

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

July 6, 2015

MINUTES

DIRECTORS Tracy Towner, Chair, Alternate Safety Employee Member
PRESENT: William W. Wilson, Vice Chair, Public Member
Steven Hintz, Treasurer-Tax Collector
Joseph Henderson, Public Member
Deanna McCormick, General Employee Member
Craig Winter, General Employee Member
Chris Johnston, Safety Employee Member
Arthur E. Goulet, Retiree Member
Will Hoag, Alternate Retiree Member

DIRECTORS Peter C. Foy, Public Member
ABSENT: Mike Sedell, Public Member

STAFF Linda Webb, Retirement Administrator
PRESENT: Henry Solis, Chief Financial Officer
Lori Nemiroff, Assistant County Counsel
Julie Stallings, Chief Operations Officer
Vickie Williams, Retirement Benefits Manager
Donna Edwards, Retirement Benefits Specialist
Michelle Hernandez, Retirement Benefits Specialist
Rebekah Villalobos, Retirement Benefits Specialist
Chantell Garcia, Retirement Benefits Specialist
Stephanie Caiazza, Program Assistant

PLACE: Ventura County Employees' Retirement Association
Second Floor Boardroom
1190 South Victoria Avenue
Ventura, CA 93003

TIME: 9:00 a.m.

ITEM:

I. CALL TO ORDER

Chair Towner called the Disability Meeting of July 6, 2015, to order at 9:00 a.m.

II. APPROVAL OF AGENDA

MOTION: Approve the agenda.

Moved by Wilson, seconded by Henderson.

Vote: Motion carried

Yes: Goulet, Johnston, Winter, Henderson, McCormick, Wilson

No: -

Absent: Foy, Sedell, Hintz

III. APPROVAL OF MINUTES

A. Business Meeting of June 15, 2015.

Trustee Goulet offered the following corrections to the minutes: insert the word "by" in line 11 of master page 5; replace "Chief Financial Officer" with "Chief Investment Officer" in line 12 of master page 8; and replace "Trustee Goulet" with "Trustee Johnston" in line 24 of master page 8.

The following motion was made:

MOTION: Approve the minutes, as amended.

Moved by Goulet, seconded by McCormick.

Vote: Motion carried

Yes: Goulet, Johnston, Winter, Henderson, McCormick, Wilson

No: -

Absent: Foy, Sedell, Hintz

IV. RECEIVE AND FILE PENDING DISABILITY APPLICATION STATUS REPORT

The Board considered item "V.A. Application for Disability Retirement, Jeffery Manory, Case No. 14-010" before this item on the agenda.

Trustee Hintz arrived at 9:03 a.m.

MOTION: Approve.

Moved by Johnston, seconded by McCormick.

Vote: Motion carried

Yes: Goulet, Hintz, Johnston, Winter, Henderson, McCormick, Wilson

No: -

Absent: Foy, Sedell

V. APPLICATIONS FOR DISABILITY RETIREMENT

A. Application for Service Connected Disability Retirement, Jeffery Manory; Case No. 14-010.

1. Application for Service Connected Disability Retirement and Supporting Documentation.
2. Hearing Notice Served on June 24, 2015.

Paul Hilbun was present on behalf of County of Ventura Risk Management. The applicant, Jeffery Manory, was also present.

Both parties declined to make a statement.

Trustee Goulet commented that the report was well done but should have included written evidence of reasonable accommodation.

The following motion was made:

MOTION: Grant the applicant, Jeffery Manory, a service connected disability retirement.

Moved by Goulet, seconded by Johnston.

Vote: Motion carried

Yes: Goulet, Johnston, Winter, Henderson, McCormick, Wilson

No: -

Absent: Foy, Sedell, Hintz

The parties agreed to waive preparations of Findings of Fact and Conclusions of Law.

- B. Application for Service Connected Disability Retirement, RayMel Lloyd;
Case No. 14-024
(Continued from the Disability Meeting of May 4, 2015)

1. Staff Letter
2. Disability Hearing Procedures
3. Mr. Youril's Letter to VCERA
4. VCERA's Response to VRSD

Janet Chu-Hooker was present on behalf of Ventura Regional Sanitation District (VRSD), and Michael Youril, Attorney at Law, was present via teleconference on behalf of VRSD. The applicant, RayMel Lloyd, was also present.

Ms. Webb reviewed the timeline of the case and said that at the May 4, 2015 disability meeting, the Board had requested that VRSD submit a revised report with additional information regarding causation for service-connected disability in support of its non-challenge position; the item was continued to July 6, 2015.

Mr. Youril stated that VRSD disagrees that VRSD is required to provide additional medical analysis and supporting documentation as requested; because the District does not have a record of the injury occurring in the way Mr. Lloyd asserted, it cannot provide additional supporting documentation. Further, that the District could not provide answers to the questions posed via email by Trustee Goulet because they related to Mr. Lloyd's account of the injury. He related that when he asked for the questions to be directed at Mr. Lloyd, that VCERA staff responded that it was the District's responsibility. Mr. Youril said that under the 1937 Act, Mr. Lloyd has the burden, and stated further that VRSD has interests of its own and he represents those interests, so the District could not take a position contrary to those or to their records. Mr. Youril said that VRSD changed its position to a "contest" after VCERA informed VRSD that the Board would not exercise the option to send the applicant for further medical exam, and restated that it was the employer's responsibility to advocate for the applicant and provide to the Board an analysis and documentation supporting the application.

Chair Towner asked Mr. Youril for clarification of the District's position, and Mr. Youril said the District took the position to not contest based on their

original investigation and review of the evidence available, and had nothing further to provide; the Board could exercise its ability to initiate another medical examination if it chose. Judge Hintz asked if VRSD joins the application or challenges it, and Mr. Youril said that based on the evidence VRSD supports it. Mr. Goulet said that there is no evidence regarding the alleged causing accident.

Mr. Lloyd spoke to the Board, relating that he did not fall off a dozer, but had an incident where he went over a pile of debris with a resulting hard jolt, not unusual in his 21 years of experience. Later that evening, he was having chest pain and numbness in left side, and thinking he was possibly having a heart attack, went to the hospital. The ER staff determined that he was not having a heart attack, though he still had numbness in his arm. He said later a spinal doctor said his symptoms were consistent with a back injury on the dozer. He said he is indeed injured and his doctors confirm this. He said he would prefer not to retain a lawyer and incur that cost, but will if necessary.

Mr. Towner suggested that the Board require VRSD to return in 30 days with a proper analysis to allow the Board to approve or deny the application. Mr. Youril said there was little or no additional information that could be provided by VRSD. Mr. Towner asked Counsel Nemiroff what the Board's legal options were.

Ms. Nemiroff said that if the Board does not feel that VRSD has adequately investigated and presented an adequate record, the Board owes a duty to the applicant to have the application properly analyzed. Though it would be possibly a first, the Board could either contract with an outside attorney to do what was requested of VRSD, or send the matter out to another system; staff could investigate whether costs incurred for these options could be billed to VRSD.

Mr. Youril said that at the last meeting the Board had asked if Mr. Lloyd had filed a workers' compensation report the day of the incident, and that there all sorts of documents that could be supplied, but they were more factual than medical or causation in nature.

After more discussion, Ms. Nemiroff said to Mr. Youril that what was missing was the causation link and what VCERA needed was the report showing a link between the job and the permanent incapacity. Mr. Youril referred her to permanent stationary report from the doctor. Mr. Goulet said that may be sufficient for a non-service disability but not a service connected one.

Mr. Wilson asked Mr. Lloyd if there was a witness to the injury and he said there was not. VCERA staff member Donna Edwards said the injury reports

provided do not mention the bulldozer incident, and it appears approximately 8 months later in the medical documentation, where a report said the injury could be consistent if such an accident occurred.

Mr. Towner asked Mr. Youril if VRSD could provide the industrial causation report with more analysis, it could be placed on the agenda for the July 20, 2015 business meeting.

After discussion by the Board, the following motion was made:

MOTION: Request that VRSD submit a revised analysis with additional documentation that the applicant's injuries arose out of and in the course of employment; continue this matter at the Business meeting of July 20, 2015.

Moved by Wilson, seconded by Henderson.

Vote: Motion carried

Yes: Goulet, Hintz, Johnston, Winter, Henderson, McCormick, Wilson

No: -

Absent: Foy, Sedell

VI. NEW BUSINESS

- A. Recommendation for VCERA to Join the National Pension Education Association (NPEA)

MOTION: Approve.

Moved by McCormick, seconded by Johnston.

Vote: Motion carried

Yes: Goulet, Hintz, Johnston, Winter, Henderson, McCormick, Wilson

No: -

Absent: Foy, Sedell

- B. Recommendation to Approve Retirement Administrator's Attendance at CALAPRS Administrators' Institute, September 30 – October 2, 2015, Carmel, CA.

MOTION: Approve.

Moved by Wilson, seconded by McCormick.

Vote: Motion carried

Yes: Goulet, Hintz, Johnston, Winter, Henderson, McCormick, Wilson

No: -

Absent: Foy, Sedell

C. Oral Update on Actuarial Audit Request for Proposal

Ms. Webb informed the Board that she and Ms. Nemiroff were in the process of reviewing examples of actuarial audits in preparation for VCERA's upcoming actuarial audit.

D. Review and Approval of Professional Services Contract with CMP & Associates, Inc.

1. Contract CMP & Associates – Viorica Lawson

After discussion by the Board and staff, the following motion was made:

MOTION: Approve.

Moved by Wilson, seconded by Henderson.

Vote: Motion carried

Yes: Goulet, Hintz, Johnston, Winter, Henderson, McCormick, Wilson

No: -

Absent: Foy, Sedell

E. Oral Update on VCERA's General Counsel Position

Chair Towner reported that he plans to meet with representatives from the Ventura County CEO's office to discuss the general counsel position, and will provide another update at the business meeting of July 20, 2015.

Chair Towner stated that passage of AB 1291 was scheduled to be read on the Senate Floor on July 6, 2015, and mentioned that a related bill, AB 663, was approved by the Governor on July 2, 2015.

VII. INFORMATIONAL

A. Letter of Thanks to Assemblymember Irwin

B. Opal Financial Group's Family Office & Private Wealth Management Forum, July 20 – 22, 2015, Newport, RI

VIII. PUBLIC COMMENT

None.

IX. STAFF COMMENT

The Board was introduced to VCERA staff members Michelle Hernandez, Retirement Specialist, and Rebekah Villalobos, Retirement Specialist.

X. BOARD MEMBER COMMENT

Trustee Goulet requested that Brian Colker of Linea Solutions include a plan with the next VCERIS Pension Administration Project update to address the removal of any current defects that have been identified in the system.

XI. ADJOURNMENT

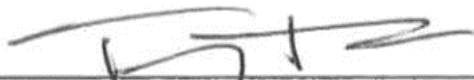
The meeting was adjourned at 9:53 a.m. in memory of Judie Sedell, wife of Trustee Mike Sedell.

Respectfully submitted,



LINDA WEBB, Retirement Administrator

Approved,



TRACY TOWNER, Chairman