



Sacramento Regional Transit District Agenda

SPECIAL MEETING OF THE ATU RETIREMENT BOARD FOR THE EMPLOYEES AND RETIREES OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT 2:00 P.M., WEDNESDAY, JANUARY 19, 2022 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

Webex App: Join Meeting # 126 931 3879

Online: Go to www.webex.com and click Join Meeting. Enter Meeting # 126 931 3879

ROLL CALL

ATU Retirement Board:

Directors: Li, Kennedy, Niz, McGee Lee
Alternates: Jennings, Land

PUBLIC ADDRESSES BOARD ON MATTERS ON CONSENT AND MATTERS NOT ON THE AGENDA

At this time the public may address the Retirement Board on subject matters pertaining to Retirement Board business listed on the Consent Calendar, any Closed Sessions or items not listed on the agenda. Remarks may be limited to 3 minutes subject to the discretion of the Common Chair. Members of the public wishing to address the Board may submit a "Public Comment Speaker Request" via e-mail to Retirement@SacRT.com. While the Retirement Board encourages your comments, State law prevents the Board from discussing items that are not set forth on this meeting agenda. The Board and staff take your comments very seriously and, if appropriate, will follow up on them.

NEW BUSINESS

1. Motion: 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. (Gobel)
2. Motion: Approving the Disability Retirement Application of Dorine Hunter. (Gobel)

ADJOURN

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 Pension & Retirement Services Analyst at 916-216-9927 and/or Clerk to the Board of Directors of the Sacramento Regional Transit District and are available for public inspection at 1400 29th Street, Sacramento, CA. Any person who has questions concerning any agenda item may call the Retirement Services Analyst of Sacramento Regional Transit District to make inquiry.



RETIREMENT BOARD STAFF REPORT

DATE: January 19, 2022 Agenda Item: 1
TO: Sacramento Regional Transit Retirement Board - ATU
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

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 in September 2021, 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 Board is participating from within the Board's jurisdiction.

- Currently, the Sacramento County Health Officer's January 6, 2022 Health Order requires that all public meetings in the County occur virtually until further notice. <https://dhs.saccounty.gov/PUB/Documents/AZ-Health-Info/ME-HealthOrder20220106.pdf>.

RESOLUTION NO. 22-_____

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 ATU Local Union 256 on this date:

January 19, 2022

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 ATU LOCAL 256 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 Officer issued an order dated January 6, 2022 requiring that all public meetings in the County be held virtually until further notice; 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 comply with the current Sacramento County Health Officer's order, 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 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. The Sacramento County Health Officer's January 6, 2022 Health Order requires that all public meetings in the County occur virtually until further notice.
3. 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).
4. 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.
5. 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.

Ralph Niz, Chair

ATTEST:

Henry Li, Secretary

By:

John Gobel, Assistant Secretary



RETIREMENT BOARD STAFF REPORT

DATE: January 19, 2022 Agenda Item: 2
TO: Sacramento Regional Transit Retirement Board – ATU
FROM: John Gobel - Manager, Pension and Retirement Services
SUBJ: Approval of Disability Retirement Application of Dorine Hunter - ATU

RECOMMENDATION

Adopt the attached Resolution approving the Disability Retirement Application of Dorine Hunter (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 Retirement Plan for Sacramento Regional Transit Employees who are Members of ATU Local 256 (hereinafter the “ATU Plan”).

FISCAL IMPACT

The ATU Plan provides Disability Retirement and Service Retirement benefits to 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 November 2022.

DISCUSSION

Background: Applicant was hired by the Sacramento Regional Transit District (SacRT) in September 2000 and has held her current job classification, Bus Operator, from that date to the present. Applicant remains employed by SacRT and has been on an approved leave of absence since September 2020 (when she experienced a workplace injury). Applicant submitted a Disability Retirement Application on April 12, 2021.

In accordance with the Policy for Processing Disability Retirements for all Retirement Boards, Staff contacted the Retirement Plans' disability examination firm, National Disability Evaluations, in October 2021 and scheduled a virtual independent medical examination (IME) for December 2021. Thereafter, the examining physician reviewed the evidentiary catalog compiled by Staff (which included Applicant’s job description,

accommodation records, and over 2,000 pages of medical records), interviewed Applicant, and issued a written report with responses to standard questions from Staff.

Eligibility: Applicant is a member of the ATU Plan pursuant to Article 3 of the Plan document.

Vesting: Applicant has completed at least 10 Years of Service and achieved full vesting pursuant to Article 5 of the Plan document.

Status: Applicant is an Eligible Employee under Article 3.1 of the Plan document.

Disability: Michael Klassen, M.D., examined Applicant on December 17, 2021 and Staff received the IME report on December 23, 2021. Therein, Dr. Klassen 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 Bus Operator. Consistent with these conclusions, Dr. Klassen also recommended the granting of a Disability Retirement.

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

RESOLUTION NO. 22 - _____

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 ATU Local Union 256 on this date:

January 19, 2022

Approve Disability Retirement Application of Dorine Hunter

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS FOR THE RETIREMENT PLAN FOR THE SACRAMENTO REGIONAL TRANSIT DISTRICT EMPLOYEES WHO ARE MEMBERS OF ATU LOCAL UNION 256 AS FOLLOWS:

THAT, the Board of Directors for the Retirement Plan for the Sacramento Regional Transit District Employees who are Members of ATU Union Local 256 hereby approves the disability retirement application of Dorine Hunter.

Ralph Niz, Chair

ATTEST:

Henry Li, Secretary

By:

John Gobel, Assistant Secretary