervisors

By: _____
Deputy



OCERS Board Policy

Compensation Earnable Policy

Purpose and Background

1. The purpose of this policy is to affirm OCERS' interpretation of the term Compensation Earnable as set forth in California Government Code section 31461 (Section 31461) and OCERS Board of Retirement Resolution 98-001 (Resolution 98-001).
2. Resolution 98-001 was adopted by the OCERS Board of Retirement (Board) on February 6, 1998, in order to implement the decision of the California Supreme Court (Supreme Court) in the case *Ventura County Deputy Sheriffs' Association vs. Board of Retirement of Ventura County Employees Retirement Association* (1997) 16 Cal.4th 483 (Ventura Decision). The Supreme Court in the Ventura Decision interpreted Section 31461 and the term Compensation Earnable and mandated a change in the method for calculating pension benefits for members and their beneficiaries by retirement systems governed by the County Employees Retirement Law of 1937 (CERL).
3. Resolution 98-001, among other things, reflects the Board's interpretation of the Ventura Decision as it applies to various types or categories of speciality or premium pay received by OCERS members from their employers, and delineates those items of pay that are to be included in and those that are to be excluded from Compensation Earnable.
4. On May 4, 1998, Resolution 98-001 was amended by Board Resolution 98-009 in response to litigation brought by the County of Orange and others challenging the legality of Resolution 98-001. Resolution 98-009 deleted Sections 6, 8 and a portion of Section 9 of Resolution 98-001 related to the imposition of contributions in arrears stemming from the change in contribution rates that resulted from the implementation of Resolution 98-001. Additionally on December 18, 2000, Resolution 98-001 was further amended by Resolution 00-003 to address the treatment of certain automobile allowances. For purposes of this policy, any reference to Resolution 98-001 will be as Resolution 98-001 was amended by Resolutions 98-009 and 00-003.
5. OCERS was a party to several litigation matters that arose subsequent to the Ventura Decision and adoption of Resolution 98-001. These cases were coordinated as class actions in San Francisco Superior Court with other litigation involving other county retirement systems involving the interpretation and implementation of the Ventura Decision (Coordinated Cases).
6. On November 1, 2002, the San Francisco Court entered a judgment (Judgment) approving a settlement agreement of the Coordinated Cases that, among other things, included an agreement that all parties would " . . . accept as final and binding the inclusions and exclusions from compensation, compensation earnable and final compensation . . . " as set forth in Resolution 98-001.
7. In 2012, the California Legislature adopted AB 197 and the Public Employees Pension Reform Act of 2012 (PEPRA), which among other things, effective January 1, 2013, amended Section 31461 to add subdivision (b), a list of items of compensation that are expressly excluded from Compensation Earnable. Among the items of compensation excluded from Compensation Earnable by subdivision (b) of Section 31461 are (1) compensation determined by the board to have been paid to enhance a member's retirement allowance, (2) payments for unused vacation, annual leave, etc., in an amount that exceeds what is earned and payable in each 12-month period during the Final



OCERS Board Policy

Compensation Earnable Policy

Compensation Period, (3) payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise, and (4) payments made at termination of employment, except those that do not exceed what is earned and payable in each 12-month period during the Final Compensation Period. PEPPRA also added a new term – Pensionable Compensation – to define the items of compensation that are permitted to be included in the calculation of the retirement allowances of OCERS members enrolled in the pension system on or after January 1, 2013. OCERS members who were members of the system prior to January 1, 2013 are referred to as Legacy members in this policy.

8. A number of lawsuits were filed shortly after PEPPRA became effective. One of these lawsuits was appealed to the Supreme Court, and on July 30, 2020, resulted in a decision of the court upholding as constitutional AB 197 and PEPPRA, including the amendments to Section 31461. (*Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association* 9 Cal.5th1032; the Alameda Decision.) The Board has amended Paragraph 10 below to reflect the holding of the Supreme Court in the Alameda Decision.

Policy Objectives

9. The objectives of this policy are to ensure that OCERS fully complies with applicable law including the Alameda Decision when calculating Compensation Earnable and Legacy members' retirement benefits, and to reaffirm the continued applicability of Resolution 98-001 as upheld by the Judgment in the Coordinated Cases.

Policy Guidelines

10. **Compensation Earnable.** Compensation Earnable for Legacy members will be calculated by OCERS in accordance with the following guidelines.

(a) **Pay Items Included in Compensation Earnable.**

In accordance with Resolution 98-001 and subdivisions (a) and (b) of Section 31461, remuneration that is (i) earned and receivable in cash (under the applicable MOU) by the retiring employee, (ii) during the final compensation period (as defined by Sections 31462 and 31482.1 of the Government Code; hereafter Final Compensation Period), and (iii) for services performed during Normal Working Hours (defined below) will be included in Compensation Earnable, including but not limited to the following items of compensation, and others substantially similar to them:

- Base Salary and Wages
- Bilingual Premium Pay
- Educational Incentive ("POST") Pay
- Aircraft Rescue Firefighting
- Paramedic Pay
- Motorcycle Bonus



OCERS Board Policy

Compensation Earnable Policy

- Emergency Dispatch Pay
- Field Training Officer Bonus
- Shift Differential Pay
- Confined Space Pay
- Longevity Incentive
- Automobile Allowance, if paid in cash; and for members whose Final Compensation Period includes time before January 1, 2001, also to the extent that the automobile was provided for personal use and declared as income
- Uniform Allowance
- Uniform Maintenance Allowance
- Payoffs of Vacation, Sick and Holiday leave time to the extent it was (i) earned in each 12-month period of the Final Compensation Period (pro-rated on a monthly basis); (ii) not taken as time off; and (iii) permitted to be cashed-out during the Final Compensation Period (pro-rated on a monthly basis) under the applicable MOU, regardless of when actually paid or cashed out
- Employee Contributions to a Deferred Compensation Plan [already included in Base Wages and Salary, above]
- "Mandatory or Scheduled Overtime" (including pay items such as On-Call and Standby) provided that it is pay for services rendered during the employee's Normal Working Hours (defined below).
- Compensatory Time (excluding "True Overtime" as defined in Section 10(b) below) in excess of minimum required reserve
- "Madera" Pay (see, *Madera Police Officers Association v. City Of Madera* 36 Cal.3d 403)
- Additional Compensation for Scheduled Meal Periods
- Flexible Benefits ("Cafeteria Plan") paid in cash to members retiring before January 1, 1991

(b) Pay Items Excluded from Compensation Earnable.

In accordance with Resolution 98-001 and subdivisions (a) and (b) of Section 31461, remuneration or other value to the employee that (i) is neither earned nor payable in cash to the employee during the Final Compensation Period; and (ii) is not for services rendered during the employee's Normal Working Hours (defined below) will be excluded from Compensation Earnable, including but not limited to the following items, and others substantially similar to them:

- "True Overtime", including but not limited to On-Call, Standby and similar pay, for additional services rendered outside of Normal Working Hours (as defined below), whether paid in a lump sum or otherwise



OCERS Board Policy

Compensation Earnable Policy

- Employer Contributions to a Deferred Compensation Plan
 - Employer Contributions to the Retirement System
 - Employer "pick up" of Employee Contributions to the Retirement System
 - Payoffs or cash outs of Vacation and Sick Leave and Holiday Pay, to the extent neither earned nor permitted to be cashed out under the applicable MOU, during each 12-month period of the Final Compensation Period, regardless of when actually paid or cashed out
 - Flexible Benefits ("Cafeteria Plan") provided in-kind
 - Flexible Benefits ("Cafeteria Plan") paid in cash to members retiring on and after January 1, 1991
 - Terminal ("Final") Pay, unless included in Compensation Earnable under Section 10(a), above
 - Expense Reimbursements
 - In-Kind Advantages (e.g. food, lodging, board, laundry, fuel)
 - Fees, Licenses, Memberships provided to the member by the employer
 - Automobile Allowance, if the automobile is provided for personal use and the allowance is not paid in cash, whether or not declared as income, for members whose Final Compensation Periods **do not** include time before January 1, 2001.
- (c) **Definition of Normal Working Hours.**
- Normal Working Hours are hours that (i) are required to be worked as part of the employee's regular duties; (ii) are ordinarily worked during the period in question by all other members in the same grade/class/rate of pay as the employee; **and** (iii) are not and cannot be voluntarily worked by the employee. "Ordinarily worked" does not include time served on a temporary or emergency basis.
- (d) **Calculation of Compensation Earnable.**
- The retiring employee's compensation will be "regularized" to what would have been received had the employee been paid for a normal work schedule during the Final Compensation Period. OCERS Staff will calculate Compensation Earnable (Earnable Salary) by creating a fraction, the numerator of which is the amount of the employee's qualifying compensation and the denominator of which is the number of ordinary work hours for which the employee was actually paid. Staff will then multiply that fraction by the number of paid hours ordinarily required to be worked by all other members in the same grade/class as the retiring employee. The result will be the retiring employee's Compensation Earnable for the Final Compensation Period.



OCERS Board Policy

Compensation Earnable Policy

Policy Review

11. The Board of Retirement will review this policy at least every three (3) years to ensure that it remains relevant and appropriate.

Policy History

12. The Board of Retirement adopted this policy on March 18, 2019, and this policy was amended by the Board on June 21, 2021.

Secretary's Certificate

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

A rectangular box containing a handwritten signature in blue ink that reads "Steve Delaney".

Steve Delaney
Secretary of the Board

06/21/2021

Date



ASSOCIATION OF ORANGE COUNTY DEPUTY SHERIFFS

January 5, 2023

Chief Executive Officer Steve Delaney
Orange County Employees Retirement System
2223 E. Wellington Avenue #100
Santa Ana, CA 92701

Re: AOCDS Correspondence with enclosed BOS Resolution regarding on call and canine

Dear Mr. Delaney,

I send you the instant correspondence in my capacity as the Executive Director of the Association of Orange County Deputy Sheriffs (AOCDS). Please find enclosed herein a Resolution approved by the Orange County Board of Supervisors on December 20, 2022.

AOCDS respectfully requests that OCERS makes a determination that the on call and canine pays of the grades listed within the Resolution were/are compensation earnable. AOCDS also requests that the instant correspondence and attached Resolution be included in the agenda for the upcoming meeting of the OCERS Board on January 17, 2023.

Please contact the undersigned with any questions/concerns.

Sincerely,

Paul Bartlett,
AOCDS Executive Director

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF ORANGE, CALIFORNIA

RECITALS

WHEREAS, the County of Orange ("County") and the Association of Orange County Deputy Sheriffs ("AOCDS") are currently parties to that certain Memorandum of Understanding, Peace Officer Unit and Supervising Peace Officer Unit, 2019-2023 ("Current MOU") and previously were parties to similar, now-superseded Memoranda of Understanding in effect from at least January 1, 2013, to the date of the Current MOU;

WHEREAS, the County and AOCDS, collectively known as "parties", have entered multiple Memoranda of Understanding ("MOUs") since at least January 1, 2013, that have provided, among other things, for specific classes of employees, their regular work periods and certain elements of pay characterized as "Premium Pay", including on-call pay and canine handler maintenance pay;

WHEREAS, during the terms of such MOUs the parties were not required to designate officially any groups of employees, due to their different duties, responsibilities, and schedules, as being in different grades for the purpose of calculating retirement benefits as there was no reason to do so;

WHEREAS, the parties have recognized in practice that certain groups of "Premium Pay" employees within each designated class were required to serve on-call hours. These on-call hours were, in fact, required, as they were deemed by the Orange County Sheriff's Department and Office of the District Attorney to be part of the requirements to be selected into these particular groups of "Premium Pay" employees.

WHEREAS these "Premium Pay" employees were, on a regular basis, assigned days and hours for being on-call, for which they were responsible to fill and, when called in to work, performed the same services as other employees who are part of the on-call and canine handler units and were paid "Premium Pay," above their normal rates, for providing such services;

WHEREAS, these assigned on-call days and hours were posted weeks, and in some units months, in advance as mandated by the MOU, which provides [w]hen an employee is assigned on-call duty by the County, the employee shall be informed in writing, in advance whenever practicable, of the dates and inclusive hours of such assignment."

WHEREAS, all employees in these specialized units were and are required to serve and ordinarily did serve on-call shifts and canine handler maintenance services as part of their regular duties unique to their specialized units, as generally described by the Departments in letters from the Sheriff's Department and the Office of the District

Attorney dated June 15, 2021 and June 14, 2021, to County Chief Executive Officer, Frank Kim, respectively;

WHEREAS, on-call shifts or canine handler maintenance services were ordinarily assigned to all employees in these specialized units as part of their regularly assigned work periods;

WHEREAS, per the Current MOU, on-call status is treated as a premium pay; not as overtime, as documented in the same;

WHEREAS, while there are no express statements as to intent from the parties to the MOU regarding whether to treat "Premium Pay" as required of and ordinarily worked, thereby base-building, said MOU did provide that contributions be collected from employees' paychecks, which amounts were calculated by OCERS based on both regular and premium pays, collected by County and paid by employees;

WHEREAS, the parties have long recognized, in practice, differences in specialized units of employees in the same general class, based on differences in specialized levels of responsibility, required skills and impacts.

WHEREAS, notwithstanding this practice, the parties did not have business reasons to distinguish in their MOUs such different job responsibilities; however, California Government Code Section 31461(a) provides that "Compensation Earnable" be based on either the same "grade" or "class" of positions;

WHEREAS, the parties, in principle and practice, have treated the following units of job assignments, referenced herein as "a" to "j", as employees with different and distinct duties, responsibilities and schedules which under the analysis of *Stevenson v. Board of Retirement of the Orange County Employee Retirement System*, 186 Cal.App.4th 498 (2010) could be deemed a different "grade," even if the formal recognition of such distinctions was not required in the past. These job assignments were and are separate and apart from others in the employees' shared, broader classifications, and employees within these job assignments were selected based upon their specialized training and assigned job duties, including the requirement that they provide on-call or canine handler maintenance services:

- a. Homicide Detail
- b. Hazard Devices Squad – Explosive Detection Squad
- c. Statewide Transportation
- d. Special Victims Detail
- e. Special Weapons and Tactics Team (SWAT)
- f. Tactical Support Team – Crisis Negotiator
- g. Major Accident Reconstruction Team
- h. DA Special Assignment Unit
- i. DA Homicide Unit
- j. Canine Handlers;

WHEREAS, this Resolution documents and recognizes the existing practice of treating and compensating employees in the enumerated details, squads, teams and units as if they were occupying different job grades in terms of retirement benefits, distinct from others in their broader classifications, but is not intended to, and does not, change the practice or create additional or different classifications that might give rise to additional due process protections, and

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

1. Confirms that the foregoing Recitals are true and correct.
2. Recognizes the existing practice of treating employees in the enumerated details, squads, teams and units for all intents and purposes as occupying distinct job grades which are different from other employees in the same broader classifications that are more grounded in seniority and rank but is not intended to, and does not, change the practice or create additional or different classifications that might give rise to additional due process protections.

BE IT FURTHER RESOLVED THAT the on-call and canine handler maintenance services rendered by employees in these Job Grades have been and shall be considered for all purposes as part of the employees' ordinarily required regular work week, and not as having been rendered outside normal working hours, to the extent required to be served, ordinarily served by all employees in the same job grade and not voluntarily served at the election of the employees.



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Suzanne Jenike, Assistant CEO, External Operations
SUBJECT: **SUPERIOR COURT BENEFIT ENHANCEMENT – CONTRIBUTION RATES FY2023/2024 APPLICABLE TO RATE GROUP 2 PLAN U AND PLAN T**

Staff Recommendation

Approve and adopt updated employer and employee contribution rates for the FY2023/2024 based on the updated December 31, 2021 actuarial valuation applicable to Rate Group 2 Plans U and T to reflect Superior Court’s future service benefit enhancement effective July 1, 2023.

Background

With the implementation of PEPPRA, new Superior Court employees/members entering public agency employment and public retirement system membership for the first time on or after January 1, 2013 were enrolled in Plan T (1.62% @ 65). In 2019 the Superior Court began exploring the feasibility of implementing an enhanced benefit formula for PEPPRA eligible employees. As a result of 2022 negotiations between the Superior Court and OCEA, the Court has agreed to adopt Plan U on a go forward basis for all existing employees (represented and unrepresented) in Plan T and any future PEPPRA eligible employees with an anticipated effective date on or around June 30, 2023.

Effective Date

A question has arisen as to when this increase in the benefit formula for all current and future PEPPRA members should be reflected in employee and employer contributions, especially with the Superior Court joining Rate Group 2, as this benefit increase could impact the costs paid by other employers and their employees in Rate Group 2, such as the County of Orange, and even OCERS.

The OCERS Board’s ACTUARIAL FUNDING POLICY(Policy) states the following under the heading “Other Policy Considerations”:

- b. Any change in contribution rate requirement that results from a plan amendment is generally implemented as of the effective date of the plan amendment or as soon as administratively feasible.

<https://www.ocers.org/sites/main/files/file-attachments/actuarialfundingpolicy.pdf?1670025722>

Accordingly, under the Policy, the contribution rates for the Superior Court should be implemented July 1, 2023, or as soon thereafter as administratively feasible. OCERS has been asked if this change couldn’t simply be addressed as part of the upcoming December 31, 2022 actuarial valuation, with rate changes to be effective July 1, 2024?

The attached January 6, 2023 letter from Segal states on Page 2 that delaying the effective date to July 1, 2024 would add \$1,366,000 to the Rate Group 2 UAAL, of which \$683,000 would be member liabilities being shifted to the employer.

Because of the OCERS Board's Policy, as well as recognizing the liability impact noted by Segal were the effective date to be delayed, OCERS staff believes the change in contribution rates should be effective July 1, 2023 as reflected in the recommendation above.

Submitted by:



SJ-Approved

Suzanne Jenike
Assistant CEO, External Operations

Attachments

Final Tentative Agreement between Orange County Superior Court and OCEA
Plan U cost study Segal
OCERS Board Actuarial Funding policy

TENTATIVE AGREEMENT
Orange County Superior Court
and
Orange County Employees Association

October 21, 2022

The Court and OCEA tentatively agree as follows for successor labor agreements for the General Unit, Court Clerk Unit, and Supervisor Unit MOUs

1. **Term:** Three-year term from October 28, 2022 through October 30, 2025
2. **Compensation:**
 - Base Increase**
 - Effective as of the first day of the full pay period following ratification by both parties, all classes shall receive a general salary increase of six percent (6%) to base pay
 - Effective November 3, 2023, all classes shall receive a general salary increase of three percent (3%) to base pay
 - Effective November 1, 2024, all classes shall receive a general salary increase of two percent (2%) to base pay
3. **Retirement:** Replace OCERS Plan T with Plan U
4. **Side Letters:** Extend the Furlough side letter amended as agreed on 10/21/2022.
5. **Sick Leave:** Amend Article IV amended as agreed on 10/21/2022.
6. **Court Paid Steward Training:** Amend Article IV, Section 7.E:
 - E. Once each year, the Court shall provide unpaid release time for up to five designated employee representatives per bargaining unit (total of fifteen) to attend two (2) days (up to sixteen (16) hours) of steward training. Depending upon Court staffing needs, the Court may decline to permit a specific employee to attend on a specific date. If the Court's staffing needs do not permit a designated employee representative to attend, OCEA may designate an alternative to attend. Designated employee representatives may, but shall not be required to, substitute vacation or compensatory time for the unpaid release time. Upon request, OCEA shall provide a written syllabus of the training to the Court.
7. **Telecommuting:** Amend Article I, Section 1.F as follows:
 - F. This Section shall not prevent an employee or group of employees from requesting a modified work schedule or alternate work arrangement (e.g. telework). Any denial of such a request is not subject to appeal under the grievance procedure.

All TAs already signed:

- Bereavement Leave
- Catastrophic Leave
- Court Reporter Folio Rate
- Court Reporter Salary Advancement

- Probation on Reassignment
- Retiree Medical Re-Opener
- Side Letters:
 - CJC Parking Agreement
 - Pilot Educational and Professional Reimbursement Program
 - Voluntary Furlough
- Temporary Assignment
- OCEA Clean Up Language
- OCSC Clean Up Language – Appendix A

The parties agree to recommend this Tentative Agreement to their respective constituents.

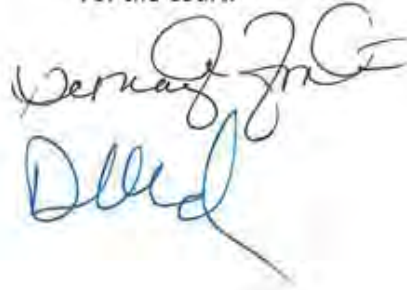
So Agreed.
October 21, 2022

For OCEA:



Handwritten signatures for OCEA: Judge Bowling and Charles B. [unclear]

For the Court:



Handwritten signatures for the Court: Vernon J. [unclear] and [unclear]



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

Via Email

January 6, 2023

Mr. Steve Delaney
Chief Executive Officer
Orange County Employees Retirement System
2223 Wellington Avenue
Santa Ana, CA 92701-3101

**Re: Orange County Employees Retirement System (OCERS)
Cost Group #2 Superior Court Plan U Benefit Improvement and Timing of Implementing
Revised Contribution Rates**

Dear Steve:

In the attached letter dated July 5, 2022, we provided the employer and the employee costs required for the Superior Court (Court) to improve benefits for future service only from Plan T (1.62% @ 65) to Plan U (2.5% @ 67) assuming the improvement would become effective July 1, 2023. As we pointed out in that letter, we understand that all Court and County employees receiving the same benefit have to pay the same normal cost rate (and possibly the same unfunded actuarial accrued liability, or UAAL, rate) pursuant to Section 71624(b) of the Government Code. We also indicated in that letter that we would need guidance from OCERS regarding the timing of implementing the revised employer and employee cost rates as the Board had previously adopted contribution rates for FY 2023-2024 in our December 31, 2021 valuation calculated without the Court's Plan U improvement.

We have been requested by your office to provide discussion from an actuarial perspective related to whether the revised employer and employee normal cost rates¹ provided in our July 5, 2022 letter should be adopted by the Board to replace those previously adopted for FY 2023-2024, or to delay their implementation until FY 2024-2025.

Timing of Implementing Revised Contribution Rates

First note that we are not aware of any Actuarial Standards of Practice that would require the Board to adopt the revised (higher) contribution rates when the Court grants Plan U benefit effective July 1, 2023. However, the Board could decide to adopt the new contribution rates effective July 1, 2023 based on the following provision found in the "Other Policy Considerations" Section of the Board's Actuarial Funding Policy:

¹ We note in our July 5, 2022 study that the UAAL rate for FY 2023-2024 (as determined in our December 31, 2021 valuation) would remain unchanged as a result of the Court's Plan U improvement.

Mr. Steve Delaney
 January 6, 2023
 Page 2

- b. Any change in contribution rate requirement that results from a plan amendment is generally implemented as of the effective date of the plan amendment or as soon as administratively feasible;

Note that if the Board decides to adopt revised normal cost rates, both employer and member rates were provided in our July 5, 2022 letter. However, as employee rates at only sample entry ages were provided in our July 5, 2022 letter, we have included the full set of employee rates as an Attachment to this letter.

From an actuarial perspective, another reason to adopt the new contribution rates effective July 1, 2023 is that, if the Board chooses not to adopt new contribution rates until FY 2024-2025, there will be an increase in the UAAL that was not calculated in our July 5, 2022 letter because that letter was prepared under the presumption that new contribution rates would be adopted by the Board for FY 2023-2024. That occurs because if the increase in normal cost due to the benefit increase is not funded during FY 2023-2024, it gets added to the UAAL.

We estimate that an additional UAAL of about \$1,366,000 would result from such a one year delay in collecting the higher normal cost contributions from both the employer and the members. Of that amount, half (or about \$683,000) would be due to the under-collection of member contributions for that one year, which when added to the UAAL would in effect transfer that amount of cost from the members to the employer. In contrast the under-collection of employer contributions for that one year would shift that same amount (\$683,000) from employer normal cost to UAAL. That amount would still be funded by the employer but (with interest) over the 20-year UAAL amortization period, rather than in the current year.

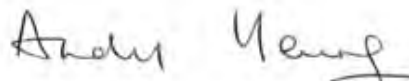
We are members of the American Academy of Actuaries and we meet the qualification requirements to render the actuarial opinion contained herein.

Please let us know if you have any questions or comments.

Sincerely,



Paul Angelo, FSA, MAAA, FCA, EA
 Senior Vice President & Actuary



Andy Yeung, ASA, MAAA, FCA, EA
 Vice President & Actuary

JY/jl
 Enclosures

cc: Suzanne Jenike
 Brenda Shott

Attachment A

Rate Group #2: Member Contribution Rates for Plans T and U
To Reflect Enhancing Plan T to Plan U Formula For Court Employees Effective July 1, 2023

Entry Age	Plan T		Plan U	
	Normal	Total	Normal	Total
15	3.76%	5.04%	5.52%	7.49%
16	3.76%	5.04%	5.52%	7.49%
17	3.83%	5.13%	5.28%	7.16%
18	3.90%	5.22%	5.02%	6.81%
19	3.97%	5.32%	5.11%	6.93%
20	4.04%	5.41%	5.20%	7.06%
21	4.11%	5.51%	5.30%	7.18%
22	4.18%	5.60%	5.39%	7.31%
23	4.25%	5.70%	5.49%	7.44%
24	4.33%	5.80%	5.58%	7.58%
25	4.41%	5.91%	5.68%	7.71%
26	4.48%	6.01%	5.79%	7.85%
27	4.56%	6.12%	5.89%	7.99%
28	4.64%	6.22%	5.99%	8.13%
29	4.73%	6.33%	6.10%	8.27%
30	4.81%	6.45%	6.21%	8.42%
31	4.90%	6.56%	6.32%	8.57%
32	4.98%	6.68%	6.43%	8.72%
33	5.07%	6.80%	6.54%	8.87%
34	5.16%	6.92%	6.66%	9.03%
35	5.26%	7.04%	6.77%	9.19%
36	5.35%	7.17%	6.89%	9.35%
37	5.45%	7.30%	7.02%	9.52%
38	5.55%	7.44%	7.14%	9.69%
39	5.65%	7.57%	7.27%	9.86%
40	5.76%	7.72%	7.40%	10.04%
41	5.87%	7.86%	7.53%	10.22%

Attachment A (continued)

Cost Group #2: Member Contribution Rates for Plans T and U
To Reflect Enhancing Plan T to Plan U Formula For Court Employees Effective July 1, 2023

Entry Age	Plan T		Plan U	
	Normal	Total	Normal	Total
42	5.98%	8.01%	7.67%	10.40%
43	6.09%	8.16%	7.80%	10.59%
44	6.19%	8.30%	7.95%	10.78%
45	6.29%	8.44%	8.09%	10.98%
46	6.40%	8.57%	8.24%	11.18%
47	6.50%	8.72%	8.40%	11.39%
48	6.61%	8.86%	8.56%	11.61%
49	6.73%	9.01%	8.72%	11.83%
50	6.83%	9.15%	8.88%	12.04%
51	6.93%	9.28%	9.03%	12.25%
52	7.00%	9.38%	9.18%	12.46%
53	7.04%	9.44%	9.33%	12.66%
54	7.06%	9.46%	9.49%	12.87%
55	7.03%	9.42%	9.64%	13.08%
56	6.96%	9.33%	9.81%	13.31%
57	6.86%	9.19%	9.96%	13.52%
58	7.08%	9.49%	10.10%	13.70%
59	7.31%	9.80%	10.21%	13.85%
60	7.31%	9.80%	10.28%	13.94%
61	7.31%	9.80%	10.29%	13.96%
62	7.31%	9.80%	10.25%	13.91%
63	7.31%	9.80%	10.15%	13.77%
64	7.31%	9.80%	10.00%	13.57%
65	7.31%	9.80%	10.32%	14.01%
66 & Over	7.31%	9.80%	10.67%	14.47%
COLA Loading:		34.03%		35.67%

Attachment A (continued)

Cost Group #2: Member Contribution Rates for Plans T and U

To Reflect Enhancing Plan T to Plan U Formula For Court Employees Effective July 1, 2023

Interest:	7.00% per annum
COLA:	2.75% per annum
Mortality:	See December 31, 2021 Valuation Report <i>Section 4, Exhibit 1</i>
Salary Increase:	Inflation (2.50%) + Across-the-Board Increase (0.50%) + Merit and Promotion (See December 31, 2021 Valuation Report <i>Section 4, Exhibit 1</i>)

It is our understanding that in the determination of pension benefits under the CalPEPRA 2.5% at 67 formula, the compensation that can be taken into account for 2022 is equal to \$161,969 (reference: Section 7522.10). These amounts should be adjusted for changes to the Consumer Price Index for All Urban Consumers after 2022 (reference: Section 7522.10(d)).



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Via Email

July 5, 2022

Mr. Steve Delaney
Chief Executive Officer
Orange County Employees Retirement System
2223 Wellington Avenue, Suite 100
Santa Ana, CA 92701-3101

**Re: Orange County Employees Retirement System (OCERS)
Cost Study of Enhancing Superior Court Members in Rate Group #2 from Plan T
(1.62% @ 65) Formula to Plan U (2.5% @ 67) Formula based on December 31, 2021
Valuation**

Dear Steve:

As requested by OCERS on behalf of the Superior Court (Court), Segal has updated our letter dated June 25, 2020 with the cost impact of providing an enhanced benefit on a prospective¹ basis for the Court's current active members in Rate Group #2 by going from the Plan T (1.62% @ 65) formula to the Plan U (2.5% @ 67) formula based on the December 31, 2021 valuation.² It is also our understanding that the Court's future employees would be enrolled in Plan U. Our calculation is based on the membership information, assumptions and results from the December 31, 2021 valuation. The results of that valuation have been approved for use in setting employer and member contribution rates for FY 23-24.

Background

For the purpose of determining the contribution rates in the ongoing valuation, employers that offer the same plan of benefit have generally been assigned to the same rate group. This should result in more stable contribution rates (especially for the smaller employers) as the actual experience from a larger group of members would be pooled in establishing the contribution rate requirements. This is the case for the Court in Rate Group #2 which includes the County attorneys, OCERS (as an employer) and three other employers. Furthermore, it is our understanding, after confirmation by OCERS, that all Court and County employees receiving the same benefit have to pay the same normal cost rate (and possibly the same unfunded actuarial accrued liability (UAAL) rate) pursuant to Section 71624(b) of the Government code.

¹ Consistent with our understanding of the provisions included in California Public Employees' Pension Reform Act of 2013, no past service would be enhanced under the Court's proposal.

² The cost impact provided in our letter dated June 25, 2020 was based on the December 31, 2019 valuation.

Mr. Steve Delaney
 July 5, 2022
 Page 2

In the table below, we compare the demographic profiles of the active employees in Rate Group #2 enrolled in Plans U and T before and after enhancing the benefits for the Court's active employees. Note that the Court Plan T members have a higher average entry age than the current Plan U members, and this age gap has widened since our last study dated June 25, 2020.

	Plan U Actives Before Including Court Actives Currently in Plan T	Court Actives Currently in Plan T	Plan U Actives After Including Court Actives Currently in Plan T
Number of Actives	335	546	881
Entry Age	32.4	34.4	33.6
Attained Age	36.6	38.4	37.7

	Plan T Actives Before Excluding Court Actives Currently in Plan T	Court Actives Currently in Plan T	Plan T Actives After Excluding Court Actives Currently in Plan T
Number of Actives	5,874	546	5,328
Entry Age	34.5	34.4	34.5
Attained Age	38.8	38.4	38.9

Result

The normal cost rates for both Plan T and Plan U set based on the demographic profiles of the active members enrolled in those Plans before and after reflecting the enhancement for the Court's active members are provided in the table below.

	Before Enhancement for Court Members		After Enhancement for Court Members	
	<u>Plan T</u>	<u>Plan U</u>	<u>Plan T</u>	<u>Plan U</u>
Employer Normal Cost Rate ³	7.11%	8.27%	7.09%	9.17%
Member Normal Cost Rate ⁴	7.11%	8.27%	7.09%	9.17%

Relative to the normal cost rates calculated in the December 31, 2021 valuation that have previously been approved by the Board for FY 23-24, there would be an increase in the employer and the member normal cost rates for Plan U due to the inclusion of the Court active members with a higher average entry age. There would be a slight decrease in the employer and member normal cost rates for Plan T due to the exclusion of the Court active members.

³ Besides the normal cost rate, the employer also has to pay a UAAL rate of 26.14% of payroll as calculated in the December 31, 2021 valuation.

⁴ A comparison of the member rates at sample entry ages is provided in the Attachment.

Mr. Steve Delaney
 July 5, 2022
 Page 3

Other Considerations

Effective Date of Implementing Employer and Member Contribution Rates in this Study

We would need guidance from OCERS regarding the timing of implementation of the revised normal cost rate to the affected employers in Plans U and T in Rate Group #2. In the past, OCERS has implemented new employer and member contribution rates upon the effective date of a benefit enhancement. However, in the case of the Court's enhancement, implementing the higher rate for the Court would have the impact of changing the contribution rates that had previously been approved by the Board in the December 31, 2021 valuation for FY 23-24 for the other employers with members enrolled under Plans U and T.

Rather than changing the contribution rates starting in FY 23-24, the Board may consider putting off revising the contribution rates until after the plan information (for the Court's members reflecting the new Plan U) is reported in the census data for the next actuarial valuation (i.e., December 31, 2022). However, under that scenario, there would be some actuarial losses in Rate Group #2 as the higher employer and member normal cost rates will not be paid immediately.

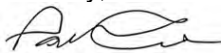
Decrease in UAAL

There is a technical issue associated with providing a future service only Plan U benefit for the Court's current active employees. Based on the Entry Age funding method, we calculated the normal cost rates assuming that all service (past and future) would be enhanced under Plan U. When that higher normal cost is used to split the present value of future benefit for an active member into future normal cost and past actuarial accrued liability, it results in a higher allocation to the future normal cost and a lower allocation to the actuarial accrued liability. This will reduce the UAAL by \$36,000⁵ and reduce the UAAL contribution rate for Rate Group #2 by 0.00%⁶ (when rounded), even though the improvement is only with respect to future service.

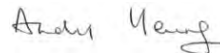
We are members of the American Academy of Actuaries and we meet the qualification requirements to render the actuarial opinion contained herein.

Please let us know if you have any questions and we look forward to discussing these results with you.

Sincerely,



Paul Angelo, FSA, MAAA, FCA, EA
 Senior Vice President & Actuary



Andy Yeung, ASA, MAAA, FCA, EA
 Vice President & Actuary

JY/bbf
 Enclosures

cc: Suzanne Jenike
 Brenda Shott

⁵ In our last study dated June 25, 2020, the reduction in the UAAL was \$857,000.

⁶ In our last study dated June 25, 2020, the reduction in the UAAL contribution rate was 0.01%.

Comparison of Member Normal Cost Rates at Sample Entry Ages

Entry Age	Before Enhancement for Court Members		After Enhancement for Court Members	
	<u>Plan T</u>	<u>Plan U</u>	<u>Plan T</u>	<u>Plan U</u>
30	6.45%	7.87%	6.45%	8.42%
35	7.05%	8.59%	7.04%	9.19%
40	7.73%	9.38%	7.72%	10.04%



OCERS Board Policy

Actuarial Funding Policy

Purpose and Background

The Orange County Employees Retirement System (OCERS) is charged with administering defined benefit plans for its members. Administering the system includes establishing systematic funding of current and future benefit payments for members of OCERS. In doing so, the Board of Retirement engages the services of an actuary to assist in establishing contributions that will fully fund the System's liabilities, and that, as a percentage of payroll, will remain as level as possible for each generation of active members. In order for the actuary to perform the requested services, the Board must approve specific funding objectives, methods, and assumptions to be used in the actuarial valuation for the purpose of funding member benefits.

Policy Objectives

- Achieve long-term full funding of the cost of benefits provided by OCERS;
- Seek reasonable and equitable allocation of the cost of benefits over time;
- Minimize volatility of the plan sponsor's contribution to the extent reasonably possible, consistent with other policy goals; and,
- Support the general public policy goals of accountability and transparency by being clear as to both intent and effect, allowing for an assessment of how and when plan sponsors will meet the funding requirements of the plan.

Definitions

1. **Actuarial Accrued Liability (AAL)** – The portion of the present value of projected benefits that is attributed to past service by the actuarial funding method.
2. **Actuarial Funding Method** – A process used to allocate present value of projected benefits among past and future periods of service.
3. **Actuarial Gains and Losses** – The changes in unfunded actuarial accrued liability or surplus due to actual experience different from what is assumed in the actuarial valuation. For example, if during a given year the assets earn more than the investment return assumption, the amount of earnings above the assumption will cause an unexpected reduction in unfunded actuarial accrued liability, or "actuarial gain" as of the next valuation.
4. **Actuarial Surplus** – The positive difference, if any, between the Valuation Value of Assets and the Actuarial Accrued Liability
5. **Actuarial Value of Assets (AVA)** – The market value of assets less or plus the net deferred investment gains or losses not yet recognized by the asset smoothing method.



OCERS Board Policy

Actuarial Funding Policy

6. **Entry Age Method** – An actuarial cost method designed to fund a member's total plan benefit over the course of his or her career. This method is designed to produce stable employer and employee contributions in amounts that increase at the same rate as the members' payroll (i.e., level % of payroll).
7. **Market Value of Assets (MVA)** – The fair value of assets of the plan as reported under generally accepted accounting principles.
8. **Normal Cost** – The portion of the present value of projected benefits that is attributed to current service by the actuarial funding method.
9. **Unfunded Actuarial Accrued Liability (UAAL)** – The portion of the Actuarial Accrued Liability that is not currently covered by plan assets. It is calculated by subtracting the Valuation Value of Assets from the Actuarial Accrued Liability.
10. **Valuation Value of Assets (VVA)** – The value of assets used in the actuarial valuation to determine contribution rate requirements. It is equal to the Actuarial Value of Assets reduced by the value of any non-valuation reserves.
11. **Valuation Period** – The year for which the actuarial valuation is being performed, which is the calendar year preceding the December 31 actuarial valuation date.

Policy Guidelines

OCERS annual funding requirement is comprised of a payment of the Normal Cost and a payment on the Unfunded Actuarial Accrued Liability (UAAL). The Normal Cost and the amount of payment on UAAL are determined by the following three components of this funding policy

- a. Actuarial Cost Method: the process used to allocate the total present value of future benefits to each year (Normal Cost), and all past years (Actuarial Accrued Liability);
- b. Asset Smoothing Method: the process used that spreads the recognition of investment gains or losses over a period of time for the purposes of determining the Actuarial Value of Assets used in the actuarial valuation process; and
- c. Amortization Policy: the decisions on how, in terms of duration and pattern, to reduce the difference between the Actuarial Accrued Liability and the Valuation Value of Assets in a systematic manner.

Actuarial Cost Method

The Entry Age cost method with Normal Cost developed as a level percentage of pay shall be applied to each member's retirement benefit in determining the Normal Cost and the Actuarial Accrued Liability.



OCERS Board Policy

Actuarial Funding Policy

Asset Smoothing Method

The investment gains or losses of each Valuation Period, as a result of comparing the actual return on the Market Value of Assets at the end of the period with what the expected return on the Market Value of Assets would have been if the assumed rate of return on assets was realized during the period, shall be recognized in a level amount over a fixed five (5) years in calculating the Actuarial Value of Assets.

This policy anticipates that future circumstances may warrant adjustments to change the pattern of the recognition of the net deferred investment gains or losses after a period of significant market change followed by a period of market correction, upon receiving an analysis from OCERS' actuary. Such adjustments would be appropriate when the net deferred investment gains or losses are relatively small (i.e., the actuarial and market values are very close together), but the recognition of that net deferred amount is markedly non-level. Any such adjustment would be made subject to the following conditions:

- The net deferred investment gains or losses are unchanged as of the date of the adjustment; and,
- The period over which the net deferred investment gains and losses are fully recognized is unchanged as of the date of the adjustment.

Amortization Policy

- a. The Unfunded Actuarial Accrued Liability, the difference between the Actuarial Accrued Liability and the Valuation Value of Assets, shall be amortized over various periods of time, depending on how the unfunded liability arose;
- b. The total Unfunded Actuarial Accrued Liability as of December 31, 2013 (which consists of the outstanding balance of the UAAL from the December 31, 2012 valuation and any new actuarial gains or losses from calendar year 2013) shall be amortized over twenty (20) years;
- c. Actuarial Gains or Losses incurred in a single year shall be amortized over twenty (20) years;
- d. Changes in actuarial assumptions and cost methods shall be amortized over twenty (20) years;
- e. Plan amendments other than Early Retirement Incentives shall be amortized over fifteen (15) years;
- f. Early Retirement Incentives shall be amortized over a period not to exceed five (5) years;
- g. Unfunded Actuarial Accrued Liabilities shall be amortized in multiple layers by source over "closed" amortization periods;
- h. Unfunded Actuarial Accrued Liabilities shall be amortized as a level percentage of payroll so that the amortization amount in each year during the amortization period shall be expected to be a level percentage of covered payroll, taking into consideration the current assumption for general payroll increase;
- i. If an overfunding or "surplus" exists (i.e., the Valuation Value of Assets is greater than the Actuarial Accrued Liability) and the amount of such surplus is in excess of 20% of the AAL and the other conditions of Section 7522.52 of the California Public Employee's Pension Reform Act are met, such actuarial surplus in excess of 20% of the AAL and any subsequent such surpluses will be amortized



OCERS Board Policy

Actuarial Funding Policy

over an “open” amortization period of 30 years. Any prior UAAL amortization layers will be considered fully amortized, and any subsequent UAAL will be amortized as the first of a new series of amortization layers, using the above amortization periods.

- j. These amortization policy components will generally apply separately to each of OCERS’ UAAL rate groups with the exception that the conditions of Section 7522.52 apply to the total plan.

Other Policy Considerations

- a. In order to allow Plan Sponsors to more accurately budget for pension contributions and other practical considerations, the contribution rates determined in each actuarial valuation (as of December 31) will generally apply to the fiscal year beginning eighteen months after the Actuarial Valuation date. The UAAL contribution rates in the current actuarial valuation are adjusted to account for any shortfall or excess contributions as a result of the implementation lag;
- b. Any change in contribution rate requirement that results from a plan amendment is generally implemented as of the effective date of the plan amendment or as soon as administratively feasible;
- c. When calculating both employer and member contribution rates (basic and COLA portions) for Legacy members, the actuary shall include an assumption for the additional cash out of accumulated annual leave, sick leave or compensatory leave both earned and permitted to be cashed out during the final average measuring period, applied on a pooled basis (General, Safety-Probation, Safety-Law and Safety-Fire).
- d. The actuarial assumptions adopted by the Board for use in the actuarial valuation affect only the timing of contributions; the ultimate contribution level is determined by the benefits and the expense actually paid offset by actual investment returns. To the extent that actual experience deviates from the assumptions, experience gains and losses will occur. These gains (or losses) then serve to reduce (or increase) the future contribution requirements.

Actuarial assumptions are generally grouped into two major categories:

- Demographic assumptions – including rates of withdrawal, service retirement, disability retirement, mortality, etc.
- Economic assumptions – including price inflation, wage inflation, investment return, salary increase, etc.

The actuarial assumptions represent the Board’s best estimate of anticipated experience under OCERS and are intended to be long term in nature. Therefore, in developing the actuarial assumptions, the Board considers not only past experience but also trends, external forces and future expectations. The Board will review all assumptions triennially. The current assumptions used by the actuary can be found in the latest actuarial valuation report available on OCERS’ website..



OCERS Board Policy Actuarial Funding Policy

Policy Review

The Board of Retirement will review this policy every three years or more frequently if recommended by the actuary to ensure that it remains relevant and appropriate.

Policy History

The Board adopted this policy on January 21, 2014. This policy was revised on December 15, 2014, April 18, 2018, and November 14, 2022.

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

11/14/2022

Date



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **DELEGATING DISABILITY GRANTS TO THE CEO**

Recommendation

Delegate to the OCERS CEO the responsibility to fully develop Disability Benefit grant recommendations for the OCERS Board’s consideration and approval.

Background

The OCERS Board has made a number of streamlining changes to the disability benefit process over the past decade. In 2018, the last major modification to the process was made with the creation of the OCERS Board’s Disability Committee.

The number of disability benefit claims presented to the Disability Committee each month continues to rise with the growth of system membership. In 2022, OCERS received 113 applications for disability retirement; and the Disability Committee in turn reviewed and forwarded to the OCERS Board 80 recommendations to grant the disability benefit. [See Item R-9 “Disability Statistics” of the January 2023 Board agenda for further detail.]

I am proposing a new process that would apply ONLY to applications for disability retirement for which the OCERS disability staff, in consultation with the Legal Division, recommends that the application be granted. For these applications, rather than requiring the Disability Committee to continue to consider in depth each of the disability applications where staff’s recommendation is to grant the disability benefit, I propose that the CEO assume the responsibilities of the Disability Committee in connection with these applications. The CEO would undertake that same in-depth review of staff’s recommendations to grant, including review of all of the medical information and other back up material upon which staff bases its recommendation to grant. If, after evaluation of all of the materials, the CEO concurs in staff’s recommendation that the application for disability benefits should be granted, the matter would be placed on the Board’s monthly Consent Agenda with a recommendation from the CEO that the Board grant the disability benefit. The materials would include a memorandum explaining the basis for the recommendation and would provide at least the same level of information and detail as is currently presented to the Board in connection with recommended grants from the Disability Committee. All of the supporting documentation (e.g., complete medical reports, employer statement and records, etc.) for each item on the Consent Agenda would be placed in a folder on Diligent marked “CEO Disability Recommendations – MONTH/YEAR” and available to the Board for its review. If any Board member had questions or concerns about any matter, the matter could be pulled for discussion in Closed Session just as we currently do.

If the Board were to disagree with the CEO's recommendation to grant a disability benefit and were to deny the application, the member would have the same opportunity as they do currently when the Disability Committee recommends a denial to request an administrative hearing.

It is important to emphasize that the CEO will not APPROVE grants of disability benefit. That authority remains with the Board in accordance with the law.¹

Because the Disability Committee would not need to take up each individual claim under the process as proposed, the member would obtain their benefit in a more timely manner, and the Disability Committee could focus its time and attention on claims for disability benefits that staff has determined do not meet the proof standards set by the OCERS Board.

Submitted by:



SD-Approved

Steve Delaney
Chief Executive Officer

¹ The CERL (Gov't Code § 31725) states that "[p]ermanent incapacity for the performance of duty shall in all cases be determined by the board" and that "[i]f the proof received, including any medical examination, shows to the satisfaction of the board that the member is permanently incapacitated physically or mentally for the performance of his duties in the service, it shall retire him ..." (Gov't Code § 31724).



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: 2022 OCERS INNOVATIONS AND PROCESS IMPROVEMENTS

Presentation

Background/Discussion

At the start of each calendar year your OCERS team proudly reports on the innovations and process improvements that have been undertaken at OCERS over the prior calendar year. The OCERS management team emphasizes “continuous improvement” as our goal in always striving to provide the very best in services to our thousands of members.

I include links here to two great contrasting articles that address the importance of innovation in public agencies such as OCERS:

The first suggests that government, just like private sector, can have break through innovative moments: Break Through Innovation - https://ssir.org/articles/entry/unleashing_breakthrough_innovation_in_government

The second is what we see more of, slow continuous change that is termed here “slow growth innovation”: Slow Growth Innovation - <https://www.newamerica.org/weekly/effective-government-innovation-facebook/>

The key is to always encourage that mindset of continuous improvement, and innovative thinking. The Government Finance Officers Association (GFOA) has commented on the value of maintaining an innovative outlook in government with a word of caution:

“Local governments need to worry more about creating and sustaining an innovation-friendly administrative environment than about attempting innovations because they are in vogue somewhere else. A new fad is not necessarily what will work well for your specific organization. When Peters and Waterman described how their organizations brought about innovations, they found that these companies created the right atmosphere and conditions to allow innovative thinking to flourish.”

When implementing innovation and improving processes at OCERS, it’s not about doing more with less; it’s about doing better with the resources we have. We are not looking for complex strategies, which often add confusion; instead we look to make straightforward simple change and improvement that creates better results.

The innovations and process improvements that were implemented this past year required the assistance of the entire OCERS team, and on January 17 you will hear from OCERS' management as they share details of some of the key efforts that were made in 2022.

NOTE: A new approach to this year's presentation is to include as an informational item cost savings, or cost avoidance that can be attributed to the innovation or process improvement.

[Submitted by:](#)



SD - Approved

Steve Delaney
Chief Executive Officer



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **COVID-19 UPDATE**

Presentation

I will provide a verbal update of any timely COVID-related information items to the Board on January 17.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

*Orange County Employees Retirement System
Retirement Board Meeting
January 17, 2023
Application Notices*

<i>Member Name</i>	<i>Agency/Employer</i>	<i>Retirement Date</i>
ALEXANDER, JENNIFER	Sanitation District	10/23/2022
BARTIK, LAURA	Social Services Agency	11/8/2022
BENBROOK, JAYSON	Health Care Agency	11/4/2022
BIRKETT, PATRICK	Sheriff's Dept	10/6/2022
BOGLINO, GINA	Social Services Agency	11/18/2022
BROWN, KIM	Sheriff's Dept	11/15/2022
CANNON, YOLANDA	Superior Court	11/18/2022
CAPALETY, DEAN	OC Public Works	11/23/2022
CONTRERAS, MICHAEL	Fire Authority (OCFA)	11/4/2022
CRUZ, MANNY	Sheriff's Dept	11/4/2022
DE MORAES, FLAVIO	Sheriff's Dept	11/4/2022
DOMPOR, DINA	Health Care Agency	11/4/2022
DUNCAN, NANCY	Social Services Agency	7/5/2016
FRANCO, LINDA	District Attorney	11/4/2022
FRICK, ROBERT	Fire Authority (OCFA)	10/7/2022
GONZALES, MAGGIE	Social Services Agency	11/4/2022
GUIDI, SARAH	Probation	11/18/2022
GUTIERREZ, OLGA	Health Care Agency	10/7/2022
HAGEN, SCOTT	John Wayne Airport	11/15/2022
HALDERMAN, ALISON	Health Care Agency	11/4/2022
HALL, STEPHEN	Health Care Agency	10/24/2022
HERRERA, CHRISTINE	Treasurer - Tax Collector	11/18/2022
HILL, STEPHANIE	Social Services Agency	11/4/2022
HOFFMAN, GEORGANNA	Sheriff's Dept	11/4/2022
HOUSER, JACOB	OCTA	11/19/2022
KAWILE, LUIS	Sanitation District	11/4/2022
KONO, SAWAKO	OC Community Resources	10/25/2022
LABARDA, ROSARIO	Social Services Agency	11/18/2022
LAKE, SCOTT	OCTA	11/2/2022
NALLY, JAMES	Sheriff's Dept	11/4/2022
O'NEIL, BUFFY	Sheriff's Dept	11/19/2022
ORTEGA, JUANITA	Social Services Agency	11/4/2022
OWEN, WENDY	Sheriff's Dept	10/25/2022
PEREZ, MARTHA	Social Services Agency	11/4/2022
PHAM, LOI	Sheriff's Dept	8/4/2022
ROBERTS, RONALD	Fire Authority (OCFA)	10/6/2022
SAGGIO, LISA	OCWR	10/26/2022
SALERNO, ANTHONY	Fire Authority (OCFA)	11/4/2022
SCOTT, WILL	County Executive Office (CEO)	11/18/2022
SMITH, MICHAEL	Probation	11/8/2022
SORIANO, MARTHA	Probation	10/21/2022
SPRIK, ERIC	Social Services Agency	11/4/2022
SPRIK, JANICE	Probation	11/4/2022
TAYLOR, LAURA	Social Services Agency	11/4/2022
TRUMAN, MATTHEW	Fire Authority (OCFA)	11/18/2022
TUIASOSOPO-KEMPER, GARY	Sanitation District	11/18/2022

<i>Member Name</i>	<i>Agency/Employer</i>	<i>Retirement Date</i>
VEGA, KIMBERLY	District Attorney	9/23/2022
WHARTON, RICHARD	Probation	11/4/2022

*Orange County Employees Retirement
Retirement Board Meeting
January 17, 2023
Death Notices*

<i>Active Deaths</i>	<i>Agency/Employer</i>
BOBIER, JEAN	Social Services Agency
HILTBRUNNER, VICKY	Social Services Agency
LOPEZ, JUAN	Sanitation District
TEJEDA, TERESA	Social Services Agency

<i>Retired Members</i>	<i>Agency/Employer</i>
BAIR, DARLENE	Child Support Services
BUNDY, DENISE	Sheriff's Dept
CAMPBELL, LISA	Health Care Agency
CAMPOBASSO, PASQUALE	Sheriff's Dept
CHIKAMORI, PAUL	Child Support Services
DAVIS, RUTH	Child Support Services
DESTRO, CHERYL	Health Care Agency
DUNCAN, HARRY	Child Support Services
EASTMAN, CHARLES	Sheriff's Dept
ELLIOTT, MOISETTE	OC Community Resources
ELLIS, THOMAS	OCWR
FUNG, ESCOLASTICA	UCI
GIER, JOHN	District Attorney
GOERGER, JOHN	Sheriff's Dept
GUTIERREZ, OLGA	Health Care Agency
HARRIS, JODIE	Child Support Services
HART, LILLIAN	Child Support Services
JONES, MARGARET	Health Care Agency
KAISER, MATHIAS	Child Support Services
KAUFMAN-COLLETT, HARRIET	Health Care Agency
KELLY, ANN	Department of Education
KIRK, SIDNEY	Sanitation District
LAUDER, CRAIG	OCTA
LE, THONG	OC Public Works
LITSEY, MERRILYN	County Clerk/Recorder
MILLS, GORDON	Sheriff's Dept
PEREIRA, LUIS	Social Services Agency
RAMOS, VICTOR	OCTA
RENDON, EDUARDO	Probation
REYES, BERNARDO	OCTA
SCARPIN, RAY	Child Support Services
SCHARF, SYLVIA	Child Support Services
STAFFORD, BELVA	Sheriff's Dept
SWANSON, SARAH	Child Support Services
UTKA, MARJOIRE	Probation
VANDENBROECK, SANDRA	District Attorney
VILLALON, RODRIGO	Sheriff's Dept
VIRUS, DALE	Child Support Services
WALSTEDT, DOROTHY	Child Support Services
WEIGAND, KENNETH	District Attorney
WOODS, DONALD	OC Public Works
YOSELOFF, ELINA	Child Support Services

<i>Surviving Spouses</i>	
CLINE, CAROLYN	
EARLY, JAMES	
LUCAS, CHARLOTTE	
MARTIN, LUGENE	
OXANDABOURE, AUDREY	
RAMSEY, MARIA	
WALKER, GERALDINE	

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

**AUDIT COMMITTEE MEETING
October 3, 2022
9:30 a.m.**

MINUTES

OPEN SESSION

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

Recording Secretary administered the Roll Call attendance.

Attendance was as follows:

Present: Frank Eley, Chair; Sheri Freidenrich, Vice Chair; Richard Oats; Charles Packard

Also Present: Steve Delaney, Chief Executive Officer; Brenda Shott, Assistant CEO, Internal Operations; Tracy Bowman, Director of Finance; David Kim, Director of Internal Audit; Jeff Lamberson, Director of Member Services; Jenny Sadoski, Director of Information Technology; Matt Eakin, Director of Cyber Security; Jon Gossard, Information Security Manager; Mark Adviento, Internal Auditor; Ayanna McGiffert, Executive Secretary; Bill Singleton, Recording Secretary; Anthony Beltran, Audio Visual Technician.

Present via Zoom: Gina Ratto, General Counsel; Brenda Shott, Assistant CEO, Internal Operations; Suzanne Jenike, Assistant CEO, External Operations.

PUBLIC COMMENT

None.

C-1 APPROVE AUDIT COMMITTEE MEETING MINUTES

Audit Committee Meeting Minutes

June 2, 2022

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

The motion passed **unanimously**

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

A-2 PROCUREMENT PROCESS AUDIT

Audit Committee Meeting
October 3, 2022

Presentation by David Kim, Director of Internal Audit

Recommendation: Receive and file.

After Committee discussion, Steve Delaney Chief Executive Officer offered to report back to the Committee audit results and findings. **MOTION** by Mr. Oates, **SECONDED** by Mr. Packard.

The motion passed **unanimously**

A-3 CONTINUOUS AUDIT OF FINAL AVERAGE SALARY CALCULATIONS (Q2 2022)

Presentation by Mark Adviento, Internal Auditor David Kim, Director of Internal Audit

Recommendation: Receive and file.

The Committee discussed the need and frequency of future FAS audits. Ms. Freidenrich suggested moving away from the Quarterly FAS audits since the accuracy issue has been identified and Executive Management has taken the necessary steps on the issue, including adding staff to the process. Ms. Freidenrich suggested an annual audit with fewer samples. Chair Eley and Mr. Oates would still like the FAS audits performed quarterly until the results are below a proposed reportable threshold. The audits could be performed with fewer samples. Mr. Packard noted as long as there is some level of human involvement, even after the implementation of RPA/AI, there is a possibility of errors. Chair Eley recommended the continuation of the Quarterly FAS audits.

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

The motion passed **unanimously**.

A-5 REPORTABLE THRESHOLD FOR BENEFIT CALCULATIONS

Presentation by Suzanne Jenike, Assistant CEO of External Operations and Jeff Lamberson, Director of Member Services

Recommendation:

After Committee discussion, Chair Eley directed staff to bring this item back to the next Audit Committee meeting with Internal Audit FAS reporting examples using a \$10 reportable threshold.

A-4 ETHICS COMPLAINT AND FRAUD HOTLINE UPDATE

Presentation by David Kim, Director of Internal Audit

Recommendation: Receive and file

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

Audit Committee Meeting
October 3, 2022

The motion passed **unanimously**.

The Board recessed for break at 11:23 a.m.

The Board reconvened from break at 11:40 a.m.

The Board adjourned into closed session at 11:43 a.m.

CLOSED SESSION

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.

The Board reconvened into open session at 12:41 p.m.

The Audit Committee took no reportable action.

COMMITTEE MEMBER COMMENTS

None

STAFF COMMENTS

None

CHIEF EXECUTIVE OFFICER

COUNSEL COMMENTS

None

ADJOURNMENT

Chair Eley adjourned the meeting at 12:42 p.m.

Submitted by:

Approved by:

Steve Delaney
Secretary to the Board

Frank Eley
Chair



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: **CEO FUTURE AGENDAS AND 2023 OCERS BOARD WORK PLAN**

Written Report

AGENDA TOPICS FOR THE OCERS BOARD OF RETIREMENT

FEBRUARY

- Annual Cost of Living Adjustment
- Initial STAR COLA Posting
- Annual Overpaid and Underpaid Plan Benefits Report
- Annual Policy Compliance Report
- Report Outcome of Prior Year Business Plan
- Annual Report of Contracts >\$100,000

MARCH

- STAR COLA Final Approval
- Quarterly 2023-2025 Strategic Plan Review
- Semi Annual Business Continuity Disaster Recovery Updates
- Quarterly Unaudited Financial Statements
- Quarterly Budget vs Actual Report
- CIO Comments

APRIL

- Annual Fiduciary Training
- SACRS Board of Directors Election
- Quarterly Travel and Training Expense Report
- Form 700 Due
- CIO Comments

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer

OCERS RETIREMENT BOARD - 2023 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 2023 STAR COLA (A)	SACRS Board of Directors Election (A)	Preliminary December 31, 2022 Valuation (I)	Mid-Year Review of 2023 Business Plan Progress (I)	Approve Early Payment Rates for Fiscal Year 2023-25 (A)	Review 2nd Quarter Budget to Actuals Financial Report (I)	Strategic Planning Workshop (I)	Approve 2024-2026 Strategic Plan (A)	Review 3rd Quarter Budget to Actuals Financial Report (I)	
	Receive OCERS Innovation Report (I)	Approve 2023 COLA (A)	Quarterly 2023-2025 Strategic Plan Review (A)			Approve December 31, 2022 Actuarial Valuation & Funded Status of OCERS (A)	Approve Actuarial Experience Study 2020-2022 (A)	Receive OCERS by the Numbers (I)		Annual OCERS Employer Review (I)	Approve 2024 Business Plan (A)	Approve 2024 Administrative (Operating) Budget (A)
						Approve 2022 Comprehensive Annual Financial Report (A)		Receive Evolution of the UAAL (I)	State of OCERS (I)	Employer & Employee Pension Cost Comparison (I)	Annual CEO Performance Review and Compensation (A)	
						Quarterly 2023-2025 Strategic Plan Review (A)						
											Adopt 2024 Board Meeting Calendar (A)	
Board Governance												Adopt Annual Work Plan for 2024 (A)
												Vice-Chair Election (A)
												Receive 2024 Board Committee Assignments (A)
Regulation / Policies	Communication Policy Fact Sheet (I)											
Compliance	Status of Board Education Hours for 2022 (I)			Form 700 Due (A)		Receive Financial Audit (I)						

(A) = Action (I) = Information



Memorandum

DATE: January 17, 2023
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 is finalized.

- ∑ An RFP for employee Classification and Compensation Review was released in July. This is to provide benchmarking to compare employee's total compensation versus similar internal and external positions. We re-released the RFP and received an additional Proposal. We are currently evaluating the final response.
- ∑ We sent out an RFP for Consulting Actuary Services in August. This RFP is to hire a qualified firm as a Consulting Actuary as our current contract with Segal has reached its maximum six-year term. We received four (4) proposals are currently evaluating those responses. A final vendor was selected and we are currently in contract negotiations.
- ∑ We sent out an RFP for a Robotic Process Automation platform and associated services in September. This RFP is to hire a qualified firm to provide software and services to automate processes to increase productivity, efficiency, and accuracy. We received eight Proposals. A final vendor was selected, and we are currently in contract negotiations.



Memorandum

- Σ An RFP for Administrative Hearing Officer Services was released in October. Contracts for some of our current Hearing Officers are set to expire and so we must bid-out these services. We received five (5) proposals that are currently being evaluated.
- Σ We distributed an RFP in early January for Securities Litigation Monitoring Services. Our current contracts with three firms are set to expire in July 2023. This RFP is to select firms to provide the needed services. Proposals are due to OCERS February 6th.

Submitted by:



JD - Approved

Jim Doezie
Contracts, Risk and Performance Administrator



Memorandum

DATE: January 17, 2023
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:

From Steve Delaney:

- ∑ NASRA News Clips
- ∑ Interesting article regarding growing capabilities of AI. Though some dark predictions here, the practical applications we will be able to put to use as part of VISION 2030 could be astounding.
<https://www.vox.com/future-perfect/2023/1/4/23538647/artificial-intelligence-chatgpt-openai-google-meta-facial-recognition>

Other Items: (See Attached)

1. Monthly summary of OCERS staff activities and updates, starting with an overview of key customer service metrics, for the month of NOVEMBER 2022.

Submitted by:



SD - Approved

Steve Delaney
Chief Executive Officer



Monthly Team Status

November 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 November.

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	151	February	0	98%	2,972	5,577	1,271	9,820
Mar	112	95	51	120	March	1	98%	2,666	4,951	845	8,462
Apr	41	37	39	47	April	0	98%	2,828	4,868	966	8,662
May	41	43	52	65	May	0	98%	2,313	4,414	776	7,503
Jun	50	59	49	73	June	1	98%	1,988	4,169	757	6,914
Jul	52	262	64	54	July	0	98%	2,098	3,977	652	6,727
Aug	61	190	59	58	August	0	98%	1,945	4,210	894	7,049
Sep	42	117	70	42	September	0	98%	1,554	3,755	537	5,846
Oct	59	51	67	70	October	0	98%	1,182	3,301	510	4,993
Nov	49	48	95	78	November	0	98%	1,033	3,037	365	4,435
Dec	68	66	93		December						
Grand Total	1033	1360	847	1104	Grand Total	2	98%	23,583	47,661	8,633	79,877

MEMBER SURVEY RESPONSE

"Thank you for all your help, I had a productive meeting with one of your customer support representatives and they excellent in navigating me through the process. I believe I have all the information that I need to finalize my retirement."

October 2022

"Your customer support team has done a wonderful job providing me with outstanding customer service and with great detail. They are truly an asset to OCERS organization."

October 2022

"I wanted to thank your customer support representative for all the help. I had a question about my service credit purchase and they went out of their way to take the time to help me and complete my purchase. I really appreciate the effort as I was anxious about the cost and wanted to take care of this before I retire in a few months. Thank you again!"

September 2022



Monthly Team Status

November 2022

ACTIVITIES

MEMBER SERVICE OUTREACH ACTIVITIES IN NOVEMBER

Mr. Ardeleanu reports:

- Σ Cesar Rodriguez participated in two AOCDS sessions on November 1st and the 3rd, scheduled by Board Member Richard Oates. There were approximately 40-50 Safety members per day, asking a variety of questions regarding: SCP, Holiday Comp Timesheets/Paystubs, Vacation Hour Cash-outs, Survival Benefits, and Workers Compensation/Disability Retirements. The second session was also attended by Megan Cortez, to observe and assist our members especially with disability related questions. Cesar and Megan provided the information on members seen and types of questions asked.
- Σ Aileen Daag participated on November 9th, in the OCFA-2022 Retiree Workshop. The fair was attended by 24 members, and Aileen spoke with 4 members (over Zoom) in addition to answer questions regarding STAR COLA, service-connected disability retirement applications, website info (location, info available, SPD), and her direct contact information.

UPDATES

INVESTMENT TEAM

Dave Beeson reports on November activities:

As of October 31, 2022, the portfolio year-to-date is down 9.0% net of fees, while the one-year return is down 7.0%. The fund value now stands at \$20.4 billion. The OCERS Investment Team did not close on any new funds during November. Four Investment Team members attended the SACRS Fall Conference in November. OCERS' Investment Team, together with the OCERS Finance Team, began reviewing responses for the Global Custody Services RFP during November. OCERS' Investment Team completed the real assets asset class review during the month. In addition, the OCERS Investment Team and Aksia finished the real assets pacing plan for 2023 which includes committing between \$200 million and \$250 million within the asset class (with a range of commitments of \$50 to \$100 million across 2-4 funds). Finally, OCERS' Investment Team has continued to monitor the pacing plans for private markets and the liquidity of the portfolio given the declines in the public markets.

STAFFING UPDATE

Ms. Hockless reports on November status:

In January 2023, the budgeted headcount will increase from 113 to 127 employees. At the November 14, 2022, Board Meeting, OCERS Board of Retirement added fourteen (14) new positions. OCERS Executive Office will add one (1) Project Manager, at the Director level. The Legal department will add three (3) new positions; one (1) Chief Compliance Officer, one (1) Staff Attorney, and one (1) Executive Secretary I. The Investments department will add one (1) Investment Officer. The Member Services department will add three (3) Retirement Program Specialists. The Information Security department will add one (1) Staff Analyst position under the working title Information



Monthly Team Status

November 2022

Security Analyst. The Information Technology department will add three (3) new positions; one (1) Systems Technician, one (1) Testing Coordinator, and one (1) Automation Developer. The Human Resources department will add two (2) new positions, one (1) Staff Analyst and one (1) Staff Assistant.

Additionally, the Board approved a total of three career ladders. Two (2) career ladders are in the Finance department and one (1) career ladder is in the Internal Audit department.

The Human Resources department onboarded a total of three (3) new employees. This included one (1) Senior Staff Development Specialist, one (1) Internal Auditor, and one (1) Disability Retirement Investigator. The department also promoted an internal candidate for one of the newly added Internal Auditor positions.

At the time of this report, the department has received, reviewed, and processed over 1680 applications. This included inviting over 240 candidates to participate in pre-employment testing, scheduling 205 interviews, hiring thirty-two (32) new employees, and promoting seventeen (17) internal employees. OCERS has 113 budgeted positions. As of November, there are a total of 102 employees on payroll and eleven (11) vacancies. A total of sixteen (16) employees have separated from the agency. The year-to-date turnover rate is estimated at 16%. The turnover rate is the number of separated employees divided by the number of employees on payroll, multiplied by 100. The current vacancy rate is 9.73%. The vacancy rate is calculated by taking the number of vacant positions, multiplying that number by 100, and dividing that result by the total number of budgeted positions

VISION 2030

Three primary tasks continued through November:

1. An RFP was issued for OCERS initial efforts in Robotic Process Automation, letting technology take over some of the most mundane of tasks presently being done by hand! We will be reviewing responses in December and choosing a winner.
2. An RFP for a FUTURIST was released, but we only received two responses. This was the goal of obtaining a consultant who could assist us in crafting a broad long-term approach, to avoid reaching 2028 or 2029 and looking back with regret, wishing we had taken some other avenue in the early stages of this project. We are regrouping and will work with Gartner for assistance in reissuing a more finely tuned and targeted RFP.
3. We continue to look to outside agencies for suggestions and possible goals. Mr. Pucci of the State of Tennessee who has done incredible work with Robotic Process Automation is now scheduled to speak at the March 2023 CALAPRS conference to share with all systems what they have been able to do there. In addition, we learned one of the British Columbia pension systems has begun using Artificial Intelligence in their Call Center. A member calls in, and the system flashed on the staff members screen the name of the member, and the five most likely questions that member may be calling to ask, together with a response. That helps speed up answer times, and ensures accuracy in staff responses. We want to begin investigating something similar as part of VIISION 2030.



Monthly Team Status November 2022



As a reminder, you will see this memo included with the BOARD COMMUNICATIONS document as part of the informational agenda for the January 17, 2023, meeting of the OCERS Board of Retirement.



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Gina M. Ratto, General Counsel
SUBJECT: COMMUNICATIONS POLICY FACT SHEET

Written Report

Background/Discussion

The OCERS Monitoring and Reporting Policy requires that a copy of the Communications Policy Fact Sheet be provided to the members of the Board annually. The Fact Sheet summarizes the contents of the OCERS Communications Policy and is intended to provide Board members with a quick reference guide.

The objectives of the OCERS Communication Policy are to encourage and facilitate open, accurate, timely and effective communications among all relevant parties, and to mitigate the risks to OCERS, the Board and the Board members that may arise in connection with communications. The policy was last revised in April 2020.

A copy of the OCERS Communication Policy and the Communications Policy Fact Sheet are attached.

Attachments

- (1) Communications Policy
- (2) Communications Policy Fact Sheet

Submitted by:



Gina M. Ratto
General Counsel



OCERS Board Policy

Communications Policy

Background

1. The OCERS Board of Retirement (Board) recognizes that effective communication is integral to good governance. In order to achieve the mission and objectives of OCERS, the Board wishes to establish protocols and mechanisms for communications among Board members; and between Board members and OCERS management, employers, members, and external parties. The Board has adopted this Policy to provide the Board as a whole, individual Board members, and OCERS team members with guidelines for executing the communications function of the Board.

Policy Objectives

2. To encourage and facilitate open, accurate, timely, and effective communications with all relevant parties.
3. To mitigate risks to OCERS, the Board, and Board members that may arise in connection with communications.

Principles and Assumptions

4. Inappropriate or erroneous communications from Board members may represent a significant risk to OCERS, the Board, and individual Board members.
5. A Board member communications policy must balance the need to mitigate that risk with the need for open and efficient communication.

Policy Guidelines

General Guidelines

6. Members of the Board and the OCERS team represent many differing backgrounds and viewpoints. Therefore, Board members and staff will not send partisan political communications to members of the Board, OCERS team members, contractors, temporary employees, or others working for or providing services to OCERS.
7. Members of the Board and OCERS team members will not use OCERS equipment for disseminating partisan political communications to anyone, except where specifically authorized for fulfillment of duties of a duly appointed labor representative.
8. Members of the Board and OCERS team members will not engage in communications that may be considered offensive, profane, vulgar, or based on any characteristics of a protected class under Federal law or laws in the State of California, regardless of the motivation for such communications.
9. Electronic mail allows for near instantaneous communications between individuals and / or groups of people. Electronic communications also present challenges in managing communications, potential violations of the *Ralph M. Brown Act* (Gov. Code §§ 54950-54962) (the "Brown Act") and challenges in complying with the Public Records Act (Gov. Code §§6250, et.seq.). As such, the Board has adopted the following guidelines for use and management of electronic mail by Board members:



OCERS Board Policy

Communications Policy

- a. Electronic mail pertaining to OCERS business constitutes a business record of OCERS subject to the OCERS Records Retention and Guidelines Policy and the Public Records Act.
- b. Electronic mail between Board members must not violate any provision of the Brown Act.
- c. Communications that a Board member wishes to disseminate to a majority of the members of the Board or a majority of the members of a standing committee of the Board shall be submitted to the CEO or his or her designee only. The CEO or his or her designee will then, in his or her discretion, forward said communications to the full Board via a special email. Regardless of whether or not provided via a special email, unless the content of the message is inconsistent with OCERS' policies or applicable law (e.g., violates paragraph 8 above of this policy), it will be distributed publicly to the entire Board as a communications item posted with the public agenda for the next regular Board meeting. This paragraph in no way authorizes serial communications or communications by or between a majority of the members of the Board or a standing committee of the Board that would violate the Brown Act.
- d. In the event that an electronic mail communication is sent by a member of the OCERS team to a Board member's personal email account, the OCERS team member shall retain a copy of the email communication according to the Records Retention and Guidelines Policy and for purposes of compliance with the Public Records Act.
- e. Electronic mail communications regarding OCERS business are public records disclosable under the Public Records Act (unless otherwise covered by an exemption) regardless of the fact that they were sent, received or stored in a personal email account. Whenever possible, electronic mail communications regarding OCERS business should be sent to and from an OCERS email address. In the event an electronic mail communication pertaining to OCERS business is sent from a personal email account to a member of the OCERS team, other Board members or to any other party, the Board member shall copy the electronic mail message to an OCERS email address so that OCERS can maintain a record of the electronic mail communication and produce it in response to a request for it under the Public Records Act. This paragraph in no way authorizes serial communications or communications by or between a majority of the members of the Board or a standing committee of the Board that would violate the Brown Act.

Communications Among Board Members

10. The Board shall carry out its activities in accordance with the spirit of open governance, including the provisions of the Brown Act, which include, but are not limited to:
 - a. Ensuring that communications by and between Board members comply with the Brown Act (section 54952.2 of the Brown Act);
 - b. Properly noticing and posting an agenda for Board and Committee meetings (section 54954.2 of the Brown Act);
 - c. Allowing proper public comment on agenda items before or during consideration by the Board (section 54954.3 of the Brown Act);
 - d. Properly describing all items to be considered in closed session in the notice or agenda for the meeting (section 54954.5 of the Brown Act);



OCERS Board Policy

Communications Policy

- e. Not conducting or participating in a series of communications one at a time or in a group that in total constitutes a quorum of the Board or Committee either directly or through intermediaries or electronic devices, for the purpose of developing a concurrence as to action to be taken (a serial or secret meeting prohibited by section 54952.3 of the Brown Act);
 - f. Not taking any action, whether preliminary or final, by secret ballot (section 54953(c) of the Brown Act); and
 - g. Ensuring Board and committee meeting agenda materials are properly made available to members of the public, upon request and without delay (section 54957.5 of the Brown Act).
11. Internal or external counsel for OCERS shall provide biennial Brown Act training/education to members of the Board.
 12. A member of the Board shall disclose information in his or her possession pertinent to the affairs of OCERS to the entire Board in a timely manner.
 13. During meetings of the Board and its committees, Board members shall communicate in a straightforward, constructive manner with due respect and professionalism.

Board Member Communications with OCERS Members and Employers

14. Members of the Board shall mitigate the risk of miscommunication with employers, OCERS active and deferred members, and retirees, and potential liability through adverse reliance by third parties by avoiding giving explicit advice, counsel, or education with respect to the technicalities of the plan provisions, policies, or processes.
15. Where explicit advice, counsel, or education with respect to the technicalities of the plan provisions, policies, or process is needed, Board members will refer inquiries to the CEO or appropriate designee. The CEO or such designee will inform the Board member when and how the matter was resolved.
16. Board members shall not disclose confidential communications received orally or in writing in closed session meetings of the Board or a committee of the Board or received orally or in writing from internal or external legal counsel unless the communication is specifically identified by legal counsel as not confidential.

Board Member Communications with OCERS Management

17. a. Board members who seek information solely in order to respond to inquiries from members about OCERS' policies and practices may direct their inquiries to the CEO or, with notice to the CEO, to the appropriate Assistant CEO or department head, who shall in turn direct subordinate staff as appropriate.
- b. All other Board member requests for information shall be directed to the CEO, who shall in turn direct staff as appropriate.
- c. All Board member expressions of concern and ideas about OCERS' policies, administration, contracting, investments, benefits, media relations and public policy issues shall be directed



OCERS Board Policy

Communications Policy

solely to the CEO. Under no circumstances shall Board members directly communicate about any such matters with any staff subordinate to the CEO outside of a duly noticed Board or committee meeting, without the CEO's prior express permission. If exigent circumstances arise during the CEO's absence, such matters may be directed to the CEO's designee, who shall act in lieu of the CEO.

18. a. The CEO may decline to accept Board member requests for information that require the expenditure of significant staff time or external resources, provided that the CEO then places the matter on the next subsequent Board or committee agenda, as appropriate, for consideration and direction by the full Board or committee.
- b. The Board and individual Board members shall not retaliate against either the CEO or any of OCERS' staff for acting consistently with this Policy. Board member conduct inconsistent with this Policy may subject the Board member to public censure or reprimand, loss of committee membership or other privileges of office, and/or other appropriate action by the Board.
19. The CEO shall ensure that all information requested by one or more Board members is made available to the entire Board.
20. Board members shall share any information in their possession pertinent to the affairs of OCERS with the CEO in a timely manner. Similarly, the CEO shall ensure that all relevant and pertinent information is disclosed to all of the Board members in a timely manner.

Board Member Communications with External Parties

21. In general, in communicating with external parties, the following guidelines will apply:
 - a. The purpose of any communications by members of the Board shall be consistent with their sole and exclusive fiduciary duty to represent the interests of all OCERS members;
 - b. Board members and OCERS management are expected to respect the decisions and policies of the Board in external communications even if they may have opposed them or disagreed with them during Board deliberations;
 - c. Board members shall not disclose confidential communications received orally or in writing in closed session meetings of the Board or a committee of the Board or received orally or in writing from internal or external legal counsel unless the communication is specifically identified by legal counsel as not confidential;
 - d. Individual Board members shall not speak for the Board as a whole unless authorized by the Board to do so; and
 - e. In external communications, Board members are expected to disclose when they are not representing an approved position of the Board or are not speaking in their capacity as a member of the Board.
22. Subject to section 21 above, in situations that call for a spokesperson for the Board, the Chair or his or her designee shall act as spokesperson for the Board. Generally, the spokesperson should request that reporters put questions in writing.



OCERS Board Policy Communications Policy

- 23. When interviewed, or otherwise approached by the media for information concerning the affairs of OCERS, members of the Board shall refrain from making any unilateral commitments on behalf of the Board or OCERS.
- 24. To help ensure the accuracy of any oral and/or written material created for the purpose of publication or presentation by members of the Board, in their capacity as such, and to ensure that neither OCERS, the Board, or such member of the Board is placed at risk thereby, all such material shall be peer reviewed by the CEO or legal counsel prior to being submitted for publication or presentation.

Policy Review

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

Policy History

- 26. This policy was adopted by the Board of Retirement on November 18, 2002.
- 27. The policy was revised on April 16, 2007, March 24, 2008, May 17, 2011, March 17, 2014, January 20, 2015, March 16, 2015, 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.

04/20/2020

Steve Delaney
Secretary of the Board

Date

COMMUNICATIONS POLICY FACT SHEET

COMMUNICATIONS AMONG BOARD MEMBERS

- ◆ Carry out all activities in the spirit of open governance and in compliance with the Brown Act.
- ◆ Disclose pertinent information to the entire Board and CEO in a timely manner.
- ◆ Communicate in a straightforward, constructive and professional manner.

COMMUNICATIONS WITH OCERS MANAGEMENT

- ◆ Direct concerns or questions about OCERS to the CEO or senior management staff.
- ◆ Direct requests for information to the CEO and limit those requiring expenditure of staff time or resources to those consistent with the Board's roles and responsibilities.
- ◆ All information requested by Board members shall be made available to the entire Board.

COMMUNICATIONS WITH EXTERNAL PARTIES

- ◆ Communications shall be consistent with the fiduciary duty to represent the interests of plan members.
- ◆ Board decisions shall be respected despite personal agreement or disagreement.
- ◆ Board members shall not disclose confidential communications.
- ◆ Board members shall not speak for the entire Board unless authorized to do so.
- ◆ Board members shall disclose when not representing an approved Board position or when not speaking in their Board capacity.
- ◆ The Chair and CEO shall jointly designate a spokesperson on an issue by issue basis.
- ◆ No Board member shall make unilateral commitments to the press to provide information on behalf of the Board or OCERS.
- ◆ Written material created for publication or presentation by a Board member, in his or her capacity as such, shall be peer reviewed by the CEO or internal legal counsel prior to submission or presentation.



Memorandum

DATE: January 17, 2023
TO: Members of Board of Retirement
FROM: Gina M. Ratto, General Counsel
SUBJECT: ANNUAL FORM 700 DESIGNATED FILERS LIST AND FACT SHEET

Written Report

Background/Discussion

The purpose of this memorandum is to advise OCERS Board Members of the requirement that they file a Form 700 – Statement of Economic Interests for the 2022 calendar year on or before April 3, 2023. More information regarding the filing requirements is set forth below.

On or before April 1 of every year (or the first business day thereafter if April 1 falls on a weekend), each designated filer under OCERS' Conflict of Interest Code is required to file a Form 700 Statement of Economic Interests to disclose personal economic interests in real property, businesses, and investments as described in the regulations adopted by the California Fair Political Practices Commission (FPPC).

OCERS' designated filers are:

- Members of the Board of Retirement (including Alternate Member)
- Chief Executive Officer
- Assistant Chief Executive Officer, External Operations
- Assistant Chief Executive Officer, Finance and Internal Operations
- Chief Investment Officer
- General Counsel
- Managing Director of Investments
- Director of Investments
- Investment Officers/Senior Investment Officers
- Investment Analysts/Senior Investment Analysts
- Deputy General Counsel
- Director of Internal Audit
- Director of Finance
- Director of Administrative Services
- Director of Information Technology
- Director of Member Services*
- Director of Information Security
- Senior Manager of Facilities and Operations Support Services*
- Contracts, Risk & Performance Manager
- *New for 2023

Completing and Filing the Form 700

The Form 700, FPPC Reference Pamphlet, and Frequently Asked Questions for 2022/2023 are attached to assist you in completing your Form 700. Also attached are two new helpful fact sheets from the FPPC.



Memorandum

OCERS filers are strongly encouraged to file their Forms 700 using the County of Orange Clerk of the Board EDisclosure system. **All filers will receive an email from the Clerk of the Board's office in the next few weeks providing a link to the EDisclosure system.** The EDisclosure system is very easy to use and allows for direct filing and permanent electronic storage. The Clerk of the Board's office can assist filers with user names and passwords. In addition, I am available to answer questions regarding filing.

If you prefer to submit a hard copy of your Form 700, please send it to Steve Delaney's assistant, Carolyn Nih, by March 24, 2022, so that we can forward it in a timely manner to the Clerk of the Board on your behalf.

Please note that the OCERS Annual Disclosure Policy was rescinded in 2018; accordingly, the filing of the separate Annual Disclosure Form is no longer required.

Attachments:

- (1) Form 700
- (2) FPPC Reference Pamphlet
- (3) Frequently Asked Questions
- (4) Expanded SEI Fact Sheet (New)
- (5) Filing with a Digital Signature Fact Sheet (New)

Submitted by:



Gina M. Ratto
General Counsel

2022-2023 Statement of Economic Interests



Form 700

A Public Document

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 Schedule C (*Income*) p.13
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Helpful Resources

- Video Tutorials
- Reference Pamphlet
- Excel Version
- FAQs
- Gift and Travel Fact Sheet for State and

California Fair Political Practices Commission

1102 Q Street, Suite 3000 • Sacramento, CA 95811

Email Advice: advice@fppc.ca.gov

Toll-free advice line: 1 (866) ASK-FPPC • 1 (866) 275-3772

Telephone: (916) 322-5660 • Website: www.fppc.ca.gov

December 2022

Quick Start Guide
 Detailed instructions begin on page 3.

WHEN IS THE ANNUAL STATEMENT DUE?

- March 1
members listed in Government Code Section 87200
-

WHERE DO I FILE?

ITEMS TO NOTE!

- The Form 700 is a public document.
-
- You must also report interests held by your spouse or registered domestic partner.
- Your agency' You are encouraged to get

NOTHING TO REPORT?

Mark the "No reportable interests" box on Part 4 of the Cover Page, and submit only the signed Cover Page. Please review each schedule carefully!

Schedule	Common Reportable Interests	Common Non-Reportable Interests
A-1: Investments	Stocks, including those held in an IRA or 401K. Each stock must be listed.	Insurance policies, government bonds, funds.
A-2: Business Entities/Trusts	Business entities, sole proprietorships, partnerships, LLCs, corporations and	Savings and checking accounts, cryptocurrency, and annuities.
B: Real Property	's jurisdiction, or within two miles of the boundaries of the jurisdiction.	A residence used exclusively as a personal residence (such as a home or vacation property).
C: Income	Non-governmental salaries. Note that their spouse's or partner's salary.	Governmental salary (from school district, for example).
D: Gifts	Gifts from businesses, vendors, or other contractors (meals, tickets, etc.).	Gifts from family members.
E: Travel Payments	Travel payments from third parties (not your employer).	Travel paid by your government agency.

Note:

QUESTIONS?

- advice@fppc.ca.gov
- (866) 275-3772 Mon-Thurs, 9-11:30 a.m.

E-FILING ISSUES?

- If using your agency's system, please contact technical support at your agency.
- If using FPPC'

What's New

Gift Limit Increase

The gift limit increased to **\$520** for calendar years **2021** and **2022**.

Who

- Government Code Section 87200
- **Obtain your disclosure categories, which describe the interests you must report, from your agency;** they are not part of the Form 700
- C
city clerks, school board trustees, and water board members)

Exception:

- Candidates for a county central committee are not
- Employees in newly created positions of existing agencies

For more information, see Reference Pamphlet, page 3, at www.fppc.ca.gov.

Where

87200 Filers

- Retired Judges
 - ➔ Your agency
 - ➔ The clerk of your court
 - ➔ Directly with FPPC
 - ➔ Y
 - ➔ Your city clerk
 - ➔ Your agency

Code: File with your agency, board, or commission unless

, board, or commission will retain the statements.

Members of Newly Created Boards and Commissions: File with your agency or with your agency's code reviewing body pursuant to Regulation 18754.

Employees in Newly Created Positions of Existing Agencies: File with your agency or with your agency's code reviewing body. (See Reference Pamphlet, page 3.)

- Public Employee's Retirement System (CalPERS)
 - ➔ declaration of candidacy
 - ➔ City Clerk
 - ➔ CalPERS
- State Teacher's Retirement Board (CalSTRS)
 - ➔ CalSTRS

How

The Form 700 is available at www.fppc.ca.gov. Form 700 schedules are also available in Excel format. Each Statement must have a handwritten "wet" signature or "secure electronic signature," meaning either (1) a signature submitted using an

's agency email address. (See Regulations 18104 and 18757.) Companies such as Adobe and DocuSign digital signature services. All statements expanded statements.

When

Annual Statements

➔ March 1, 2023

- Judges and Court Commissioners
- State Board and State Commission Members listed in Government Code Section 87200

➔ April 3, 2023

-

on time.

Statements of 30 pages or less may be emailed or faxed by the deadline as long as the originally signed paper version is sent by

Exception:

2022, and December 31, 2022, 1, 2024, or April 1, 2024, whichever is applicable. The annual December 31, 2023. (See Reference Pamphlet, page 6, for additional exceptions.

Candidate Statements

File candidacy or nomination documents. A candidate statement is of candidacy or other nomination documents.

Late Statements

. (See page 19 for

Amendments

Statements may be amended at any time. You are only required to amend the schedule that needs to be revised. It is The amended

amendment schedules at www.fppc.ca.gov.

Types of Statements

in a position designated, or that will be designated, in a state or local agency'

otherwise authorized to serve in the position. If you are a you were sworn in.

- Report: Investments, interests in real property, and business positions held on the date you assumed the (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the

or the Commission on Judicial Appointments, your nominated to the position.

- Example: Maria Lopez was nominated by the Governor to serve on a state agency board that is subject to

is the date Maria's nomination is submitted to the Senate. Maria must report investments, interests in real property, and business positions Maria holds on that date, and income (including loans, gifts, and travel payments) received during the 12 months prior to that date.

applicable.

- Report: Investments, interests in real property, and code or amendment must be reported. In addition, income (including loans, gifts, and travel payments) of the code or amendment.

Annual Statement:

Generally, the period covered is January 1, 2022, through December 31, 2022. If the period covered by 2022, through December 31, 2022 between October 1, 2021, and December 31, 2021 or you are combining statements), you must specify the period covered.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2022.

- If your disclosure category changes during a reporting

disclose under the new disclosure category through the end of the reporting period.

Generally, the period covered is January 1, 2022, through the date you stopped performing the duties of your position. 2022, through the date you stopped performing the duties of your position October 1, 2021, and December 31, 2021, or you are combining statements), The reporting period can cover parts of two calendar years.

- Report: Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2022.

Candidate Statement:

real property, and business positions held on the date of

addition, income (including loans, gifts, and travel payments) received during the 12 months prior to declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective county

The code may be obtained from the agency of the elected position.

Amendments:

an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not

schedules from the FPPC website at www.fppc.ca.gov.

Note:

All changes must be noted on amendment schedules.

Expanded Statement:

If you hold multiple positions subject to reporting

statement for each position, rather than a separate and distinct statement for each position. The expanded statement must cover all reportable interests for all jurisdictions and list all positions on the Form 700 or on an attachment for which

expanded statement are set forth in Regulation 18723.1.



STATEMENT OF ECONOMIC INTERESTS
COVER PAGE
A PUBLIC DOCUMENT

Date Initial Filing Received
Filing Official Use Only

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

Division, Board, Department, District, if applicable Your Position

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: Position:

2. Jurisdiction of Office (Check at least one box)

State Judge, Retired Judge, Pro Tem Judge, or Court Commissioner (Statewide Jurisdiction)
Multi-County County of
City of Other

3. Type of Statement (Check at least one box)

Annual: The period covered is January 1, 2022, through December 31, 2022. Leaving Office: Date Left ____/____/____ (Check one circle.)
-or- The period covered is ____/____/____, through December 31, 2022. The period covered is January 1, 2022, through the date of leaving office.
Assuming Office: Date assumed ____/____/____ -or- The period covered is ____/____/____, through the date of leaving office.
Candidate: Date of Election ____ and office sought, if different than Part 1: _____

4. Schedule Summary (required)

► Total number of pages including this cover page: _____

Schedules attached

Schedule A-1 - Investments – schedule attached Schedule C - Income, Loans, & Business Positions – schedule attached
Schedule A-2 - Investments – schedule attached Schedule D - Income – Gifts – schedule attached
Schedule B - Real Property – schedule attached Schedule E - Income – Gifts – Travel Payments – schedule attached

-or- None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER EMAIL ADDRESS
()

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed (month, day, year)

Signature (File the originally signed paper statement with your filing official.)

Instructions Cover Page

Enter your name, mailing address, and daytime telephone number in the spaces provided. **Because the Form 700 is a public document, you may list your instead of your home address.**

Agency, or Court

• court. Consultants must enter the public agency name rather than name. (Examples: State Assembly;

Finance; Hope County Superior Court).

- Indicate the name of your division, board, or district, if applicable. (Examples: Division of Waste Management; Board of Accountancy; District 45). **Do not use acronyms.**
- Enter your position title. (Examples: Director; Chief Counsel; Analyst).
- If you hold multiple positions (i.e., a city council member who also is a member of a county board or commission) you may agency. T

with each agency.

- expanded statement are set forth in Regulation 18723.1. T enter the name of each agency with which you are

in the space provided. **Do not use acronyms.** Attach an additional sheet if necessary. Complete one statement disclosing all reportable interests for all jurisdictions.

directed by Regulation 18723.1(c).

must complete a separate statement. For example, a city council member who assumes a position with a county special district after the

positions.

Example:

Brian Bourne is a city council member for the City of Lincoln and a board member for the Camp Far West Irrigation District – a multi-county agency that covers the Counties of Placer and Yuba. The City is located within Placer County. Brian may complete one expanded statement to disclose all reportable

and the District as directed by Regulation 18723.1(c). e City

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. Pamphlet, page 13, to determine their jurisdiction.
- which your agency has jurisdiction.

- districts and JPAs), check the “other” box and enter the county or city in which the agency has jurisdiction.

Example:

in portions of Yuba and Sutter Counties.

1. Office, Agency, or Court	
Agency Name (Do not use acronyms) Feather River Irrigation District	
Division, Board, Department, District, if applicable N/A	Your Position Board Member
▶ If filing for multiple positions, list below or on an attachment. (Do not use acronyms)	
Agency: N/A	Position: _____
2. Jurisdiction of Office (Check at least one box)	
<input type="checkbox"/> State	<input type="checkbox"/> Judge or Court Commissioner (Statewide Jurisdiction)
<input checked="" type="checkbox"/> Multi-County <u>Yuba & Sutter Counties</u>	<input type="checkbox"/> County of _____
<input type="checkbox"/> City of _____	<input type="checkbox"/> Other _____

Part 3. Type of Statement

Check at least one box. The period covered by a statement

are completing a 2022 annual statement, **do not** change the Your annual statement is used for reporting the **previous year’s** economic interests.

January 1, 2023, through December 31, 2023, will be disclosed on your . See Reference Pamphlet, page 4.

Combining Statements: Certain types of statements for the same position may be combined. For example, if you leave

annual statement, you may combine your annual and leaving

Part 4. Schedule Summary

- Complete the Schedule Summary after you have reviewed each schedule to determine if you have reportable interests.
- Enter the total number of completed pages including the cover page and either check the box for each schedule you use to disclose interests; **or** if you have nothing to disclose on any schedule, check the “No reportable interests” box. Please **do not** attach any blank schedules.

Part 5. V

entering the date signed. Each statement must have an

signature. (See page 3 above.) All statements must be signed Government Code Section 81004. See Regulation 18723.1(c)

When you sign your statement, you are stating, under penalty of perjury, that it is true and correct.

has authority to sign the statement. An unsigned statement penalties.

SCHEDULE A-1 Investments

Stocks, Bonds, and Other Interests (Ownership Interest is Less Than 10%)

Investments must be itemized.

Do not attach brokerage or financial statements.

CALIFORNIA FORM 700
<small>FAIR POLITICAL PRACTICES COMMISSION</small>
Name _____

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000	\$10,001 - \$100,000
\$100,001 - \$1,000,000	Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

____/____/22	____/____/22
ACQUIRED	DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000	\$10,001 - \$100,000
\$100,001 - \$1,000,000	Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

____/____/22	____/____/22
ACQUIRED	DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000	\$10,001 - \$100,000
\$100,001 - \$1,000,000	Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

____/____/22	____/____/22
ACQUIRED	DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000	\$10,001 - \$100,000
\$100,001 - \$1,000,000	Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

____/____/22	____/____/22
ACQUIRED	DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000	\$10,001 - \$100,000
\$100,001 - \$1,000,000	Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

____/____/22	____/____/22
ACQUIRED	DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000	\$10,001 - \$100,000
\$100,001 - \$1,000,000	Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

____/____/22	____/____/22
ACQUIRED	DISPOSED

Comments: _____

Instructions – Schedules A-1 and A-2 Investments

entity (including a consulting business or other independent contracting business) that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct,

any time during the reporting period. (See Reference Pamphlet, page 13.)

Reportable investments include:

- Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (See Reference Pamphlet, page 13.)
- Sole proprietorships
- Your own business or your spouse's or registered domestic partner's business (See Reference Pamphlet, page 8, ".")
- Your spouse's or registered domestic partner's investments even if they are legally separate property
-
- Investments in reportable business entities held in a retirement account (See Reference Pamphlet, page 15.)
- If you, your spouse or registered domestic partner, and dependent children together had a 10% or greater ownership interest in a business entity or trust (including a living trust), you must disclose investments held by the business entity or trust. (See Reference Pamphlet, page 16, for more information on disclosing trusts.)
- Business trusts

You are not required to disclose:

- G exchange traded funds) and investments held in certain retirement accounts. (See Reference Pamphlet, page 13.) (Regulation 18237)
- Bank accounts, savings accounts, money market
- Cryptocurrency
- Insurance policies
- Annuities
- Commodities
- Shares in a credit union
- Government bonds (including municipal bonds)

Reminders

- Do you know your agency's jurisdiction?
- Did you hold investments at any time during the period covered by this statement?
-

- Retirement accounts invested in non-reportable interests (e.g., insurance policies, mutual funds, or government bonds) (See Reference Pamphlet, page 15.)
- CalPERS and CalSTRS plans)
- Certain interests held in a blind trust (See Reference Pamphlet, page 16.)

Use Schedule A-1 to report ownership of less than 10% (e.g., stock). Schedule C (Income) may also be required if the investment is not a stock or corporate bond. (See second example below.)

Use Schedule A-2 to report ownership of 10% or greater (e.g., a sole proprietorship).

To Complete Schedule A-1:

- Disclose the name of the business entity. Do not use acronyms for the name of the business entity.
- Provide a general description of the business activity of the entity (e.g., pharmaceuticals, computers, automobile manufacturing, or communications).
- Check the box indicating the highest fair market value of your investment during the reporting period. If you . (See page 20 for more information.)
- Identify the nature of your investment (e.g., stocks, warrants, options, or bonds).
- An acquired or disposed of date is only required if you initially acquired or entirely disposed of the investment interest during the reporting period. The date of a stock dividend reinvestment or partial disposal is not required. Generally

Examples:

of interest code requires full disclosure of investments. Frank must disclose stock holdings of \$2,000 or more in any company that is located in or does business in California, as well as those stocks held by Franks's spouse or registered domestic partner and dependent children.

Alice Lance is a city council member. Alice has a 4% interest, worth \$5,000, in a limited partnership located in the city. Alice must disclose the partnership on Schedule A-1 and income of \$500 or more received from the partnership on Schedule C.

SCHEDULE A-2

Investments, Income, and Assets of Business Entities/Trusts

(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700

FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

<p>FAIR MARKET VALUE</p> <p>\$0 - \$1,999</p> <p>\$2,000 - \$10,000</p> <p>\$10,001 - \$100,000</p> <p>\$100,001 - \$1,000,000</p> <p>Over \$1,000,000</p>	<p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/22 ____/____/22</p> <p style="text-align: center;">ACQUIRED DISPOSED</p>
--	--

NATURE OF INVESTMENT

Partnership Sole Proprietorship _____ Other _____

YOUR BUSINESS POSITION _____

▶ 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

<p>FAIR MARKET VALUE</p> <p>\$0 - \$1,999</p> <p>\$2,000 - \$10,000</p> <p>\$10,001 - \$100,000</p> <p>\$100,001 - \$1,000,000</p> <p>Over \$1,000,000</p>	<p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/22 ____/____/22</p> <p style="text-align: center;">ACQUIRED DISPOSED</p>
--	--

NATURE OF INVESTMENT

Partnership Sole Proprietorship _____ Other _____

YOUR BUSINESS POSITION _____

▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

\$0 - \$499	\$10,001 - \$100,000
\$500 - \$1,000	OVER \$100,000
\$1,001 - \$10,000	

▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

\$0 - \$499	\$10,001 - \$100,000
\$500 - \$1,000	OVER \$100,000
\$1,001 - \$10,000	

▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

None or Names listed below

▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

None or Names listed below

▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:

INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or City or Other Precise Location of Real Property _____

<p>FAIR MARKET VALUE</p> <p>\$2,000 - \$10,000</p> <p>\$10,001 - \$100,000</p> <p>\$100,001 - \$1,000,000</p> <p>Over \$1,000,000</p>	<p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/22 ____/____/22</p> <p style="text-align: center;">ACQUIRED DISPOSED</p>
---	--

NATURE OF INTEREST

Property Ownership/Deed of Trust Stock Partnership

Leasehold _____ Other _____

Yrs. remaining

Check box if additional schedules reporting investments or real property are attached

▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:

INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or City or Other Precise Location of Real Property _____

<p>FAIR MARKET VALUE</p> <p>\$2,000 - \$10,000</p> <p>\$10,001 - \$100,000</p> <p>\$100,001 - \$1,000,000</p> <p>Over \$1,000,000</p>	<p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/22 ____/____/22</p> <p style="text-align: center;">ACQUIRED DISPOSED</p>
---	--

NATURE OF INTEREST

Property Ownership/Deed of Trust Stock Partnership

Leasehold _____ Other _____

Yrs. remaining

Check box if additional schedules reporting investments or real property are attached

Comments: _____

Instructions – Schedule A-2 Investments, Income, and Assets of Business Entities/Trusts

Use Schedule A-2 to report investments in a business entity (including a consulting business or other independent contracting business) or trust (including a living trust) in which you, your spouse or registered domestic partner, and your dependent children, together or separately, had a 10% or greater interest, totaling \$2,000 or more, during the reporting period and which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 13.) A trust located outside your agency's jurisdiction is reportable if it holds assets that are located in or doing business in the jurisdiction. Do not report a trust that contains non-reportable interests. For example, a trust containing only your personal residence not used in whole or in part as a business, your savings account, and some municipal bonds, is not reportable.

Also report on Schedule A-2 investments and real property held by that entity or trust if your pro rata share of the investment or real property interest was \$2,000 or more during the reporting period.

To Complete Schedule A-2:

Part 1. Disclose the name and address of the business entity or trust. If you are reporting an interest in a business entity, check "Business Entity" and complete the box as follows:

- Provide a general description of the business activity of the entity.
- Check the box indicating the highest fair market value of your investment during the reporting period.
- If you initially acquired or entirely disposed of this interest during the reporting period, enter the date acquired or disposed.
- Identify the nature of your investment.
- Disclose the job title or business position you held with the entity, if any (i.e., if you were a director, partner, trustee, employee, or held any position of management). A business position held by your spouse is not reportable.

Part 2. Check the box indicating **your pro rata** share of the **gross** income received **by** the business entity or trust. This amount includes your pro rata share of the **gross** income **from** the business entity or trust, as well as your community property interest in your spouse's or registered domestic partner's share. Gross income is the total amount of income before deducting expenses, losses, or taxes.

Part 3. Disclose the name of each source of income that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction, as follows:

- Disclose each source of income and outstanding loan **to the business entity or trust** your pro rata share of the **gross** income (including your community property interest in your spouse's or registered domestic partner's share) to the business entity or trust from that source was \$10,000 or more during the reporting period. (See Reference Pamphlet, page 11, for examples.) Income from governmental sources may be reportable if not considered salary. See Regulation 18232. Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public
- Disclose each individual or entity that was a source of commission income of \$10,000 or more during the

Part 1. (See Reference Pamphlet, page 8.)

You may be required to disclose sources of income located outside your jurisdiction. For example, you may have a client who resides outside your jurisdiction who does business on a regular basis with you. Such a client, if a reportable source of \$10,000 or more, must be disclosed.

Mark "None" if you do not have any reportable \$10,000 sources of income to disclose. Phrases such as "various clients" or "not disclosing sources pursuant to attorney-client privilege" are not adequate disclosure. (See Reference Pamphlet, page 14, for information on procedures to request an exemption from disclosing privileged information.)

Part 4. Report any investments or interests in real property held or leased **by the entity or trust** Part 1 if your pro rata share of the interest held was \$2,000 or more during the reporting period. Attach additional schedules or use FPPC's Form 700 Excel spreadsheet if needed.

- Check the applicable box identifying the interest held as real property or an investment.
- If investment, provide the name and description of the business entity.
- If real property, report the precise location (e.g., an assessor's parcel number or address).
- Check the box indicating the highest fair market value of your interest in the real property or investment during the reporting period. (Report the fair market value of the portion of your residence claimed as a tax deduction if you are utilizing your residence for business purposes.)
- Identify the nature of your interest.
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property or investment during the reporting period.



SCHEDULE B Interests in Real Property (Including Rental Income)

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY _____

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
 \$2,000 - \$10,000 _____/_____/22
 \$10,001 - \$100,000 _____/_____/22
 \$100,001 - \$1,000,000 ACQUIRED DISPOSED
 Over \$1,000,000 _____

NATURE OF INTEREST
 Ownership/Deed of Trust _____ Easement _____
 Leasehold _____
 Yrs. remaining _____ Other _____

IF RENTAL PROPERTY, GROSS INCOME RECEIVED
 \$0 - \$499 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.
 None _____

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY _____

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
 \$2,000 - \$10,000 _____/_____/22
 \$10,001 - \$100,000 _____/_____/22
 \$100,001 - \$1,000,000 ACQUIRED DISPOSED
 Over \$1,000,000 _____

NATURE OF INTEREST
 Ownership/Deed of Trust _____ Easement _____
 Leasehold _____
 Yrs. remaining _____ Other _____

IF RENTAL PROPERTY, GROSS INCOME RECEIVED
 \$0 - \$499 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.
 None _____

* You are not required to report loans from a commercial lending institution made in the lender's regular course of loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER* _____

ADDRESS (Business Address Acceptable) _____

BUSINESS ACTIVITY, IF ANY, OF LENDER _____

INTEREST RATE TERM (Months/Years)
 _____% None _____

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000
 Guarantor, if applicable _____

NAME OF LENDER* _____

ADDRESS (Business Address Acceptable) _____

BUSINESS ACTIVITY, IF ANY, OF LENDER _____

INTEREST RATE TERM (Months/Years)
 _____% None _____

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000
 Guarantor, if applicable _____

Comments: _____

Instructions – Schedule B Interests in Real Property

Report interests in real property located in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or

the reporting period. Real property is also considered to be "within the jurisdiction" of a local government agency if the property or any part of it is located within two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency. (See Reference Pamphlet, page 13.)

Interests in real property include:

- interest)
- A deed of trust, easement, or option to acquire property
- A leasehold interest (See Reference Pamphlet, page 14.)
- A mining lease
- An interest in real property held in a retirement account (See Reference Pamphlet, page 15.)
- An interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater ownership interest (Report on Schedule A-2.)
- Your spouse's or registered domestic partner's interests in real property that are legally held separately by him or her

You are not required to report:

- A residence, such as a home or vacation cabin, used exclusively as a personal residence (However, a residence in which you rent out a room or for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.)
- Some interests in real property held through a blind trust (See Reference Pamphlet, page 16.)
 - **Please note:** A non-reportable property can still disqualifying.

To Complete Schedule B:

- Report the precise location (e.g., an assessor's parcel number or address) of the real property.
- Check the box indicating the fair market value of your interest in the property (regardless of what you owe on the property).
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property during the reporting period.
- Identify the nature of your interest. If it is a leasehold,

Reminders

- Income and loans already reported on Schedule B are not also required to be reported on Schedule C.
- Real property already reported on Schedule A-2, Part 4 is not also required to be reported on Schedule B.
- do your disclosure categories require disclosure of real property?

disclose the number of years remaining on the lease.

- If you received rental income, check the box indicating the gross amount you received.
- If you had a 10% or greater interest in real property and received rental income, list the name of the source(s) if your pro rata share of the gross income from any single tenant was \$10,000 or more during the reporting period. If you received a total of \$10,000 or more from two or more tenants acting in concert (in most cases, this will apply to married couples), disclose the name of each tenant. Otherwise, mark "None."
- Loans from a private lender that total \$500 or more and are secured by real property may be reportable. **Loans from commercial lending institutions made in the lender's regular course of business on terms available**

status are not reportable.

When reporting a loan:

- Provide the name and address of the lender.
- Describe the lender's business activity.
- Disclose the interest rate and term of the loan. For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period. The term of a loan is the total number of months or years given for repayment of the loan at the time the loan was established.
- Check the box indicating the highest balance of the loan during the reporting period.
- Identify a guarantor, if applicable.

If you have more than one reportable loan on a single piece of real property, report the additional loan(s) on Schedule C.

Example:

Allison Gande is a city planning commissioner. During the reporting period, Allison received rental income of \$12,000, from a single tenant who rented property owned in the city's jurisdiction. If Allison received \$6,000 each from two tenants, the tenants' names would not be required because no single tenant paid her \$10,000 or more. A married couple is considered a single tenant.

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS 4600 24th Street	
CITY Sacramento	
FAIR MARKET VALUE	IF APPLICABLE, LIST DATE: ACQUIRED / / XX DISPOSED / / XX
<input type="checkbox"/> \$2,000 - \$10,000	
<input type="checkbox"/> \$10,001 - \$100,000	
<input checked="" type="checkbox"/> \$100,001 - \$1,000,000	
<input type="checkbox"/> Over \$1,000,000	
NATURE OF INTEREST	
<input type="checkbox"/> Ownership/Deed of Trust	<input type="checkbox"/> Easement
<input type="checkbox"/> Leasehold	<input type="checkbox"/> Other
IF RENTAL PROPERTY, GROSS INCOME RECEIVED	
<input type="checkbox"/> \$0 - \$499	<input type="checkbox"/> \$500 - \$1,000
<input type="checkbox"/> \$1,001 - \$10,000	<input type="checkbox"/> \$1,001 - \$10,000
<input checked="" type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> OVER \$100,000
SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.	
<input type="checkbox"/> None	
Henry Wells	
NAME OF LENDER*	
Sophia Petrolio	
ADDRESS (Business Address Acceptable)	
2121 Blue Sky Parkway, Sacramento	
BUSINESS ACTIVITY, IF ANY, OF LENDER	
Restaurant Owner	
INTEREST RATE	TERM (Months/Years)
8 % <input type="checkbox"/> None	15 Years
HIGHEST BALANCE DURING REPORTING PERIOD	
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> \$1,001 - \$10,000
<input checked="" type="checkbox"/> \$10,001 - \$100,000	<input type="checkbox"/> OVER \$100,000
<input type="checkbox"/> Guarantor, if applicable	
Comments:	

SCHEDULE C

Income, Loans, & Business Positions

(Other than Gifts and Travel Payments)

CALIFORNIA FORM 700

FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME _____

ADDRESS *(Business Address Acceptable)* _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

YOUR BUSINESS POSITION _____

GROSS INCOME RECEIVED	No Income - Business Position Only
\$500 - \$1,000	\$1,001 - \$10,000
\$10,001 - \$100,000	OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

Salary Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)

Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)

Sale of _____
(Real property, car, boat, etc.)

Loan repayment

Commission or Rental Income, list each source of \$10,000 or more

_____ *(Describe)*

Other _____
(Describe)

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME _____

ADDRESS *(Business Address Acceptable)* _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

YOUR BUSINESS POSITION _____

GROSS INCOME RECEIVED	No Income - Business Position Only
\$500 - \$1,000	\$1,001 - \$10,000
\$10,001 - \$100,000	OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

Salary Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)

Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)

Sale of _____
(Real property, car, boat, etc.)

Loan repayment

Commission or Rental Income, list each source of \$10,000 or more

_____ *(Describe)*

Other _____
(Describe)

▶ 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from a commercial lending institution, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER* _____

ADDRESS *(Business Address Acceptable)* _____

BUSINESS ACTIVITY, IF ANY, OF LENDER _____

HIGHEST BALANCE DURING REPORTING PERIOD

\$500 - \$1,000

\$1,001 - \$10,000

\$10,001 - \$100,000

OVER \$100,000

INTEREST RATE TERM (Months/Years)

_____ % None _____

SECURITY FOR LOAN

None Personal residence

Real Property _____
Street address

_____ *City*

Guarantor _____

Other _____
(Describe)

Comments: _____

Instructions – Schedule C Income, Loans, & Business Positions (Income Other Than Gifts and Travel Payments)

Reporting Income:

Report the source and amount of gross income of \$500 or more you received during the reporting period. Gross income is the total amount of income before deducting expenses, losses, or taxes and includes loans other than loans from a commercial lending institution. (See Reference Pamphlet, page 11.) You must also report the source of income to your spouse or registered domestic partner if your community property share was \$500 or more during the reporting period.

The source and income must be reported only if the source is located in, doing business in, planning to do business in, or has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 13.) Reportable sources of income may be further limited by your disclosure category located in your agency' of interest code.

Reporting Business Positions:

You must report your job title with each reportable business entity even if you received no income during the reporting period. Use the comments section to indicate that no income was received.

Commonly reportable income and loans include:

- Salary/wages, per diem, and reimbursement for expenses including travel payments provided by your employer
 - Community property interest (50%) in your spouse's or registered domestic partner's income - **report the employer's name and all other required information**
 - Income from investment interests, such as partnerships, reported on Schedule A-1
 - Commission income not required to be reported on Schedule A-2 (See Reference Pamphlet, page 8.)
 - Gross income from any sale, including the sale of a house or car (Report your pro rata share of the total sale price.)
 - Rental income not required to be reported on Schedule B
 - Prizes or awards not disclosed as gifts
 - Payments received on loans you made to others
 -
- (See Reference Pamphlet, page 10.)
- Incentive compensation (See Reference Pamphlet, page 12.)

Reminders

- disclosure of all sources of income.
- If you or your spouse or registered domestic partner are self-employed, report the business entity on Schedule A-2.
- Do not disclose on Schedule C income, loans, or business positions already reported on Schedules A-2 or B.

You are not required to report:

- Salary, reimbursement for expenses or per diem, or social security, disability payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency.
- Stock dividends and income from the sale of stock
- Income from a PERS retirement account.

(See Reference Pamphlet, page 12.)

To Complete Schedule C:

Part 1. Income Received/Business Position Disclosure

- Disclose the name and address of each source of income or each business entity with which you held a business position.
- Provide a general description of the business activity if the source is a business entity.
- Check the box indicating the amount of gross income received.
- Identify the consideration for which the income was received.
- For income from commission sales, check the box indicating the gross income received and list the name of each source of commission income of \$10,000 or more. (See Reference Pamphlet, page 8.) **Note: If you receive commission income on a regular basis or have an ownership interest of 10% or more, you must disclose the business entity and the income on Schedule A-2.**
- Disclose the job title or business position, if any, that you held with the business entity, even if you did not receive income during the reporting period.

Part 2. Loans Received or Outstanding During the Reporting Period

- Provide the name and address of the lender.
- Provide a general description of the business activity if the lender is a business entity.
- Check the box indicating the highest balance of the loan during the reporting period.
- Disclose the interest rate and the term of the loan.
 - For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period.
 - The term of the loan is the total number of months or years given for repayment of the loan at the time the loan was entered into.
- Identify the security, if any, for the loan.

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION
 Name _____

SCHEDULE D
Income – Gifts

▶ NAME OF SOURCE *(Not an Acronym)*

 ADDRESS *(Business Address Acceptable)*

 BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

 ADDRESS *(Business Address Acceptable)*

 BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

 ADDRESS *(Business Address Acceptable)*

 BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

 ADDRESS *(Business Address Acceptable)*

 BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

 ADDRESS *(Business Address Acceptable)*

 BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE *(Not an Acronym)*

 ADDRESS *(Business Address Acceptable)*

 BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

Comments: _____

Instructions – Schedule D Income – Gifts

A gift is anything of value for which you have not provided equal or greater consideration to the donor. A gift is reportable if its fair market value is \$50 or more. In addition, multiple gifts totaling \$50 or more received during the reporting period from a single source must be reported.

It is the acceptance of a gift, not the ultimate use to which it is put, that imposes your reporting obligation. Except as noted below, you must report a gift even if you never used it or if you gave it away to another person.

If the exact amount of a gift is unknown, you must make a good faith estimate of the item's fair market value. Listing the value of a gift as "over \$50" or "value unknown" is not adequate disclosure. In addition, if you received a gift through an intermediary, you must disclose the name, address, and business activity of both the donor and the intermediary. You

after the name or in the "comments" section at the bottom of Schedule D.

Commonly reportable gifts include:

- Tickets/passes to sporting or entertainment events
- Tickets/passes to amusement parks
-
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering
- Rebates/discounts not made in the regular course of status
- Wedding gifts (See Reference Pamphlet, page 16)
- you may report an honorarium as income on Schedule C, rather than as a gift on Schedule D, if you provided services of equal or greater value than the payment received. See Reference Pamphlet, page 10.)
- Transportation and lodging (See Schedule E.)
- Forgiveness of a loan received by you

Reminders

- Gifts from a single source are subject to a \$520 limit in 2022. (See Reference Pamphlet, page 10.)
- you only need to report gifts from reportable sources.

Gift Tracking Mobile Application

- FPPC has created a gift tracking app for mobile and easy way to upload the information to the Form 700. Visit FPPC's website to download the app.

You are not required to disclose:

- Gifts that were not used and that, within 30 days after receipt, were returned to the donor or delivered to a charitable organization or government agency without being claimed by you as a charitable contribution for tax purposes
- Gifts from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, and certain other family members (See Regulation 18942 for a complete list.). The exception does not apply if the donor was acting as an agent or intermediary for a reportable source who was the true donor.
- Gifts of similar value exchanged between you and an individual, other than a lobbyist registered to lobby your state agency, on holidays, birthdays, or similar occasions
- Gifts of informational material provided to assist you in the reports, calendars, periodicals, or educational seminars)
- A monetary bequest or inheritance (However, inherited investments or real property may be reportable on other schedules.)
- Personalized plaques or trophies with an individual value of less than \$250
- Campaign contributions
- Up to two tickets, for your own use, to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The ticket must be received from the organization or committee holding the fundraiser.
- Gifts given to members of your immediate family if the source has an established relationship with the family member and there is no evidence to suggest the donor had
- Free admission, food, and nominal items (such as a pen, pencil, mouse pad, note pad or similar item) available to the admission is provided by the person who organizes the event.
- made by an individual who is not a lobbyist registered to s state agency, where it is clear that the gift was made because of an existing personal or business s position and there is no evidence whatsoever at the time the gift is made to

To Complete Schedule D:

- Disclose the full name (not an acronym), address, and, if a business entity, the business activity of the source.
- Provide the date (month, day, and year) of receipt, and disclose the fair market value and description of the gift.

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION
Name _____ _____

SCHEDULE E

Income – Gifts

Travel Payments, Advances, and Reimbursements

- Mark either the gift or income box.
- or the “Speech” box if you made a speech or participated in a panel. Per Government Code Section 89506, these payments may not be subject to the gift limit. However, they may result
- For gifts of travel, provide the travel destination.

<p>▶ NAME OF SOURCE <i>(Not an Acronym)</i></p> <p>_____</p> <p>ADDRESS <i>(Business Address Acceptable)</i></p> <p>_____</p> <p>CITY AND STATE</p> <p>_____</p> <p>501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE</p> <p>_____</p> <p>DATE(S): ____/____/____ - ____/____/____ AMT: \$_____</p> <p style="text-align: center;"><i>(If gift)</i></p> <p>▶ MUST CHECK ONE: Gift -or- Income</p> <p style="padding-left: 40px;">Made a Speech/Participated in a Panel</p> <p style="padding-left: 40px;">Other - Provide Description _____</p> <p>_____</p> <p>▶ If Gift, Provide Travel Destination _____</p> <p>_____</p>	<p>▶ NAME OF SOURCE <i>(Not an Acronym)</i></p> <p>_____</p> <p>ADDRESS <i>(Business Address Acceptable)</i></p> <p>_____</p> <p>CITY AND STATE</p> <p>_____</p> <p>501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE</p> <p>_____</p> <p>DATE(S): ____/____/____ - ____/____/____ AMT: \$_____</p> <p style="text-align: center;"><i>(If gift)</i></p> <p>▶ MUST CHECK ONE: Gift -or- Income</p> <p style="padding-left: 40px;">Made a Speech/Participated in a Panel</p> <p style="padding-left: 40px;">Other - Provide Description _____</p> <p>_____</p> <p>▶ If Gift, Provide Travel Destination _____</p> <p>_____</p>
<p>▶ NAME OF SOURCE <i>(Not an Acronym)</i></p> <p>_____</p> <p>ADDRESS <i>(Business Address Acceptable)</i></p> <p>_____</p> <p>CITY AND STATE</p> <p>_____</p> <p>501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE</p> <p>_____</p> <p>DATE(S): ____/____/____ - ____/____/____ AMT: \$_____</p> <p style="text-align: center;"><i>(If gift)</i></p> <p>▶ MUST CHECK ONE: Gift -or- Income</p> <p style="padding-left: 40px;">Made a Speech/Participated in a Panel</p> <p style="padding-left: 40px;">Other - Provide Description _____</p> <p>_____</p> <p>▶ If Gift, Provide Travel Destination _____</p> <p>_____</p>	<p>▶ NAME OF SOURCE <i>(Not an Acronym)</i></p> <p>_____</p> <p>ADDRESS <i>(Business Address Acceptable)</i></p> <p>_____</p> <p>CITY AND STATE</p> <p>_____</p> <p>501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE</p> <p>_____</p> <p>DATE(S): ____/____/____ - ____/____/____ AMT: \$_____</p> <p style="text-align: center;"><i>(If gift)</i></p> <p>▶ MUST CHECK ONE: Gift -or- Income</p> <p style="padding-left: 40px;">Made a Speech/Participated in a Panel</p> <p style="padding-left: 40px;">Other - Provide Description _____</p> <p>_____</p> <p>▶ If Gift, Provide Travel Destination _____</p> <p>_____</p>

Comments: _____

Instructions – Schedule E Travel Payments, Advances, and Reimbursements

Travel payments reportable on Schedule E include advances and reimbursements for travel and related expenses, including lodging and meals.

Gifts of travel may be subject to the gift limit. In addition, certain travel payments are reportable gifts, but are not subject to the gift limit. To avoid possible misinterpretation or the perception that you have received a gift in excess of the

the purpose of your travel. (See the FPPC fact sheet entitled “Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans” to read about travel payments under section 89506(a).)

You are not required to disclose:

- Travel payments received from any state, local, or federal government agency for which you provided services equal or greater in value than the payments received, such as reimbursement for travel on agency business from your government agency employer.
- A payment for travel from another local, state, or federal government agency and related per diem expenses when the travel is for education, training or other inter-agency programs or purposes.
- Travel payments received from your employer in the normal course of your employment that are included in the income reported on Schedule C.
- A entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration, such as reimbursement for travel on business for a 501(c)(3) organization for which you are a board member.

Note: Certain travel payments may not be reportable if reported via email on Form 801 by your agency.

To Complete Schedule E:

- Disclose the full name (not an acronym) and address of the source of the travel payment.
- Identify the business activity if the source is a business entity.
- Check the box to identify the payment as a gift or income, report the amount, and disclose the date(s).
 - **Travel payments are gifts** if you did not provide services that were equal to or greater in value than the payments received. You must disclose gifts totaling \$500 or more from a single source during the period covered by the statement.

When reporting travel payments that are gifts, you must provide a description of the gift, the **date(s)** received, and the **travel destination**.

- **Travel payments are income** if you provided services that were equal to or greater in value than the

payments received. You must disclose income totaling \$500 or more from a single source during the period covered by the statement. You have the burden of proving the payments are income rather than gifts. When reporting travel payments as income, you must describe the services you provided in exchange for the payment. You are not required to disclose the date(s) for travel payments that are income.

Example:

City council member MaryClaire Chandler is the chair of a 501(c)(6) trade association, and the association pays for MaryClaire's travel to attend its meetings. Because MaryClaire is deemed to be providing equal or greater consideration for the travel payment by virtue of serving on the board, this payment may be reported as income. Payments for MaryClaire to attend other events for which they are not providing services are likely considered gifts.

▶ NAME OF SOURCE (Not an Acronym)	
Health Services Trade Association	
ADDRESS (Business Address Acceptable)	
1230 K Street, Suite 610	
CITY AND STATE	
Sacramento, CA	
<input type="checkbox"/> 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE	
Association of Healthcare Workers	
DATE(S):	AMT: \$ 550.00
(if gift)	
▶ MUST CHECK ONE: <input type="checkbox"/> Gift -or- <input checked="" type="checkbox"/> Income	
<input type="radio"/> Made a Speech/Participated in a Panel	
<input checked="" type="radio"/> Other - Provide Description: Travel reimbursement for board meeting.	
▶ If Gift, Provide Travel Destination	

Note that the same payment from a 501(c)(3) would NOT be reportable.

Example:

Mayor Kim travels to China on a trip organized by China Silicon V 501(c)(6) organization. The Chengdu Municipal People's Government pays for Mayor Kim's airfare and travel costs, as well as meals and lodging during the trip. The trip's agenda shows that the trip's purpose is to promote job creation and economic activity in China and in Silicon Valley, so the trip is reasonably related to a governmental purpose.

▶ NAME OF SOURCE (Not an Acronym)	
Chengdu Municipal People's Government	
ADDRESS (Business Address Acceptable)	
2 Caoshi St, CaoShiJie, Qingyang Qu, Chengdu Shi,	
CITY AND STATE	
Sichuan Sheng, China, 610000	
<input type="checkbox"/> 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE	
DATE(S):	AMT: \$ 3,874.38
(if gift)	
▶ MUST CHECK ONE: <input checked="" type="checkbox"/> Gift -or- <input type="checkbox"/> Income	
<input type="radio"/> Made a Speech/Participated in a Panel	
<input checked="" type="radio"/> Other - Provide Description: Travel reimbursement for trip to China.	
▶ If Gift, Provide Travel Destination	
Sichuan Sheng, China	

Thus, Mayor Kim must report the gift of travel, but the gift is exempt from the gift limit. In this case, the travel payments are not subject to the gift limit because the source is a foreign government and because the travel is reasonably related to a governmental purpose. (Section 89506(a)(2).) Note

making decisions about The Chengdu Municipal People's Government for 12 months. Also note that if China Silicon Valley Business Development (a 501(c)(6) organization) paid for the travel costs rather than the governmental organization, the payments would be subject to the gift limits. (See the FPPC fact sheet, Limitations and Restrictions on Gifts, Honoraria, Travel and Loans, at www.fppc.ca.gov.)

Restrictions and Prohibitions

The Political Reform Act (Gov. Code Sections 81000-

and employees to publicly disclose their economic interests including personal assets and income. The Act'

is reasonably foreseeable that the decision will have

of immediate family. (Gov. Code Sections 87100 and 87103.) The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the Act's provisions.

Gift Prohibition

and candidates are subject to a limit. In 2021-2022, the gift limit increased to \$520 from a single source during a calendar year.

Additionally state employees are subject to a \$10 limit per calendar with the Secretary of State. See Reference Pamphlet, page 10.

their agency to determine if other restrictions apply.

to disqualify themselves from making, participating in, or

This may include interests they are not required to disclose. For example, a personal residence is often not reportable, but may be grounds for

of boards of supervisors, planning commissioners, etc.).

a discussion or vote takes place at a public meeting. For more information, consult Government Code Section 87105, Regulation 18707, and the Guide to Recognizing www.fppc.ca.gov.

Honorarium Ban

are prohibited from accepting an honorarium for any speech given, article published, or attendance at a conference, convention, meeting, or like gathering. (See Reference Pamphlet, page 10.)

Loan Restrictions

on loans. (See Reference Pamphlet, page 14.)

Post-Governmental Employment

There are restrictions on representing clients or employers before former agencies. The provisions apply to elected

including the chief administrator of a city, and general managers or chief administrators of local special districts and JPAs. The FPPC website has fact sheets explaining the provisions.

Late Filing

The

late.

circumstances.

referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the

be imposed.

For assistance concerning reporting, prohibitions, and restrictions under the Act:

- Email questions to advice@fppc.ca.gov.
- Call the FPPC toll-free at (866) 275-3772.

Form 700 is a Public Document Public Access Must Be Provided

Statements of Economic Interests are public documents.

member of the public to inspect and receive a copy of any statement.

- Statements must be available as soon as possible during the agency's regular business hours, but in any event not later than the second business day after the statement is received. Access to the Form 700 is not subject to the Public Records Act procedures.
- No conditions may be placed on persons seeking access to the forms.
- from persons seeking access.
- Reproduction fees of no more than 10 cents per page may be charged.

Questions and Answers

General

Q. What is the reporting period for disclosing interests

statement?

A. reportable investments, interests in real property, and business positions held on the date you assumed loans, gifts and travel payments) received during the 12

On a candidate statement, disclose all reportable investments, interests in real property, and business

candidacy. You must also disclose income (including loans, gifts and travel payments) received during the

candidacy.

Q. I hold two other board positions in addition to my position with the county economic interests?

A. Yes, three are required. However, you may instead complete an expanded statement listing the county and the two boards on the Cover Page or an attachment as

reportable economic interests in all three jurisdictions on the expanded statement. File the expanded statement for your primary position providing an original

signature. (See page 3 above.) File copies of the expanded statement with the other two agencies as required by Regulation 18723.1(c). Remember to complete separate statements for positions that you leave or assume during the year.

Q. I am a department head who recently began acting as city manager

A. Y manager. Persons serving as “acting,” “interim,” or they are or may be performing the duties of the position.

Q. My spouse and I are currently separated and in the process of obtaining a divorce. Must I still report my spouse’s income, investments, and interests in real property?

A. Yes. A economic interests until such time as dissolution of , if a separate property agreement has been reached prior to that time, your estranged spouse’s income may not have to be reported. Contact the FPPC for more information.

Q. As a designated employee, I left one state agency to work for another state agency

A. Yes. You may also need t statement for the new agency.

Investment Disclosure

Q. I have an investment interest in shares of stock in a

Must I still disclose my investment interest in this company?

A. Probably. f “doing business in the jurisdiction” is not limited to whether the business has Reference Pamphlet, page 13.)

Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, disclosure. How is this trust disclosed?

A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence with the SEC are not reportable.

Q. I am required to report all investments. I have an IRA that contains stocks through an account managed by though they are held in an IRA and I did not decide which stocks to purchase?

A. Yes. Disclose on Schedule A-1 or A-2 any stock worth \$2,000 or more in a business entity located in or doing business in your jurisdiction.

Questions and Answers Continued

- Q. The value of my stock changed during the reporting period. How do I report the value of the stock?
- A. You are required to report the highest value that the stock reached during the reporting period. You may use your monthly statements to determine the highest value. You may also use the entity's website to determine the highest value. You are encouraged to keep a record of where you found the reported value.

report the value of the stock on the date you assumed

- Q. I am the sole owner of my business, an S-Corporation. I believe that the nature of the business is such that it cannot be said to have any "fair market value" because it has no assets. I operate the corporation under an agreement with a large insurance company. My contract does not have resale value because of its nature as a personal services contract. Must I report the fair market value for my business on Schedule A-2 of the Form 700?

- A. Yes. Even if there are no *tangible* assets, intangible assets, such as relationships with companies and

purposes, such as marital dissolutions or estate planning. In addition, the IRS presumes that "personal services corporations" have a fair market value. A professional "book of business" and the associated goodwill that generates income are not without a determinable value. The Form 700 does not require a precise fair market value; it is only necessary to check a box indicating the broad range within which the value falls.

- Q. I own stock in IBM and must report this investment on Schedule A-1. I initially purchased this stock in the early 1990s; however, I am constantly buying and selling shares. Must I note these dates in the

- A. No. You must only report dates in the "Acquired" or

initially purchase a reportable investment worth \$2,000 or more or when you dispose of the entire investment. You are not required to track the partial trading of an investment.

- Q. On last year' \$2,000 - \$10,000. Late last year the value of this stock fell below and remains at less than \$2,000. How should this be reported on this year's statement?

- A. You are not required to report an investment if the value was less than \$2,000 during the **entire** reporting period. However, because a disposed date is not required for stocks that fall below \$2,000, you may want to report the stock and note in the "comments" section that the value fell below \$2,000. This would be for informational purposes only; it is not a requirement.

- Q. We have a Section 529 account set up to save money for our son's college education. Is this reportable?

- A. If the Section 529 account contains reportable interests (e.g., common stock valued at \$2,000 or more), those interests are reportable (not the actual Section 529 account). If the account contains solely mutual funds, then nothing is reported.

Income Disclosure

- Q. I reported a business entity on Schedule A-2. Clients of my business are located in several states. Must I report all clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2, Part 3?

- A. No, only the clients located in or doing business on a regular basis in your jurisdiction must be disclosed.

- Q. I believe I am not required to disclose the names of clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2 because of their right to privacy. Is there an exception for reporting clients' names?

- A. Regulation 18740 provides a procedure for requesting an exemption to allow a client's name not to be disclosed if disclosure of the name would violate a legally recognized privilege under California or Federal law. This regulation may be obtained from our website at www.fppc.ca.gov. (See Reference Pamphlet, page 14.)

Questions and Answers Continued

Q. I am sole owner of a private law practice that is not reportable based on my limited disclosure category. However, some of the sources of income to my law practice are from reportable sources. Do I have to disclose this income?

A. Yes, even though the law practice is not reportable, reportable sources of income to the law practice of \$10,000 or more must be disclosed. This information would be disclosed on Schedule C with a note in the "comments" section indicating that the business entity is not a reportable investment. The note would be for informational purposes only; it is not a requirement.

Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?

A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. (See Reference Pamphlet, page 8.)

Q. all of their business is based on their own billings and collections from various clients. How do I report my community property interest in this business and the income generated in this manner?

A. greater, disclose 100% of your spouse's share of the business on Schedule A-2, Part 1 and 50% of your spouse's income on Schedule A-2, Parts 2 and 3. For example, a client of your spouse's must be a source of at least \$20,000 during the reporting period before the client's name is reported.

Q. How do I disclose my spouse's or registered domestic partner's salary?

A. Report the name of the employer as a source of income on Schedule C.

Q. I am a doctor. For purposes of reporting \$10,000 sources of income on Schedule A-2, Part 3, are the patients or their insurance carriers considered sources of income?

A. you instead of other doctors, then your patients, rather than their insurance carriers, are sources of income to you. (See Reference Pamphlet, page 14.)

Q. I received a loan from my grandfather to purchase my home. Is this loan reportable?

A. No. Loans received from family members are not reportable.

Q. Many years ago, I loaned my parents several thousand dollars, which they paid back this year. Do I need to report this loan repayment on my Form 700?

A. No. Payments received on a loan made to a family member are not reportable.

Real Property Disclosure

Q. During this reporting period we switched our principal place of residence into a rental. I have full disclosure and the property is located in my agency's jurisdiction, so it is now reportable. Because I have not reported this property before, do I need to show an "acquired" date?

A. No, you are not required to show an "acquired" date because you previously owned the property. However, you may want to note in the "comments" section that the property was not previously reported because it was used exclusively as your residence. This would be for informational purposes only; it is not a requirement.

Q. I am a city manager, and I own a rental property located in an adjacent city, but one mile from the city limit. Do I need to report this property interest?

A. Yes. You are required to report this property because it is located within 2 miles of the boundaries of the city you manage.

Q. Must I report a home that I own as a personal residence for my daughter?

A. You are not required to disclose a home used as a personal residence for a family member unless you receive income from it, such as rental income.

Q. I am a co-signer on a loan for a rental property owned by a friend. Since I am listed on the deed of trust, do I need to report my friend's property as an interest in real property on my Form 700?

A. No. Simply being a co-signer on a loan for property does not create a reportable interest in that real property.

Questions and Answers Continued

Gift Disclosure

- Q. If I received a reportable gift of two tickets to a concert valued at \$100 each, but gave the tickets to a friend because I could not attend the concert, do I have any reporting obligations?
- A. Yes. Since you accepted the gift and exercised discretion and control of the use of the tickets, you must disclose the gift on Schedule D.

- Q. Julia and Jared Benson, a married couple, want to give a piece of artwork to a county supervisor. Is each spouse considered a separate source for purposes of the gift limit and disclosure?

- A. Yes, each spouse may make a gift valued at the gift limit during a calendar year. For example, during 2022 the gift limit was \$520, so the Bensons may have given the supervisor artwork valued at no more than \$1,040. The supervisor must identify Jared and Julia Benson as the sources of the gift.

Q.

basket valued at \$120. The gift basket was donated by Doug Brewer, a citizen in our city. At the same event, , and won a quilt valued at \$70. The quilt was donated by a coworker. Are these reportable gifts?

- A. Because the gift basket was donated by an outside source (not an agency employee), you have received a reportable gift valued at \$110 (the value of the basket less the consideration paid). The source of the gift is Doug Brewer and the agency is disclosed as the intermediary. Because the quilt was donated by an employee of your agency, it is not a reportable gift.

- Q. My agency is responsible for disbursing grants. An applicant (501(c)(3) organization) met with agency employees to present its application. At this meeting, the applicant provided food and beverages. Would the food and beverages be considered gifts to the employees? These employees are designated in our agency' reportable source of income under the code.

- A. Yes. If the value of the food and beverages consumed , plus any other gifts received from the same source during the reporting period total \$50 or more, the food and beverages would be reported using the fair market value and would be subject to the gift limit.

- Q. I received free admission to an educational conference fees included a round of golf. Is the value of the golf considered informational material?

- A. No. The value of persona attendance at a concert, or sporting event, are gifts subject to reporting and limits.

**2022/2023
Form 700
Statement of
Economic Interests**



**Reference
Pamphlet**

California Fair Political Practices Commission
1102 Q Street, Suite 3000 • Sacramento, CA 95811
Email advice: advice@fppc.ca.gov
Toll-free advice line: 1 (866) ASK-FPPC • (866) 275-3772
Telephone: (916) 322-5660 • Website: www.fppc.ca.gov

December 2022

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Who Must File

1. Code Section 87200 and Members of Boards and Commissions of Newly Created Agencies

The Act requires the following individuals to fully disclose their personal assets and income described in Form 700, Statement of Economic Interests:

- Governor
- Lieutenant Governor
- Attorney General
- Controller
- Insurance Commissioner
- Secretary of State
- Treasurer
- Members of the State Legislature
- Superintendent of Public Instruction
- State Board of Equalization Members
- Public Utilities Commissioners
- State Energy Resources Conservation and Development Commissioners
- State Coastal Commissioners
- Fair Political Practices Commissioners
- consultants) who manage public investments
- Elected members of and candidates for the Board of Administration of the California Public Employees' Retirement System
- Elected members of and candidates for the Teachers' Retirement Board
- Members of the High Speed Rail Authority

described in Part 2 on this page.

- Supreme, Appellate, and Superior Court Judges
- Court Commissioners
- Retired Judges, Pro-Tem Judges, and part-time Court Commissioners who serve or expect to serve 30 days or more in a calendar year

- Members of Boards of Supervisors
- Mayors and Members of City Councils
- Chief
- District Attorneys
- County Counsels
- City Attorneys
- City Managers
- Planning Commissioners
- County and City Treasurers
- and consultants) who manage public investments

Members of Newly Created Boards and Commissions

Generally statement within 30 days as well as subsequent statements until the member's interest code. See Regulation 18754.

2.

Code ("Code Filers")

The Act requires every state and local government agency to The code lists each

or participate in making governmental decisions that could

The code requires individuals holding those positions

economic interests as determined by the code's "disclosure categories." These individuals are called "designated

Obtain your disclosure categories from your agency – they are not contained in the Form 700. Persons with broad decisionmaking authority must disclose more interests than those in positions with limited discretion. For example, you may be required to disclose only investments and business positions in or income (including loans, gifts, and travel payments) from businesses of the type that contract with your agency, or you may not be required to disclose real property interests.

In addition, certain consultants to public agencies may

Agencies determine who is a consultant and the level of disclosure and may use Form 805.

Note: Code

a smaller jurisdiction (for example, a state legislator who also sits on a state or local board or commission).

Employees in Newly Created Positions of Existing Agencies

An individual hired for a position not yet covered under an agency individual serves in a position that makes or participates in making governmental decisions. These individuals must s broadest disclosure category until the code is amended to include the new position unless the agency has provided in writing a limited disclosure requirement. The Form 804 may be used to satisfy this requirement.

Types of Form 700 Filings

in a position designated, or that will be designated, in a state or local agency'

otherwise authorized to serve in the position. If you are a you were sworn in.

- Report: Investments, interests in real property, and business positions held on the date you assumed the (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the

or the Commission on Judicial Appointments, your nominated to the position.

- Example: Maria Lopez was nominated by the Governor to serve on a state agency board that is subject to state date Maria's nomination is submitted to the Senate. Maria must report investments, interests in real property, and business positions she holds on that date, and income (including loans, gifts, and travel payments) received during the 12 months prior to that date.

applicable.

- Report: Investments, interests in real property, and code or amendment must be reported. In addition, income (including loans, gifts, and travel payments) of the code or amendment.

Annual Statement:

Generally, the period covered is January 1, 2022, through December 31, 2022. If the period covered by between October 1, 2021, and December 31, 2021 or you are combining statements), you must specify the period covered.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2022.

- If your disclosure category changes during a reporting period, disclose under the old category

amendment and disclose under the new disclosure category through the end of the reporting period.

Generally, the period covered is January 1, 2022, through the date you stopped performing the duties of 1, 2022, through the date you stopped performing the between October 1, 2021, and December 31, 2021, or you are combining statements), the period covered must The reporting period can cover parts of two calendar years.

- Report: Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2022.

Candidate Statement:

in real property, and business positions held on the date In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date change the preprinted dates on Schedules A-1, A-2, and B. Candidates running for local elective position. The code may be obtained from the agency of the elected position.

Amendments:

If you discover errors or omissions on any statement, You are only required to amend the schedule that needs to be revised; The amended

Obtain amendment schedules from the FPPC website at www.fppc.ca.gov.

Where to File

1. Code Section 87200
(See Reference Pamphlet, page 3):

File a copy of your statement and forward the original to the FPPC.

Filers	Where to File
87200 Filers	Your agency The clerk of your court Directly with FPPC Your city clerk Your agency
Retired Judges	
87200 Candidates	of candidacy City Clerk CalPERS CalSTRS
Public Employees' Retirement System (CalPERS)	
State Teachers' Retirement Board (CalSTRS)	

Note: Individuals that invest public funds for a city or county. Unlike other filers, these individuals are not required to file a statement and are not forwarded to the FPPC pursuant to Regulation 18753.

2. Employees, Candidates, and Consultants

File with your agency, board, or commission unless otherwise specified in the code. In most cases, the agency, board, or commission will retain the statements.

File a declaration of candidacy or other nomination documents

3. Members of Newly Created Boards and Commissions:

File with your agency or with your agency's code reviewing body. See Regulation 18754.

State Senate and State Assembly members file directly with the FPPC.

Exceptions:

- Individuals who are appointed to a position under any agency' code in the same jurisdiction. For example, a county supervisor who is appointed to serve in an agency with obligations.

4. Positions Not Yet Covered Under an Interest Code

An individual hired for a position not yet covered under an agency' interest code serves in a position that makes or participates in making governmental decisions. These individuals must file a statement with the FPPC unless the agency is amended to include the new position unless the agency has provided in writing a limited disclosure requirement. Agencies may use FPPC Form 804 for this disclosure.

See Regulation 18734.

When to File

Filer	Deadline
	30 days
in Gov. Code Section 87200 or Members of newly created boards and commissions interest code	30 days or 10 days after appointment or nomination if subject to Senate or judicial
Other appointed positions (including those held by newly-hired employees) that are or of interest code	30 days (30 days after appointment or nomination if subject to Senate
Positions newly added to a interest code	30 days date of the code or code amendment

Exceptions:

- If you are elected to a position in a jurisdiction that is not a designated jurisdiction (for example, a city planning commissioner elected as mayor), you are not required to file a statement.
- If you are elected to a position in a designated jurisdiction (for example, a city planning commissioner elected as mayor), you are not required to file a statement if you are reelected or reappointed, you are not required to file a statement.
- If you are elected to a position in a designated jurisdiction (for example, a city planning commissioner elected as mayor), you are not required to file a statement if you assume another position in the same jurisdiction (for example, a city planning commissioner elected as mayor), you are not required to file a statement.
- If you transfer from one designated position to another designated position within the same agency, contact the agency for more information.
- If the filing deadline falls on a holiday, the due date is the next regular business day.

\$10 per day per position up to \$100 for each day the statement is late.

Annual Statements:

1. Members of the state legislature, members elected to the Board of Administration of the California Public Employees' Retirement System and members elected to the Teachers' Retirement Board);
Judges and court commissioners; and
Gov. Code Section 87200:
File no later than **Wednesday, March 1, 2023.**
2. Members of the State Bar of California, Code Section 87200:
File no later than **Monday, April 3, 2023.**
3. Members of the State Bar of California:
File no later than **Monday, April 3, 2023.**
4. All other designated jurisdictions:
File on the date prescribed in the code (April 3 for most

Exception:

Incumbent candidates who are not required to file a statement until March 1, 2024, or April 1, 2024, whichever is applicable. The annual statement will cover the day after the filing deadline. Incumbent candidates who are not required to file a statement until March 1, 2024, or April 1, 2024, whichever is applicable. The annual statement will cover the day after the filing deadline.

When to File - (continued)

Exceptions:

- If you are reelected or reappointed), you are not required to file a statement for the same jurisdiction.
- If you transfer from one designated position to another designated position within the same agency, contact the FPPC. Code Section 87200 that has the same jurisdiction (for example, a city planning commissioner). If you are appointed to a new position, your annual statement due.
- If you transfer from one designated position to another designated position within the same agency, contact the FPPC. Code Section 87200 that has the same jurisdiction (for example, a city planning commissioner). If you are appointed to a new position, your annual statement due.

Candidate Statements:

in Gov. If you are a candidate for a public office, you must file a statement for the declaration of candidacy or other nomination documents.

Exception:

A candidate for a public office who is also a candidate for a public office in another jurisdiction **within 60 days** of the filing of a statement for the same jurisdiction may file a statement for the same jurisdiction.

Late Statements:

Late statements should be submitted as soon as possible after the deadline. Late penalties may be reduced or waived under certain circumstances.

Violations may be referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or District Attorney) for investigation and possible prosecution. In addition to a \$5,000 per violation may be imposed.

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The instructions located on the back of each schedule describe the types of interests that must be reported. The purpose of this section is to explain other terms used in schedules or elsewhere.

Blind Trust: See Trusts, Reference Pamphlet, page 16.

Business Entity: Any organization or enterprise operated

business trust, joint venture, syndicate, corporation, or association. This would include a business for which you take business deductions for tax purposes (for example, a small business operated in your home). When reporting a business entity on the Form 700, do not use acronyms for the name of entity.

Code Filer: An individual who has been designated in a state or local agency statements of economic interests.

An individual hired on or after January 1, 2022 for a position not yet covered under an agency

in a position that makes or participates in making governmental decisions.

the broadest disclosure category until the code is amended to include the new position unless the agency has provided in writing a limited disclosure requirement. Agencies may use FPPC Form 804 for such disclosure. See Regulation 18734.

Commission Income: "Commission income" means gross payments of \$500 or more received during the period covered by the statement as a broker, agent, or salesperson, including insurance brokers or agents, real estate brokers or agents, travel agents or salespersons, stockbrokers, and retail or wholesale salespersons, among others.

In addition, you may be required to disclose the names of sources of commission income if your pro rata share of the gross income was \$10,000 or more from a single source during the reporting period. If your spouse or registered domestic partner received commission income, you would disclose your community property share (50%) of that income (that is, the names of sources of \$20,000 or more in gross commission income received by your spouse or registered domestic partner).

Report commission income as follows:

- If the income was received through a business entity in which you and your spouse or registered domestic partner had a 10% or greater ownership interest (or if you receive commission income on a regular basis as an independent contractor or agent), use Schedule A-2.
- If the income was received through a business entity in which you or your spouse or registered domestic

partner **did not receive commission income on a regular basis** or you had a less than 10% ownership interest, use Schedule C.

The "source" of commission income generally includes all parties to a transaction, and each is attributed the full value of the commission.

Examples:

- You are a partner in Jameson and Mulligan Insurance Company and have a 50% ownership interest in the company. You sold two American Insurance Company policies to XYZ Company during the reporting period. You received commission income of \$5,000 from the

Schedule A-2, report your partnership interest in and income received from Jameson and Mulligan Insurance Company in Parts 1 and 2. In Part 3, list both American Insurance Company and XYZ Company as sources of \$10,000 or more in commission income.

- You are a stockbroker for Prince Investments, but you receive commission income on a regular basis through the sale of stock to clients. Your total gross income from your employment with Prince Investments was over \$100,000 during the reporting period. On Schedule A-2, report your name as the name of the business entity in Part 1 and the gross income you have received in Part 2. (Because you are an employee of Prince Investments, you do not need to complete the information in the box in Part 1 indicating the general description of business activity, fair market value, or nature of investment.) In Part 3, list Prince Investments and the names of any clients who were sources of \$10,000 or more in commission income to you.
- You are a real estate agent and an independent contractor under Super Realty. On Schedule A-2, Part 1, in addition to your name or business name, complete the business entity description box. In Part 2, identify your gross income. In Part 3, for each transaction that resulted in commission income to you of \$10,000 or more, you must identify the brokerage entity, each person you represented, and any person's or other referral fee for referring a party to the transaction to the broker.

Note: If your pro rata share of commission income from a single source is \$500 or more, you may be required to

income, even though you are not required to report the income. (See Reference Pamphlet, page 12.)

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Act when all of the following occur:

- ...
- ...
- ...s economic interest;
- ...s economic interest will be material; and
- ...s economic generally.

The Act requires every state code. The code may be contained in a regulation, policy statement, or a city or county ordinance, resolution, or other document.

An agency' who make or participate in making governmental decisions These individuals interest occur.

include only the kinds of personal economic interests are limited to reviewing contracts for supplies, equipment, materials, or services provided to the agency should be required to report only those interests they hold that are s contracts for supplies, equipment, materials, or services.

Consultant: An individual who contracts with or whose employer contracts with state or local government agencies and who makes, participates in making, or acts The agency determines who is a consultant. Consultants may under full disclosure unless the agency provides in writing a limited disclosure requirement. Agencies may use FPPC Form 805 to assign such disclosure. The obligation to providing services to the agency, not on the business or

individual who makes a governmental decision whether to:

- Approve a rate, rule, or regulation
- Adopt or enforce a law

- Issue, deny, suspend, or revoke any permit, license, , or similar authorization or entitlement
- Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval
- Grant agency approval to a contract that requires agency approval and to which the agency is a party, or
- Grant agency approval to a plan, design, report, study, or similar item
- Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any of its subdivisions

A capacity with the agency and:

- participates in making a governmental decision; or
- performs the same or substantially all the same duties for the agency that would otherwise be performed by an s

Designated Employee: or local government agency whose position has been designated in the agency' statements of economic interests or whose position has not yet been listed in the code but makes or participates in making governmental decisions. Individuals who contract with government agencies (consultants) may also be

A capacity on a state or local government agency is not a designated employee.

Digital Signature: Under the Act and Commission signature," which may be used to sign documents electronically . A digital

the signer and prevent the alteration of documents after signing. For more information on how to use a digital signature, please refer to the Filing with a Digital Signature Fact Sheet on the FPPC's website.

verify the signature on the statement, and forward the statement via email to the FPPC at Form700@fppc.ca.gov. Do not mail the FPPC a copy of a Form 700 with a digital

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Disclosure Categories: The section of an agency's must disclose on their statements of economic interests. Disclosure categories are usually contained in an appendix agency to obtain a copy of your disclosure categories.

bonds, or money market instruments that are managed by investment companies whose business is pooling the money of many individuals and investing it to seek a common investment goal. Mutual funds are managed by trained professionals who buy and sell securities. A typical mutual fund will own between 75 to 100 separate securities at any given time so they also provide instant *Only diversified mutual funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 are exempt from disclosure.* In addition, Regulation 18237 provides an exception from reporting other funds that are similar to

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the Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, State Controller, Secretary of State, State Treasurer, Superintendent of Public Instruction, members of the State Legislature, members of the State Board of Equalization, elected members of the Board of Administration of the California Public Employees' Retirement System and members elected to the Teachers' Retirement Board.

Enforcement: The FPPC investigates suspected violations of the Act. Other law enforcement agencies (the Attorney General or district attorney) also may initiate investigations under certain circumstances. If violations are found, the Commission may initiate administrative enforcement violation.

Instead of administrative prosecution, a civil action may be brought for negligent or intentional violations by the appropriate civil prosecutor (the Commission, Attorney General, or district attorney), or a private party residing within the jurisdiction. In civil actions, the measure of damages is up to the amount or value not properly reported.

provisions of the Act also may be subject to agency discipline, including dismissal.

Finally, a knowing or willful violation of any provision of the Act is a misdemeanor. Persons convicted of a

date of the conviction from serving as a lobbyist or running

be imposed. The Act also provides for numerous civil penalties, including monetary penalties and damages, and injunctive relief from the courts.

Expanded Statement: or an employee who holds multiple positions subject to also holds a designated position with a county agency, board, or commission) may complete one expanded statement for all those positions. The expanded statement must disclose all reportable interests for all jurisdictions The rules and are set forth in Regulation 18723.1.

Fair Market Value: When reporting the value of an investment, interest in real property, or gift, you must disclose the fair market value – the price at which the item would sell for on the open market. This is particularly important when valuing gifts, because the fair market value to provide the gift. For example, the wholesale cost of a may be \$25 or more. In addition, there are special rules for valuing free tickets and passes. Call or email the FPPC for assistance.

Gift and Honoraria Prohibitions

Gifts:

Code Section 87200 (except judges – see below), candidates were prohibited from accepting a gift or gifts totaling more than \$520 in a calendar year from a single source in 2021-2022.

In addition, elected state state agencies are subject to a \$10 per calendar month limit on gifts from of State.

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Honoraria:

Code
Section 87200 (except judges – see below), candidates
and employees of state and local government agencies

prohibited from accepting honoraria for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

Exceptions:

- Some gifts are not reportable or subject to the gift and honoraria prohibitions, and other gifts may not be subject to the prohibitions, but are reportable. For detailed information, see the FPPC fact sheet entitled “Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans,” which can be obtained from your www.fppc.ca.gov.
- The gift limit and the honorarium prohibitions do not apply to a part-time member of the governing board of a public institution of higher education, unless the
- If you are designated in a state or local government agency honorarium prohibition are applicable only to sources you would otherwise be required to report on your statement of economic interests. However, this exception is not applicable if you also hold a position listed in Gov. Code Section 87200 (See Reference Pamphlet, page 3.)
- agency. This exception is not applicable if you are an State Legislature.
- Payments for articles published as part of the practice teaching, are not considered honoraria. A payment for an “article published” that is customarily provided in connection with teaching includes text book royalties and payments for academic tenure review letters. An profession of teaching if they are employed to teach at an accredited university.

Judges:

Section 170.9 of the Code of Civil Procedure imposes gift limits on judges and prohibits judges from accepting any honorarium. Section 170.9 is enforced by the Commission on Judicial Performance. The FPPC has no authority to interpret or enforce the Code of Civil Procedure. Court commissioners are subject to the gift limit under the Political Reform Act.

Income Reporting: Reporting income under the Act is

The Act requires **gross** income (the amount received before deducting losses, expenses, or taxes, as well as income reinvested in a business entity) to be reported.

Pro Rata Share: The instructions for reporting income refer to your pro rata share of the income received. Your pro rata share is normally based on your ownership interest in the entity or property. For example, if you are a sole proprietor, you must disclose 100% of the gross income to the business entity on Schedule A-2. If you own 25% of a piece of rental property, you must report 25% of the gross rental income received. When reporting your community property interest in your spouse’s or registered domestic partner’s income, your pro rata share is 50% of their income. You must also report the name of your spouse’s or registered domestic partner’s employer as the source of income, not the name of spouse or registered domestic partner.

Separate Property Agreement: Generally is required to disclose their community property share of their spouse’s spouse have a legally separate property agreement (e.g., the spouse’s community property share of income, unless the funds are commingled with community funds or used to pay for community expenses or to produce or enhance the

Note: This reporting exception does not apply to investments and interests in real property. Even if a

agreement, the spouse’s investments and interests in real of reportable investments and interests in real property s immediate family (spouse, registered domestic partner, and dependent children). community property law.

Income to a Business Entity: When you are required to report sources of income to a business entity, sources of rental income, or sources of commission income, you are only required to disclose individual sources of income of \$10,000 or more. However, you may be required to **disqualify** \$500 or more in income, even though you are not required to report them.

Examples:

- Alice Ruiz is a partner in a business entity. Alice has a 25% interest. On Schedule A-2, Alice must disclose 25% of the fair market value of the business entity; 25% of the gross income to the business entity (even though all of the income received was reinvested in

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the business and Alice did not personally receive any income from the business); and the name of each source of \$40,000 or more to the business.

- Pat and Mark Johnson, a married couple, own Classic Autos. Income to this business was \$200,000. In determining the amount to report for income on Schedule A-2, Part 2, Mark must include Mark's 50% share (\$100,000) and 50% of Mark's spouse's share (\$50,000). Thus, Mark's reportable income would be \$150,000 and Mark will check the box indicating \$100,001-\$1,000,000. (See Reference Pamphlet, page 13, for an example of how to calculate the value of this investment and interest in real property.)
- Renee Smith is an employee of a private company. Renee's stipend in lieu of healthcare insurance provided by the employer. Since Renee Smith receives payments from their employer instead of healthcare insurance, Renee is required to report the gross income from the stipend payments. Renee would aggregate and report the total gross income received from both their stipend and salary on Schedule C.

You are not required to report:

- Salary, reimbursement for expenses or per diem, social security, disability received by you or your spouse or registered domestic partner from a federal, state, or local government agency
- A tax-exempt entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration, such as reimbursement for travel on business for a 501(c)(3) organization for which you are a board member.
- Campaign contributions
- A cash bequest or cash inheritance
- Returns on a security registered with the Securities and Exchange Commission, including dividends, interest, or proceeds from a sale of stocks or bonds unless the security is held in a trust or other arrangement
- Redemption of a mutual fund
- Payments received under an insurance policy, such as life insurance policy payments, including an annuity
- Interest, dividends, or premiums on a time or demand deposit account, certificate of deposit, or other financial product issued by a government agency
- Your spouse's or registered domestic partner's income that is legally "separate" income so long as the funds are not commingled with community funds or used to pay community expenses
- Income of dependent children

- Automobile trade-in allowances from dealers
- Loans and loan repayments received from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, grandnephew, grandniece, or other intermediary or agent for any person not covered by this provision
- Alimony or child support payments
- A loan from a commercial lending institution made in the lender's regular course of business on terms available to the general public
- Any retail installment or credit card debts incurred in the creditor's regular course of business on terms available to the general public
- Loans made to others. However, repayments may be reportable on Schedule C
- A loan you co-signed for another person unless you made payments on the loan during the reporting period

Incentive Compensation: "Incentive compensation" means income over and above salary that is either ongoing or cumulative, or both, as sales or purchases of goods or services accumulate. Incentive compensation is income that is received from an employer which correlates to the conduct of the purchaser of the goods or services.

Incentive compensation does not include:

- Salary
- Commission income (*For information regarding disclosure of "commission income," see Reference Pamphlet, page 8.*)
- Bonuses for activity not related to sales or marketing, the amount of which is based solely on merit or hours worked over and above a predetermined minimum
- Executive incentive plans based on company performance, provided that the formula for determining the amount of the executive's incentive income does not include a correlation between that amount and the executive's sales or marketing performance
- Payments for personal services which are not related to sales or marketing

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three of the following apply:

- s employment responsibilities include directing sales or marketing activity toward the purchaser; and
- or business; and
- there is a direct relationship between the purchasing activity of the purchaser and the amount of the incentive

Report incentive compensation as follows:

- In addition to salary, reimbursement of expenses, and other income received from your employer, separately report on Schedule C the name of each person who purchased products or services sold, marketed or represented by you if you received incentive compensation of \$500 or more attributable to the purchaser during the period covered by the statement.
- If incentive compensation is paid by your employer in customers, you must determine the amount of incentive compensation attributable to each of your customers. This may be based on the volume of sales to those customers.

(See Regulations 18700.1 and 18728.5 for more information.)

Investment Funds: The term “investment” no longer includes certain exchange traded funds, closed-end funds, or funds held in an Internal Revenue Code qualified plan. These non-reportable investment funds (1) must be bona fide investment funds that pool money from more than 100 investors, (2) must hold securities of more than 15 issuers, and (3) cannot have a stated policy of concentrating their holdings in the same industry or business (“sector funds”). In addition, the filer may not influence or control the decision to purchase or sell the specific fund on behalf of their agency during the reporting period or influence or control the selection of any specific investment purchased or sold by the fund. (See Regulation 18237.)

Investments and Interests in Real Property: When disclosing investments on Schedules A-1 or A-2 and interests in real property on Schedules A-2 or B, you must include investments and interests in real property held by your spouse or registered domestic partner, and those held by your dependent children, as if you held them directly.

Examples:

- Julia Pearson, spouse, and two dependent children each own \$600 in stock in General Motors. Because the total value of their holdings is \$2,400, Julia must disclose the stock as an investment on Schedule A-1.

- Pat and Mark Johnson, a married couple, jointly own Classic Autos. Mark must disclose Classic Autos as an investment on Schedule A-2. To determine the reportable value of the investment, Mark will aggregate the value of each of their 50% interest. Thus, if the total value of the business entity is \$150,000, Mark will check the box \$100,001 - \$1,000,000 in Part 1 of Schedule A-2. (Also see Reference Pamphlet, page 12, for an example of how to calculate reportable income.)

The Johnsons also own the property where Classic Autos is located. To determine the reportable value of the real property, Mark will again aggregate the value of each of their 50% interest to determine the amount to report in Part 4 of Schedule A-2.

- Katie Lee rents out a room in their home. Katie receives \$6,000 a year in rental income. Katie will report the fair market value of the rental portion of the residence and the income received on Schedule B.

Jurisdiction: Report disclosable investments and sources of income (including loans, gifts, and travel payments) that are either located in or doing business in your agency’s jurisdiction, are planning to do business in your agency’s jurisdiction, or have done business during the previous two years in your agency’s jurisdiction, and interests in real property located in your agency’s jurisdiction.

A business entity is doing business in your agency’s jurisdiction if the entity has business contacts on a regular or substantial basis with a person who maintains a physical presence in your jurisdiction.

Business contacts include, but are not limited to, manufacturing, distributing, selling, purchasing, or providing services or goods. Business contacts do not include marketing via the Internet, telephone, television, radio, or printed media.

The same criteria are used to determine whether an individual, organization, or other entity is doing business in your jurisdiction.

Exception:

Gifts are reportable regardless of the location of the donor.

must report gifts from sources located outside of California.

disclosure categories to determine if the donor of a gift is of the type that must be disclosed.)

When reporting interests in real property, if your jurisdiction is the state, you must disclose real property located within the state of California unless your agency’

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For local agencies, an interest in real property is located in your jurisdiction if any part of the property is located in, or within two miles of, the region, city, county, district, or other geographical area in which the agency has jurisdiction, or if the property is located within two miles of any land owned or used by the agency.

See the following explanations to determine what your jurisdiction is:

State Offices: Your jurisdiction is the state if you are an elected state officer, a state legislator, or a candidate for one of these offices. Judges, judicial candidates, and court commissioners also have statewide jurisdiction. (*In re Baty* (1979) 5 FPPC Ops. 10) If you

are an elected officer of a board, commission, or agency, or of any court or the State Legislature, your jurisdiction is the state.

County Offices: Your jurisdiction is the county if you are an elected county officer, a candidate for county office, or if you are an official or employee of, or a consultant to, a county agency or any agency with jurisdiction solely within a single county.

City Offices: Your jurisdiction is the city if you are an

elected officer of any agency with jurisdiction solely within a single city.

Multi-County Offices: If you are an elected officer, candidate, official or employee of, or a consultant to a multi-county agency, your jurisdiction is the region, district, or other geographical area in which the agency has jurisdiction. (Example: A water district has jurisdiction in a portion of two counties. Members of the board are only required to report interests located or doing business in that portion of each county in which the agency has jurisdiction.)

Other (for example, school districts, special districts and JPAs): If you are an elected officer, candidate, official or employee of, or a consultant to an agency not covered above, your jurisdiction is the region, district, or other geographical area in which the agency has jurisdiction. See the multi-county example above.

Leasehold Interest: The term “interest in real property” includes leasehold interests. An interest in a lease on real property is reportable if the value of the leasehold interest is \$2,000 or more. The value of the interest is the total amount of rent owed by you during the reporting period or, for a candidate or assuming office, prior 12 months.

You are not required to disclose a leasehold interest with a value of less than \$2,000 or a month-to-month tenancy.

Loan Reporting: Filers are not required to report loans from commercial lending institutions or any indebtedness created as part of retail installment or credit card transactions that are made in the lender’s regular course of business to members of the public.

Loan Restrictions: State and local elected and appointed officers, candidates, consultants of their government agencies or any government agency that has direction or control. In addition, loans of more than \$250 from a government agency or an agency or an agency in which you have control are prohibited unless the loan is from a commercial lending institution or part of a retail installment or credit card transaction made in the regular course of business on terms available to members of the public.

receiving any personal loan of \$500 or more unless the loan agreement is in writing and clearly states the terms of the loan, including the parties to the loan agreement, the date, amount, and term of the loan, the date or dates when payments are due, the amount of the payments, and the interest rate on the loan.

Campaign loans and loans from family members are not subject to the \$250 and \$500 loan prohibitions.

Any loan that is not repaid or is being repaid below certain amounts will

Contact the FPPC for further information, or see the FPPC fact sheet entitled “Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans,” which can be obtained from www.fppc.ca.gov.

Original Statement: A statement containing either a handwritten “wet” signature or a “secure electronic signature.” Code Section 81004. A “secure electronic signature” means either (1) a signature submitted electronically, or (2) a digital signature submitted via the filer’s agency email address. (See Regulations 18104 and 18757.)

Privileged Information: FPPC Regulation 18740 sets out specific procedures that must be followed in order to withhold the name of a source of income. Under this regulation, you are not required to disclose on Schedule A-2, Part 3, the name of a person who paid fees or made payments to a business entity if disclosure of the name would violate a legally recognized privilege under California law.

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or Federal law. However, you must provide an explanation for nondisclosure, separately stating for each undisclosed person: the legal basis for the assertion of the privilege, facts demonstrating why the privilege is applicable, and that to the best of your knowledge you have not and will not make, participate in making, or use your official position to influence a governmental decision affecting the undisclosed person in violation of Government Code Section 87100. This explanation may be included with, or attached to, the public official's Form 700.

We note that the name of a source of income is privileged only to a limited extent under California law. For example, a name is protected by attorney-client privilege only when facts concerning an attorney's representation of an anonymous client are not publicly known and those facts, when coupled with disclosure of the client's identity,

civil or criminal liability. A patient's name is protected by physician-patient privilege only when disclosure of the patient's name would also reveal the nature of the treatment received by the patient. A patient's name is also protected if the disclosure of the patient's name would constitute a violation by an entity covered under the Federal Health Insurance Portability and Accountability Act (also known as HIPAA).

Individuals who invest public funds in revenue-producing who direct or approve investment transactions, formulate or approve investment policies, and establish guidelines

the following:

- Members of boards and commissions, including pension and retirement boards or commissions, and committees thereof, who exercise responsibility for the management of public investments;
- who exercise primary responsibility for the management of public investments (for example, chief or principal
- Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions described above.

Registered Domestic Partners: Filers must report investments and interests in real property held by, and sources of income to, registered domestic partners. (See Regulation 18229.)

Retirement Accounts (for example, deferred compensation and individual retirement accounts (IRAs)): Assets held in retirement accounts must be disclosed if the assets are reportable items, such as

common stock (investments) or real estate (interests in real property). For help in determining whether your investments and real property are reportable, see the instructions to Schedules A-1, A-2, and B.

If your retirement account holds reportable assets, disclose only the assets held in the account, not the account itself. You may have to contact your account manager to determine the assets contained in your account.

Schedule A-1: Report any business entity in which the value of your investment interest was \$2,000 or more during the reporting period. (Use Schedule A-2 if you have a 10% or greater ownership interest in the business entity.)

Schedule B: Report any piece of real property in which the value of your interest was \$2,000 or more during the reporting period.

Examples:

- Anaya Tiwari deposits \$500 per month into the employer's deferred compensation program. Anaya mutual funds registered with the Securities and Exchange Commission. Because Anaya's funds are invested solely in non-reportable mutual funds (see Schedule A-1 instructions), Anaya has no disclosure requirements with regard to the deferred compensation program.
- Earl James Jones has \$6,000 in an individual account contains stock in several companies doing business in his jurisdiction. One of the stock holdings, Misac Computers, reached a value of \$2,500 during the reporting period. The value of the investment in each of the other companies was less than \$2,000. Earl must report Misac Computers as an investment on Schedule A-1 because the value of the stock in that company was \$2,000 or more.
- Adriane Fisher has \$5,000 in a retirement fund that invests in real property located in Adriane's jurisdiction. The value of Adriane's interest in each piece of real property held in the fund was less than \$2,000 during the reporting period. Although this retirement fund holds reportable assets, there is no disclosure requirement because it did not have a \$2,000 or greater interest in any single piece of real property. If, in the future, the value of Adriane's interest in a single piece of real property reaches or exceeds \$2,000, it will be required to be disclosed on Schedule B for that reporting period.

T**(continued)**

Trusts: Investments and interests in real property held and income received by a trust (including a living trust) are reported on Schedule A-2 if you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater interest in the trust and your pro rata share of a single investment or interest in real property was \$2,000 or more.

You have an interest in a trust if you are a trustor and:

- Can revoke or terminate the trust;
- Have retained or reserved any rights to the income or principal of the trust or retained any reversionary or remainder interest; or
- Have retained any power of appointment, including the

Or you are a _____ and:

- Presently receive income (see Gov. Code Section 82030); or
- Have an irrevocable future right to receive income or principal. (See FPPC Regulation 18234 for more information.)

Examples:

- Sarah Murphy has set up a living trust that holds Sarah's principal residence, stock in several companies that do business in the jurisdiction, and a rental home in the agency's jurisdiction. Since Sarah is the trustor and can revoke or terminate the trust, Sarah must disclose any stock worth \$2,000 or more and the rental home on Schedule A-2. Sarah's residence is not reportable because it is used exclusively as a personal residence.
- Chao Y _____'s trust. However, Chao does not presently receive income from the trust, nor an irrevocable future right to receive income or principal. Therefore, Chao is not required to disclose any assets contained in the family trust.

Blind Trusts:

A blind trust is a trust managed by a disinterested trustee who has complete discretion to purchase and sell assets

interest in a blind trust, you may not be required to disclose your pro rata share of the trust's assets or income.

However, the trust must meet the standards set out in FPPC Regulation 18235, and you must disclose reportable assets originally transferred into the blind trust and income from those original assets on Schedule A-2 until they have been disposed of by the trustee.

Trustees:

If you are only a trustee, you do not have a reportable interest in the trust. However, you may be required to report the income you received from the trust for performing trustee services.

Wedding Gifts: Wedding gifts must be disclosed if they were received from a reportable source during the period covered by the statement. Gifts valued at \$50 or more are reportable; however, a wedding gift is considered a gift to both spouses equally. Therefore, you would count one-half of the value of a wedding gift to determine if it is reportable and need only report individual gifts with a total value of \$100 or more.

For example, you receive a place setting of china valued at \$150 from a reportable source as a wedding gift. Because the value to you is \$50 or more, you must report the gift on Schedule D, but may state its value as \$75.

Wedding gifts are not subject to the \$520 gift limit, but they

Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Gov. Code Sections 81000-91014 and California Code of Regulations Sections 18110-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Notice or how to access your personal information, please contact the FPPC at:

General Counsel
Fair Political Practices Commission
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California Fair Political Practices Commission

Frequently Asked Questions: Form 700 Disclosure

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The FAQs listed below are selected from questions often asked about the Statement of Economic Interests (Form 700). Because it is not possible to address all of the unique variables and circumstances related to disclosure, individuals are encouraged to contact the FPPC with specific facts. Most officials must also consult their agency's conflict of interest code to determine their disclosure level and their reportable interests. The Form 700 is a public document. Form 700s filed by State Legislators and Judges, members of the FPPC, County Supervisors, and City Council Members are available on the FPPC's website.

General Questions

1. Q. Do officials have to complete all schedules of the Form 700?
 - A. Not necessarily. The majority of individuals who file the Form 700 must do so by following the rules set forth in their agency's conflict of interest code ("designated employees"). Before completing the Form 700, an official should be familiar with the disclosure category for their position. For example, since job duties differ from agency to agency and even unit to unit within the same agency, an analyst for one agency, or unit of that agency, may not have the same reporting requirements as an analyst from another agency, or even another unit of the same agency. **Designated employees should obtain a copy of their agency's conflict of interest code from the agency.**

Officials listed in Government Code Section 87200 (e.g., boards of supervisors, city council members, planning commissioners, elected state officials, etc.) must report investments, business positions, and sources of income, including receipt of gifts, loans, and travel payments, from sources located in or doing business in their agency's jurisdiction. All interests in real property within the agency's jurisdiction must also be reported. For local officials, real property located within two miles of the boundaries of the jurisdiction or any real property that the agency has an interest in is deemed to be "within the jurisdiction."
2. Q. Is it necessary to read all of the information before completing the Form 700?
 - A. Each individual must verify the Form 700's content under penalty of perjury. Therefore, every effort must be made to understand what the form requires. When necessary, you may contact the FPPC for specific guidance. You may only obtain immunity from a potential enforcement action when you receive formal written advice.
3. Q. Where are the Form 700s filed?
 - A. Most state and local officials file with their agency. In most instances, the agency is required to forward the originals for specified high-level officials to the FPPC. Only retired judges serving on assignment and legislative staff file the Form 700 *directly* with the FPPC.

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4. Q. If the Form 700 is postmarked by the due date, is it considered filed on time?
- A. Yes.
5. Q. If an official holds multiple positions subject to filing obligations, is a statement required for each position?
- A. Yes. However, in some circumstances, such an official may file an expanded statement instead. The expanded statement must cover all reportable interests for all jurisdictions and list all positions for which it is filed. The rules and processes governing the filing of an expanded statement are set forth in Regulation 18723.1.
6. Q. Do individuals need to file a complete Form 700 when they leave office?
- A. Yes. The same requirements apply for the assuming office, the annual, and the leaving office filings.
7. Q. An individual is hired into a newly created management position in her agency's Information Technology Department. How does she complete the Form 700?
- A. Because it is a newly created position, the law requires that economic interests be reported under the broadest disclosure category in the agency's conflict of interest code unless the agency sets interim disclosure that is tailored to the limited range of duties of the position. An individual may request that the agency complete the Form 804 (Agency Report of New Positions) to tailor the disclosure category to the job duties of the new position. Generally, the Form 700 must be filed with the agency within 30 days of the date of hire.
8. Q. Must board members of a non-profit public benefit corporation that operates California charter schools file Form 700?
- A. Yes. Members of charter schools are public officials and must file the Form 700.

Income Questions

9. Q. Must an official report a spouse's or registered domestic partner's salary?
- A. Generally an official is required to report their community property share (50%) of their spouse's or registered domestic partner's salary. The disclosure lists the employer's name as the source of income on Schedule C of the Form 700. If the spouse or registered domestic partner is self-employed, the business entity is reported on Schedule A-2. Officials should check their disclosure category, if applicable, to determine if the income is reportable. A spouse or registered domestic partner's government salary is not reportable (e.g., spouse is a teacher at a public school).
10. Q. If an official receives income as a gig worker for companies such as Uber, Lyft, DoorDash, Instacart, etc., is that income reportable on the Form 700?
- A. Yes, this income is reportable if the source of income is doing business in the official's jurisdiction. If the official is an independent contractor of the company, the official will report the income on Schedule A-2. If the official is an employee of the company, the official will report the income on Schedule C.

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11. Q. If an official and their spouse have a legally separate property agreement (e.g., prenuptial), must the official still report their community property share (50%) in their spouse's income?
- A. No. If there is a legally separate property agreement, the official is not required to report their community property share in their spouse's income so long as the funds are not commingled with community funds or used to pay for community expenses or to produce or enhance the official's separate income. This reporting exception does not apply to investments and interests in real property. Even if a public official and their spouse have a separate property agreement, the spouse's investments and interests in real property must still be disclosed because the definitions of reportable investments and interests in real property include those held by the official's immediate family (spouse, registered domestic partner, and dependent children). These definitions are not dependent on community property law.
12. Q. If an official owns a business in which he has received income of \$10,000 or more from a client, is the official required to disclose the client's name on Schedule A-2, Part 3?
- A. Yes, except for under rare circumstances where disclosure of the identity would violate a legally recognized privilege under California or federal law. In these cases, the FPPC may authorize an exemption. (Regulation 18740)
13. Q. When an official purchases a new car and trades in the old car as credit toward the purchase price, is the trade-in allowance considered reportable income on the Form 700?
- A. No. A trade-in allowance is not considered income and is not reportable on an official's Form 700. However, income received from the sale of an auto may be reportable.
14. Q. An official owns a rental property that they are required to report. The renter/tenant pays a property management company and the company deposits the funds into the official's checking account. Would the source of rental income be listed as the property management company or the person living at the residence who is paying the property management company?
- A. The source of the rental income is the person living at the residence (renter/tenant). The property management company does not need to be disclosed.

Investment Questions

15. Q. An official holds various stocks through an account managed by an investment firm. The account manager decides which stocks to purchase with no input from the official. Are the stocks subject to disclosure?
- A. Yes. Unless the stocks are in a diversified mutual fund registered with the SEC or in a fund similar to a diversified mutual fund (e.g., exchange traded fund (ETF)) if the similar fund meets the specific criteria outlined in Regulation 18237. Any investments worth \$2,000 or more in a business entity located in or doing business in the jurisdiction must be disclosed on Schedule A-1 or A-2 if the official's disclosure category requires that the investments be reported.
16. Q. Are funds invested in a retirement account required to be disclosed?
- A. Investments held in a government defined-benefit pension program plan (e.g., CalPERS) are not reportable. Investments held in a fund such as a defined contribution plan 401(k) or exchange traded fund (EFT) are not required to be disclosed if the fund meets the specific criteria outlined in Regulation 18237. An official may need to contact their account manager for assistance in determining what assets are held in the account.

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17. Q. If an official reported stocks that were acquired last year on their annual Form 700, must the stocks be listed again on the official's next Form 700?
- A. Yes. Stocks that are worth \$2,000 or more during the reporting period must be reported every year that they are held. The "acquired" and "disposed" dates are only required if the stocks were acquired or disposed of during the period covered by the Form 700.
18. Q. How are interests in a living trust reported if the trust includes: (1) rental property in the official's jurisdiction; (2) a primary residence; and (3) investments in diversified mutual funds? Are there different disclosure rules?
- A. The name of the trust is reported, along with the rental property and its income, on Schedule A-2. The official's primary residence, if used exclusively as a personal residence, and investments in diversified mutual funds registered with the SEC, are not reportable. Although the official's primary residence is not required to be disclosed on the Form 700, it is still considered an economic interest for conflict of interest purposes. (See Question 18.) A secondary residence not used exclusively for personal purposes may be reportable. (See Question 19.)
19. Q. A Form 700 filer has a 10% or greater ownership interest in a company that provides uncompensated, pro-bono, or volunteer services within the filer's jurisdiction. Must this investment be disclosed on Schedule A-2 of the Form 700?
- A. Yes. An investment must be disclosed if there is any financial interest in a business entity that does business or plans to do business within the jurisdiction (See Government Code 82034). Although the services are uncompensated, "doing business in" is defined as having business contacts on a regular or substantial basis including providing services or goods (Regulation 18230).

Real Property Questions

20. Q. Is an official's personal residence reportable?
- A. Generally, any personal residence occupied by an official or their family is not reportable if used exclusively as a personal residence. However, a residence for which a business deduction is claimed is reportable if the portion claimed as a tax deduction is valued at \$2,000 or more. In addition, any residence for which an official receives rental income is reportable if it is located in the jurisdiction.
21. Q. When an official is required to report interests in real property, is a secondary residence reportable?
- A. It depends. First, the residence must be located in the official's jurisdiction. If the secondary residence is located in the official's jurisdiction and rental income is received (including from a family member), the residence is reportable. However, if the residence is used exclusively for personal purposes and no rental income is received, it is not reportable. Although the secondary residence may not be reportable, it is still considered an economic interest for conflict of interest purposes.
22. Q. If a primary or secondary personal residence is required to be reported, is the street address required to be disclosed?
- A. No. The assessor's parcel number may be listed instead of the street address.

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Enforcement Question

23. Q. What is the penalty for not filing the Form 700 on time or not reporting all required economic interests?
- A. A late fine of \$10 per day up to a maximum of \$100 may be assessed. In addition, if a matter is referred to the FPPC's Enforcement Division for failure to file or failure to include all required economic interests, the fine may be substantially higher. If an individual does not pay a fine, the matter may be referred to the Franchise Tax Board for collection.

Gift/Travel Questions

24. Q. What is the gift limit for 2021-2022?
- A. **\$520:** This means that gifts from a single, reportable source, other than a lobbyist or lobbying firm (see below), may not exceed \$520 in a calendar year. For officials and employees who file the Form 700 under an agency's conflict of interest code ("designated employees"), this limit applies only if the official or employee would be required to report income or gifts from that source on the Form 700, as outlined in the "disclosure category" portion of the agency's conflict of interest code. For conflict of interest purposes, the gift must be under \$520 to avoid consideration under the conflict rules.

State Lobbyist & Lobbying Firm Limit:

\$10: State candidates, state elected officers, and state legislative officials may not accept gifts aggregating more than **\$10 in a calendar month that are made or arranged by a registered state lobbyist or lobbying firm.** The same rule applies to state agency officials, including members of state boards and commissions, if the lobbyist or firm is registered to lobby, or should be registered to lobby, the official's or employee's agency.

25. Q. During the year, an official received several gifts of meals from the same reportable source. Each meal was approximately \$35. Is the source reportable?
- A. Yes. Gifts from the same reportable source are aggregated, and the official must disclose the source when the total value of all meals reaches or exceeds \$50.
26. Q. How does an individual return a gift so that it is not reportable?
- A. Unused gifts that are returned to the donor or reimbursed within 30 days of receipt are not reportable. The recipient may also donate the unused item to a charity or a governmental agency within 30 days of receipt or acceptance so long as the donation is not claimed as a tax deduction. An individual may not, however, reimburse a charity for the value (or partial value) of a gift from another source, in order to not report the gift, unless the charity was the original source of the gift.
27. Q. Two people typically exchange gifts of similar value on birthdays. Are these items reportable?
- A. No. Gift exchanges with individuals, other than lobbyists, on birthdays, holidays, or similar occasions, are not reportable or subject to gift limits. The gifts exchanged must be similar in value.

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28. Q. Must an official report gifts received from an individual whom the official is dating?
- A. No. Gifts of a personal nature exchanged because the individuals are in a bona fide dating relationship are not reportable or subject to gift limits. However, the official remains subject to the conflict of interest rules and some matters may require recusal from voting.
29. Q. If an official makes a speech related to national public policy and their spouse attends the dinner at the event, is the spouse's meal considered a gift to the official?
- A. Yes. The official's meal is not a reportable gift; however, their spouse's meal is a gift and reportable on the official's Form 700 if the value is \$50 or more.
30. Q. A vendor that does business with the agency provided entertainment tickets to the spouse of one of the agency members. Must the member report the tickets as gifts?
- A. Yes. Unless an exception applies, the tickets are a reportable gift. A gift to an official's spouse is a gift to the official when there is no established working, social, or similar relationship between the donor/vendor and the spouse or there is evidence to suggest that the donor had a purpose to influence the official.
31. Q. An agency received two free tickets to a concert from a local vendor. The agency has a policy governing the reporting of tickets and passes distributed to persons for use in ceremonial roles or other agency related activities. The agency had discretion to determine who in the agency received the tickets. Each ticket was valued at \$140. If the agency director used the tickets, how are they reported?
- A. Assuming the tickets meet the agency's policy as an appropriate use of public funds, the agency may report the tickets (worth \$280) on the Form 802 (Agency Report of Ceremonial Role Events and Ticket/Pass Distributions), which is a public record. The director does not need to report the tickets on the Form 700.
32. Q. An agency received a large box of chocolates as a holiday gift from a local merchant. It was addressed to the agency and not to a particular employee. Is there a reporting requirement?
- A. No. There is no reporting requirement if the value received by each agency employee is less than \$50.
33. Q. An agency official receives a gift basket specifically addressed to the official worth more than \$50 from a local merchant. Is there a reporting requirement?
- A. If the source of the gift basket is reportable by the official, the official must report the gift, even if they share the gift with other agency employees.
34. Q. Do prizes donated to a governmental agency by an outside source constitute gifts under the Act if they were received by city employees in a drawing conducted by the city for all city employees participating in the city's charitable food drive?
- A. Yes. The prizes are gifts if donated by an outside source and subject to the Act's limits and reporting requirements.

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35. Q. An official won a scholarship in a raffle at a software update training class. The scholarship covered the cost of the class. All attendees, including other public officials and members of the public, were eligible to apply for the scholarship. Is the official required to report the scholarship as a gift?
- A. A scholarship received in a “bona fide” competition may be reported as income instead of a gift. Whether or not a competition or contest is “bona fide” depends on specific facts, such as the nature of the pool of contestants. Contact the FPPC for assistance.
36. Q. Is a ticket provided to an official for their admission to an event at which the official performs a ceremonial role or function on behalf of their agency reportable on the official’s Form 700?
- A. No, so long as the organization holding the event provides the ticket and so long as the official’s agency completes the Form 802 (Agency Report of Ceremonial Role Events and Ticket/Pass Distributions). The form will identify the official’s name and explain the ceremonial function. (See Regulation 18942.3 for the definition of “ceremonial role.”)
37. Q. An official makes an annual donation to an educational organization that has a 501(c)(3) tax-exempt status. The organization is holding a two-hour donor appreciation event, which will include wine, appetizers, and music. Free access to the event is being provided to all donors to the organization. Must the official report the event as a gift from the organization?
- A. Because free access to the event is offered to all of the organization’s donors, without regard to official status, access to the event is not a reportable gift.
38. Q. Are frequent flyer miles reportable?
- A. No. Discounts received under an airline’s frequent flyer program that are available to all members of the public are not required to be disclosed.

IMPORTANT NOTE: See Regulation 18950.1 for additional information on reporting travel payments. In some circumstances the agency may report the travel in lieu of the official reporting the travel.

39. Q. If a non-profit organization pays for an official to travel to a conference after receiving the funds to pay for the travel from corporate sponsors, specifically for the purpose of paying for the official’s travel, is the non-profit organization or the corporate sponsors the source of the gift?
- A. The corporate sponsors are the source of the gift if the corporate sponsors donated funds specifically for the purpose of the official’s travel. Thus, the benefit of the gift received by the official would be pro-rated among the donors. Each reportable donor would be subject to the gift limit and identified on the official’s Form 700. The FPPC should be contacted for specific guidance to determine the true source of the travel payment.

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40. Q. May an official accept travel, lodging and subsistence from a foreign sister city while representing the official's home city?
- A. Yes. If the travel and related lodging and subsistence is paid by a foreign government and is reasonably related to a legislative or governmental purpose, it is not subject to the gift limit. However, the payments must be disclosed as gifts on the Form 700 for this exception to apply. While in the foreign country, any personal excursions not paid for by the official must also be disclosed and are subject to the gift limit. If private entities make payments to the foreign government to cover the travel expenses, the gift limit will apply and travel payments will likely be prohibited. Please contact the FPPC for more information.
41. Q. An analyst for a state or local agency attends a training seminar on the new federal standards related to the agency's regulatory authority. If the analyst's travel payments are paid by the federal agency, must the analyst report the payment on the Form 700?
- A. No. A payment for travel and related per diem received from a government agency for education, training, or other inter-agency programs or purposes, is not considered a gift or income to the official who uses the payment.
42. Q. A state legislator and a planning commissioner were guest speakers at an association's event. Travel expenses were paid by the association, and the event was held in the United States. Is this reportable?
- A. Yes. The payment is reportable, but not subject to the gift limits. In general, an exception applies to payments for travel within the United States that are provided to attend a function where the official makes a speech. These payments are not limited, but are reportable as gifts. The rules require that the speech be reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy; and the travel payment must be limited to actual transportation and related lodging and subsistence the day immediately preceding, the day of, and the day immediately following the speech. (See Government Code Section 89506. Other rules may be applicable if this exception is not used.)
43. Q. An official serves as a board member for two organizations – one has a 501(c)(3) tax-exempt status and the other has a 501(c)(6) tax-exempt status. The organizations pay the official's travel expenses to attend board meetings. Must the official report these travel payments?
- A. Under the Act, travel payments provided to an official by a 501(c)(3) organization are exempt from the definition of "income" and therefore, not reportable. However, travel payments from other organizations, including a 501(c)(6) organization, are likely required to be reported. Designated employees must report such travel payment if the organization is reportable pursuant to the official's disclosure category in their agency's conflict of interest code.
44. Q. The local airport authority issues a certain number of airport parking cards to the County to allow the cardholders to use the parking facilities at the airport at no charge, provided the cardholder is on official business. Must the officials who use the parking cards report a gift on the Form 700?
- A. No. As long as the parking cards are used for official business only, the parking cards do not provide a personal benefit, so no gift is received. If a parking card is used for *personal* purposes, a gift must be reported.

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Tickets to Non-Profit and Political Fundraisers Questions

45. Q. An official is offered a ticket from a 501(c)(3) organization to attend its fundraising event. The face value (price) of the ticket is \$500, and the ticket states that the tax deductible portion is \$350. If the official accepts the ticket, what must be reported?
- A. Nothing is required to be reported on the Form 700, so long as the ticket is provided directly by the 501(c)(3) organization for its own fundraising event and is used for the official's own attendance at the fundraiser. In this case, the ticket is deemed to have no value. The official may also accept a second ticket provided directly by the 501(c)(3) organization for their guest attending the event, without a reporting obligation by either the official or the guest.
46. Q. What if someone purchases a table at a non-profit fundraiser and offers an official a seat at the table?
- A. If another person or entity provides a ticket, it is a gift and subject to the gift limit. The value is the non-deductible portion on the ticket. If there is no declared face value, then the value is the pro-rata share of the food, catering service, entertainment, and any additional item provided as part of the event. The "no value" exception only applies if the official receives no more than two tickets for their own use directly from the 501(c)(3) organization and it is for the organization's fundraising event.
47. Q. A 501(c)(3) organization provides a ticket to an official for its fundraising event. The organization seats the official at a table purchased by a business entity. Does the official have to report the ticket?
- A. No. So long as the ticket is provided directly by the 501(c)(3) organization and is used for the official's own attendance at the fundraiser, the ticket is not reportable regardless of where the official is seated.
48. Q. An agency employee who holds a position designated in its agency's conflict of interest code receives a ticket to a fundraiser from a person not "of the type" listed in the agency's code. Is the agency employee required to report the value?
- A. No. A ticket or any other gift may be accepted under these circumstances without limit or reporting obligations. Agencies must ensure the conflict of interest code adequately addresses potential conflicts of interests but not be so overbroad as to include sources that are not related to the employee's official duties.
49. Q. An official receives a ticket to attend a political fundraiser held in Washington D.C. from a federal committee. Is the official required to disclose the ticket as a gift, and is it subject to the gift limit?
- A. No. The value of the ticket is not a gift, so long as the ticket is provided to the official directly by the committee holding the fundraiser and the official personally uses the ticket. (Regulation 18946.4.) Separate rules apply for travel provided to attend the fundraiser. Regulation 18950.3 covers issues on travel paid by or for a campaign committee.

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50. Q. A political party committee is holding a political fundraiser at a golf course and a round of golf is included. If the committee provides an elected official a ticket, is the ticket reportable by the official?
- A. No, so long as the official uses the ticket for their own use. If someone other than the political party provides a ticket, the full cost of the ticket is a gift. The political party must report the total amount spent on the fundraiser on its campaign statement.
51. Q. If a business entity offers an official a ticket or a seat at a table that was purchased for a political fundraiser, what is the value?
- A. Because the ticket was not offered by the campaign committee holding the fundraiser, it is a gift to the official. The value is either the face value of the ticket or the pro-rata share of the food, catering services, entertainment, and any additional benefits provided to attendees.
52. Q. If an official attends an event that serves only appetizers and drinks, does the “drop-in” exception apply no matter how long the official stays or how many appetizers or drinks are consumed?
- A. No. The focus of the “drop-in” exception is on the official’s brief attendance and limited consumption, not on the nature of the event as a whole. If an official attends an event that serves only appetizers and drinks, the “drop-in” exception applies only if the official just “drops in” for a few minutes and consumes only a “de minimis” amount of appetizers and drinks. The “drop-in” exception does not automatically apply just because the event does not serve more than appetizers and drinks.
53. Q. An organization, which is not a 501(c)(3) organization, is holding a fundraiser at a professional sporting event. Tickets to this sporting event are sold out and it appears that tickets are only available at a substantially higher price than the face value amount of the ticket provided to the official by the organization. If the official attends the event, what is the value of the gift?
- A. The value is the face value amount on the ticket to the sporting event. This valuation rule applies to all tickets to such events that are not covered by a separate valuation exception, such as non-profit and political party fundraisers.
54. Q. An official receives a ticket to a fundraiser, and if accepted, the ticket will result in a reportable gift or a gift over the current gift limit. What are the options?
- A. The official may reimburse the entity or organization that provided the ticket for the amount over the gift limit. Alternatively, the official may pay down the value of the ticket to under the \$50 gift reporting threshold if the official does not want to disclose the ticket. Reimbursement and/or pay down must occur within 30 days of receipt of the ticket. A candidate or elected official may use campaign funds to make the reimbursement if the official’s attendance at the event is directly related to a political, legislative, or governmental purpose. A ticket that is not used and not given to another person is not considered a gift to the official and therefore is not reportable.

California Fair Political Practices Commission

Update of Rules Regarding the Filing of Expanded Statements of Economic Interests by Public Officials with Multiple Positions

In November 2020, the Commission updated its regulations governing the filing of an Expanded Statement of Economic Interests (an “Expanded Statement”) by a public official who holds multiple positions. The goal of this fact sheet is to help filing officers, filing officials, and officials with multiple positions to understand the updated rules governing the filing of an Expanded Statement.¹

Background

In order to reduce redundant filing obligations, which did not provide additional disclosure, and to improve Commission and agency staff efficiency, the Commission has updated the rules governing filing of Expanded Statements.

The Political Reform Act² governs the filing of Statements of Economic Interests (“SEIs”) by public officials, including officials specified in Section 87200 (Sections 87202 – 87204), designated employees (Section 87302), candidates for any elective office designated in a conflict of interest code (Section 87302.3), and members of boards or commissions of newly created agencies (Section 87302.6).

Prior to the update, certain officials with multiple positions were authorized to file an Expanded Statement covering all reportable interests, but minor modification and additional guidance on filing rules and processes for Expanded Statements was necessary.

New Regulation 18723.1

New Regulation 18723.1(a) defines “Expanded Statement of Economic Interests,” “primary position,” and “additional position” for purposes of the regulation. Subdivision (c) authorizes, but does not require, an official with multiple positions subject to filing obligations to file an Expanded Statement for each position, rather than a separate and distinct SEI for each position. That provision also specifies processes for filing such a statement: the original Expanded Statement is filed for the official’s primary position and

¹ This fact sheet is informational only and contains only highlights of selected provisions of the law. It does not carry the weight of the law. For further information, consult the Political Reform Act and its corresponding regulations, advice letters, and opinions.

² The Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

a copy of that Expanded Statement is filed for each additional position. Subdivision (a) provides criteria for determining which position is the official's primary position.

Subdivision (a) also requires an official who files an Expanded Statement to list all positions for which the Expanded Statement is submitted. Subdivision (b), however, provides that a statewide elected officer is not required to list additional positions and is not required to file a copy of the Expanded Statement for additional positions as they already provide full disclosure throughout the State.

In regard to assuming office or leaving office Expanded Statements, subdivision (c)(4) only authorizes an official with multiple positions to file such an Expanded Statement if the official assumes or leaves each position on the same day.

Subdivision (e) requires the Expanded Statement to be submitted in paper format if the Commission's electronic filing system or the agency's approved electronic filing system is incapable of processing the Expanded Statement.

In order to improve filing official and Commission staff efficiency, subdivision (f) expressly provides that if an official files a copy of an Expanded Statement for an additional position, that copy is not required to be forwarded to the Commission.



Filing with a Digital Signature

February 2022

Methods of Filing

Under the Act and Commission regulations, many forms—including Form 700s—may be filed via paper with a handwritten signature or with a “secure electronic signature,” which may be submitted in two ways. The first form of a “secure electronic signature” is an electronic signature included in an electronic filing system. The second form of a “secure electronic signature” is a “digital signature,” which may be used to sign documents electronically, if permitted by the filing officer. The use of “digital signatures” in FPPC forms is the subject of this guide.

What is a “Digital Signature?”

In short, a digital signature is a type of certificate-based electronic signature that offers increased security to ensure the identity of the signer and prevent the alteration of documents after signing.

Digital Signature Services

Numerous companies offer digital signature services, but this guide focuses on one common program that may be used for digital signatures at no cost—Adobe Acrobat Reader DC (“Adobe Reader” or “Adobe”).

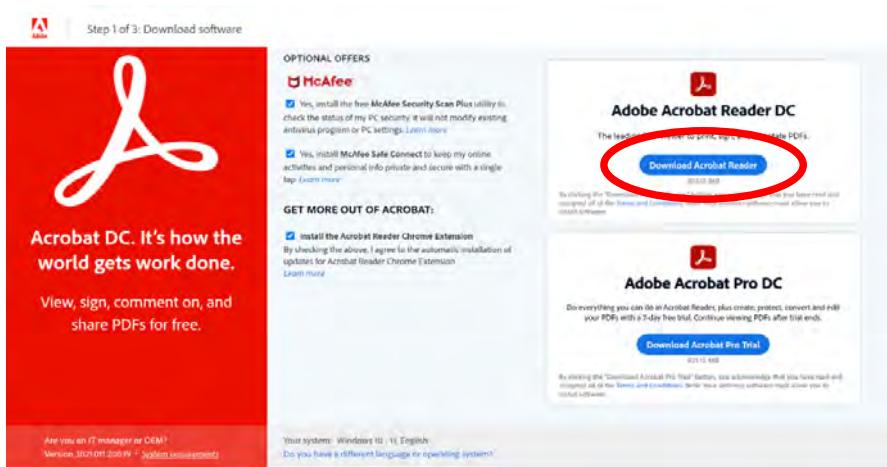
Adobe Reader allows officials to create a Digital ID to digitally sign documents, which may then be verified as valid by filing officials.

The steps below describe the signing and validation process for “self-signed” Digital IDs—that is, a Digital ID created by the signer, rather than issued by a Certificate Authority (“CA”). As explained in detail below, self-signed Digital IDs must be manually verified before they may be considered valid. In contrast, Digital IDs issued by a CA are automatically validated by the CA, which operates similarly to a notary public. An agency may use a CA for digital signature services, but there are generally costs associated with such services, just as there are with an electronic filing system.

Steps for the Filer

Step 1: Download and install Adobe Reader

If you do not already have an Adobe product capable of digitally signing a document, Adobe Reader can be downloaded at <https://get.adobe.com/reader/>.



Step 2: Fill out every applicable form field, other than the filer signature field, unless a field is specifically reserved for use by the filing official.

Step 3: Review your document for completeness and accuracy, then click the filer signature field.

5. Verification

MAILING ADDRESS	STREET	CITY	STATE	ZIP CODE
(Business or Agency Address Recommended - Public Document)				
123 Example Street		Sacramento	CA	95814
DAYTIME TELEPHONE NUMBER		EMAIL ADDRESS		
(555) 123-4567		JDoe@fpcc.ca.gov		

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed: 2/3/22
(month, day, year)

Signature: _____
(File the originally signed paper (do not scan with your filing official.)

Print **Clear**

FPCC Filing Tool - Lower Page (2021/2022)
advic@fpcc.ca.gov • 866-275-3772 • www.fpcc.ca.gov
Page 7/8

NOTE: Once the form has been digitally signed, the form fields cannot be altered unless the digital signature is removed. For this reason, it is important to review the document for completeness and accuracy.

Step 4: Create or Choose a Digital ID

After clicking the filer signature field, you will be prompted with a text box that reads, “Sign with a Digital ID.” If you do not already have a Digital ID, click “Configure New Digital ID,” followed by “Create a new Digital ID,” then “Save to File.”

Fill in the relevant information, including your name, agency email address, and organization name and unit.

Keep “Country/Region,” “Key Algorithm,” and “Use Digital ID for” on the default selections of “US – UNITED STATES,” “2048-bit RSA,” and “Digital Signatures,” respectively.

Click “Continue” and you will be asked to create a password for your Digital ID. Create a password, then select where to save your Digital ID. You will need to access this file to digitally sign documents, so the file should be saved in a location that is private and secure.

Step 5: Sign with Your Digital ID

You will be returned to the “Sign with a Digital ID” screen. Choose your new Digital ID and click “Continue.” On the next page, enter the password for your Digital ID, click “Sign,” and choose where to save your signed document.

NOTE: It is recommended you choose a new file name so that your signed version does not overwrite the unsigned version of the document.

Step 6: Review and Submit Your Document


Review the document again, then send it to your filing official via your agency email address.

NOTE: If, after signing, you realize you need to amend some aspect of your form, right click your signature and click "Clear Signature."

Steps for the Filing Official


Step 1: Review the Document for Digital Signature Validity

A blue banner at the top of the document should state whether the document has been signed with valid signatures. A valid checkmark is represented by a cursive signature icon with a green checkmark.

 Signed and all signatures are valid. Please fill out the following form.

Step 2: Confirm the Authenticity of the Filer's Signature

Upon receiving a document signed with a self-signed Digital ID for the first time, the document will not indicate that the signature is valid. Rather, an icon including a yellow triangle with an exclamation point will display, indicating a problematic signature.

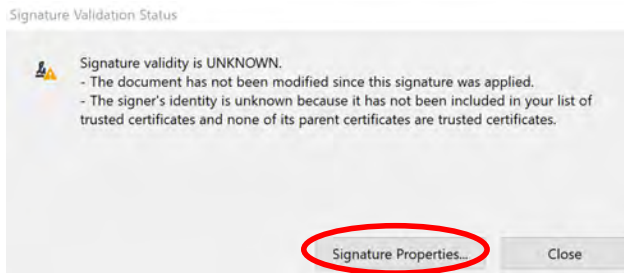
 At least one signature has problems. Please fill out the following form.

In this instance, you should reach out to the filer, generally via phone or email, to confirm the purported filer did, in fact, send the digitally signed document.

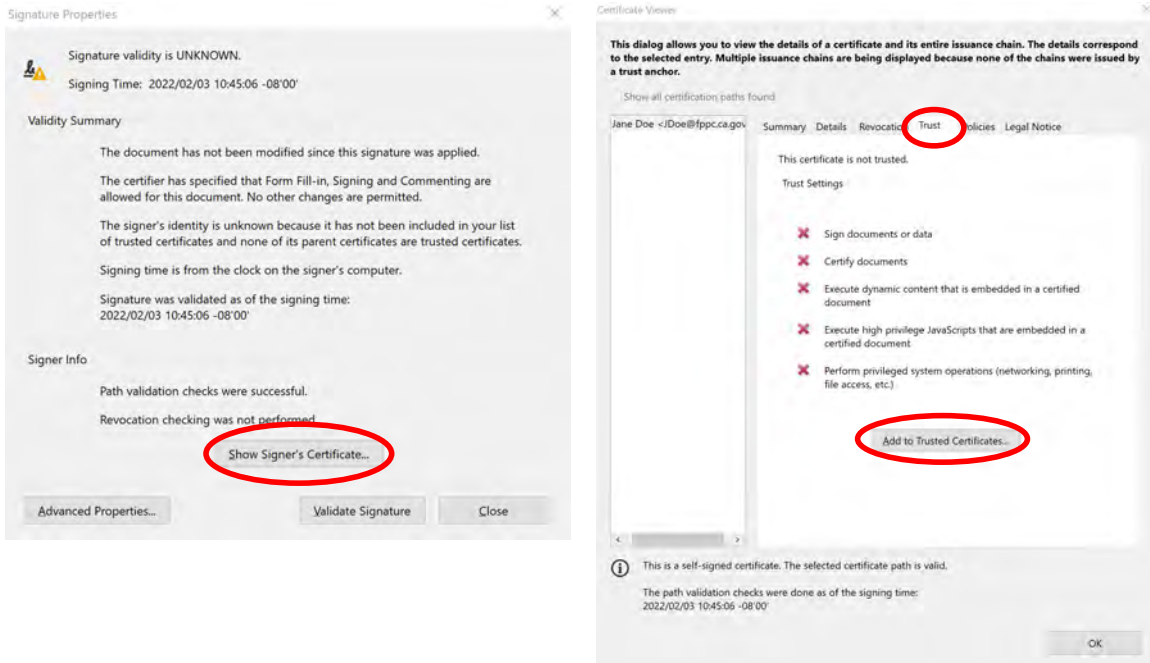
NOTE: If the file received is sent from the filer's agency email address, you will not need to take further action to confirm the identity of the filer.

Step 3: Validate the Filer's Signature in Adobe

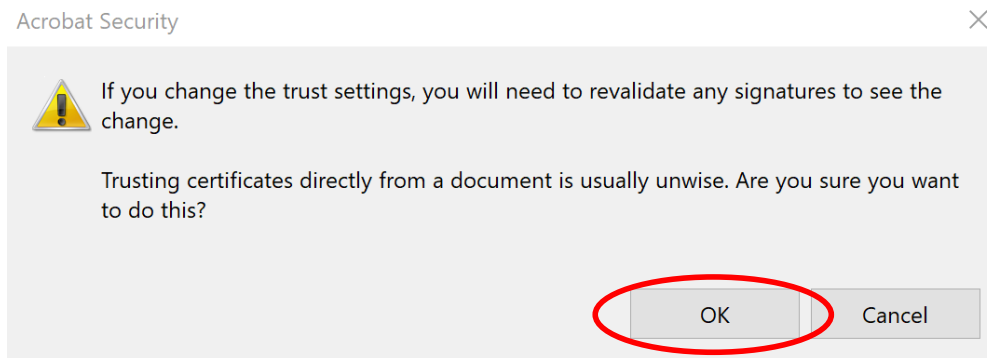
Once you have confirmed the identity of the filer and their use of the Digital ID, click on the signature in the file, followed by "Signature Properties."



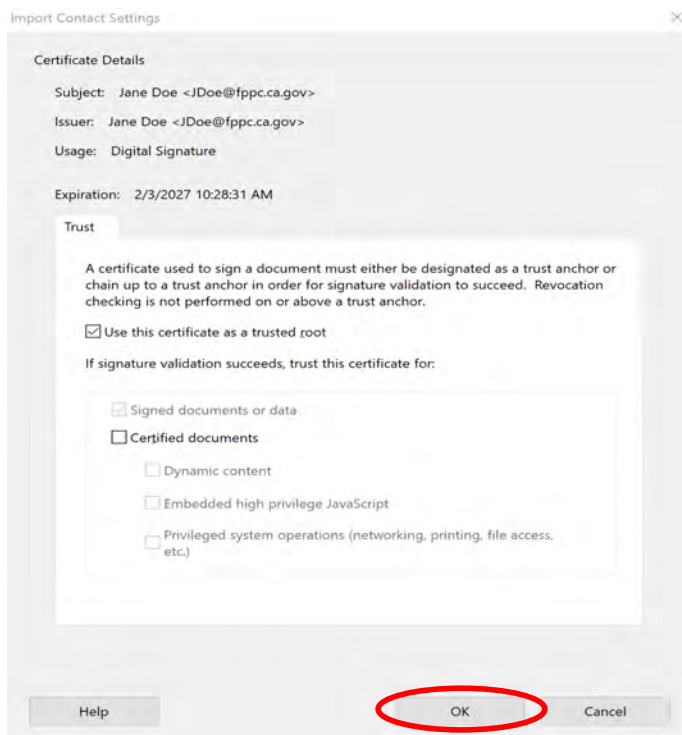
Click on “Show Signer’s Certificate,” the “Trust” tab, then “Add to Trusted Certificates.”



Adobe will display a text box stating, “If you change the trust settings, you will need to revalidate any signatures to see the change. Trusting certificates directly from a document is usually unwise. Are you sure you want to do this?” Having confirmed the authenticity of the filer’s signature in Step 2, click “OK.”

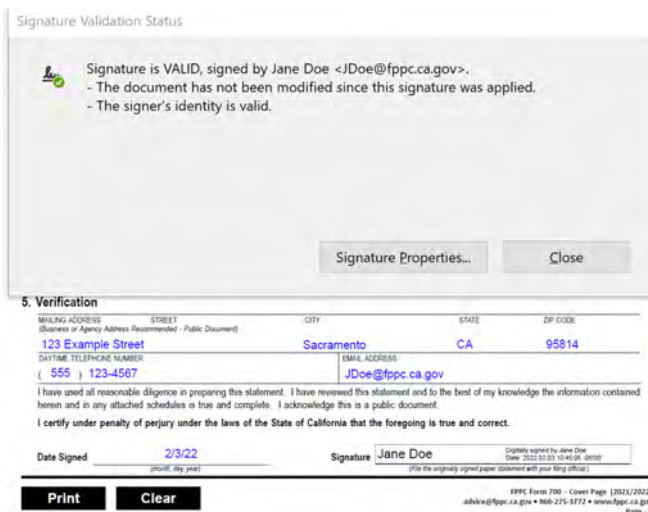


Adobe will display a page with a pre-checked box reading, “Use this certificate as a trusted root,” above another pre-checked box reading, “Signed documents or data.” Leave these boxes checked and the other boxes unchecked, then click “OK.”



Step 6: Confirm the signature has been validated

Click the signature again and it should now display as valid.



Step 7: Add the Date Received

Note the date the form was received in the field reserved for the filing official.



Please type or print in ink.

STATEMENT OF ECONOMIC INTERESTS
COVER PAGE
A PUBLIC DOCUMENT

Date Initial Filing Received
Filing Official Use Only

2/3/22

Upon reopening the file, a banner will indicate that the filer's signature is valid, with a subsequent change to the form—that is, the addition of the filing date.



Signed and all signatures are valid, but with unsigned changes after the last signature. Please fill out the following form.

Step 8: Save

Save the form. It is also recommended that you save an electronic copy of the email in which the form was sent.



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Cynthia Hockless, Director of Human Resources
SUBJECT: **OCERS TRUSTEE EDUCATION SUMMARY REPORT**

Written Report

Effective January 1, 2013, Trustees are required to complete a minimum of 24 hours of Trustee Education within the first two (2) years assuming office and for every subsequent 2-year period in which the Trustee serves on the Board.

Trustees that commenced membership on the Board after the initial tracking period will reset their two-year period on anniversary date of assumed Board membership.

Staff annually prepares a spreadsheet for each Trustee to track their education credits. The following is the current hourly total we have on file for each Trustee for their current measuring period:

Shawn Dewane – appointed 2017, current term 01/01/2023 – 12/31/2025

For Current Education Measuring Period 1/21-12/22: **40.25 hours**

Frank Eley – elected 2016, current term 01/01/2020 – 12/31/2022

For Current Education Measuring Period 1/21-12/22: **41.75 hours**

Shari Freidenrich – elected Nov. 2010, took office in Jan. 2011, current term [Ex-Officio Member]

For Current Education Measuring Period 1/21-12/22: **65.50 hours**

Arthur Hidalgo – elected 2019, current term 01/01/2023 – 12/31/2025

For Current Education Measuring Period 1/22-12/23: **21.5 hours***

Roger Hilton – elected 2022, current term 01/01/2023 – 12/31/2025

For Current Education Measuring Period 1/23-12/24: **N/A**

Wayne Lindholm – appointed Jan. 2010, current term 01/1/2022 – 12/31/2024

For Current Education Measuring Period 1/22-12/23: **12.5 hours***

Charles Packard – appointed Dec. 2011, current term 1/01/2023 – 12/31/2025

For Current Education Measuring Period 1/22-12/23: **10.5 hours***

Chris Prevatt – elected Fall 2012, current term 01/01/2022 – 12/31/2024

For Current Education Measuring Period 1/22-12/23: **56.25 hours***

Richard Oates – elected May 2021, current term [7/01/2021-06/30/2024]

For Current Education Measuring Period 7/21-06/23: **137.25 hours***

Jeremy Vallone – elected 2018, current term [7/01/21-6/30/24]

For Current Education Measuring Period 7/22-6/24: **7.00 hours***

Adele Tagaloa – elected 2020, current term 01/01/2023 – 12/31/2025

For Current Education Measuring Period 1/22-12/23: **71.25 hours***

*Indicates that measuring period has not yet concluded.

Attachments:

1. Trustee Education Policy.
2. Board Members individual annual Education Report for current two year measuring period.

Submitted by:



CH - Approved

Cynthia Hockless
Director of Human Resources



OCERS Board Policy Trustee Education Policy

Purpose

1. It is the policy of the Board of Retirement to ensure that individual Trustees have sufficient knowledge of the issues and challenges facing OCERS so as to craft policies to guide the administration of the plan and effectively monitor their implementation based on ongoing exposure to up-to-date benefit, financial, investment and policy information and together with staff are properly trained to perform their respective duties.
2. Effective January 1, 2013, Trustees are required to complete a minimum of 24 hours of Trustee education within the first two (2) years of assuming office and for every subsequent 2-year period in which the Trustee serves on the Board (Gov. Code § 31522.8).
3. Trustees are also required to complete two hours of ethics training every two years. (Gov. Code § 53235) Ethics training received as part of the 24 hours of Trustee education will satisfy this requirement.
4. Trustees are also required to complete two hours of harassment prevention training every two years. (Gov. Code § 12950.1) Harassment prevention training is in addition to the 24 hour education requirement set forth in Gov. Code § 31522.8.
5. To that end, each Trustee is encouraged to regularly participate in those educational opportunities that will enable competent discharge of the obligations of that position and meet the statutory requirements for continuing education.

Policy Objectives

6. The objective of this policy is to ensure that all Trustees have adequate opportunity to acquire the knowledge they need to carry out their fiduciary duties.

Policy Guidelines

7. Trustees agree to develop and maintain knowledge of relevant issues pertaining to the administration of OCERS throughout their terms.
8. Trustees agree to pursue appropriate education across a range of pension-related areas, rather than limiting their education to specific areas. General pension-related areas to be pursued include:
 - a. Pension funding;
 - b. Institutional investments and investment program management;
 - c. Investment performance measurement;
 - d. Actuarial science;
 - e. Benefits structure and administration;
 - f. Disability retirements;
 - g. Due process in benefit determinations;



OCERS Board Policy

Trustee Education Policy

- h. Pension law;
 - i. Organizational structure, methods, and practices;
 - j. Budgeting;
 - k. Governance and fiduciary duty; and
 - l. Ethics.
9. Trustees agree that at least two hours of education they receive will qualify as ethics training relevant to the Trustees' public service. Subject matter that qualifies for ethics training includes, but is not limited to:
- a. Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.
 - b. Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.
 - c. Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.
 - d. Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.
10. Educational tools for trustees include, but are not limited to:
- a. External conferences, seminars, workshops, roundtables, courses or similar sessions (henceforth referred to collectively as "conferences");
 - b. Industry association meetings or events;
 - c. In-house educational seminars or briefings;
 - d. Periodicals, journals, textbooks and similar materials; and
 - e. Electronic media including CD ROM-based education, Internet-based education and video-based education.
11. On an ongoing basis, the Chief Executive Officer and the Chief Investment Officer will identify appropriate educational opportunities, based on the needs of individual Trustees or the Board as a whole, and include details of such in Board meeting information packages for Trustee consideration. Trustees are encouraged to suggest educational opportunities that may provide value to the Board of Retirement.
12. Standards for determining the appropriateness of a potential educational opportunity shall include:
- a. The extent to which the opportunity is expected to provide Trustees with the knowledge they need to carry out their roles and responsibilities;
 - b. The extent to which the opportunity meets the requirements of this policy; and



OCERS Board Policy

Trustee Education Policy

- c. The cost-effectiveness of the program in light of travel, lodging and related expenses.
13. Beginning January 1, 2013, Trustees will acquire a minimum of 24 hours of Trustee education within the first two (2) years of assuming office and for every subsequent 2-year period for which the Trustee serves on the Board.
 - a. Trustees will endeavor to complete 24 hours of education in the remainder of the first and second calendar year after appointment. For trustees who are appointed later in November or December, the first education year will commence on January 1 of the subsequent calendar year.
 - b. After the initial two years after assuming office, education hours will be tracked on a calendar year basis with each trustee required to complete 24 hours of education within each two year period.
 - c. OCERS staff will track hours on an odd and even year basis with trustees grouped according to the year of term commencement.
 - d. For example, if a trustee assumes office on April 1, 2016, he or she will be expected to complete 24 hours of education by December 31, 2017. Subsequent to January 1, 2018, his or her education will be tracked on a rolling basis with completion of the 24 hour requirement on December 31, 2019, 2021, 2023, etc.
14. Trustees will attempt to meet the following minimum goals:
 - a. To secure, over time, a useful level of understanding in each of the topic areas listed in paragraph 8 above;
 - b. To attend at least one conference annually. In accordance with a. above, Trustees are encouraged to attend conferences, on occasion, that address pension topics other than investments; and
 - c. Participate in any in-house educational seminars or briefings that are organized by the Chief Executive Officer and Chief Investment Officer including:
 - i. The educational component of the annual Strategic Planning Session;
 - ii. Individual sessions at regular Board meetings; and
 - iii. Workshops available to Board and staff members.
15. The Board shall maintain a record of Trustee compliance with this policy, and the Chief Executive Officer or his designee will ensure that the policy and annual compliance report are placed on the OCERS website.

Attendance at Conferences & Industry Association Meetings

16. Approval for attendance and reimbursement of travel expenses in connection with educational conferences and industry association meetings will be in accordance with the Travel Policy.
17. In furtherance of this policy, the Chief Executive Officer shall have discretionary authority to approve staff travel as necessary to carry out the administrative responsibilities of the OCERS, such as attendance at legislative meetings or hearings, conducting on-site visits as part of due



OCERS Board Policy

Trustee Education Policy

diligence evaluation of existing and proposed service providers, participating in continuing education programs, and other duties as directed.

18. The Board will periodically review the programs, training or educational sessions that qualify for Trustee education.

Harassment Prevention Training

19. As an employer of over 5 employees, OCERS is required to provide two hours of harassment and abusive conduct prevention training to all "supervisory employees" every two years, and (effective calendar year 2020) one hour of prevention training to all nonsupervisory employees.
20. Trustees are considered "supervisory employees" for the purposes of the statute since Trustees may influence the terms and conditions of employment for OCERS employees.
21. The Chief Executive Officer working with the Legal Department and outside vendors will schedule appropriate training for Trustees every two years.

Orientation Program

22. Working with the Chief Investment Officer and OCERS' professional advisors, the Chief Executive Officer will hold an orientation program, covering the general topic areas outlined in paragraph 8 above, and designed to introduce new Trustees to all pertinent operations of the System and highlight the knowledge bases required of a Trustee. The aim of the orientation program will be to ensure that new Trustees are in a position to contribute fully to Board of Retirement and committee deliberations, and effectively carry out their fiduciary duties as soon as possible after joining the Board.
23. Prior to a Trustee's first official meeting with the Board of Retirement, he or she will endeavor to attend a Board meeting or a standing committee meeting in the role of an observer.
24. Within 30 days of a trustee's election or appointment to the Board, the Chair will designate an incumbent member of the Board to provide the new Trustee an orientation to current Board governance practices.
25. As part of the orientation process, new Trustees will, within 30 days of their election or appointment to the Board of Retirement:
 - a. Be briefed by the Chief Executive Officer on the history and background of OCERS;
 - b. Be oriented by the Chair on current issues before the Board;
 - c. Be introduced to members of senior management;
 - d. Be provided a tour of OCERS offices by the Chief Executive Officer;
 - e. Be briefed by the Board's fiduciary counsel on their fiduciary duties, conflict of interest guidelines, the County Employees Retirement Law of 1937, Proposition 162, The Brown Act, and other pertinent legislation; and
 - f. Be provided with an iPad (or other electronic device) with access to a document repository



OCERS Board Policy Trustee Education Policy

containing the following:

- i. A Trustee Reference Manual (the contents of which are listed in the Appendix);
 - ii. A listing of upcoming recommended educational opportunities; and
 - iii. Other relevant information and documentation deemed appropriate by the Chief Executive Officer.
26. During the course of their first 12 months on the Board of Retirement, new Trustees will endeavor to attend a seminar on the principles of pension management or a comparable program.
27. The Chief Executive Officer will review, and if necessary, update all orientation material. It is the responsibility of Trustees to maintain their Trustee Reference Manuals, by ensuring that they contain the most up to date materials. A master copy of the Trustee Reference Manual will be available for use by Trustees at the OCERS office.

Policy Review

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

Policy History

- 29. This policy was adopted by the Board of Retirement on February 19, 2002.
- 30. The policy was revised on May 16, 2005, March 24, 2008, June 18, 2012, November 19, 2012, July 20, 2015, December 19, 2016, September 25, 2019, and October 17, 2022.

Secretary's Certificate

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

10/17/2022

Date

Steve Delaney
Secretary of the Board



OCERS Board Policy

APPENDIX 1

Trustee Reference Manual

A Trustee Reference Manual will include the following materials:

- a. OCERS Board Handbook;
- b. Relevant sections of the *County Employees Retirement Law of 1937*;
- c. The Brown Act and Proposition 162;
- d. Most recent plan description and member handbook;
- e. Copies of Board policies;
- f. Most recent Annual Report;
- g. Most recent actuarial valuation and financial statements;
- h. Most recent actuarial experience study;
- i. Most recent asset/liability study;
- j. Most recent investment performance report;
- k. Most recent Business Plan and budget;
- l. Organizational chart;
- m. Names and phone numbers of the trustees and the Chief Executive Officer;
- n. Listing of current committee assignments;
- o. Listing of current service providers; and
- p. Glossary of key pension administration terms and definitions.



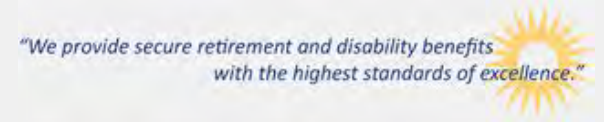
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Shawn Dewane

Date Range: 1/1/2021 - 12/31/2022



BOARD

Shawn Dewane (33 Records) **Total Hours: 40.25**

Title	Type	Institution	Status	Due Date	Completion Date	Hours
PENSION OBLIGATION BONDS – AN OVERVIEW	Continuing Education	Segal Consulting	Completed	01/19/2021	01/19/2021	1.00
Description: <i>by Paul Angelo and Todd Tauzer, Segal Consulting</i>						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Private Equity Co-investment Education	Continuing Education	OCERS February I/C Meeting	Completed	02/24/2021	02/24/2021	1.00
Description:						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Global Economic Outlook Discussion	Continuing Education	OCERS March I/C Meeting	Completed	03/24/2021	03/24/2021	1.00
Description: 						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Annual Fiduciary Education	Continuing Education	OCERS April Regular Board Meeting	Completed	04/19/2021	04/19/2021	0.50
Description: Presented by Harvey Leiderman						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
China Education Session	Continuing Education	OCERS I/C April Meeting	Completed	04/21/2021	04/21/2021	1.00
Description:						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Townsend Group View of the World	Continuing Education	OCERS I/C May Meeting	Completed	05/26/2021	05/26/2021	1.00
Description:						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
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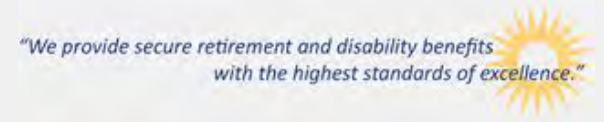
Career Development Report

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Department: Board

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Date Range: 1/1/2021 - 12/31/2022



2021 Strategic Planning Workshop	Continuing Education		Completed	09/09/2021	09/09/2021	3.25
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Description: Investment and Non Investment Education Credit

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Investment Advisory: Fiduciary Standard of Conduct, Client Discovery, Account Recommendations, Monitoring, Documentation	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Variable Annuity: Advantages/Disadvantages, Insurance Benefits of Living and Death Benefit Riders, Structured Annuities, Buyout Offers. Suitability and Documentation	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: Variable Annuity; Advantages/Disadvantages, Insurance Benefits of Living and Death Benefit Riders, Structured Annuities, Buyout Offers. Suitability and Documentation

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Senior and At Risk Clients: Diminished Capacity, Financial Exploitation, Trusted Contact and Powers of Attorney, Regulator Focus, Legislator Focus	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: Senior and At Risk Clients; Diminished Capacity, Financial Exploitation, Trusted Contact and Powers of Attorney, Regulator Focus, Legislator Focus

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Fraud, Identity Theft, Anti Bribery, Anti Corruption: Fraud and Identity Theft, Anti- Bribery / Anti-Corruption	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: Fraud, Identity Theft, Anti Bribery, Anti Corruption; Fraud and Identity Theft, Anti-Bribery / Anti-Corruption

Title	Type	Institution	Status	Due Date	Completion Date	Hours
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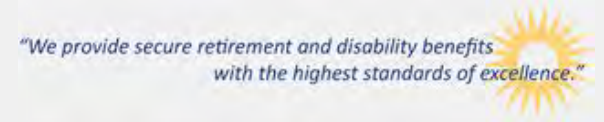
Executed: 1/6/2023 2:46:42 PM
 Executed By: OCERS\cni



Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board Employee: Shawn Dewane
 Date Range: 1/1/2021 - 12/31/2022



Regulatory Requirements: Information, Privacy and Risk: Data Privacy & Protection, Information Security, Information Governance, Third Party Suppliers Business Continuity	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00
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Description: Regulatory Requirements: Information, Privacy and Risk: Data Privacy & Protection, Information Security, Information Governance, Third Party Suppliers Business Continuity

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Regulatory Requirements: Conflicts of Interest, Client Complaints and Dispute Resolution, Confidential Information, Risk Management, Restricted Securities, Code of Conduct and Ethics	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: Regulatory Requirements: Conflicts of Interest, Client Complaints and Dispute Resolution, Confidential Information, Risk Management, Restricted Securities, Code of Conduct and Ethics

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Supervision CE: General Issues / Focus, Communications with the Public, Products, Firm and Regulatory Requirements	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: Supervision CE: General Issues / Focus, Communications with the Public, Products, Firm and Regulatory Requirements

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Compliance CE: Client Best Interest, Product Offerings, Advisor Practices and Branch Operations	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: Compliance CE: Client Best Interest, Product Offerings, Advisor Practices and Branch Operations

Title	Type	Institution	Status	Due Date	Completion Date	Hours
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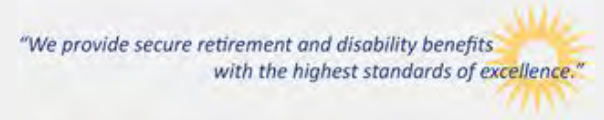
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Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board Employee: Shawn Dewane
 Date Range: 1/1/2021 - 12/31/2022



Anti Money Laundering and Financial Crimes Management: Know Your Customer, Economic Sanctions, Money Laundering, High Risk Securities	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00
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Description: Anti Money Laundering and Financial Crimes Management: Know Your Customer, Economic Sanctions, Money Laundering, High Risk Securities

Title	Type	Institution	Status	Due Date	Completion Date	Hours
California Consumer Privacy Act: What is CCPA, Third Party Suppliers, FA's with Outside Business Activities, Independent Registered FA's - Exempt Third Party Status	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: California Consumer Privacy Act: What is CCPA, Third Party Suppliers, FA's with Outside Business Activities, Independent Registered FA's - Exempt Third Party Status

Title	Type	Institution	Status	Due Date	Completion Date	Hours
2021 Fair Credit Reporting Act Authorization - California: 2021 Fair Credit Reporting Act Disclosure and Authorization	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: 2021 Fair Credit Reporting Act Authorization - California: 2021 Fair Credit Reporting Act Disclosure and Authorization

Title	Type	Institution	Status	Due Date	Completion Date	Hours
2021 Alternative Investments: Alternative Investments, Alternative Mutual Funds	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: 2021 Alternative Investments: Alternative Investments, Alternative Mutual Funds

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Consolidated Order Entry	Continuing Education	Raymond James University	Completed	09/30/2021	09/30/2021	1.00

Description: Consolidated Order Entry

Title	Type	Institution	Status	Due Date	Completion Date	Hours
ASSET BASED LENDING OVERVIEW	Continuing Education		Completed	10/27/2021	10/27/2021	1.00

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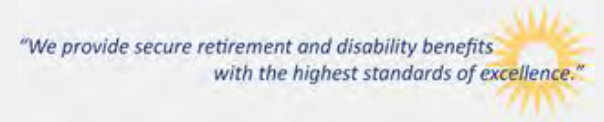
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Shawn Dewane

Date Range: 1/1/2021 - 12/31/2022



Description: Investment Committee Meeting
Presentation by Michael Chandra, CFA, CAIA; Kyle McCarthy, CFA; & Kristofer R. Kraus, PI

Title	Type	Institution	Status	Due Date	Completion Date	Hours
OCERS November Investment Meeting	Continuing Education	OCERS	Completed	11/17/2021	11/17/2021	1.00

Description: Blockchain and the Rise of Decentralization

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Anti-Harassment Training for Supervisors and Managers	Continuing Education	Mesa Water District	Completed	11/29/2021	11/29/2021	2.00

Description: California (SB1343/AB1825)

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Ethics Certificate	Continuing Education	CA Local Agency Ethics (AB 1234)	Completed	11/29/2021	11/29/2021	2.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Infrastructure Overview	Continuing Education	OCERS	Completed	12/13/2021	12/13/2021	1.00

Description: Presentation by Michael Dorrell, Chairman, CEO, Co-Founder, Stonepeak

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Actuarial Topics With Segal	Continuing Education	OCERS	Completed	02/22/2022	02/22/2022	0.50

Description: OCERS February Regular Board Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Ten Surprises of 2022 Eduxation	Continuing Education	OCERS	Completed	02/23/2022	02/23/2022	1.00

Description: OCERS IC February Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Introduction to Fiduciary Prudent Practices	Continuing Education	Broadridge Fi360 Solutions	Completed	02/24/2022	02/24/2022	1.00

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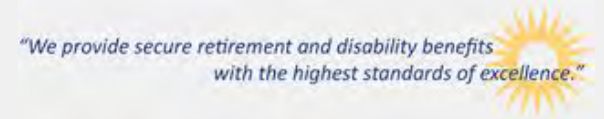
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Shawn Dewane

Date Range: 1/1/2021 - 12/31/2022



Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Brown Act Training	Continuing Education	OCERS Regular Board Meeting	Completed	05/16/2022	05/16/2022	1.00
Description: Brown Act Training presenting by GC Ratto and Mr. Serpa during May Regular Board Meeting						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Townsend: A View of the World	Continuing Education	OCERS IC Meeting	Completed	05/25/2022	05/25/2022	1.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Mechanics of QE/QT in Modern Capital Markets	Continuing Education	IC Meeting	Completed	08/24/2022	08/24/2022	1.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Strategic Planning Workshop 2022	Continuing Education	OCERS SPW	Completed	09/15/2022	09/15/2022	5.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Behavioral Finance	Continuing Education	OCERS IC Meeting	Completed	11/16/2022	11/16/2022	1.00
Description:						



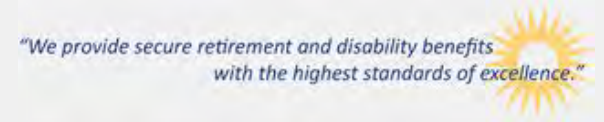
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Frank Eley

Date Range: 1/1/2021 - 12/31/2022



BOARD

Frank Eley (20 Records)

Total Hours:

41.75

Title	Type	Institution	Status	Due Date	Completion Date	Hours
PENSION OBLIGATION BONDS – AN OVERVIEW	Continuing Education	Segal Consulting	Completed	01/19/2021	01/19/2021	1.00
Description: <i>by Paul Angelo and Todd Tauzer, Segal Consulting</i>						
Private Equity Co-investment Education	Continuing Education	OCERS February I/C Meeting	Completed	02/24/2021	02/24/2021	1.00
Description:						
Global Economic Outlook Discussion	Continuing Education	OCERS March I/C Meeting	Completed	03/24/2021	03/24/2021	1.00
Description: 						
Annual Fiduciary Education	Continuing Education	OCERS April Regular Board Meeting	Completed	04/19/2021	04/19/2021	0.50
Description: Presented by Harvey Leiderman						
China Education Session	Continuing Education	OCERS I/C April Meeting	Completed	04/21/2021	04/21/2021	1.00
Description:						
The Townsend Group View of the World	Continuing Education	OCERS I/C May Meeting	Completed	05/26/2021	05/26/2021	1.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours

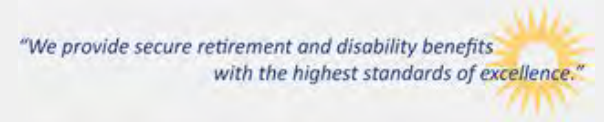


Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board
Date Range: 1/1/2021 - 12/31/2022

Employee: Frank Eley



2021 Strategic Planning Workshop	Continuing Education		Completed	09/09/2021	09/09/2021	3.25
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Description: Investment and Non Investment Education Credit

Title	Type	Institution	Status	Due Date	Completion Date	Hours
ASSET BASED LENDING OVERVIEW	Continuing Education		Completed	10/27/2021	10/27/2021	1.00

Description: Investment Committee Meeting
Presentation by Michael Chandra, CFA, CAIA; Kyle McCarthy, CFA; & Kristofer R. Kraus, PI

Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS / SEXUAL HARASSMENT PREVENTION TRAINING	Mandatory Training	State Association of County Retirement Systems (SACRS)	Completed	11/10/2021	11/10/2021	2.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS Fall Conference	Continuing Education	State Association of County Retirement Systems (SACRS)	Completed	11/10/2021	11/10/2021	6.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Infrastructure Overview	Continuing Education	OCERS	Completed	12/13/2021	12/13/2021	1.00

Description: Presentation by Michael Dorrell, Chairman, CEO, Co-Founder, Stonepeak

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Actuarial Topics With Segal	Continuing Education	OCERS	Completed	02/22/2022	02/22/2022	0.50

Description: OCERS February Regular Board Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Ten Surprises of 2022 Eduxation	Continuing Education	OCERS	Completed	02/23/2022	02/23/2022	1.00

Description: Ten Surprises of 2022 Eduxation

Title	Type	Institution	Status	Due Date	Completion Date	Hours
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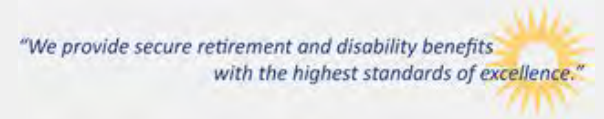
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Frank Eley

Date Range: 1/1/2021 - 12/31/2022



Annual Fiduciary Education	Continuing Education	OCERS Regular Board Meeting	Completed	04/18/2022	04/18/2022	1.00
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Description: Annual Fiduciary Education during OCERS Regular Board Meeting in April 2022 presented by Mr. Harvey Leiderman.

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Brown Act Training	Continuing Education	OCERS Regular Board Meeting	Completed	05/16/2022	05/16/2022	1.00

Description: Brown Act Training presenting by GC Ratto and Mr. Serpa during May Regular Board Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Townsend: A View of the World	Continuing Education	OCERS IC Meeting	Completed	05/25/2022	05/25/2022	1.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Mechanics of QE/QT in Modern Capital Markets	Continuing Education	IC Meeting	Completed	08/24/2022	08/24/2022	1.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Strategic Planning Workshop 2022	Continuing Education	OCERS SPW	Completed	09/15/2022	09/15/2022	5.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS Fall Conference 2022	Continuing Education	SACRS	Completed	11/08/2022	11/11/2022	11.50

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Behavioral Finance	Continuing Education	OCERS IC Meeting	Completed	11/16/2022	11/16/2022	1.00

Description:



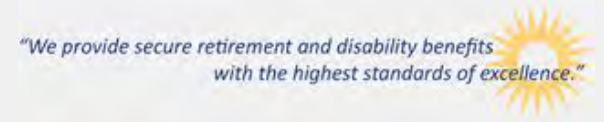
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Shari Freidenrich

Date Range: 1/1/2021 - 12/31/2022



BOARD

Shari Freidenrich (19 Records) **Total Hours: 65.50**

Title	Type	Institution	Status	Due Date	Completion Date	Hours
PENSION OBLIGATION BONDS – AN OVERVIEW	Continuing Education	Segal Consulting	Completed	01/19/2021	01/19/2021	1.00
Description: <i>by Paul Angelo and Todd Tauzer, Segal Consulting</i>						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Private Equity Co-investment Education	Continuing Education	OCERS February I/C Meeting	Completed	02/24/2021	02/24/2021	1.00
Description:						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Annual Fiduciary Education	Continuing Education	OCERS April Regular Board Meeting	Completed	04/19/2021	04/19/2021	0.50
Description: Presented by Harvey Leiderman 						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
China Education Session	Continuing Education	OCERS I/C April Meeting	Completed	04/21/2021	04/21/2021	1.00
Description:						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Sexual Harassment Prevention Training - SACRS Spring Conference 2021	Mandatory Training	SACRS	Completed	05/14/2021	05/14/2021	2.00
Description:						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS Spring Conference 2021	Continuing Education	SACRS	Completed	05/14/2021	05/14/2021	3.50
Description:						

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Description:						

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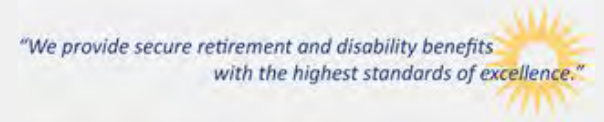
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Shari Freidenrich

Date Range: 1/1/2021 - 12/31/2022



2021 Strategic Planning Workshop	Continuing Education		Completed	09/09/2021	09/09/2021	3.25
Description: Investment and Non Investment Education Credit						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Global ARC Conference - Boston	Continuing Education	Global ARC	Completed	10/27/2021	10/27/2021	18.50
Description: Global ARC - Boston						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
OCERS November Investment Meeting	Continuing Education	OCERS	Completed	11/17/2021	11/17/2021	1.00
Description: Blockchain and the Rise of Decentralization						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Infrastructure Overview	Continuing Education	OCERS	Completed	12/13/2021	12/13/2021	1.00
Description: Presentation by Michael Dorrell, Chairman, CEO, Co-Founder, Stonepeak						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
CalCPA: Professional Conduct & Ethics	Continuing Education	CalCPA	Completed	12/27/2021	12/27/2021	4.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Actuarial Topics With Segal	Continuing Education	OCERS	Completed	02/22/2022	02/22/2022	0.50
Description: OCERS February Regular Board Meeting						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Annual Fiduciary Education	Continuing Education	OCERS Regular Board Meeting	Completed	04/18/2022	04/18/2022	1.00
Description: Annual Fiduciary Education during OCERS Regular Board Meeting in April 2022 presented by Mr. Harvey Leiderman.						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
CALAPRS: Trustee Roundtable	Continuing Education	CALAPRS	Completed	04/29/2022	04/29/2022	5.00

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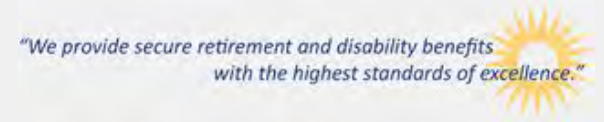
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Shari Freidenrich

Date Range: 1/1/2021 - 12/31/2022



Description: CALAPRS#58; Trustee Roundtable						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS Spring Conference	Continuing Education	SACRS	Completed	05/13/2022	05/13/2022	11.25
Description: SACRS Spring Conference 5/10-13 in Rancho Mirage, CA						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Strategic Planning Workshop 2022	Continuing Education	OCERS SPW	Completed	09/15/2022	09/15/2022	5.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Ethics Training	Mandatory Training	SACRS Fall Conference 2022	Completed	11/08/2022	11/08/2022	2.00
Description: SACRS Fall Conference 2022- Long Beach						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS Fall Conference 2022	Continuing Education	SACRS	Completed	11/08/2022	11/11/2022	3.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Behavioral Finance	Continuing Education	OCERS IC Meeting	Completed	11/16/2022	11/16/2022	1.00
Description:						



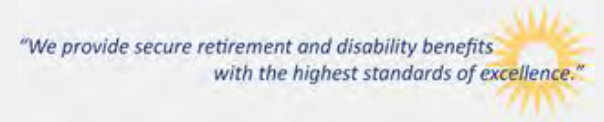
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Arthur Hidalgo

Date Range: 1/1/2022 - 1/6/2023



BOARD

Arthur Hidalgo (11 Records)					Total Hours:	21.50
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Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Canterbury Investment Forum	Continuing Education	The Canterbury Investment Forum	Completed	01/20/2022	01/20/2022	3.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Actuarial Topics With Segal	Continuing Education	OCERS	Completed	02/22/2022	02/22/2022	0.50

Description: OCERS February Regular Board Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Ten Surprises of 2022 Eduxation	Continuing Education	OCERS	Completed	02/23/2022	02/23/2022	1.00

Description: OCERS IC February Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Annual Fiduciary Education	Continuing Education	OCERS Regular Board Meeting	Completed	04/18/2022	04/18/2022	1.00

Description: Annual Fiduciary Education during OCERS Regular Board Meeting in April 2022 presented by Mr. Harvey Leiderman.

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Brown Act Training	Continuing Education	OCERS Regular Board Meeting	Completed	05/16/2022	05/16/2022	1.00

Description: Brown Act Training presenting by GC Ratto and Mr. Serpa during May Regular Board Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Townsend: A View of the World	Continuing Education	OCERS IC Meeting	Completed	05/25/2022	05/25/2022	1.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
AB 1234 Local Ethics Training	Mandatory Training	Fair Political Practices Commission and the California Attorney General's Office	Completed	06/06/2022	06/06/2022	2.00

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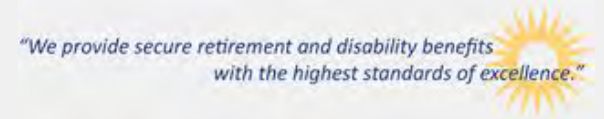
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Arthur Hidalgo

Date Range: 1/1/2022 - 1/6/2023



Description: Ethics Course						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Mechanics of QE/QT in Modern Capital Markets	Continuing Education	IC Meeting	Completed	08/24/2022	08/24/2022	1.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Strategic Planning Workshop 2022	Continuing Education	OCERS SPW	Completed	09/15/2022	09/15/2022	5.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS Fall Conference 2022	Continuing Education	SACRS	Completed	11/08/2022	11/11/2022	5.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Behavioral Finance	Continuing Education	OCERS IC Meeting	Completed	11/16/2022	11/16/2022	1.00
Description:						



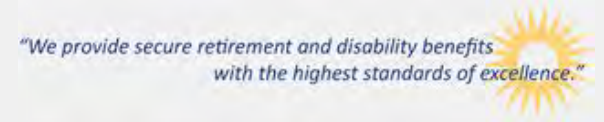
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Wayne Lindholm

Date Range: 1/1/2022 - 12/31/2022



BOARD

Wayne Lindholm (8 Records)					Total Hours:	12.50
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Title	Type	Institution	Status	Due Date	Completion Date	Hours
Actuarial Topics With Segal	Continuing Education	OCERS	Completed	02/22/2022	02/22/2022	0.50

Description: OCERS February Regular Board Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Ten Surprises of 2022 Eduxation	Continuing Education	OCERS	Completed	02/23/2022	02/23/2022	1.00

Description: OCERS IC February Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Annual Fiduciary Education	Continuing Education	OCERS Regular Board Meeting	Completed	04/18/2022	04/18/2022	1.00

Description: Annual Fiduciary Education during OCERS Regular Board Meeting in April 2022 presented by Mr. Harvey Leiderman.

Title	Type	Institution	Status	Due Date	Completion Date	Hours
AB 1234 Local Ethics Training	Continuing Education	Fair Political Practices Commission and the California Attorney General's Office	Completed	04/19/2022	04/19/2022	2.00

Description: AB 1234 Local Ethics Training administered through the Fair Political Practices Commission and the California Attorney General's Office. Ethics requirement completed till March 2024.

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Brown Act Training	Continuing Education	OCERS Regular Board Meeting	Completed	05/16/2022	05/16/2022	1.00

Description: Brown Act Training presenting by GC Ratto and Mr. Serpa during May Regular Board Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Mechanics of QE/QT in Modern Capital Markets	Continuing Education	IC Meeting	Completed	08/24/2022	08/24/2022	1.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Strategic Planning Workshop 2022	Continuing Education	OCERS SPW	Completed	09/15/2022	09/15/2022	5.00

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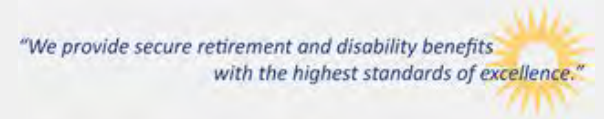
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Wayne Lindholm

Date Range: 1/1/2022 - 12/31/2022



Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Behavioral Finance	Continuing Education	OCERS IC Meeting	Completed	11/16/2022	11/16/2022	1.00

Description:



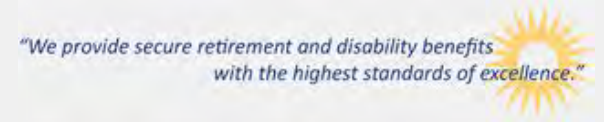
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Richard Oates

Date Range: 7/1/2021 - 1/6/2023



BOARD

Richard Oates (21 Records)					Total Hours:	137.25
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Title	Type	Institution	Status	Due Date	Completion Date	Hours
2021 Strategic Planning Workshop	Continuing Education		Completed	09/09/2021	09/09/2021	3.25

Description: Investment and Non Investment Education Credit

Title	Type	Institution	Status	Due Date	Completion Date	Hours
NCPERS Fall Conference	Continuing Education	NCPERS	Completed	09/28/2021	09/28/2021	8.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
CALAPRS Principles of Pension Governance for Trustees 2021	Continuing Education	CALAPRS	Completed	09/30/2021	09/30/2021	9.00

Description: 9/28/21-9/30-21

Title	Type	Institution	Status	Due Date	Completion Date	Hours
ASSET BASED LENDING OVERVIEW	Continuing Education		Completed	10/27/2021	10/27/2021	1.00

Description: Investment Committee Meeting Presentation by Michael Chandra, CFA, CAIA; Kyle McCarthy, CFA; & Kristofer R. Kraus, PI

Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS / SEXUAL HARASSMENT PREVENTION TRAINING	Continuing Education	State Association of County Retirement Systems (SACRS)	Completed	11/09/2021	11/09/2021	2.00

Description: SEXUAL HARASSMENT PREVENTION TRAINING

Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS Fall Conference	Continuing Education	State Association of County Retirement Systems (SACRS)	Completed	11/09/2021	11/11/2021	19.00

Description: SACRS Fall Conference provided education and insight to those entrusted with managing the funds of these plans.

Title	Type	Institution	Status	Due Date	Completion Date	Hours
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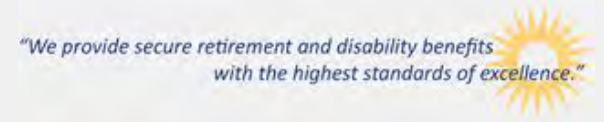
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Richard Oates

Date Range: 7/1/2021 - 1/6/2023



OCERS November Investment Meeting	Continuing Education	OCERS	Completed	11/17/2021	11/17/2021	1.00
Description: Blockchain and the Rise of Decentralization						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Infrastructure Overview	Continuing Education	OCERS	Completed	12/13/2021	12/13/2021	1.00
Description: Presentation by Michael Dorrell, Chairman, CEO, Co-Founder, Stonepeak						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Actuarial Topics With Segal	Continuing Education	OCERS	Completed	02/22/2022	02/22/2022	0.50
Description: OCERS February Regular Board Meeting						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Ten Surprises of 2022 Eduxation	Continuing Education	OCERS	Completed	02/23/2022	02/23/2022	1.00
Description: OCERS IC February Meeting						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
NAPO Annual Pension & Benefits Seminar	Continuing Education	National Association of Police Organizations	Completed	03/01/2022	03/01/2022	12.00
Description: National Association of Police Organizations Annual Pension & Benefits Seminar						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
CALAPRS General Assembly	Continuing Education	CALAPRS	Completed	03/08/2022	03/08/2022	20.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Annual Fiduciary Education	Continuing Education	OCERS Regular Board Meeting	Completed	04/18/2022	04/18/2022	1.00
Description: Annual Fiduciary Education during OCERS Regular Board Meeting in April 2022 presented by Mr. Harvey Leiderman.						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Brown Act Training	Continuing Education	OCERS Regular Board Meeting	Completed	05/16/2022	05/16/2022	1.00

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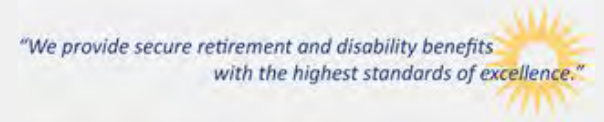
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Richard Oates

Date Range: 7/1/2021 - 1/6/2023



Description: Brown Act Training presenting by GC Ratto and Mr. Serpa during May Regular Board Meeting						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Townsend: A View of the World	Continuing Education	OCERS IC Meeting	Completed	05/25/2022	05/25/2022	1.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS UC Berkeley Program	Continuing Education	SACRS UC Berkeley	Completed	07/20/2022	07/20/2022	24.00
Description: SACRS Public Pension Investment Management Program 2022						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Mechanics of QE/QT in Modern Capital Markets	Continuing Education	IC Meeting	Completed	08/24/2022	08/24/2022	1.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Strategic Planning Workshop 2022	Continuing Education	OCERS SPW	Completed	09/15/2022	09/15/2022	5.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
NCPERS Public Safety Conference	Continuing Education	NCPERS	Completed	10/26/2022	10/26/2022	14.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS Fall Conference 2022	Continuing Education	SACRS	Completed	11/08/2022	11/11/2022	11.50
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Behavioral Finance	Continuing Education	OCERS IC Meeting	Completed	11/16/2022	11/16/2022	1.00
Description:						

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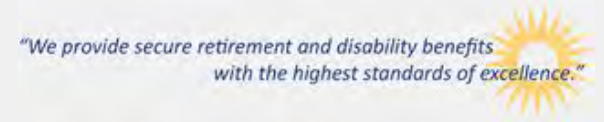
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Charles Packard

Date Range: 1/1/2022 - 1/6/2023



BOARD

Charles Packard (8 Records)					Total Hours:	10.50
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Title	Type	Institution	Status	Due Date	Completion Date	Hours
Actuarial Topics With Segal	Continuing Education	OCERS	Completed	02/22/2022	02/22/2022	0.50

Description: OCERS February Regular Board Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Ten Surprises of 2022 Eduxation	Continuing Education	OCERS	Completed	02/23/2022	02/23/2022	1.00

Description: OCERS IC February Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Annual Fiduciary Education	Continuing Education	OCERS Regular Board Meeting	Completed	04/18/2022	04/18/2022	

Description: Annual Fiduciary Education during OCERS Regular Board Meeting in April 2022 presented by Mr. Harvey Leiderman.

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Brown Act Training	Continuing Education	OCERS Regular Board Meeting	Completed	05/16/2022	05/16/2022	1.00

Description: Brown Act Training presenting by GC Ratto and Mr. Serpa during May Regular Board Meeting

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Townsend: A View of the World	Continuing Education	OCERS IC Meeting	Completed	05/25/2022	05/25/2022	1.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Mechanics of QE/QT in Modern Capital Markets	Continuing Education	IC Meeting	Completed	08/24/2022	08/24/2022	1.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Strategic Planning Workshop 2022	Continuing Education	OCERS SPW	Completed	09/15/2022	09/15/2022	5.00

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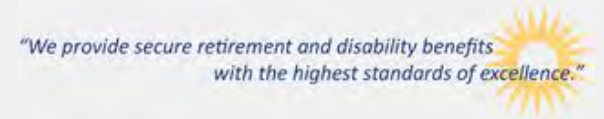


Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board
Date Range: 1/1/2022 - 1/6/2023

Employee: Charles Packard



Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Behavioral Finance	Continuing Education	OCERS IC Meeting	Completed	11/16/2022	11/16/2022	1.00

Description:



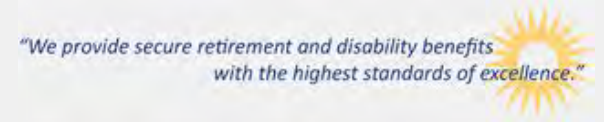
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Chris Prevatt

Date Range: 1/1/2022 - 1/6/2023



BOARD

Chris Prevatt (12 Records)

Total Hours: 56.25

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Actuarial Topics With Segal	Continuing Education	OCERS	Completed	02/22/2022	02/22/2022	0.50
Description: OCERS February Regular Board Meeting						
Ten Surprises of 2022 Eduxation	Continuing Education	OCERS	Completed	02/23/2022	02/23/2022	1.00
Description: OCERS IC February Meeting						
NASRA / NIRS Conference	Continuing Education	NASRA / NIRS	Completed	03/02/2022	03/02/2022	9.50
Description:						
Annual Fiduciary Education	Continuing Education	OCERS Regular Board Meeting	Completed	04/18/2022	04/18/2022	1.00
Description: Annual Fiduciary Education during OCERS Regular Board Meeting in April 2022 presented by Mr. Harvey Leiderman.						
SACRS Spring Conference	Continuing Education	SACRS	Completed	05/13/2022	05/13/2022	11.25
Description: SACRS Spring Conference 5/10-13 in Rancho Mirage, CA						
Brown Act Training	Continuing Education	OCERS Regular Board Meeting	Completed	05/16/2022	05/16/2022	1.00
Description: Brown Act Training presenting by GC Ratto and Mr. Serpa during May Regular Board Meeting						
Townsend: A View of the World	Continuing Education	OCERS IC Meeting	Completed	05/25/2022	05/25/2022	1.00
Description:						

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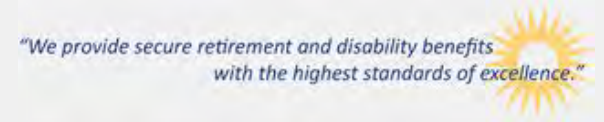
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Chris Prevatt

Date Range: 1/1/2022 - 1/6/2023



Title	Type	Institution	Status	Due Date	Completion Date	Hours
NASRA 2022	Continuing Education	NASRA	Completed	08/10/2022	08/10/2022	12.50
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Mechanics of QE/QT in Modern Capital Markets	Continuing Education	IC Meeting	Completed	08/24/2022	08/24/2022	1.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Strategic Planning Workshop 2022	Continuing Education	OCERS SPW	Completed	09/15/2022	09/15/2022	5.00
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
SACRS Fall Conference 2022	Continuing Education	SACRS	Completed	11/08/2022	11/11/2022	11.50
Description:						
Title	Type	Institution	Status	Due Date	Completion Date	Hours
Behavioral Finance	Continuing Education	OCERS IC Meeting	Completed	11/16/2022	11/16/2022	1.00
Description:						



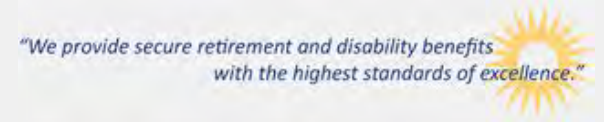
Career Development Report

This report details an individual's Training records in regards to their Career Development.

Department: Board

Employee: Jeremy Vallone

Date Range: 7/1/2022 - 1/6/2023



BOARD

Jeremy Vallone (3 Records)

Total Hours:

7.00

Title	Type	Institution	Status	Due Date	Completion Date	Hours
The Mechanics of QE/QT in Modern Capital Markets	Continuing Education	IC Meeting	Completed	08/24/2022	08/24/2022	1.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Strategic Planning Workshop 2022	Continuing Education	OCERS SPW	Completed	09/15/2022	09/15/2022	5.00

Description:

Title	Type	Institution	Status	Due Date	Completion Date	Hours
Behavioral Finance	Continuing Education	OCERS IC Meeting	Completed	11/16/2022	11/16/2022	1.00

Description:



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Suzanne Jenike, Assistant CEO, External Operations
SUBJECT: **DISABILITY RETIREMENT STATISTICS 2022 REPORT**

Written Report

At the start of each year we compile statistical information capturing the various categories of disability retirement applications that were processed the prior calendar year. The information associated to the 2022 calendar year is presented here for the Board's review.

At the close of 2022, we had accepted 113 new applications and adjudicated 104 cases through the Disability Committee and the Board of Retirement.

Also included are the statistical reports applicable to the calendar years 2018, 2019, 2020, and 2021 for comparison purposes.

Submitted by:



SJ-Approved

Suzanne Jenike
Assistant CEO, External Operations

DISABILITY RETIREMENT STATISTICS 2022 REPORT

Total Filed 2022:		
By Type:	#	%
SCD	45	40%
NSCD	2	2%
BOTH	66	58%
	113	100%
By Employer:		%
Assessor	0	0%
Community Resources	0	0%
Child Support Services	3	3%
City of San Juan Capistrano	2	2%
District Attorney	0	0%
Fire Authority	39	35%
Health Care Agency	5	4%
Probation	4	4%
Sheriff	47	42%
Social Service Agency	7	6%
Superior Court	0	0%
Transportation Authority	5	4%
Transportation Corridor	1	1%
	113	100%
By Member Type:		%
General	37	33%
Safety	76	67%
	113	100%

Disabilities In Process Overview	
Total filings pending Board presentation:	97
Pending Filed within the past 12 months:	89
Pending Filed over 12 months:	8

Total Granted 2022:		
By Type / Stage:	#	%
SCD (Initial Board Decision)	74	93%
NSCD (Initial Board Decision)	6	8%
SCD (Hearings)	0	0%
NSCD (Hearings)	0	0%
SCD (Writ)	0	0%
	80	100%
By Employer:		%
Assessor	1	1%
Community Resources	2	3%
District Attorney	1	1%
Fire Authority	24	30%
IHSS Public Authority	1	1%
Probation	5	6%
Public Works	1	1%
Sanitation	0	0%
Sheriff	33	41%
Social Services Agency	4	5%
Superior Court	1	1%
Transportation Authority	7	9%
	80	100%
By Member Type:		%
General	25	31%
Safety	55	69%
	80	100%

Total Denied 2022:		
By Type / Stage:	#	%
SCD/NSCD (Initial Board Decision)	16	67%
SCD (Initial Board Decision)	6	25%
NSCD (Initial Board Decision)	0	0%
SCD (2nd Board Decision)	1	4%
SCD/NSCD (Hearing)	1	4%
NSCD (2nd Board Decision)	0	0%
	24	100%
By Employer:		%
City of SJC	1	4%
Child Support Services	1	4%
Fire Authority	3	13%
Superior Court	2	8%
Public Works	1	4%
Sanitation	1	4%
Sheriff	2	8%
Social Services Agency	4	17%
Probation	1	4%
OC Transportation Authority	8	33%
	24	100%
By Member Type:		%
General	18	75%
Safety	6	25%
	24	100%

DISABILITY RETIREMENT STATISTICS 2021 REPORT

Total Filed 2021:		
By Type:	#	%
SCD	22	33%
NSCD	1	2%
BOTH	43	65%
	66	100%
By Employer:		%
Community Resources	1	2%
JWA	1	2%
Fire Authority	19	29%
Health Care Agency	1	2%
Probation	4	6%
Assessor	1	2%
Public Works	1	2%
Sanitation	1	2%
Sheriff	19	29%
Social Service Agency	7	11%
Superior Court	1	2%
Transportation Authority	10	15%
Waste and Recycling	0	0%
	66	100%
By Member Type:		%
General	28	42%
Safety	38	58%
	66	100%

Total Granted 2021:		
By Type / Stage:	#	%
SCD (Initial Board Decision)	80	88%
NSCD (Initial Board Decision)	10	11%
SCD (Hearings)	1	1%
NSCD (Hearings)	0	0%
SCD (Writ)	0	0%
	91	100%
By Employer:		%
Child Support Services	1	1%
Community Resources	2	2%
District Attorney	1	1%
Fire Authority	26	29%
Health Care Agency	2	2%
Probation	5	5%
Public Defender	1	1%
Sanitation	1	1%
Sheriff	34	37%
Social Services Agency	8	9%
Superior Court	1	1%
Transportation Authority	9	10%
	91	100%
By Member Type:		%
General	37	41%
Safety	54	59%
	91	100%

Total Denied 2021:		
By Type / Stage:	#	%
SCD/NSCD (Initial Board Decision)	10	50%
SCD (Initial Board Decision)	7	35%
NSCD (Initial Board Decision)		0%
SCD/NSCD (Hearings)	3	15%
NSCD (Hearings)	0	0%
	20	100%
By Employer:		%
Health Care Agency	1	5%
Community Resources	1	5%
Fire Authority	2	10%
Treasurer/ Tax Collector	1	5%
Probation	0	0%
Sanitation	3	15%
Sheriff	5	25%
Social Services Agency	6	30%
Transportation Authority	1	5%
	20	100%
By Member Type:		%
General	15	75%
Safety	5	25%
	20	100%

<u>Disabilities In Process Overview</u>	
Total filings pending Board presentation:	93
Pending Filed within the past 12 months:	63
Pending Filed over 12 months:	25

DISABILITY RETIREMENT STATISTICS 2020 REPORT

Total Filed 2020:		
By Type:	#	%
SCD	37	44%
NSCD	0	0%
BOTH	47	56%
	84	100%
By Employer:		%
OC Parks	1	1%
District Attorney	3	4%
Health Care Agency	2	2%
Fire Authority	17	20%
Transportation Authority	7	8%
Child Support Services	1	1%
Sanitation	1	1%
Sheriff	37	44%
Public Defender	1	
Social Services Agency	5	6%
Probation	5	6%
Superior Court	1	1%
Child Support Services	1	1%
County Counsel	1	1%
Public Works	2	2%
	84	100%
By Member Type:		%
General	35	42%
Safety	49	58%
	84	100%

<u>Disabilities In Process Overview</u>	
Total filings pending Board presentation :	130
Pending Filed within the past 12 months:	84
Pending Filed over 12 months:	46

Total Granted 2020:		
By Type / Stage:	#	%
SCD (Initial Board Decision)	52	93%
NSCD (Initial Board Decision)	3	5%
SCD (Hearings)	1	2%
NSCD (Hearings)	0	0%
SCD (Writ)	0	0%
	56	100%
By Employer:		%
District Attorney	1	2%
Sanitation	0	0%
Fire Authority	24	43%
Health Care Agency	1	2%
Sheriff	10	18%
Public Works	2	4%
OC Information Technology	0	0%
Superior Court	1	2%
Probation	4	7%
Waste and Recycling	0	0%
Community Resources	0	0%
Social Services Agency	4	7%
Transportation Authority	9	16%
	56	100%
By Member Type:		%
General	21	38%
Safety	35	63%
	56	100%

Total Denied 2020:		
By Type / Stage:	#	%
SCD/NSCD (Initial Board Decision)	14	70%
SCD (Initial Board Decision)	1	5%
NSCD (Initial Board Decision)	0	0%
SCD /NSCD(2nd Board Decision)	5	25%
NSCD (2nd Board Decision)	0	0%
	20	100%
By Employer:		%
Fire Authority	4	20%
Treasurer Tax Collector	1	5%
Probation	1	5%
OCCR	0	0%
Sheriff	4	20%
Social Services Agency	7	35%
Community Resources	1	5%
Superior Court	0	0%
Transportation Authority	1	5%
Registrar of Voters	1	5%
	20	100%
By Member Type:		%
General	14	70%
Safety	6	30%
	20	100%

DISABILITY RETIREMENT STATISTICS 2019 REPORT

Total Filed 2019:		
By Type:	#	%
SCD	17	19%
NSCD	2	2%
BOTH	71	79%
	90	100%
By Employer:		%
Assessor	1	1%
Auditor Controller	1	1%
Child Support Services	1	1%
District Attorney	1	1%
Fire Authority	23	26%
Health Care Agency	1	1%
Probation	8	9%
Public Works	2	2%
Sheriff	21	23%
Social Services Agency	16	18%
Superior Court	1	1%
Transportation Authority	14	16%
	90	100%
By Member Type:		%
General	49	54%
Safety	41	46%
	90	100%

Disabilities in Process Overview
 Pending Board presentation: 95
 Pending filed within the past 12 months: 81
 Pending filed over 12 months: 14

Total Granted 2019:		
By Type / Stage:	#	%
SCD (Initial Board Decision)	58	83%
NSCD (Initial Board Decision)	11	16%
SCD (Hearings)	1	1%
NSCD (Hearings)	0	0%
SCD (Writ)	0	0%
	70	100%
By Employer:		%
Community Resources	2	3%
Fire Authority	17	24%
Health Care Agency	1	1%
Information Technology	1	1%
Probation	5	7%
Public Defender	2	3%
Public Works	1	1%
Sanitation	1	1%
Sheriff	14	20%
Social Services Agency	8	11%
Superior Court	2	3%
Transportation Authority	15	21%
Waste and Recycling	1	1%
	70	100%
By Member Type:		%
General	40	57%
Safety	30	43%
	70	100%

Total Denied 2019:		
By Type / Stage:	#	%
SCD/NSCD (Initial Board Decision)	9	28%
SCD (Initial Board Decision)	16	50%
NSCD (Initial Board Decision)	0	0%
SCD/NSCD(2nd Board Decision)	7	22%
NSCD (2nd Board Decision)	0	0%
	32	100%
By Employer:		%
Auditor/Controller	1	3%
Community Resources	1	3%
Health Care Agency	3	9%
Information Technology	1	3%
Probation	2	6%
Sanitation	2	6%
Sheriff	8	25%
Social Services Agency	8	25%
Superior Court	2	6%
Transportation Authority	4	14%
	32	100%
By Member Type:		%
General	26	81%
Safety	6	19%
	32	100%

DISABILITY RETIREMENT STATISTICS 2018 REPORT

Total Filed 2018:		
By Type:	#	%
SCD	29	35%
NSCD	2	2%
BOTH	51	62%
	82	100%
By Employer:		%
Community Resources	2	2%
District Attorney	2	2%
Fire Authority	19	23%
Health Care Agency	3	4%
Probation	4	5%
Public Defender	1	1%
Public Works	1	1%
Sanitation	1	1%
Sheriff	16	20%
Social Services Agency	17	21%
Superior Court	1	1%
Transportation Authority	13	16%
Waste & Recycling	2	2%
	82	100%
By Member Type:		%
General	49	60%
Safety	33	40%
	82	100%

Total Granted 2018:		
By Type / Stage:	#	%
SCD (Initial Board Decision)	73	90%
NSCD (Initial Board Decision)	7	9%
SCD (Hearings)	1	1%
NSCD (Hearings)	0	0%
SCD (Writ)	0	0%
	81	100%
By Employer:		%
Auditor Controller	1	1%
District Attorney	2	2%
Fire Authority	22	27%
Health Care Agency	3	4%
Probation	4	5%
Public Works	2	2%
Sanitation	2	2%
Sheriff	29	36%
Social Services Agency	7	9%
Transportation Authority	9	11%
	81	100%
By Member Type:		%
General	32	40%
Safety	49	60%
	81	100%

Total Denied 2018:		
By Type / Stage:	#	%
SCD/NSCD (Initial Board Decision)	10	50%
SCD (Initial Board Decision)	5	25%
NSCD (Initial Board Decision)	2	10%
SCD/NSCD(2nd Board Decision)	3	15%
NSCD (2nd Board Decision)	0	0%
	20	100%
By Employer:		%
Community Resources	2	10%
Fire Authority	2	10%
Health Care Agency	3	10%
Probation	1	5%
Sanitation	1	5%
Sheriff	4	5%
Social Services Agency	5	20%
Transportation Authority	2	25%
	20	100%
By Member Type:		%
General	15	75%
Safety	5	25%
	20	100%

Disabilities In Process Overview	
Pending Board presentation:	117
Pending Filed in past 12 mos:	82
Pending Filed over 12 mos:	35

Summary of Disability Applications and Results, 2018-2022

	2018	2019	2020	2021	2022	Total
Disability Applications Filed (Total)	82	90	84	66	113	435
Service Connected Disability	29	17	37	22	45	150
Non Service Connected Disability	2	2	0	1	2	7
Both	51	71	47	43	66	278
New Applications by Safety Members	33	41	49	38	76	237
by General Members	49	49	35	28	37	198
Disabilities Granted	81	70	56	91	80	378
Disabilities Denied	20	32	20	20	24	116
New Applications, by Employer*	82	90	84	66	113	435
Assessor		1		1		2
Auditor Controller		1				1
Child Support Services		1	1		3	5
City Counsel			1			1
City of San Juan Capistrano					2	2
District Attorney	2	1	3			6
Health Care Agency	3	1	2	1	5	12
John Wayne Airport				1		1
OC Community Resources	2			1		3
OC Fire Authority	19	23	17	19	39	117
OC Public Works	1	2	2	1		6
OC Parks			1			1
OC Transportation Authority	13	14	7	10	5	49
OC Waste and Recycling	2					2
Probation	4	8	5	4	4	25
Public Defender	1		1			2
Sanitation	1		1	1		3
Sheriff's Dept	16	21	37	19	47	140
Social Services Agency	17	16	5	7	7	52
Superior Court	1	1	1	1		4
Transportation Cooridor					1	1

*If employer is not listed, no applications received from 2018-2022



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Steve Delaney, Chief Executive Officer
SUBJECT: 2022 OCERS YEAR IN REVIEW: COMMUNICATION PLAN

Written Report

Background/Discussion

Since 2009 OCERS has crafted a strong outreach communication plan at the start of each year. In that year of 2009 the Great Recession was at its worst, and our goal was to assure our primary stakeholders that the OCERS Board of Retirement was actively involved in tackling the challenges facing the system.

For more than a decade we have begun this annual process by meeting with each of the County Supervisors on an individual basis, followed by meetings with each participating employer, major labor group, as well as the Retired Employees Association of Orange County (REAOC). In the ongoing debate over public pension benefits, ensuring a well-educated audience is one of the best methods for quelling rumors and replacing them with facts in order to better guide policy makers.

I propose the same process in 2023:

1. Individual meetings of the OCERS Chair, Vice-Chair and CEO with each of the County Supervisors and their support staff.
2. Individual meetings of a team of OCERS Executive Staff (Ms. Jenike, Ms. Shott and me) with the executive staff of each OCERS participating employer, as well as with the executive staff of each of our primary labor groups.
3. A single, annual presentation for our active members.
4. A presentation at a quarterly REAOC luncheon.

Throughout the year there also arise occasion to meet with various members of the Orange County legislative delegation both in Sacramento as well as Washington DC. These "Year in Review" materials are often used in those settings to provide legislators with an understanding of the challenge and opportunities facing their local public pension system.

If there are any other topics you the Trustees feel it is important to share in these meetings, please let me know and I can work with the Chair of the Board to determine how and when to include additional information.

This is a fairly large undertaking, but one I believe well worth the effort. Scheduling conflicts will undoubtedly arise, but I anticipate the bulk of the outreach to be accomplished in the April through July time frame.

Submitted by:



SD - Approved



Steve Delaney
Chief Executive Officer



2022 OCERS Year in Review

TOPIC	ITEM #	MEMBERS	RETIREES	SUPERVISORS	STAKEHOLDERS	LEGISLATORS
2022 FUND EARNINGS	1	X	X	X	X	X
2022 RVK REPORT	2	X	X	X	X	X
INVESTMENT DEPARTMENT REPORT	3	X	X	X	X	
20 YEAR RATE PROJECTION	4			X	X	X
ALAMEDA UPDATE	5		X	X	X	
SIMPLIFICATION EFFORTS	6	X		X	X	
VISION 2030	7	X	X	X	X	X
CYBERSECURITY-A FOCUS	8	X	X	X	X	
OCERS HQ BUILDING	9	X	X	X	X	
OCERS BOARD MEMBERSHIP	10	X	X	X	X	

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



Memorandum

DATE: January 4, 2023
TO: Members of the Board of Retirement
FROM: Tracy Bowman, Director of Finance
SUBJECT: **FOURTH 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 Fourth Quarter 2022 Travel and Training Expense Report that includes all expenses submitted through December 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

01-17-2023 REGULAR BOARD MEETING - R-11 QUARTERLY TRAVEL AND TRAINING EXPENSE REPORT

TRAVEL AND TRAINING EXPENSE REPORT
 FOURTH QUARTER 2022
 Submitted Through December 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	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	-	120.00	4.00	-	868.02	84.15	-	1,076.17	-
Sub Total					-	120.00	4.00	-	868.02	84.15	-	1,076.17	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	119.93	120.00	50.00	-	553.64	-	-	843.57	-
	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	-	120.00	-	-	-	21.00	-	141.00	-
Sub Total					119.93	290.00	50.00	-	553.64	21.00	-	1,034.57	2,286.78
HIDALGO	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	-	120.00	-	-	-	-	-	120.00	-
Sub Total					-	120.00	-	-	-	-	-	120.00	-
OATES	2/27-3/1/22	NAPO 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	-
	7/17-7/20/22	SACRS/UC Berkeley 2022 Program: System Pricing	Berkeley, CA	Training	18.75	2,500.00	32.97	305.96	1,536.99	112.40	-	4,507.07	-
	10/23-10/26/22	NCBERS 2022 Public Safety Conference	Nashville, TN	Training	-	750.00	-	562.96	807.00	152.89	-	2,272.85	-
	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	-	120.00	-	-	868.02	84.00	-	1,072.02	-
Sub Total					424.74	4,255.00	88.62	868.92	4,426.17	385.29	-	10,448.74	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	-
	3/30-4/1/22	CALAPRS Advanced Principles of Pension Gov for Trustees	UCLA Lusking Center	Training	-	3,100.00	-	-	-	-	-	3,100.00	-
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	142.16	120.00	39.53	-	845.46	-	-	1,147.15	-
	8/6-8/10/22	NASRA 2022 Annual Conference	Long Beach, CA	Training	-	1,400.00	-	-	-	98.42	-	1,498.42	-
	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	-	120.00	-	-	-	62.66	-	182.66	-
Sub Total					260.33	4,990.00	133.61	-	1,634.70	161.08	-	7,179.72	1,887.79
TAGALOA	2/26-3/1/22	NASRANIRS Roundtable & Joint Legislative Conference	Washington D.C.	Training	18.72	750.00	30.90	289.20	1,006.96	19.49	-	2,115.27	-
	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	109.52	250.00	62.09	-	774.24	63.00	-	1,258.85	-
	3/30-4/1/22	CALAPRS Advanced Principles of Pension Gov for Trustees	Los Angeles, CA	Training	156.20	3,100.00	-	-	-	-	-	3,256.20	-
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	124.61	120.00	-	-	830.46	-	-	1,075.07	-
	8/6-8/10/22	NASRA 2022 Annual Conference	Long Beach, CA	Training	31.25	1,400.00	-	-	981.99	-	-	2,413.24	-
	8/21/22	NCBERS 2022 Public Pension Funding Forum	Los Angeles, CA	Training	-	820.00	-	-	-	-	-	820.00	-
	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Speaker	-	-	-	-	868.02	111.00	-	979.02	-
Sub Total					440.30	6,440.00	92.99	289.20	4,461.67	193.49	-	11,917.65	7,713.22
VALLONE					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	120.00
BOARD Total					1,245.30	16,215.00	369.22	1,158.12	11,944.20	845.01	-	31,776.85	17,639.69
DELANEY	2/10/22	CALAPRS Administrators Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	2/26-3/1/22	NASRANIRS 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	96.64	250.00	27.77	-	516.16	-	-	890.57	-
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	60.26	120.00	-	-	-	-	-	180.26	-
	6/24/22	CALAPRS Administrators Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	6/27-6/28/22	NCBERS 2022 Chief Officers Summit	San Francisco, CA	Speaker	-	-	54.11	287.20	326.78	145.50	-	813.59	-
	8/24-8/26/22	WitechCONNECT Annual Summit	Washington D.C.	Training	-	1,195.00	-	1,134.21	308.06	37.91	-	2,675.18	-
	9/20-9/25/22	CII Fall 2022 Conference	Boston, MA	Training	-	-	48.27	903.20	1,488.31	70.10	-	2,509.88	-
	9/28-9/30/22	CALAPRS Administrators Institute	Long Beach, CA	Training	40.01	1,500.00	28.38	-	-	66.00	-	1,634.39	-
	10/23-10/26/22	NCBERS 2022 Public Safety Conference	Nashville, TN	Training	-	750.00	122.97	993.21	880.20	332.05	-	3,078.43	-
	10/28/22	CALAPRS Trustees' Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	19.38	120.00	-	-	564.18	78.00	-	815.74	-
	Various	UC Berkeley AI: Business Strategies & Application	Online	Training	-	2,380.00	34.18	-	-	-	-	2,380.00	-
Sub Total					216.29	7,215.00	483.23	3,664.02	4,722.83	980.81	-	17,282.18	6,446.07
JENIKE	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Training	101.91	250.00	-	-	774.24	42.00	-	1,168.15	-
	5/10-5/13/22	SACRS Spring 2022 Conference: System Member Pricing	Rancho Mirage, CA	Training	91.85	120.00	-	-	553.64	-	-	765.49	-
	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	7/18-7/19/22	IFEBP Benefit Communication and Technology Institute	Online	Training	-	1,325.00	-	-	-	-	-	1,325.00	-
	8/6-8/10/22	NASRA 2022 Annual Conference	Long Beach, CA	Training	-	1,325.00	20.74	-	648.66	-	-	1,994.40	-
	8/23/22	CalPERS Pathways for Women Conference 2022	Anaheim, CA	Training	56.25	149.00	-	-	-	-	-	205.25	-
	8/29-9/1/22	CALAPRS Principles of Pension Governance for Trustees	Tiburon, CA	Training	-	-	-	387.97	-	176.22	-	564.19	-
Sub Total					250.01	3,219.00	20.74	387.97	1,976.54	218.22	-	6,072.48	1,315.00
NIH	5/6/22	CALAPRS Overview Course in Retirement Plan Admin.	Online	Training	-	100.00	-	-	-	-	-	100.00	-
	6/21/22	CALAPRS Administrative Assistants Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	10/18/22	CALAPRS Administrative Assistants Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	Various	Lean Six Sigma Green Belt	Online	Training	-	2,145.00	-	-	-	-	-	2,145.00	-
Sub Total					-	2,345.00	-	-	-	-	-	2,345.00	-
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	NCBERS 2022 Annual Conference	Washington D.C.	Training	21.06	900.00	219.92	999.84	1,353.84	60.50	-	3,555.16	-
	6/5-6/8/22	GFOA Annual Conference	Austin, TX	Training	10.53	555.00	347.60	571.19	1,526.45	144.70	-	3,155.47	-
	8/16/22	Executive Off-Site - Leadership Conference	Costa Mesa, CA	Training	-	-	-	-	-	-	-	18.00	-
	8/23/22	CalPERS Pathways for Women Conference 2022	Anaheim, CA	Training	18.75	-	-	-	-	20.00	-	38.75	-
	10/16-10/19/22	Gartner IT Symposium Xpo	Orlando, FL	Training	50.63	-	177.17	761.73	2,300.90	259.25	-	3,549.68	-
	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	38.13	120.00	-	-	593.68	74.00	-	825.81	-
	12/8/22	GFOA 2022 GAAP Update	Online	Training	-	125.00	-	-	-	-	-	125.00	-
	Various	Wharton AI: Business Strategies & Application	Online	Training	-	2,249.10	-	-	-	-	-	2,249.10	-
Sub Total					221.00	5,649.10	799.58	2,332.76	6,291.03	576.45	-	15,869.92	2,965.00
EXECUTIVE Total					687.30	18,428.10	1,303.55	6,384.75	12,990.40	1,775.48	-	41,569.58	10,726.07

01-17-2023 REGULAR BOARD MEETING - R-11 QUARTERLY TRAVEL AND TRAINING EXPENSE REPORT

TRAVEL AND TRAINING EXPENSE REPORT
 FOURTH QUARTER 2022
 Submitted Through December 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*
BEESON	Various	UCLA Leading High Performing Teams	Online	Training	-	2,600.00	-	-	-	-	-	2,600.00	-
Sub Total						2,600.00						2,600.00	120.00
CHARY												0.00	-
Sub Total												0.00	4,570.00
CHEN	8/16/22 11/8/22	Executive Off-Site - Leadership Conference Manager Annual Meeting	Costa Mesa, CA Santa Ana, CA	Training DD/Meeting	- -	- -	93.34 47.24	517.21 359.20	369.90 287.48	40.39 126.26	- -	1,020.84 820.18	-
Sub Total							140.58	876.41	657.38	166.65	-	1,841.02	-
DURR	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	-	120.00	-	-	-	54.00	-	174.00	-
Sub Total						120.00				54.00		174.00	-
JJ												0.00	-
Sub Total												0.00	270.00
MURPHY	4/4/22 5/1-5/4/22 6/10/22 6/19-6/23/22 9/26-9/30/22 11/8-11/11/22	Manager DD Meeting with LYUNO-SDI Group Milken Institute Global Conference CIO Quarterly Meeting FSN Capital, Altior, Constellation, EOT Capital & Nordic Capital Super Return Asia & CBC Group Annual Meeting SACRS Fall 2022 Conference	Los Angeles, CA Beverly Hills, CA Los Angeles, CA Amsterdam & Stockholm Singapore Long Beach, CA	Meeting/Due Diligence Conference Meeting/Due Diligence Due Diligence Meeting/Due Diligence Training	50.08 89.61 -	- -	- -	- -	2,091.96 -	- 15.00	- -	50.08 2,181.57 15.00 5,455.30 6,768.68 169.51	-
Sub Total					259.64		266.95	5,554.31	8,066.97	492.27	-	14,640.14	4,355.55
PETERSON	11/8-11/11/22	SACRS Fall 2022 Conference	Long Beach, CA	Training	19.38	120.00	-	-	-	87.00	-	226.38	-
Sub Total					19.38	120.00				87.00		226.38	-
TURIAGI	6/22/22 Various	PIMCO Alternatives Summit Investment Manager Meetings	Newport Beach, CA Los Angeles, CA	Due Diligence Due Diligence	9.95 67.38	- -	- -	- -	- -	- -	- -	9.95 67.38	-
Sub Total					77.33							77.33	-
WALANDER-SARKIN	3/10/22 4/4/22	Women's Private Equity Summit Manager DD Meeting with LYUNO-SDI Group	Dana Point, CA Los Angeles, CA	Conference Meeting/Due Diligence	- 50.08	- -	- -	- -	- -	23.00 -	- -	23.00 50.08	-
Sub Total					50.08					23.00		73.08	120.00
INVESTMENTS Total					406.43	2,840.00	407.53	6,430.72	8,724.35	822.92	-	19,631.95	9,435.55
KINSLER	4/13/22	CALAPRS Communications Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total						50.00						50.00	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						100.00						100.00	100.00
HORST	5/6/22 6/21/22	CALAPRS Overview Course in Retirement Plan Admin. CALAPRS Administrative Assistants Round Table	Online Online	Training Training	- -	100.00 50.00	- -	- -	- -	- -	- -	100.00 50.00	-
Sub Total						150.00						150.00	-
MATSUO	2/18/22 5/10-5/13/22 5/27/22 9/23/22	CALAPRS Attorney's Round Table SACRS Spring 2022 Conference: System Member Pricing CALAPRS Attorney's Round Table CALAPRS Attorney's Round Table	Online Rancho Mirage, CA Online Online	Training Training Training Training	- -	50.00 120.00 50.00 50.00	- -	- -	- 298.41	- -	- -	50.00 418.41 50.00 50.00	-
Sub Total						270.00			298.41			568.41	220.00
MCINTOSH	5/10-5/13/22 11/8-11/11/22	SACRS Spring 2022 Conference: System Member Pricing SACRS Fall 2022 Conference	Rancho Mirage, CA Long Beach, CA	Training Training	- -	120.00 120.00	- -	- -	895.67 -	- -	- -	1,015.67 120.00	-
Sub Total						240.00			895.67			1,135.67	1,068.16
RATTO	3/6-3/9/22 5/10-5/13/22 5/27/22 6/21-6/24/22 8/23/22	NAPPA Board Meetings SACRS Spring 2022 Conference: System Member Pricing CALAPRS Attorney's Round Table NAPPA Legal Education Conference CalPERS Pathways for Women Conference 2022	New Orleans, LA Rancho Mirage, CA Online Louisville, KY Anahim, CA	Meeting Training Training Training Training	25.51 57.33 -	- 120.00 50.00 995.00 149.00	153.43 -	696.19 276.82	726.72 -	88.20 -	- -	1,690.05 454.15 50.00 3,242.88 149.00	-
Sub Total					109.76	1,314.00	178.02	2,083.39	1,761.31	139.60	-	5,586.06	1,845.58
SERPA	2/18/22 9/23/22 10/25/22 10/11-10/18/22 11/8-11/11/22	CALAPRS Attorney's Round Table CALAPRS Attorney's Round Table CALAPRS Compliance Round Table Nessaman's 2022 Public Pensions & Investments Fiduciaries Forum SACRS Fall 2022 Conference	Online Online Online Los Angeles, CA Long Beach, CA	Training Training Training Training Training	- -	50.00 50.00 50.00 750.00 120.00	- -	- -	- -	- -	- 87.00	50.00 50.00 50.00 750.00 276.29	-
Sub Total					69.39	1,020.00				87.00		1,176.39	499.00
SINGLETON	5/10-5/13/22 9/10/22 9/23/22	SACRS Spring 2022 Conference: System Member Pricing OCPA 36th Annual Educational Conference CALAPRS Attorney's Round Table	Rancho Mirage, CA Costa Mesa, CA Costa Mesa, CA	Training Training Training	- -	120.00 165.00 50.00	- -	- -	160.00 -	15.00 10.00	- -	415.51 182.50 50.00	-
Sub Total					128.01	335.00			160.00	25.00		648.01	284.14
LEGAL Total					307.16	3,329.00	178.02	2,083.39	3,115.39	251.60	-	9,264.56	3,916.88

01-17-2023 REGULAR BOARD MEETING - R-11 QUARTERLY TRAVEL AND TRAINING EXPENSE REPORT

TRAVEL AND TRAINING EXPENSE REPORT
 FOURTH QUARTER 2022
 Submitted Through December 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*
ARDELEANU	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	-
FIELDS	Various	Lean Six Sigma Green Belt	Online	Training	-	2,145.00	-	-	-	-	-	2,145.00	-
Sub Total					-	79.45	-	-	-	-	-	79.45	-
GUEVARA	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	513.50
IBARRA					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	100.00
LAMBERSON	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total													
LOPEZ	11/7-11/9/22	CEM Benchmarking 2022 Peer Conference	Phoenix, AZ	Training	412.50	-	-	-	960.69	-	-	1,373.19	-
Sub Total					412.50	50.00	-	-	960.69	-	-	1,423.19	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	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	100.00
PERSI	6/24/22	CALAPRS Benefits Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	40.00
RODRIGUEZ					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	100.00
RUBIO					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	100.00
MEMBER SERVICES Total					412.50	5,474.45	-	-	960.69	-	-	6,847.64	3,556.00
BARKER	8/23/22	CalPERS Pathways for Women Conference 2022	Anaheim, CA	Training	-	199.00	-	-	-	20.00	-	219.00	-
Sub Total													
BOWMAN	4/20/22	GFOA Essential Tools for Policies & Procedure in Treasury Dept.	Online	Training	-	85.00	-	-	-	-	-	85.00	-
Sub Total													
DURIGON	9/13/22	CALAPRS Accountants Round Table	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total					-	50.00	-	-	-	-	-	50.00	191.75
KANG	7/26/22	P2F2 Quarterly Forum: New IRS Forms and WAR	Online	Training	-	50.00	-	-	-	-	-	50.00	-
Sub Total													
REYES	8/23/22	CalPERS Pathways for Women Conference 2022	Anaheim, CA	Training	-	199.00	-	-	-	20.00	-	219.00	-
Sub Total													
FINANCE Total					4.38	3,093.65	181.78	563.20	926.28	207.70	-	4,976.99	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	10/11-10/13/22	CalPERS HR Public Pension Roundtable	Sacramento, CA	Training	-	-	58.79	210.96	692.02	53.45	-	1,015.22	-
Sub Total					-	-	58.79	210.96	692.02	53.45	-	1,015.22	2,656.75
GUNSOLLEY	5/15-5/18/22	ADT 2022 International Conference & Exposition	Online	Training	-	475.00	-	-	-	-	-	475.00	-
Sub Total					-	475.00	-	-	-	-	-	475.00	756.75
HOCKLESS	6/11-6/15/22	SHRM Annual Conference & Expo 2022	New Orleans, LA	Training	-	1,800.00	108.54	758.96	932.79	45.00	-	3,645.29	-
Sub Total													
NGUYEN	5/6/22	CALAPRS Overview Course in Retirement Plan Admin.	Online	Training	-	100.00	-	-	-	-	-	100.00	-
Sub Total					-	100.00	-	-	-	-	-	100.00	-
WONZIUK	10/11-10/13/22	CalPERS HR Public Pension Roundtable	Sacramento, CA	Training	-	-	36.98	324.96	614.76	77.52	-	1,054.22	-
Sub Total					-	-	36.98	324.96	614.76	77.52	-	1,054.22	3,436.75
HUMAN RESOURCES Total					-	2,694.99	204.31	1,294.88	2,434.78	261.97	-	6,890.93	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

01-17-2023 REGULAR BOARD MEETING - R-11 QUARTERLY TRAVEL AND TRAINING EXPENSE REPORT

TRAVEL AND TRAINING EXPENSE REPORT
 FOURTH QUARTER 2022
 Submitted Through December 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*
BARRIERE	12/6-12/8/22	Gartner IT Infrastructure, Operations & Cloud Strategies Conference	Las Vegas, NV	Training	-	-	-	299.95	564.64	44.52	-	909.11	-
	12/14/22	IIA How Digital Technologies Increase Privacy and Security Risks	Los Angeles, CA	Training	-	25.00	-	-	-	-	-	25.00	-
Sub Total					-	25.00	-	299.95	564.64	44.52	-	934.11	-
LARA	12/6-12/8/22	Gartner IT Infrastructure, Operations & Cloud Strategies Conference	Las Vegas, NV	Training	-	-	-	339.95	564.64	-	-	904.59	-
Sub Total					-	-	-	339.95	564.64	-	-	904.59	40.00
SADOSKI					-	-	-	-	-	-	-	0.00	-
Sub Total					-	-	-	-	-	-	-	0.00	40.00
ZAJZON	10/21/22	CALAPRS Information Technology Roundtable	Online	Training	-	50.00	-	-	-	-	-	50.00	-
	12/5-12/9/22	Microsoft 365 Conference	Las Vegas, NV	Training	323.13	2,249.00	-	-	1,366.47	-	-	3,938.60	-
Sub Total					323.13	2,299.00	-	-	1,366.47	-	-	3,988.60	-
IT Total					323.13	2,324.00	-	639.90	2,495.75	44.52	-	5,827.30	80.00
ADVIENTO	3/31/22	MasterCPE Ethics for California	Online	Training	-	188.95	-	-	-	-	-	188.95	-
	Various	IIA 2022 Ignite: Emerging Leaders Conference	Online	Training	-	1,235.00	-	-	-	-	-	1,235.00	-
	Various	CalCPA Government/Commercial	Online	Training	-	350.00	-	-	-	-	-	350.00	-
Sub Total					-	1,773.95	-	-	-	-	-	1,773.95	1,290.00
DAVEY	Various	IIA 2022 Ignite: Emerging Leaders Conference	Online	Training	-	1,228.00	-	-	-	-	-	1,228.00	-
Sub Total					-	1,228.00	-	-	-	-	-	1,228.00	-
KIM	10/18/22	Business & IT Internal Audit Team Collaboration Best Practices	Online	Training	-	20.00	-	-	-	-	-	20.00	-
	Various	IIA 2022 Ignite: Emerging Leaders Conference	Online	Training	-	1,235.00	-	-	-	-	-	1,235.00	-
	Various	Wharton AI: Business Strategies & Application	Online	Training	-	2,249.10	-	-	-	-	-	2,249.10	-
Sub Total					-	3,504.10	-	-	-	-	-	3,504.10	850.00
INTERNAL AUDIT Total					-	6,506.05	-	-	-	-	-	6,506.05	2,140.00
EAKIN	3/5-3/8/22	CALAPRS General Assembly	San Diego, CA	Speaker	-	-	65.10	-	279.08	-	-	344.18	-
	8/6-8/10/22	NASRA 2022 Annual Conference	Long Beach, CA	Speaker	-	-	42.32	-	409.01	35.00	-	486.33	-
Sub Total					-	-	107.42	-	688.09	35.00	-	830.51	40.00
GOSSARD	Various	SANS Auditing & Monitoring Networks	Online	Training	-	8,602.83	-	-	-	-	-	8,602.83	-
Sub Total					-	8,602.83	-	-	-	-	-	8,602.83	-
INFORMATION SECURITY Total					-	8,602.83	107.42	-	688.09	35.00	-	9,433.34	40.00
Total					3,386.20	72,606.07	2,751.83	18,554.96	44,279.93	4,244.20	-	145,823.19	59,349.69

Footnotes:

- * Prior year totals only presented for 2022 active staff & Board members. Totals include online training.
- ** Excludes non-training expenses such as misc. meals, mileage, strategic planning and tuition reimbursement.



Memorandum

DATE: January 17, 2023
TO: Members of the Board of Retirement
FROM: Jim Doezie, Contracts, Risk and Performance Administrator
SUBJECT: **CONTRACT STATUS FOR NAMED SERVICE PROVIDERS**

Written Report

Background/Discussion

1. Performance Reviews

The following policy provisions stipulate the terms by which vendor performance reviews will be conducted:

- Σ The Procurement & Contracting Policy (Section II.D.) specifies that selected vendors will be reviewed every three years. *“The performance of Named Service Providers and Contractors with Contract Values that exceed \$100,000 will be reviewed at least every three years. In addition, at least six months before the expiration of the initial term of a contract with a Named Service Provider and Contract Value over \$100,000, the continued appropriateness and cost-effectiveness of the Contractor will be assessed.”*
- Σ The Board of Retirement Charter (Item #21) states that an Actuarial Review is needed every five (5) years. (With coordination by the Internal Audit department.)

2. Pursuant to OCERS policy and charter provisions, the schedules below references the Named Service Provider contracts that are up for renewal, expiration, review, or RFP:

Named Service Provider	Vendor	Contract Start	Contract Expiration	Last Review Date	Next Review Date	RFP start	Responsible Senior Exec	Notes
Actuarial Auditor (Every 5 years)	Cheiron	7/1/2022	7/1/2023	12/31/2017	Jul-2025	Feb-2027	Delaney/Kim	
Consulting Actuary	Segal	1/1/2023	TBD	7/18/2022	Jul-2025	TBD	Shott	RFP selected Segal in December 2022. Pending contract agreement.
Fiduciary Counsel	Reed Smith	7/1/2021	6/30/2024	3/15/2021	Mar-2024	Jan-2027	Ratto	
Financial Auditor	Moss Adams	3/15/2022	3/15/2025	N/A	Mar-2025	TBD	Shott	Replaced MGO in 2021 via RFP
General investment Consultant	Meketa	4/1/2022	3/31/2027	5/6/2019	Dec-2025	TBD	Murphy	RFP selected March 2022
Private Equity Consultant	Aksia (TorreyCove)	4/1/2022	3/31/2027	1/19/2021	Dec-2025	TBD	Murphy	RFP selected March 2022
Real Estate Consultant	Townsend Holdings	4/1/2022	3/31/2027	1/19/2021	Dec-2025	TBD	Murphy	RFP selected March 2022
Securities Lending Manager	State Street	7/1/2017	6/30/2023	11/16/2020	Jul-2023	Oct-2022	Murphy	RFP in process

Submitted by:



JD - Approved

Jim Doezie
 Contracts, Risk and Performance Administrator