

ICERS

IMPERIAL COUNTY EMPLOYEES' RETIREMENT SYSTEM

MINUTES

REGULAR MEETING OF THE IMPERIAL COUNTY BOARD OF RETIREMENT

December 15, 2021

9:00 A.M.

1221 West State Street

ICERS' Building

El Centro, CA 92243

Chairman Jauregui summarized the current COVID 19 protocols.

OPEN SESSION

1. Open Session/Call to Order:

The meeting was called to order by Chairman Jauregui at 9:01 a.m.

A. Roll Call

MEMBERS PRESENT: Patricia Lizarraga

MEMBERS PRESENT VIA TELECONFERENCE: Norma Jauregui, Thomas Garcia, David Prince, Karen Vogel, Suzanne C. Bermudez, Jose Landeros, AJ Gaddis

MEMBERS ARRIVING AFTER ROLL CALL, VIA ZOOM: Luis A. Plancarte

MEMBERS ABSENT: Lizandro Escobosa

LEGAL REPRESENTATIVES VIA TELECONFERENCE: Christopher W. Waddell and Kristen Rogers

STAFF PRESENT: Scott W. Jarvis, Retirement Administrator, Regina Rodrigues, Assistant Retirement Administrator

CLERK OF THE RETIREMENT BOARD PRESENT: Kathleen L. Kubler, Retirement Specialist I, Cristina Solis Vargas, Retirement Administrative Assistant

OTHERS PRESENT:

OTHERS PRESENT VIA TELECONFERENCE: Vivian W. Shultz, ICERS Disability Counsel, Segal Company, Andy Yeung, Vice President and Actuary Elise Pellicer, Service Connected Disability Retirement Applicant

B. Pledge of Allegiance:

Chairman Jauregui led the meeting in the Pledge of Allegiance.

2. Discussion of the Agenda:
 - A. Items to be pulled from the Action Calendar. None
 - B. Items to be pulled from the Discussion Calendar. None
 - C. Items to be pulled from the Consent Agenda. None
 - D. Emergency/Necessity Items to be added. None
 - E. Approval of the Agenda

Chairman Jauregui proposed item 12 be the first item on the action calendar.

MOTION by Lizarraga, Second by Bermudez to approve the Agenda was carried by a unanimous roll call vote (Jauregui, Garcia, Prince, Vogel, Lizarraga, Landeros, Bermudez and Plancarte).

- F. Approval of the Consent Agenda:

MOTION by Vogel, Second by Prince to approve the Consent Agenda was carried by a unanimous roll call vote (Jauregui, Garcia, Prince, Vogel, Lizarraga, Landeros, Bermudez and Plancarte).

3. Public Comments:

This is the time for the public to address the Board concerning items that are not on this Agenda, but within the jurisdiction of the Board. Matters on the Action Calendar, Discussion Calendar, or Closed Session Agenda maybe addressed before or during consideration of the Agenda item. Speaking time is limited to three (3) minutes:

Clerk of the Retirement Board reported no emails or phone calls received.

4. Convene to Closed Session:

Pursuant to California Law (Government Code §54963) a person may not disclose any confidential information that has been acquired by being present in a Closed Session. Unlawful disclosure of confidential information is a violation of California Law and could result in discipline and/or referral to the Grand Jury.

MOTION by Plancarte, Second by Lizarraga to convened into Close Session was carried by a unanimous roll call vote (Jauregui, Garcia, Prince, Vogel, Lizarraga, Landeros, Bermudez and Plancarte).

CLOSED SESSION

TRUSTEE GARCIA RECUSED HIMSELF AT APPROXIMATELY 9:12 AM

5. A. Conference with Legal Counsel – Existing Litigation (Government Code §54956.9(a).) Status report regarding pending disability applications:

5. B. Meeting closed pursuant to Government Code § 54957(b) to consider the employment status and evaluation of performance of an ICERS member or members as concerns eligibility for disability retirement (one matter):

ELISE PELLICER:

Application for Service-Connected Disability Retirement Proposed Findings of Fact and Recommended Decision for Board Action

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 1221 State Street, El Centro, CA 92243

Agency Negotiators: Scott W. Jarvis, Retirement Administrator, ICERS
And President/CEO/Treasurer, ICERS Corp

Regina Rodrigues, Vice President/Secretary ICERS Corp.

Negotiating Parties: ICERS Corp. and Horton, Knox, Carter and Foote, LLP

Under Negotiation: Price and terms of payment.

D. ICERS PENDING LITIGATION

Upon advice of its legal counsel, the ICERS Board will recess to Closed Session pursuant to Government Code §54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which ICERS is a part.

IMPERIAL COUNTY SHERIFFS' ASSOCIATION, et. al., v. County of Imperial; Imperial County Employees' Retirement Association; Board of Administration of County Employees' Retirement System. Imperial County Superior Court Case No. ECU000786

TRUSTEE GARCIA RETURNED FROM THE WAITING ROOM AT 10:23AM

ICERS STAFF RECUSED THEMSELVES FROM CLOSED SESSION AT APPROXIMATELY 10:25AM

- E. Public Employee Appointment/Continued Employment, Government Code Section 54957
Title: Retirement Administrator

ICERS STAFF RETURNED TO MEETING AT APPROXIMATELY 10:35AM

OPEN SESSION

RECONVENED TO OPEN SESSION AT 10:55 AM

6. Announcement of Closed Session Action:
A. Status Report; No reportable action.

6. Announcement of Closed Session Action (Continued):
 - B. The Board voted to adopt the findings of fact and recommended decision by the Administrative Law Judge in the case of Elise Pellicer.

MOTION by Bermudez, Second by Vogel to adopt the findings of fact and recommended decision by the Administrative Law Judge was carried by a roll call vote of members present (YES: Jauregui, Bermudez, Vogel, Plancarte, Bermudez, Landeros; NO: Prince).
 - C. The Board discussed and provided direction to the agency negotiators regarding the lease between ICERS Corp. and Horton, Knox, Carter and Foote LLP.
 - D. No action was taken by the Board in regards to the Imperial County Superior Court case including the Imperial County Sheriff's Association v. County of Imperial; Imperial County Employees' Retirement Association; Board of Administration of Imperial County Employees' Retirement System.
 - E. The board discussed the employment contract of the Retirement Administrator.

ACTION CALENDAR

RETIREMENT ADMINISTRATOR, SCOTT JARVIS, RECUSED HIMSELF AT 10:56AM

12. Approval of Amended and Restated Retirement Administrator Employment Agreement.

MOTION by Vogel, Second by Lizarraga to approve Amended and Restated Retirement Administrator Employment agreement was carried by a unanimous roll call vote of members present (Jauregui, Garcia, Prince, Vogel, Lizarraga, Landeros, Bermudez and Plancarte).

RETIREMENT ADMINISTRATOR, SCOTT JARVIS, RETURNED TO MEETING AT 10:58AM

7. Approval of the Minutes of the November 17, 2021, adjourned regular meeting:

MOTION by Vogel, Second by Prince to approve the Minutes of the November 17, 2021 adjourned regular meeting was carried by a unanimous roll call vote of members present (Jauregui, Garcia, Prince, Vogel, Lizarraga, Landeros, Bermudez and Plancarte).

BOARD MEMBER JOSE LANDEROS LEFT THE MEETING AT 11:00AM.

8. The Segal Company; Andy Yeung, Vice President and Actuary, presented the Board with a review of the Annual Actuarial Valuation and GASB 67 Reports dated June 30, 2021; the recommended contribution rates for the following 2022-2023 fiscal year.

- A. Board members received a review of the Annual Actuarial Valuation and GASB 67 report as of June 30, 2021.

MOTION by Vogel, Second by Lizarraga to approve the annual Actuarial Valuation and GASB 67 report as of June 30, 2021 was carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince, Plancarte).

8. The Segal Company; Andy Yeung, Vice President and Actuary, presented the Board with a review of the Annual Actuarial Valuation and GASB 67 Reports dated June 30, 2021; the recommended contribution rates for the following 2022-2023 fiscal year Continued):

- B. The Board was presented with the recommended contribution rates for the new fiscal year July 1, 2022 to June 30, 2023.

MOTION by Lizarraga, Second by Vogel to approve the adoption of contribution rates for fiscal year 2022-2023 was carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince).

9. The Board will discuss the ongoing Governance Policies and Bylaws revision project and will be asked to consider approving four revised Governance Policies as reviewed and approved by the Ad Hoc Governance Committee.

- 9.1 Interest Crediting and Unallocated Earnings Policy

MOTION by Prince, Second by Lizarraga to approve the revised Interest Crediting and Unallocated Earnings Policy was carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince, Plancarte).

- 9.2 Statement of Actuarial Funding Policy

MOTION by Jauregui, Second by Garcia to approve the revised Statement of Actuarial Funding Policy was carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince, Plancarte).

- 9.3 Investment Policy Statement

MOTION by Garcia, Second by Lizarraga to approve the revised Investment Policy Statement was carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince, Plancarte).

- 9.4 ICERS Board Communications #15

MOTION by Jauregui, Second by Prince to approve the revised ICERS Board Communications Policy #15 was carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince, Plancarte).

LEGAL COUNSEL CHRIS WADDELL AND KRISTEN ROGERS RECUSED THEMSELVES AT 12:15PM

10. The Board will consider renewing the contract for legal services with Olson|Remcho.

MOTION by Vogel, Second by Lizarraga to renew the contract for legal services with Olson/Remcho was carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince, Plancarte).

LEGAL COUNSEL CHRIS WADDELL AND KRISTEN ROGERS RETURN TO THE MEETING AT 12:26PM

11. Election of Retirement Board Officers for 2022.

A. Chairman

MOTION by Jauregui, Second by Vogel, to appoint Lizarraga as Chairman of the ICERS Retirement Board for 2022. Motion carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince, Plancarte).

B. Vice Chairman

MOTION by Jauregui, Second by Bermudez, to appoint Prince as Vice Chairman of the ICERS Retirement Board for 2022. Motion carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince, Plancarte).

C. Secretary

MOTION by Jauregui, Second by Lizarraga, to appoint Escobosa as Secretary of the ICERS Retirement Board for 2022. Motion carried by a unanimous roll call vote of members present (Vogel, Lizarraga, Bermudez, Jauregui, Garcia, Prince, Plancarte).

DISCUSSION CALENDAR

13. Reports/Correspondence/Announcements:

A. Retirement Administrator:

1. Investment Graphs:

- A. Market Value Graph of the Retirement System's Assets for November 30, 2021
- B. Book vs. Market Graph – compares the Market Value of the System's assets to the Book Value of Assets for November 30, 2021

Mr. Jarvis reviewed the overall performance of the investment graphs for the subject period.

2. 2022 Compensation Limits for Tier 3

Mr. Jarvis provided a brief summary of the 2022 PEPRA Compensation Limits.

3. Imperial Valley Telecommunications Authority Board Meeting Update

Mr. Jarvis indicated that there was no monthly IVTA Board Meeting in December but that he would report back in January.

4. Actuarial Audit RFP and Timeline

Mr. Jarvis provided a brief timeline for ICERS' next Actuarial Audit and requested direction to begin the RFP process.

13.A. Reports/Correspondence/Announcements (continued):

5. Retirement Board Vacancy

Mr. Jarvis informed the board that the Elections Department reported no interested candidates to fill the Retirement Board Vacancy.

B. Board Members:

C. ICERS Legal Counsel:

Legislative Update – Counsel indicated there was nothing to add to SACRS update.

CONSENT AGENDA

14. BUDGET:

Approval of the following Budget claims for the 2021 - 2022 fiscal year, to include Board Members in attendance at the 12/15/2021 meeting; Administrative Budget Expense Summary; and Treasurer's Cash Account Summary per Govt. Code 31580.2 & 31521:

A. Administrative Budgets

B. Treasurer's Cash

15. Administrative Agenda:

A. Enrollment of New Employee Member to ICERS: (19)

| <u>General Members</u> | <u>Department</u> | <u>Date</u> |
|------------------------|-----------------------------|-------------|
| Bibiano, Jocelyn P. | Behavioral Health | 11/05/2021 |
| Duran, Roman O. | Public Works | 11/05/2021 |
| Hernandez, Gabriela | Behavioral Health | 11/05/2021 |
| Montenegro, Vicente | Behavioral Health | 11/05/2021 |
| Reyna, Elisa M. | Assessor | 11/05/2021 |
| Rodriguez, Mary Virgen | Behavioral Health | 11/05/2021 |
| Valdez, Cassandra | Behavioral Health | 11/05/2021 |
| Angulo, Ramon | Air Pollution Control Dist. | 11/19/2021 |
| Franco, Ignacio A. | Superior Court | 11/19/2021 |
| Gallegos, Diego A. | Assessor | 11/19/2021 |
| Garcia, Christopher | Sheriff | 11/19/2021 |
| Garcia, Francisco E. | Public Works | 11/19/2021 |
| Ingram, Paul Henry | Public Defender | 11/19/2021 |
| Patterson, Karla | Human Resources/Risk Mgt. | 11/19/2021 |
| Ponce, Cristal | Behavioral Health | 11/19/2021 |
| Roderick, Erica | Treasurer-Tax Collector | 11/19/2021 |
| Villa, Gilberto | Public Works | 11/19/2021 |
| Zavala, Cesar | Superior Court | 11/19/2021 |

| <u>Safety Members</u> | <u>Department</u> | <u>Date</u> |
|---------------------------|-------------------|-------------|
| Delgadillo, Taila Marysol | Sheriff | 11/19/2021 |

B. Terminations: (9)

| <u>General Members</u> | <u>Department</u> | <u>Term Date</u> |
|--------------------------|-------------------|------------------|
| Fernandez, Gracie | Superior Court | 04/27/2012 |
| Martinez Lazos, Raymundo | Public Works | 09/30/2021 |
| Mendoza, Mely | Behavioral Health | 10/07/2021 |
| Valenzuela, Ivan | Public Works | 10/07/2021 |
| Vega, Sergio | Behavioral Health | 10/04/2021 |
| Wagner, Randy | Public Defender | 09/17/2021 |
| <u>Safety Member</u> | <u>Department</u> | <u>Term Date</u> |
| Luquin III, Alfonso | Sheriff | 10/21/2021 |
| McNish, Rene | Sheriff | 09/30/2021 |
| Rowsam, Gabriela | Probation | 11/02/2021 |

C. Medical Leave Buyback:

| | |
|-----------------------------|-------------------------|
| 1. Burich-Mcneece, Patricia | General Member |
| Department: | Cooperative Extension |
| Service: | 0.171995 Year |
| 2. Soto, Rosa | General Member |
| Department: | Planning & Dev Services |
| Service: | 0.155769 Year |

D. Make-Up Buyback:

| | |
|--------------------|---------------------------|
| Ridaura, Nohemi Z. | General Member |
| Department: | Agricultural Commissioner |
| Service: | 0.140457 |

E. Deferred / Inter System:

| | |
|---------------------|-----------------------|
| Ramirez, Jose Ramon | Safety Member |
| Department: | Sheriff |
| Effective Date: | 06/29/2021 |
| Service: | 4.641707 Years |
| Sick Leave: | <u>0.147813</u> Years |
| Total: | 4.789520 Years |

F. 60% Continuance NSC Survivor Death Benefit Allowance, per Govt. Code Section 31781.1:

| | |
|-------------------|----------------|
| Shumard, Susie W. | General Member |
| Deceased: | 09/26/2021 |

G. 60% Continuance of Service Retirement Allowance per Gov't. Code Section 31760.1 & Death Benefit:

| | |
|------------------|----------------|
| Dicochea, Javier | General Member |
| Deceased: | 10/17/2021 |

H. Final Payment of Service Retirement Allowance & Death Benefit, per Govt. Code Section 31676.11:

- | | |
|---|------------------------------|
| 1. Dominguez, Celia M Deceased: | General Member 10/14/2021 |
| 2. Lamadrid Johnson, Mary L. Deceased: | General Member 8/17/2021 |
| 3. Lopez, Jesus Deceased: | Safety Member 11/28/2021 |
| 4. Risner, Donald G. Deceased: | General Member 07/31/2021 |

I. Final Payment of Service Retirement Allowance, per Gov't. Code Section 31760.1:

| | |
|----------------------------|------------------------------|
| Scott, Robert Deceased: | General Member 08/23/2021 |
|----------------------------|------------------------------|

J. Final Payment of Survivor Service Retirement Allowance, per Gov't. Code Section 31760.1:

| | |
|------------------------|------------------------------|
| Hale, Ann Deceased: | General Member 10/01/2021 |
|------------------------|------------------------------|

K. Final Payment of Non-Service Connected Disability Retirement Allowance, per Gov't. Code Section 31760.1:

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|-------------------------------|-----------------------------|
| Macartee, Thomas Deceased: | General Member 9/29/2021 |
|-------------------------------|-----------------------------|

L. Member Service Statistics:

OTHER ITEMS

16. Special Training:

ICERS' Previously Approved Training

17. **ADJOURNMENT**

The meeting was adjourned at 12:40 p.m. to the next regularly scheduled meeting of January 19, 2022.

NORMA K. JAUREGUI, Chairman

DAVID H. PRINCE, Secretary