

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

MAY 7, 2018

MINUTES

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

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

STAFF
PRESENT: Linda Webb, Retirement Administrator
Lori Nemiroff, General Counsel
Henry Solis, Chief Financial Officer
Dan Gallagher, Chief Investment Officer
Julie Stallings, Chief Operations Officer
Shalini Nunna, Retirement Benefits Manager
Vickie Williams, Retirement Benefits Manager
Donna Edwards, Retirement Benefits Specialist
Nancy Jensen, Retirement Benefit Specialist
Stephanie Berkley, Retirement Benefit Specialist
Chris Ayala, 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

Vice-Chair Wilson called the Disability Meeting of May 7, 2018, to order at 9:00 a.m.

II. APPROVAL OF AGENDA

MOTION: Approve.

Moved by Bianchi, seconded by Winter.

Vote: Motion carried

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

No: -

Absent: Foy, Sedell

Abstain:

III. APPROVAL OF MINUTES

A. Disability & Business Meeting of April 16, 2018.

MOTION: Approve.

Moved by Goulet, seconded by Bianchi.

Vote: Motion carried

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

No: -

Absent: Foy, Sedell

Abstain: Fox

Trustee Fox abstained from the vote as she had been absent from the meeting of April 16, 2018.

IV. RECEIVE AND FILE PENDING DISABILITY APPLICATION STATUS REPORT

MOTION: Approve.

Moved by Fox, seconded by McCombs.

Vote: Motion carried

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

No: -

Absent: Foy, Sedell

Abstain:

V. APPLICATIONS FOR DISABILITY RETIREMENT

- A. Application for Service-Connected Disability Retirement – Reason, Randall E.; Case No. 17-004.
1. Application for Service-Connected Disability Retirement, filed February 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 April 4, 2018.
 3. Hearing Notice, dated April 5, 2018.

Catherine Laveau was present on behalf of County of Ventura Risk Management. The applicant, Randall E. Reason, was also present.

Both parties declined to make statements.

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

MOTION: Approve Application for Service Connected Disability Retirement.

Moved by Bianchi, seconded by Johnston.

Vote: Motion carried

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

No: -

Absent: Foy, Sedell

Abstain:

Both parties agreed to waive preparation of findings of fact and conclusions of law.

- B. Application for Non-Service Connected Disability Retirement – Becker, Kristi L.; Case No. 17-009.
1. Application for Non-Service Connected Disability Retirement, filed May 15, 2017.
 2. Medical Analysis and Recommendation, including Supporting Medical Documentation, submitted by Ventura County Superior Court, in support of the Application for Non-Service Connected Disability Retirement, dated March 22, 2018.
 3. Hearing Notice, dated April 24, 2018.

Lorraine Benavides and Lidia Q. Almaguer were present on behalf of County of Ventura Superior Court. The applicant, Kristi L. Becker, was also present.

Both parties declined to make statements.

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

MOTION: Approve Application for Service Connected Disability Retirement.

Moved by Johnston, seconded by Fox.

Vote: Motion carried

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

No: -

Absent: Foy, Sedell

Abstain:

Both parties agreed to waive preparation of findings of fact and conclusions of law.

C. Application for Service-Connected Disability Retirement – Gonzalez, Carmen M.; Case No. 15-028.

1. Findings and Decision Regarding Employee Application for Disability Retirement, recommendation to grant the Service-Connected Disability, submitted by Hearing Officer Robert Klepa, dated March 9, 2018.
2. Legal Memorandum by Respondent, County of Ventura/Risk Management, Objection to Findings and Decision and Recommendation of Hearing Officer Robert Klepa, submitted by Stephen D. Roberson, Counsel for County of Ventura/Risk Management, dated March 21, 2018.
3. Hearing Notice, dated April 24, 2018.

Stephen D. Roberson, Attorney at Law, was present on behalf of County of Ventura Risk Management. The applicant, Carmen M. Gonzalez, was also present.

Mr. Roberson made a statement before the Board.

Ms. Gonzalez also made a statement before the Board.

Trustee Goulet said he saw problems with the Hearing Officer's report. First, the Social Security Administration, Workers Compensation, and State Disability cases and the laws that govern them have nothing to do with VCERA's disability retirement applications; secondly, the idea that if an employee performing a job duty once in the morning, and then once again in the late afternoon, was considered repetitive, was unreasonable. He continued saying, the Board had two choices, which were either to return the case to the Hearing Officer with instructions regarding the correct legal standards and their concerns, or to request all documents related to the case so that the Board could perform its own review.

Trustee Johnston stated that if the Board would be providing the Hearing Officer with the proper standard upon which to base the decision, then the Board should also give the doctors a chance to review the case again, using the same standard.

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

MOTION: Send the Case Back to the Hearing Officer, with Instructions.

Moved by Winter, seconded by Hintz.

Vote: Motion carried

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

No: Goulet

Absent: Foy, Sedell

Abstain:

D. Application for Service-Connected Disability Retirement – Landeros, Maria L.; Case No. 15-008.

1. Proposed Findings of Fact and Recommended Decision to deny the Application for Service-Connected Disability, submitted by Hearing Officer Nancy T. Beardsley, dated February 19, 2018.
2. Hearing Notice, dated April 26, 2018.

Stephen D. Roberson, Attorney at Law, was present on behalf of County of Ventura Risk Management. The applicant, Maria L. Landeros, was not present.

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

MOTION: Adopt the Hearing Officer's Recommendation to Deny the Applicant a Service-Connected Disability Retirement.

Moved by Winter, seconded by Bianchi.

Vote: Motion carried

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

No: -

Absent: Foy, Sedell

Abstain:

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

A. Request for Direction on Timing of Election to Fill Pending Board Member Vacancy.

1. Staff Letter.

Ms. Webb reported that Trustee Towner had recently been terminated from the County of Ventura, but had also filed to appeal the termination with the Civil Service Committee (CSC).

She said Mr. Towner had submitted a letter to the Board requesting that they allow the CSC appeal to be decided, before holding an election to fill the vacancy. She said the Ventura

County Deputy Sheriffs' Association (VCDSA) had submitted a letter making the same request. She then said that staff was requesting direction on how to proceed.

Trustee Goulet said that he believed Mr. Towner to be an honorable person; further, because of the pending CSC appeal hearing, it would not be practical to call for an election at this time.

Trustee Hoag remarked that the Elections Office might not be inclined to hold an election when the status of the vacancy had not yet been decided.

Trustee Wilson noted that because the vacancy was for the alternate Safety member seat, not holding an election at this time would not negatively affect Safety member representation, as Trustee Johnston would be representing them.

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

MOTION: Direct Staff to Monitor the Progress of Mr. Towner's Civil Service Committee Hearing and Provide Updates to the Board for Future Action.

Moved by Winter, seconded by Hintz.

Vote: Motion carried

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

No: -

Absent: Foy, Sedell

Abstain:

B. Request for Authorization to Engage Investigative Services to Enable Staff to Make Recommendations on Disability Retirement Re-Evaluations under Government Code 31729 when Circumstances Warrant.

1. Staff Letter.

Ms. Webb informed the Board that staff had received a report of a potential need for an investigation regarding a disability retiree, under the age of 55. She said Government Code Section 31729, states that the Board has the authority to require a disability retiree under the age of 55, to undergo a medical re-evaluation.

She said staff was requesting that the Board authorize a preliminary investigation whenever this kind of situation arises now and, in the future, so that staff could gather information to recommend to the Board whether a medical evaluation was warranted.

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

MOTION: Authorize Staff to Engage Investigative Services Up to \$5,000, Per Case Under Government Code 31729, for the Purpose of Gathering Information for Recommendations to the Board.

Moved by Winter, seconded by Johnston.

Vote: Motion carried

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

No: -
Absent: Foy, Sedell
Abstain:

VIII. INFORMATIONAL

A. Nossaman's Fiduciaries Forum, "Save the Date".

IX. PUBLIC COMMENT

None.

X. STAFF COMMENT

Ms. Nemiroff notified the Board of proposed legislation that would be up for vote at the SACRS Business Meeting, on May 18th. She said the proposed legislation, SB1270, would allow the boards of retirement systems without district status to appoint, set salaries, and dismiss, if appropriate, Assistant Retirement Administrators and Chief Investment Officers; however, it would not give boards authority to set salaries independent of their counties' salary schedules.

Thus, she did not see a reason to oppose it. The Board directed VCERA's SACRS voting designee to support the proposed legislation.

XI. BOARD MEMBER COMMENT

None.

XII. ADJOURNMENT

The meeting was adjourned at 9:47 a.m.

Respectfully submitted,



LINDA WEBB, Retirement Administrator

Approved,



WILLIAM W. WILSON, Vice-Chairman