

# VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

## BOARD OF RETIREMENT

### DISABILITY MEETING

JULY 2, 2018

### MINUTES

**DIRECTORS**

**PRESENT:**

William W. Wilson, Vice Chair, Public Member  
Steven Hintz, Treasurer-Tax Collector  
Mike Sedell, Public Member  
Robert Bianchi, Public Member  
Craig Winter, General Employee Member  
Maeve Fox, General Employee Member  
Arthur E. Goulet, Retiree Member  
Will Hoag, Alternate Retiree Member  
Chris Johnston, Safety Employee Member

**DIRECTORS**

**ABSENT:**

Peter C. Foy, Public Member  
Ed McCombs, Alternate Public Member

**STAFF**

**PRESENT:**

Linda Webb, Retirement Administrator  
Lori Nemiroff, General Counsel  
Henry Solis, Chief Financial Officer  
Dan Gallagher, Chief Investment Officer  
Vickie Williams, Retirement Benefits Manager  
Donna Edwards, Retirement Benefits Specialist  
Nancy Jensen, Retirement Benefit Specialist  
Stephanie Berkley, Retirement Benefit Specialist  
Chris Ayala, Program Assistant  
Shalaine Nolan, Office Assistant III-C

**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

Vice-Chair Wilson called the Disability Meeting of July 2, 2018, to order at 9:00 a.m.

II. APPROVAL OF AGENDA

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

MOTION: Approve.

Moved by Sedell, seconded by Fox.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy, Hintz, McCombs

Abstain:

III. APPROVAL OF MINUTES

A. Business Meeting of June 18, 2018.

Ms. Webb offered a correction to the minutes, saying the word "waiver" in the motion on Master Page 8, was misspelled.

MOTION: Approve with Correction.

Moved by Bianchi, seconded by Fox.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy, Hintz, McCombs

Abstain:

IV. RECEIVE AND FILE PENDING DISABILITY APPLICATION STATUS REPORT

MOTION: Approve.

Moved by Bianchi, seconded by Johnston.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy, Hintz, McCombs

Abstain:

V. APPLICATIONS FOR DISABILITY RETIREMENT

- A. Application for Service-Connected Disability Retirement - Curtin, Matthew;  
Case No. 17-006.
1. Application for Service-Connected Disability Retirement, filed March 7, 2017.
  2. Medical Analysis and Recommendation, including Supporting Medical Documentation, submitted by County of Ventura/Risk Management, in support of the Application for Service-Connected Disability Retirement, dated June 18, 2018.
  3. Hearing Notice, dated June 22, 2018.

Ms. Webb informed the Board that the applicant had passed away the previous Thursday and that staff had spoken to the widow regarding retirement options available to for her as a result of the member's unexpected passing. Staff requested the Board table this item to the July business meeting to allow the widow time to consider her options, but also to hear the case prior to August when no Board meetings were scheduled.

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

MOTION: Table the Board's Determination of the Application to the Business Meeting of July 16, 2018.

Moved by Goulet, seconded by Johnston.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy, McCombs

Abstain:

- B. Application for Service-Connected Disability Retirement - Valenzuela, Sara E.;  
Case No. 16-033.
1. Application for Service-Connected Disability Retirement, filed October 17, 2016.
  2. Medical Analysis and Recommendation, including Supporting Medical Documentation, submitted by County of Ventura/Risk Management, in support of the Application for Service-Connected Disability Retirement, dated June 22, 2018.
  3. Hearing Notice, dated June 25, 2018.

Catherine Laveau was present on behalf of County of Ventura Risk Management. Thomas J. Wicke, Attorney at Law, was present on behalf of the applicant. The applicant, Sara E. Valenzuela, was not present.

Mr. Wicke declined to make a statement.

Ms. Laveau declined to make a statement.

Trustee Goulet remarked that it had taken Risk Management a long time to deal with the case. The application had been submitted in October 2016, and Risk Management already had a Permanent & Stationary Report from May 2016, yet it was not until December 2017 that Risk Management decided not to challenge the disability application. So, it took more than two years for the applicant to be considered "permanent and stationary", and his understanding was the applicant had retired in 2012 after being diagnosed with cancer.

Ms. Laveau said Trustee Goulet was correct that the applicant's retirement in 2012 was due to cancer, which accounted for the delay. She said part of the application included an assertion that the applicant had entitlement due to the cancer. This was litigated and ultimately determined to be non-industrial, but the application could not proceed until the issue was completely vetted.

Trustee Goulet asked why it was necessary to delay the case, considering the applicant would receive the same benefit whether the disability was cancer or orthopedically related.

Ms. Laveau replied that while the decision to delay the case was made prior to her tenure, she believed that had her office brought the case forward without giving the applicant an opportunity to develop the record on all the issues, the Board could have concluded the applicant did not meet the legal standard for a service-connected disability retirement, in relation to the orthopedic component and would waive her right to put forth all of the information that relates to her cancer, and she believed that the applicant is entitled to have the record fully developed on all of the issues.

Trustee Goulet asked if there had been any intent by Risk Management to link the applicant's Worker's Compensation case to the, as they should be separate.

Ms. Laveau replied that she agreed the processed were separate, but that the information the applicant submits in support of her application was at the applicant's discretion; if she chooses to put forth information developed through the Workers Compensation process, Risk Management was not in a position to prevent her from doing so.

Trustee Goulet then asked if Risk Management could assure him that there was not a settlement agreement that involved quid pro quo in relation to the service-connected disability retirement.

Ms. Laveau replied that there was no quid pro quo, as was indicated before the applicant's cancer was determined to be non-industrial on the worker's compensation case.

Trustee Goulet also asked if the applicant was employed with the County of Ventura prior to being diagnosed with cancer.

Ms. Laveau replied yes.

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

MOTION: Approve Application for Service-Connected Disability Retirement.

Moved by Sedell, seconded by Johnston.

Vote: Motion carried

Yes: Bianchi, Fox, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: Goulet

Absent: Foy, McCombs

Abstain:

C. Application for Service-Connected Disability Retirement - Paz, Eric; Case No. 16-038.

1. Application for Service-Connected Disability Retirement, filed November 30, 2016.
2. Medical Analysis and Recommendation, including Supporting Medical Documentation, submitted by County of Ventura/Risk Management, in support of the Application for Service-Connected Disability Retirement, dated June 19, 2018.
3. Hearing Notice, dated June 22, 2018.

Catherine Laveau was present on behalf of County of Ventura Risk Management. David G. Schumaker, Attorney at Law, was present on behalf of the applicant. The applicant, Eric Paz, was also present.

Mr. Schumaker declined to make a statement.

Ms. Laveau declined to make a statement.

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

MOTION: Approve Application for Service-Connected Disability Retirement.

Moved by Johnston, seconded by Bianchi.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy, McCombs

Abstain:

## VI. OLD BUSINESS

A. Status of Disability Procedures and Request for Board Direction.

1. Staff Letter.

Ms. Webb said to update the Board on its request regarding the status of the disability procedures and the 2013 consultant recommendation, as well as a request for Board direction. She said the VCERA bylaws and the disability procedures were combined, unlike the practice of the majority of VCERA's peers. So, whenever the bylaws were updated, they were also

submitted to the Ventura County Board of Supervisors for approval. She then said that if the Board anticipates making a series of changes to the disability procedures, it might be prudent to separate the bylaws from the disability procedures, to avoid having to bring multiple iterations to the Board of Supervisors. It would also align VCERA with its peers.

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

MOTION: Approve the Separation of VCERA Bylaws from the Disability Procedures When the Next Changes to the Bylaws are Submitted.

Moved by Goulet, seconded by Sedell.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy, McCombs

Abstain:

## VII. NEW BUSINESS

A. Periodic Review of Board Policies: Business Planning and Assigned Portable Electronic Devices.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter.
2. Business Planning Policy Proposed (Redline).
3. Assigned Portable Electronic Devices Policy Proposed (Redline).

Ms. Webb noted that the proposed changes to the two VCERA policies were minor, but did recommend the removal of the word "Assigned" from the policy title, because it could apply to Trustees' or Staff members' personal electronic devices, if the devices were used to access VCERA information.

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

MOTION: Approve the Proposed Revisions to the Portable Electronic Device Policy.

Moved by Johnston, seconded by Bianchi.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy, McCombs

Abstain:

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

MOTION: Approve the Proposed Revisions to the Business Planning Policy.

Moved by Sedell, seconded by Bianchi.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy, McCombs

Abstain:

B. Review and Approval of Amended Conflict of Interest Code.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter.

2. 2016 Proposed Conflict of Interest Code (Redline).

Ms. Webb informed the Board that the Conflict of Interest Code was reviewed every 2 years.

Trustee Goulet said he assumed Appendix B, under Category 1 Full Disclosure, pertained to sources of income such as gifts, loans, and travel payments by others than VCERA.

Ms. Webb replied yes, and staff could add language to clarify it.

Trustee Sedell proposed that the Board could revise the form to say, "All investments, business positions and sources of income and payments as required by Form 700".

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

MOTION: Approve the Revisions to the Proposed Conflict of Interest Code with Corrections.

Moved by Sedell, seconded by Goulet.

Vote: Motion carried

Yes: Bianchi, Fox, Goulet, Hintz, Johnston, McCombs, Sedell, Wilson, Winter

No: -

Absent: Foy, McCombs

Abstain:

VIII. INFORMATIONAL

None.

IX. PUBLIC COMMENT

Ms. Webb noted there was a speaker card from a disability retiree who had indicated she would like to give public comment to the Board as well as to provide some documents to be distributed to them. Ms. Webb suggested the Board take a short break to read through the provided materials.

The Board took a break at 9:35 a.m.

The Board returned from at 9:45 a.m.

The Board received Public Comment from Tamara Welch regarding her experience with the County of Ventura Risk Management Office, specifically pertaining to her Worker's Compensation claim and how it related to her disability retirement.

Trustee Sedell suggested that VCERA forward a copy of the documents to the County of Ventura CEO's Office and ask them for a response.

**X. STAFF COMMENT**

Ms. Webb reminded the Board that staff would be bringing back the disability case of Mr. Curtin tabled earlier that morning on July 16<sup>th</sup>, as well as the Business Plan, and the Administrator's Quarterly Report.

**XI. BOARD MEMBER COMMENT**

None.

**XII. ADJOURNMENT**

The meeting was adjourned at 9:53 a.m.

Respectfully submitted,



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LINDA WEBB, Retirement Administrator

Approved,



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WILLIAM W. WILSON, Vice-Chairman