



## **RETIREMENT BOARD MEETING MINUTES**

REGULAR MEETING  
September 8, 2021  
9:00 a.m.

The Board of Retirement meeting was accessible telephonically at (669) 900-6833, Webinar ID 815 8550 9705, Passcode 041848 as permitted by Executive Order N-29-20 issued on March 17, 2020.

### **1. Pledge of Allegiance**

The Board and staff joined in the *Pledge of Allegiance*.

### **2. Roll Call**

Present: Candace Andersen, Dennis Chebotarev, Donald Finley, Scott Gordon, Jerry Holcombe, Louie Kroll, Jay Kwon, David MacDonald, John Phillips, Mike Sloan and Russell Watts.

Absent: Reggie Powell

Staff: Gail Strohl, Chief Executive Officer; Christina Dunn, Deputy Chief Executive Officer; Timothy Price, Chief Investment Officer; Karen Levy, General Counsel; Wrally Dutkiewicz, Compliance Officer; Tim Hoppe, Retirement Services Manager; and Jasmine Lee, Member Services Manager.

#### Outside Professional Support:

Harvey Leiderman  
Paul Angelo  
Andy Yeung  
Audra Ferguson-Allen  
Robert Gauss  
Vivian Shultz

#### Representing:

Reed Smith LLP  
Segal Consulting  
Segal Consulting  
Ice Miller LLP  
Ice Miller LLP  
Law Offices of Vivian Shultz

### **3. Accept comments from the public**

CCCERA staff read the following into public comments:

Mike Quesada asked if members would be refunded their contributions that they paid towards the benefits that have been taken away.

Valentin Zalutskiy wrote about the Covid vaccine mandate for the Firefighters in Contra Costa County noting there will be a reduction in retirement contributions CCCERA will receive due to the Firefighters leaving employment.

**4. Recognition of Kelli Ingersoll for 30 years of service; Francisca Citero for 25 years of service; Kristina Dohrn for 5 years of service; and Dorothy Saechao for 5 years of service**

Gordon recognized and congratulated Kelli Ingersoll for 30 years of service; Francisca Citero for 25 years of service; Kristina Dohrn for 5 years of service; and Dorothy Saechao for 5 years of service.

**5. Approval of Minutes**

It was **M/S/C** to approve the minutes from the August 11, 2021 Board meeting. (Yes: Andersen, Chebotarev, Finley, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)

**6. Routine Items**

It was **M/S/C** to approve the routine items of the September 8, 2021 Board meeting. (Yes: Andersen, Chebotarev, Finley, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)

**CLOSED SESSION**

The Board moved into Closed Session pursuant to Govt. Code Section 54957 and 549569(d)(1).

The Board moved into open session.

**7. It was **M/S/C** to accept the Medical Advisor's recommendation and grant the following disability benefits:**

- a. Kristy Trindade – Service Connected (Yes: Andersen, Chebotarev, Finley, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)
- b. Minh Vu – Service Connected (Yes: Andersen, Chebotarev, Finley, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)

**8. It was **M/S/C** to refer the Service-Connected disability retirement application for Neal Bassett back to the administrative law judge with instructions. (Andersen, Chebotarev, Finley, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)**

**9. Trustee MacDonald recused himself from Items 9a, 9b and 9c and was not present for subsequent discussion and voting.**

- a. There was no reportable action related to *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. MSN12-1870
- b. There was no reportable action related to *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. C15-00598
- c. There was no reportable action related to *Public Employees Union Local 1, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. N14-2021

**10. Consider and take possible action to adopt Resolution 2021-5 authorizing actions in compliance with Assembly Bill 197 and the Alameda decision**

Levy and Dunn provided background and reviewed the items included in Resolution 2021-5 authorizing actions in compliance with AB 197 and the Alameda decision.

Gauss of Ice Miller reviewed their August 25, 2021 letter regarding tax law guidance on the implementation of the California Supreme Court's Alameda decision.

CCCERA staff read the following into public comments:

Jack Funk inquired about the Ice Miller memo.

After a lengthy discussion, it was **M/S/C** to adopt Resolution 2021-5 authorizing actions in compliance with Assembly Bill 197 and the Alameda decision. (Yes: Andersen, Chebotarev, Finley, Gordon, Holcombe, Kroll, Phillips and Watts. No: MacDonald)

Finley was no longer present for subsequent discussion and voting.

**11. Presentation of Semi-Annual Disability Retirement Report**

Hoppe presented the Semi-Annual Disability Retirement report.

**12. Consider and take possible action to amend the IRC 415 Tax Compliance Policy**

Levy reviewed the recommended changes to the IRC 415 Tax Compliance Policy as outlined in her memorandum.

It was **M/S/C** to amend the IRC 415 Tax Compliance Policy as presented. (Yes: Andersen, Chebotarev, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)

**13. Review of the Accessibility of Investment Records Policy**

Greene reviewed the Accessibility of Investment Records Policy noting there are no recommended changes at this time.

**14. Consider and take possible action on SACRS voting proxy form**

It was **M/S/C** to appoint Mike Sloan as the Voting Delegate and David MacDonald as the Alternate Voting Delegate at the upcoming SACRS Conference. (Yes: Andersen, Chebotarev, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)

**15. Report from Audit Committee Chair on the August 25, 2021 Audit Committee meeting**

Phillips reported on the August 25, 2021 Audit Committee meeting.

**16. Consider authorizing the attendance of Board:**

- a. It was **M/S/C** to authorize the attendance of 4 Board members at the CALAPRS Trustees Roundtable, October 29, 2021, Virtual. (Yes: Andersen, Chebotarev, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)
- b. It was **M/S/C** to authorize the attendance of 3 Board members at the CRCEA Fall Conference, November 7-10, 2021, Long Beach, CA. (Yes: Andersen, Chebotarev, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)
- c. It was **M/S/C** to authorize the attendance of 6 Board members at the SACRS Fall Conference, November 9-12, 2021, Hollywood, CA. (Yes: Andersen, Chebotarev, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)

**17. Miscellaneous**

a. Staff Report –

Levy reported on pending legislation, AB 361 regarding the Open Meeting laws that would allow the Board to meet virtually during a proclaimed state of emergency.

b. Outside Professionals' Report -

None

c. Trustees' comments –

Kroll said he may not be able to attend the NCPERS Fall Conference.

It was **M/S/C** to adjourn the meeting. (Yes: Andersen, Chebotarev, Gordon, Holcombe, Kroll, MacDonald, Phillips and Watts)



Scott Gordon, Chairman



Jerry Holcombe, Secretary