

MINUTES
OF THE
BOARD OF FIRE AND POLICE PENSION COMMISSIONERS
BOARD MEETING OF DECEMBER 15, 2022

The Board of Fire and Police Pension Commissioners of the City of Los Angeles met on Thursday, December 15, 2022.

COMMISSIONERS PRESENT: Ken Buzzell, President
Sumi Parekh, Vice President
Andrea Ambriz
Rigo Arellano
William Chun
Brian Churchill
Megan Hernandez (virtual participation)
Michael Lawson
Garrett Zimmon

DEPARTMENT OF FIRE AND
POLICE PENSIONS: Joseph Salazar, Interim General Manager
William S. Raggio, Executive Officer
Tom Lopez, Interim Chief Investment Officer
Greg Mack, Acting Assistant General Manager
Evangalina Masud, Commission Executive Assistant

CITY ATTORNEY'S OFFICE: Joshua Geller, Deputy City Attorney

President Buzzell called the meeting to order at 8:31 a.m. All of the above-listed Commissioners were present at the start of the meeting.

A. CALL TO ORDER

1. Roll Call

B. GENERAL PUBLIC COMMENTS ON MATTERS WITHIN THE BOARD'S JURISDICTION

There were no public comments.

C. CLOSED SESSION

1. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957(B)(1) TO CONSIDER GENERAL MANAGER RECRUITMENT AND/OR APPOINTMENT AND POSSIBLE BOARD ACTION

The Board met in closed session.

Upon reconvening in open session, President Buzzell stated there was no public report.

Commissioner Chun left the board room for the remainder of the meeting at 11:09 a.m.

D. DISABILITY CASES

DISABILITY CLAIM – NEW CLAIM – TIER 4

Jess H. Faber

(P)

Detective I

As recommended by Staff and concurred in by the applicant, a service-connected disability pension is granted at 63% for his back, neck, and left shoulder only, and due to the nature of the disability, no foreseeable purpose would be served in requiring periodic medical examinations. Motion made by Commissioner Arellano, seconded by Commissioner Churchill and adopted by the following vote: ayes, Commissioners Ambriz, Arellano, Churchill, Hernandez, Lawson, Parekh, and Zimmon – 7; nays – none, absent – Commissioners Chun and President Buzzell. Mr. Faber was represented by Corina Lee of the Los Angeles Police Protective League.

Items F.1, F.2, H and I were taken out of order.

F. REPORTS TO THE BOARD

1. AUDITED FINANCIAL STATEMENTS AS OF JUNE 30, 2022 AND POSSIBLE BOARD ACTION

Ms. Cynthia Varela, Departmental Audit Manager, Internal Audit Section and Ms. Etta Hur, Partner of Simpson and Simpson presented this item to the Board. The report was approved as submitted.

Resolution 23103

Commissioner Ambriz moved that the Board:

1. Adopt the System's Audited Financial Statements as of June 30, 2022; and,
2. Direct staff to provide copies of the adopted Audited Financial Statements to the State Controller and City Controller,

which was seconded by Commissioner Parekh and approved by the following vote: ayes, Commissioners Ambriz, Arellano, Churchill, Hernandez, Lawson, Parekh, Zimmon and President Buzzell – 8; nays, none.

2. AUDIT OF INVESTMENTS DIVISION USER ACCOUNT MANAGEMENT AND POSSIBLE BOARD ACTION

Ms. Cynthia Varela, Departmental Audit Manager, Ms. Jennifer Van, Internal Auditor II, Internal Audit Section were available for questions. The report was approved as submitted.

Resolution 23104

Commissioner Parekh moved that the Board review, receive, and file the Audit of Investments Division User Account Management,

which was seconded by Commissioner Arellano and approved by the following vote: ayes, Commissioners Ambriz, Arellano, Churchill, Hernandez, Lawson, Parekh, Zimmon and President Buzzell – 8; nays, none.

H. CONSENT ITEMS

1. DETERMINATION TO CONTINUE TELECONFERENCING OPTION FOR BOARD MEETINGS PURSUANT TO ASSEMBLY BILL 361 AND POSSIBLE BOARD ACTION

Resolution 23105

Commissioner Parekh moved that the Board adopt the following Resolution:

WHEREAS, LAFPP is committed to preserving public access and participation in meetings of the Board of Fire and Police Pension Commissioners; and

WHEREAS, all LAFPP Board meetings 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 and participate as the LAFPP Board conducts its business; and

WHEREAS, the Brown Act, at Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, subject to the existence of certain conditions; and

WHEREAS, the COVID-19 State of Emergency proclaimed by the Governor on March 4, 2020, remains active; and

WHEREAS, on October 7, 2021, the Board met via teleconference and/or in the Board room and determined by majority vote, pursuant to Government Code Section 54953(e)(1)(B)-(C), that due to the COVID-19 State of Emergency, meeting in person without continuing to provide a teleconference and/or videoconference option for Board members and the public,

as permitted by the Brown Act, would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board has reconsidered the circumstances of the State of Emergency; and

WHEREAS, COVID-19 remains a public health concern in Los Angeles, with a High or Substantial rate of community transmission.

NOW THEREFORE, BE IT RESOLVED that pursuant to Government Code Section 54953(e)(1)(B)-(C), the Board finds that holding Board meetings in person without continuing to provide a teleconference and/or videoconference option for Board members and the public, as permitted by the Brown Act, would present imminent risks to the health or safety of attendees.

BE IT FURTHER RESOLVED that pursuant to Government Code Section 54953(e)(3)(A) and (B)(i), the Board finds that the COVID-19 State of Emergency continues to directly impact the ability of all Board members to meet safely in person.

BE IT FURTHER RESOLVED that the Board instruct staff to report back on January 5, 2023, and every thirty (30) days or fewer through February 2023, for the Board to reconsider the circumstances of the State of Emergency and determine, as required by Assembly Bill 361, whether that State of Emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing,

which was seconded by Commissioner Ambriz and approved by the following vote: ayes, Commissioners Ambriz, Arellano, Churchill, Hernandez, Lawson, Parekh, Zimmon and President Buzzell – 8; nays, none.

2. Findings of Fact

- a. Hilton C. Henry – Tier 5
- b. Sandra O. Parshall – Tier 5

Commissioner Parekh moved that the Board approve the consent items, which was seconded by Commissioner Ambriz and approved by the following vote: ayes, Commissioners Ambriz, Arellano, Churchill, Hernandez, Lawson, Parekh, Zimmon and President Buzzell – 8; nays, none.

I. CONSIDERATION OF FUTURE AGENDA ITEMS

There were no items referred for consideration.

Item E.1 was taken out of order.

E. CLOSED SESSION

1. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957

Commissioner Parekh left the board room for the remainder of the meeting at 12:25 p.m.

DISABILITY CLAIM – NEW CLAIM – TIER 5

Kyle E. Rice

(P)

Police Officer III

Motion to award a service-connected disability pension at 70% for migraines, panic disorder, and anxiety only, and due to the nature of the disability, no foreseeable purpose would be served in requiring periodic medical examinations made by Commissioner Ambriz, seconded by Commissioner Hernandez and approved by the following vote: ayes, Commissioners Ambriz, Churchill, Hernandez, Zimmon, and President Buzzell – 5; nays, Commissioners Arellano and Lawson – 2; absent, Commissioners Chun and Parekh.

Upon reconvening in open session, President Buzzell stated the Board had voted to award Officer Rice a service-connected disability pension at 70%.

Item G was taken out of order.

G. INTERIM GENERAL MANAGER'S REPORT

1. Monthly Report
2. Marketing Cessation Information
3. Benefits Actions approved by Interim General Manager on December 1, 2022

Pursuant to Resolution 04008, adopted by the Board of Fire and Police Pension Commissioners on August 7, 2003, the following benefit actions have been approved by the General Manager.

DISCONTINUED PENSIONS – TIER 2 – 7

Frank J. Bowman	Fire Service	Retired:	07-10-83	Died:	10-01-22
Russell J. Mathews	Fire Service	Retired:	08-05-84	Died:	10-09-22
Barbara J. Noel	Fire Widow	Retired:	11-28-15	Died:	08-29-22
Arlene R. Allen	Police Widow	Retired:	07-16-05	Died:	09-22-22
Shirley M. Broadhurst	Police Widow	Retired:	09-05-11	Died:	10-23-22
Madeline H. Campillo	Police Widow	Retired:	12-08-96	Died:	10-27-22
Alice B. Klemens	Police Widow	Retired:	08-06-13	Died:	10-01-22

DISCONTINUED PENSIONS – TIER 5 – 1

Robert L. Young Fire Service Retired: 05-01-02 Died: 09-28-22

DISCONTINUE PARTIAL PAYMENT OF PENSION – TIER 5 – 1

In accordance with the City Attorney's advice, a designated proportion of the community property interest of the pension payable to Ellsworth S. Fortman, Fire Service Pensioner, which was being paid to his former spouse, Caryn Fortman, has been discontinued per City Attorney advice. Ms. Fortman's portion reverts to the member, effective November 1, 2022.

4. Other business relating to Department operations

Interim General Manager Salazar gave the following updates:

- Fund total is at \$29.0 billion this week, up from \$28.6 as reported at the 12/1/22 Board meeting.
- The new Form W-4P for pensioners to request changes to their federal tax withholding will be deployed to our MyLAFPP system on 12/30/22.
- Greg Mack, Anthony Torres, and Interim General Manager Salazar met with the Fire & Police Relief Associations and Police and Fire union representatives for the second group discussion on our new health and dental plan administration contracts on Tuesday, 12/13/22. The discussion went well and progress is being made on the new and revised provisions.
- Reminder that the department holiday function will take place after the Board meeting today at 1 PM.

President Buzzell called for public comment to which there was none.

J. CLOSED SESSION

1. CITY ATTORNEY SEMIANNUAL LITIGATION UPDATE CLOSED SESSION PURSUANT TO SUBDIVISIONS (a) and (d)(1) OF GOVERNMENT CODE SECTION 54956.9 TO CONFER WITH, AND/OR RECEIVE ADVICE FROM LEGAL COUNSEL REGARDING PENDING LITIGATION IN THE CASES ENTITLED,
 - a. Sam et al. v. Kwan et al. (LASC, Case No. BS721121; Cal. App. Ct. 2d Case No. B315773)
 - b. In re CVS Health Corporation Securities Act Litigation, (U.S.D.C., D. Rhode Island, Case No. 19-CV-00434)
 - c. In re Myriad Genetics Inc., Securities Litigation, (U.S.D.C., D. Utah, Case No. 1-CV-00707)


- d. In re ASHINC Corp, et al. v. Yucaipa American Alliance Fund I, LLC, et al. (Bankr. D. Del., Case No. 12-11564)
- e. Youngman v. Yucaipa American Alliance Fund I, LLC, et al. (LASC, Case No. 21STCV37137)
- f. Williams v. City of LA et al. (U.S.D.C., C.D. Cal., Case No. 22-CV-05640)
- g. John Nguyen v. Los Angeles City Fire and Police Pension System (LASC, Case No. 22STCP03218)

The Board met in closed session.

Upon reconvening in open session, President Buzzell stated there was no public report.

President Buzzell called for public comment to which there was none.

Meeting ended at 1:38 p.m.



President



Secretary

