



# Sacramento Regional Transit District Agenda

## SPECIAL MEETING OF THE RETIREMENT BOARDS FOR THE EMPLOYEES AND RETIREES OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT WHO ARE MEMBERS OF THE AEA

3:00 P.M., WEDNESDAY, OCTOBER 20, 2021, via Webex

Join from the meeting link: <https://sacrt-046d-16ae.my.webex.com/join/rmatthews>

Call in: 1-510-338-9438 Access Code: 126 931 3879

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**MEETING NOTE:** *This is a special meeting for the AEA Retirement Board for the pension plans for the employees and retirees of the Sacramento Regional Transit District. This agenda designates which items will be subject to action.*

### **ROLL CALL**

Directors: Li, Kennedy, Devorak, McGoldrick

Alternates: Jennings, Santhanakrishnan

### **NEW BUSINESS**

1. Resolution: Authorize the Board to Conduct Its Meetings for the Next 30 Days Via Teleconference as Authorized under the Brown Act pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, during the COVID-19 Pandemic (AEA). (Gobel)
2. Resolution: Approve a Disability Retirement Application for Connie Garcia-Weinhardt (AEA). (Gobel)

### **ADJOURN**

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#### NOTICE TO THE PUBLIC

It is the policy of the Boards of Directors of the Sacramento Regional Transit District Retirement Plans to encourage participation in the meetings of the Boards of Directors. At each open meeting, members of the public shall be provided with an opportunity to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Boards.

Any person(s) requiring accessible formats of the agenda or assisted listening devices/sign language interpreters should contact the Human Resources Pension and Retiree Services Administrator at 916-556-0296 or TDD 916/483-4327.

Copies of staff reports or other written documentation relating to each item of business referred to on the agenda are on file with the Human Resources Administrative Technician at 916-556-0298 and/or Clerk to the Board of Directors of the Sacramento Regional Transit District and are available for public inspection at 1400 29<sup>th</sup> Street, Sacramento, CA. Any person who has questions concerning any agenda item may call the Human Resources Administrative Technician of Sacramento Regional Transit District to make inquiry.



# RETIREMENT BOARD STAFF REPORT

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**DATE:** October 20, 2021 Agenda Item: 1  
**TO:** Sacramento Regional Transit Retirement Board – AEA  
**FROM:** John Gobel - Manager, Pension and Retirement Services  
**SUBJ:** AUTHORIZE THE BOARD TO CONDUCT ITS MEETINGS FOR THE NEXT 30 DAYS VIA TELECONFERENCE AS AUTHORIZED UNDER THE BROWN ACT PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, DURING THE COVID-19 PANDEMIC - AEA

## **RECOMMENDATION**

Adopt the attached Resolution.

## **RESULT OF RECOMMENDED ACTION**

Adoption of the Resolution will authorize the Retirement Board to meet via teleconference due to the COVID-19 pandemic, consistent with Assembly Bill (AB) 361, for 30 days.

## **FISCAL IMPACT**

There is no fiscal impact.

## **DISCUSSION**

Adopted and signed into law earlier this month, AB 361 amended the Ralph M. Brown Act ("Brown Act") to authorize modified procedures for remote (teleconference) meetings if the Retirement Board finds, by a majority vote, that it has considered the circumstances of the COVID-19 state of emergency, and (i) the state of emergency continues to directly impact the ability of the Retirement Board members to meet safely in person and/or (ii) state or local officials continue to impose or recommend measures to promote social distancing. The findings must be made no later than 30 days after using the modified procedures, and every 30 days thereafter. See Cal. Gov. Code § 54953(e). These new rules supersede and replace similar rules established by the Governor's Executive Order No. N-29-20, which the Retirement Boards have been adhering to since the Governor issued the Executive Order at the onset of the COVID-19 pandemic.

When the conditions of AB 361 are met, the Retirement Board may meet remotely using teleconferencing without requiring any in-person option, without noticing the locations

being used by Board members or making them open to the public, and without regard to whether a quorum of the Retirement Board is participating from within the Board's jurisdiction.

Currently, the Sacramento County Health Office, the California Department of Public Health ("CDPH"), and the California Department of Industrial Relations ("DIR"), have all imposed or recommend social distancing in certain situations, including as follows:

- The Sacramento County Health Office's July 29, 2021 Health Order recommends that persons follow the federal Center for Disease Control's ("CDC") guidance to prevent the spread of COVID-19. ([https://www.saccounty.net/COVID-19/Documents/20210729\\_Sacramento\\_County\\_Health\\_Order.pdf](https://www.saccounty.net/COVID-19/Documents/20210729_Sacramento_County_Health_Order.pdf)). The CDC recommends social distancing for certain individuals. (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>); and
- CDPH's COVID-19 Vaccine Action Plan recommends continuing "messaging to support an ongoing culture of public health best practices to mitigate the spread, including wearing a mask, physical distancing, getting tested, and staying home when sick, etc." (<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Vaccine-Action-Plan.pdf>); and
- The DIRs' COVID-19 Prevention Emergency Temporary Standards continue to recommend social distancing and also require employers to train employees that "physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19" and should be used in combination (Title 8, § 3205(c)(5)(D)).

Sacramento Regional Transit District's auditorium, where the Retirement Boards generally meet, is quite small, making it difficult to safely space out members of the Retirement Board, staff and the public to meet in person. Because the peril of transmission of COVID-19 has not significantly declined, the safest course of action is to continue meeting virtually, including for members of the public who wish to participate in a Retirement Board meeting, for the next 30 days.

**RESOLUTION NO. 21 - \_\_\_\_\_**

**SACRAMENTO REGIONAL TRANSIT RETIREMENT BOARD RESOLUTION**

Adopted by the Board of Directors for the Retirement Plan for the Sacramento Regional Transit District Employees who are Members of AEA on this date:

**October 20, 2021**

**Authorize the Retirement Board of Directors to Meet via Teleconference In Compliance with The Brown Act Pursuant to Government Code Section 54953, As Amended by Assembly Bill 361, During the Covid-19 Pandemic**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS FOR THE RETIREMENT PLAN FOR THE SACRAMENTO REGIONAL TRANSIT DISTRICT EMPLOYEES WHO ARE MEMBERS OF AEA AS FOLLOWS:

THAT, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the novel coronavirus (a disease now known as COVID-19); and

WHEREAS, the Sacramento County Health Officer declared a local health emergency related to the COVID-19 on March 6, 2020 and the County Administrator, acting in his capacity as the Director of Emergency Services, proclaimed the existence of a local emergency related to COVID-19 on March 6, 2020; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 et seq.) so that local legislative bodies can hold public meetings via teleconference (with audio or video communications, without a physical meeting location), as long as the meeting agenda identifies the teleconferencing procedures to be used; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provision of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as "AB 361"); and

WHEREAS, as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent Resolution in the state Legislature; and

WHEREAS, as of the date of this Resolution, neither the County Health Officer nor the County Administrator have exercised their powers to lift the local health emergency and local state of emergency declared and proclaimed on March 6, 2020; and

WHEREAS, the Sacramento County Health Office, the California Department of Public Health ("CDPH"), and the California Department of Industrial Relations ("DIR"), have all imposed or recommend social distancing in certain situations, including as follows:

- The Sacramento County Health Office's July 29, 2021 Health Order recommends that persons follow the federal Center for Disease Control's ("CDC") guidance to prevent the spread of COVID-19 ([https://www.saccounty.net/COVID-19/Documents/20210729\\_Sacramento\\_County\\_Health\\_Order.pdf](https://www.saccounty.net/COVID-19/Documents/20210729_Sacramento_County_Health_Order.pdf)), and the CDC recommends social distancing for certain individuals (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>); and
- CDPH's COVID-19 Vaccine Action Plan recommends continuing "messaging to support an ongoing culture of public health best practices to mitigate the spread, including wearing a mask, physical distancing, getting tested, and staying home when sick, etc." (<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Vaccine-Action-Plan.pdf>); and
- The DIRs' COVID-19 Prevention Emergency Temporary Standards continue to recommend social distancing and also require employers to train employees that "physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19" and should be used in combination (Title 8, § 3205(c)(5)(D)); and

WHEREAS, this Board concludes that there is a continuing threat of COVID-19 to the community, and that Board meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings); and

WHEREAS, to help protect against the spread of COVID-19 and its variants, and to protect the health and safety of the public, the Board desires to take the actions necessary to comply with AB 361 and to continue to hold its Board meetings remotely.

NOW, THEREFORE, BE IT RESOLVED AND FOUND as follows:

1. The AEA Retirement Board hereby finds that the facts set forth in the above recitals are true and correct, and establish the factual basis for the adoption of this Resolution;
2. There is an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19 and as a result of that emergency, meeting in person would present imminent risks to the health or safety of attendees of in-person meetings of this legislative body within the meaning of California Government Code section 54953(e)(1).
3. Under the present circumstances, including the risks mentioned in the preceding paragraph, the Retirement Board determines that authorizing teleconferenced public meetings consistent with Assembly Bill 361 is necessary and appropriate.
4. Staff are directed to take all actions necessary to implement this Resolution in accordance with the foregoing provisions and the requirements of Government Code section 54953, as amended by Assembly Bill 361, including but not limited to returning for ratification of this Resolution every 30 days after teleconferencing for the first time pursuant to Assembly Bill 361 for so long as either of the following circumstances exists: (a) the state of emergency continues to directly impact the ability of this legislative body to meet in person; and/or (b) state or local officials, including but not limited to the County Health Officer, continue to impose or recommend measures to promote social distancing.

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RUSSEL DEVORAK, Chair

ATTEST:

Henry Li, Secretary

By:

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John Gobel, Assistant Secretary



# RETIREMENT BOARD STAFF REPORT

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**DATE:** October 20, 2021 Agenda Item: 2  
**TO:** Sacramento Regional Transit Retirement Board – AEA  
**FROM:** John Gobel - Manager, Pension and Retirement Services  
**SUBJ:** Approval of Disability Retirement Application by Connie Garcia-Weinhardt  
- AEA

## **RECOMMENDATION**

Adopt the attached Resolution approving the Disability Retirement Application of Connie Garcia-Weinhardt (hereinafter “Applicant”).

## **RESULT OF RECOMMENDED ACTION**

Subject to final determination by the Retirement Board, Applicant will be awarded a Disability Retirement and receive a lifetime Disability Retirement Allowance from the Sacramento Regional Transit District Retirement Plan for AFSCME, AEA, and Non-Represented Employees (hereinafter the “Salaried Plan”).

## **FISCAL IMPACT**

The Salaried Plan provides Disability Retirement and Service Retirement benefits to AEA members who meet the applicable criteria. Absent a Disability Retirement award, Applicant will not be eligible to request or receive a comparable Retirement Allowance until March 2024.

## **DISCUSSION**

**Background:** Applicant was hired by the Sacramento Regional Transit District in June 2006 and assumed her current job classification, Senior Governmental Affairs Analyst, in February 2020. Applicant remains employed by SacRT and has been on an approved leave of absence since May 2020. Applicant submitted a Disability Retirement Application on December 8, 2020.

In accordance with the Policy for Processing Disability Retirements for all Retirement Boards, Staff contacted the Retirement Plans' newly-engaged disability examination firm, National Disability Evaluations, in April 2021 and scheduled a virtual independent medical examination (“IME”) for May 2021. After the first examining physician failed to submit the written report required by the Retirement Board, National Disability Evaluations engaged

a second examining physician – at no additional cost to the Plan – and scheduled a virtual IME with that physician, Matthew House, D.O., for June 2021.

Ahead of the second scheduled examination, Dr. House received an evidentiary catalog compiled by Staff. For reference, the initial catalog included Applicant's job description, accommodation records, and approximately 900 pages of medical records. After interviewing Applicant and receiving a supplemental catalog with approximately 500 pages of additional medical records, Dr. House issued a written report with responses to standard questions from Staff.

**Eligibility:** Applicant is a member of the Salaried Plan pursuant to Article 3 of the plan document.

**Vesting:** Applicant has completed at least 5 Years of Service and achieved full vesting pursuant to Article 5 of the plan document.

**Status:** Applicant is an Eligible Employee under Article 2 of the plan document.

**Disability:** Matthew House, D.O., examined Applicant on June 28, 2021 and Staff received the IME report on October 6, 2021. Therein, Dr. House concluded that the condition(s) asserted as part of the Disability Retirement Application are permanent and render Applicant incapable of performing the duties of her position as a Senior Governmental Affairs Analyst. Consistent with these conclusions, Dr. House also recommended the granting of a Disability Retirement.

**Allowance:** Upon approval by the Retirement Board, Staff will direct the Salaried Plan's actuary to prepare a benefit calculation and quantify the Disability Retirement Allowance payable to Applicant.

**RESOLUTION NO. 21 - \_\_\_\_\_**

**SACRAMENTO REGIONAL TRANSIT RETIREMENT BOARD RESOLUTION**

Adopted by the Board of Directors for the Retirement Plan for the Sacramento Regional Transit District Employees who are Members of AEA on this date:

**October 20, 2021**

**Approve Disability Retirement Application for Connie Garcia-Weinhardt**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS FOR THE RETIREMENT PLAN FOR THE SACRAMENTO REGIONAL TRANSIT DISTRICT EMPLOYEES WHO ARE MEMBERS OF AEA AS FOLLOWS:

THAT, the Board of Directors for the Retirement Plan for the Sacramento Regional Transit District Employees who are Members of AEA hereby approves the disability retirement application for Connie Garcia-Weinhardt.

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RUSSEL DEVORAK, Chair

ATTEST:

Henry Li, Secretary

By:

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John Gobel, Assistant Secretary