

# VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

## BOARD OF RETIREMENT

### DISABILITY MEETING

JUNE 3, 2019

#### AGENDA

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

**TIME:** 9:00 a.m.

*Members of the public may comment on any item under the Board's jurisdiction by filling out a speaker form and presenting it to the Clerk. Unless otherwise directed by the Chair, comments related to items on the agenda will be heard when the Board considers that item. Comments related to items not on the agenda will generally be heard at the time designated for Public Comment.*

#### **ITEM:**

- |   | Master<br>Page No. |
|---|--------------------|
| I. <b><u>CALL TO ORDER</u></b>  |                    |
| II. <b><u>APPROVAL OF AGENDA</u></b>  | 1 – 3              |
| III. <b><u>APPROVAL OF MINUTES</u></b>  |                    |
| A. Disability Meeting of May 20, 2019.  | 4 – 13             |
| IV. <b><u>RECEIVE AND FILE PENDING DISABILITY APPLICATION STATUS REPORT</u></b>   | 14 – 42            |
| V. <b><u>APPLICATIONS FOR DISABILITY RETIREMENT</u></b>   |                    |
| A. Application for Service-connected Disability Retirement - Hallinan, Daniel J.; Case No. 16-022.  | 43 – 167           |
| 1. Application for Service-connected Disability Retirement, filed July 20, 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 May 20, 2019. |                    |
| 3. Hearing Notice, dated May 21, 2019.  |                    |

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- B. Application for Service-connected Disability Retirement - Goodrich, Daniel B.; Case No. 17-010. 168 – 310
1. Application for Service-connected Disability Retirement, filed May 16, 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 May 10, 2019.
  3. Hearing Notice, dated May 21, 2019.
- C. Application for Service-connected Disability Retirement - Turner, Matthew J.; Case No. 18-026. 311 – 415
1. Application for Service-connected Disability Retirement, filed October 24, 2018.
  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 May 14, 2019.
  3. Hearing Notice, dated May 17, 2019.
- D. Application for Service-connected Disability Retirement - Delpit, Daniel I.; Case No. 19-003. 416 – 466
1. Application for Service-connected Disability Retirement, filed January 25, 2019.
  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 May 14, 2019.
  3. Hearing Notice, dated May 17, 2019.

VI. OLD BUSINESS

- A. Carman M. Gonzalez, Application for Service-Connected Disability Retirement: Notice of Distribution of transcript of testimony and other evidence received by appointed hearing officer for Board consideration and action at hearing set for September 2, 2019, pursuant to Government Code section 31534(b).  
**Recommended Action: Receive and File.**

VI. OLD BUSINESS (continued)

1. Staff Letter. 467
2. Administrative Record for Carmen M. Gonzalez. 468 – 952

VII. NEW BUSINESS

A. Renewal of Hearing Officer Contracts.  
**RECOMMENDED ACTION: Approve.**

1. Staff Letter. 953
2. Proposed Contract. 954 – 955

VIII. INFORMATIONAL

IX. PUBLIC COMMENT

X. STAFF COMMENT

XI. BOARD MEMBER COMMENT

XII. ADJOURNMENT

# VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

## BOARD OF RETIREMENT

### BUSINESS MEETING

MAY 20, 2019

#### MINUTES

**TRUSTEES**

**PRESENT:**

William W. Wilson, Chair, Public Member  
Robert Bianchi, Vice-Chair, Public Member  
Steven Hintz, Treasurer-Tax Collector  
Steve Bennett, Public Member  
Mike Sedell, Public Member  
Dan Shapiro, General Member  
Arthur E. Goulet, Retiree Member  
Will Hoag, Alternate Retiree Member  
Robert Ashby, Safety Member

**TRUSTEES**

**ABSENT:**

Craig Winter, General Member  
Ed McCombs, Alternate Public Member

**STAFF**

**PRESENT:**

Linda Webb, Retirement Administrator  
Lori Nemiroff, County Counsel  
Henry Solis, Chief Financial Officer  
Dan Gallagher, Chief Investment Officer  
Julie Stallings, Chief Operations Officer  
Leah Oliver, Chief Technology Officer  
Shalini Nunna, Retirement Benefits Manager  
Josiah Vencel, Communications Officer  
Chris Ayala, Program Assistant  
Sierra Walsh, 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**

Chair Wilson called the Business Meeting of May 20, 2019 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 Hintz, seconded by Bianchi.

Vote: Motion carried

Yes: Bennett, Bianchi, Goulet, Hintz, Sedell, Wilson

No: -

Absent: McCombs, Shapiro, Winter

Abstain: -

After the vote to approve the agenda, Deputy County Clerk Miranda Nobriga administered the Oath of Office to Robert Ashby, Safety Member Trustee.

**III. APPROVAL OF MINUTES**

A. Disability Meeting Minutes of May 6, 2019.

MOTION: Approve.

Moved by Hintz, seconded by Bianchi.

Vote: Motion carried

Yes: Ashby, Bennett, Bianchi, Goulet, Hintz, Sedell, Wilson

No: -

Absent: McCombs, Shapiro, Winter

Abstain: -

**IV. CONSENT AGENDA**

A. Approve Regular and Deferred Retirements and Survivors Continuances for the Month of April 2019.

B. Receive and File Report of Checks Disbursed in April 2019.

C. Receive and File Budget Summary for FY 2018-19 Month Ending April 30, 2019.

D. Receive and File Statement of Fiduciary Net Position, Statement of Changes in Fiduciary Net Position, Schedule of Investments, Cash, and Cash Equivalents, and Schedule of Investment Management Fees for the Period Ending April 30, 2019.

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

MOTION: Receive and File.

Moved by Sedell, seconded by Bianchi.

Vote: Motion carried

Yes: Ashby, Bennett, Bianchi, Goulet, Hintz, Sedell, Wilson

No: -

Absent: McCombs, Shapiro, Winter

Abstain: -

## V. INVESTMENT MANAGER PRESENTATIONS

A. Receive Annual Investment Presentation, Bridgewater, Jessica Oleson and Jason Rogers.

Trustee Shapiro arrived at 9:04 a.m., during the presentation from Bridgewater.

Jessica Oleson and Jason Rogers were present on behalf of Bridgewater to provide an organizational and investment performance update.

B. Receive Annual Investment Presentation, Tortoise Capital Advisors, Dan Olson, Gregory Murphy, and James Mick.

Dan Olson, Gregory Murphy, and James Mick were present on behalf of Tortoise Capital Advisors to provide an organizational and investment performance update.

After hearing the presentation from Tortoise Capital Advisors, the Board took a break at 9:51 a.m.

Vice-Chair Bianchi left at 9:51 a.m.

The Board returned from break at 10:00 a.m.

## VI. INVESTMENT INFORMATION

NEPC – Allan Martin

VCERA – Dan Gallagher, Chief Investment Officer

A. Consider Adoption of the Proposed Revision to VCERA's Investment Portfolio Asset Allocation.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter by C.I.O., Dan Gallagher.

2. NEPC Memorandum and Presentation Deck.

Mr. Gallagher said staff's recommendation for the Board to approve a 3% increase in the asset allocation to Private Equity, to be funded by a 3% decrease in the allocation to Real Assets. This action aimed to increase VCERA's long-term expected returns and would be phased in over several years to mitigate vintage year risk.

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

MOTION: Approve and Adopt the Recommended Revisions to VCERA's Investment Portfolio Asset Allocation.

Moved by Sedell, seconded by Hintz.

Vote: Motion carried

Yes: Ashby, Bennett, Goulet, Hintz, Sedell, Shapiro, Wilson

No: -

Absent: Bianchi, McCombs, Winter

Abstain: -

B. Consider Adoption of the Proposed Revision to VCERA's Investment Policy.  
**RECOMMENDED ACTION: Approve.**

1. Staff Letter by C.I.O., Dan Gallagher.
2. Proposed Investment Policy.
3. Proposed Investment Policy (Redline).

Mr. Gallagher the proposed policy recommended for adoption by the Board incorporated its just-adopted asset allocation in agenda item VI.A.

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

MOTION: Approve the Proposed Revisions to VCERA's Investment Policy, including the Asset Allocation in Exhibit B.

Moved by Hintz, seconded by Bennett.

Vote: Motion carried

Yes: Ashby, Bennett, Goulet, Hintz, Sedell, Shapiro, Wilson

No: -

Absent: Bianchi, McCombs, Winter

Abstain: -

C. Preliminary Performance Report for Month Ending April 30, 2019.  
**RECOMMENDED ACTION: Receive and file.**

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

MOTION: Receive and File.

Moved by Goulet, seconded by Hintz.

Vote: Motion carried

Yes: Ashby, Bennett, Goulet, Hintz, Sedell, Shapiro, Wilson

No: -

Absent: Bianchi, McCombs, Winter

Abstain: -

- D. Quarterly Investment Performance Report for Period Ending March 31, 2019.  
**RECOMMENDED ACTION: Receive and file.**

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

MOTION: Receive and File.

Moved by Sedell, seconded by Goulet.

Vote: Motion carried

Yes: Ashby, Bennett, Goulet, Hintz, Sedell, Shapiro, Wilson

No: -

Absent: Bianchi, McCombs, Winter

Abstain: -

After voting on this item, the Board advanced to item VIII.B. "Proposed Changes to VCERA Bylaws."

## VII. OLD BUSINESS

- A. None.

## VIII. NEW BUSINESS

- A. Review and Adoption of Proposed Fiscal Year 2019/20 Budget.  
**RECOMMENDED ACTION: Approve.**

1. Staff Letter.
2. Proposed Budget for FY 2019/20.

Ms. Webb said that the pending office renovation information was not included in the budget but would be provided separately after staff had received all estimated costs for the office renovation from the project manager. She added that the budget was essentially status quo, except for items such as funding for an internal audit, 415 limits testing, and an increase in Vitech's hourly rate and hosting. She noted that VCERA's System Administrators, who formerly worked in Operations, now reported to the Chief Technology Officer (CTO). Ms. Webb also had two staffing requests—an additional I.T. position and an additional administrative position—that she had withdrawn from in the 2019-20 budget in light of the upcoming renovation costs, but she noted that staff planned to bring that request to the Board in the future.

Chair Wilson asked Ms. Webb when she wanted to hire a person for the I.T. position.

Ms. Webb replied within a year ideally, adding that the CTO had conducted extensive research to substantiate staff's anticipated request. The other staffing request for an administrative position aimed to support executive staff and the current administrative staff member, who also served as VCERA's human resources representative, payroll clerk and Board clerk.

Trustee Goulet agreed that the positions were needed and that an additional administrative position would allow the senior managers more time to manage the office remodel. Considering

how long it took to acquire a CTO position with the right compensation level, he believed that VCERA should start recruiting for the I.T. position as soon as possible. Trustee Goulet also raised concern about the cost to VCERA to host its data with Vitech.

Trustee Goulet also expressed surprise at the increased cost of Worker's Compensation insurance.

Mr. Solis said he had researched the matter and learned that the cost increase was due to a normal rate increase and a few small claims among staff.

Chair Wilson asked if VCERA purchased Worker's Compensation insurance through the County of Ventura. Trustee Goulet suggested that the Board may want to consider purchasing its own policy.

Mr. Solis replied that the Board may be able to do that for VCERA's five executive employees, but not for the rest of staff, who were County employees.

Trustee Goulet raised a concern about the annual license fee paid to Vitech for potential change orders, noting that VCERA already had to pay an additional hourly rate to the vendor. He asked if staff had researched what VCERA received for the fee.

Ms. Oliver said she had discussed with Vitech the licensing fee, which gave VCERA the license to use the vendor's software, including the Oracle database, and to receive back-end updates and system patches.

Ms. Webb added that other CERL systems using the V3 system also paid Vitech's fee.

Trustee Goulet asked about a budget item to pay ADP to issue VCERA's payroll checks because he thought staff had taken over a process that ADP had performed for VCERA.

Ms. Webb and Mr. Solis described the process by which VCERA provides a monthly file to ADP, which processes and produces payroll checks on behalf of VCERA.

Trustee Bennett left before the vote on this item at 11:18 a.m.

MOTION: Approve with the Inclusion of an I.T. and an Administrative Position.

Moved by Goulet, seconded by Hintz.

Vote: Motion carried

Yes: Ashby, Goulet, Hintz, Sedell, Shapiro, Wilson

No: -

Absent: Bennett, Bianchi, McCombs, Winter

Abstain: -

After voting on this item, the Board advanced to item VIII.D. "Discussion Regarding VCERA's 2019 Board Retreat."

B. Proposed Changes to VCERA Bylaws.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter.
2. VCERA Bylaws (Redline).
3. Staff Letter and Redline sent to County with Request for Feedback on November 1, 2018.
4. Response from County on Bylaws, dated February 19, 2019.
5. VCERA's Response to County on Bylaws, dated February 27, 2019.
6. Response from County on Bylaws, dated April 8, 2019.
7. VCERA's Response to County on Bylaws, dated May 3, 2019.

Ms. Webb summarized the timeline and interactions between staff and the County of Ventura over the last seven months, noting that three unresolved issues remained with the County: how proposed agenda items were brought to the Board from trustees, how pensionable compensation was determined, and whether the disability procedures addendum should be removed from the bylaws. She said that unless staff believed a plan sponsor's request was problematic from a legal, fiduciary or administrative perspective, VCERA's approach has always been to consider its wishes and accommodate whenever possible. Staff believed its position on the three bylaws issues were well founded.

Mr. Pode from Ventura County Risk Management addressed the Board and said that he did not see a compelling reason to separate VCERA's disability procedures from its bylaws. He requested that the Board consider the County's request to keep them together.

Mr. Atin from the Ventura County CEO's Office addressed the Board and commented that the County had had a long and fruitful partnership with VCERA and had been flexible on past issues. He did not believe that the County's request posed any legal or administrative issue. Regarding the Board agenda item issue, he believed that every trustee should be able to request that an item be agendaized. Regarding the disability procedure issue, he believed the current arrangement had been in place for many years for good reason, and that Ventura's process was better than other CERL systems. Mr. Atin requested that the disability procedures be retained in the bylaws and that the Board consider the County's requests regarding agenda items and pensionable compensation.

Ms. Webb replied that updating the bylaws did not require the disability procedures to be attached. She observed that most other CERL retirement systems do not attach disability procedures to their bylaws, and those that do are smaller systems. She said staff was not advocating to eliminate Risk Management as a partner in the disability retirement process. However, because the legal fiduciary responsibility for administering disability retirement rested with the Board of Retirement, staff believed it would add risk from a fiduciary perspective for the Board to be responsible for a process without authority to administer it. Consequently, staff believed it more prudent to detach the disability procedures from the bylaws.

Chair Wilson expressed concerns that the current process took too long, that Worker's Compensation information found its way into Board discussions on disability cases, and that disability cases for County management employees needed to be handled in an unbiased way.

Ms. Webb remarked that staff had met with Risk Management over the years to improve its disability retirement process and would continue to do so.

Trustee Sedell said correspondence had been exchanged between VCERA and the County, but it may be best for the parties to discuss the issues in person to reach agreement.

Trustee Bennett agreed and suggested that the Board delay making a decision today before possible agreement can be reached. The results of the meeting could then be presented to the Board.

Ms. Webb said that staff was open to meeting with the County.

Trustee Goulet, citing an earlier comment from Mr. Pode, said any document the Board of Retirement adopted was already available to the public and that keeping the procedures with the bylaws would not make them more transparent than they already were. He said that in VCERA's correspondence with the County, he thought there had been plenty of discussion of the three issues, but he felt that the County wanted to interfere in how the Board conducted its business. He also thought that the law allowing the County to approve VCERA's bylaws was an anachronism that went back to a time when the County managed the retirement system. He said that how the agenda was produced was the Board's discretion.

Trustee Sedell replied that he believed that staff and the County should meet and, if no agreement was reached, each party could provide a detailed report to their respective boards.

Ms. Webb asked Mr. Atin if the County had its legal counsel review the correspondence, as she believed that VCERA had a solid legal argument for its position, particularly related to pensionable compensation, the law was clear that the Board of Retirement was the final authority. She was confident that VCERA's fiduciary counsel would agree that the Board retained authority on the matter. Ms. Webb said that on the issue of agenda items, there was no known instance that a proposed item from a trustee was blocked from being agendaized. She also noted that staff had presented the County with case law to support its position, but the County had not cited any laws to support its position, but made statements of preference.

Trustee Sedell again said that the parties should meet to explore whether the County had legal arguments to substantiate its positions.

Mr. Atin said that County Counsel had reviewed the correspondence. On the issue of a trustee's ability to agendaize an item, the County did not intend to interfere with VCERA's processes, but simply provided feedback. Regarding pensionable compensation, he noted that past disagreement on market-based premium pay was resolved after much discussion and eventual agreement. Regarding disability procedures, he hoped that staff would meet with the County to discuss the ultimate desired outcome of the changes and how the parties can achieve those goals together.

Trustee Sedell remarked that resolving these issues could require the involvement of legal counsels on both sides, as occurred on the market-based premium pay issue.

Trustee Hintz agreed that this agenda item should be tabled for another meeting and that staff and the County should meet to try to reach an agreement.

Chair Wilson suggested that the counsels for both parties also meet to discuss the issues.

Trustee Bennett said he felt strongly that anyone should be allowed to have an item placed on the agenda. Regarding Mr. Goulet's comments about an outside body having input in the affairs of the Board, he said the County has a unique partnership with VCERA. Mr. Bennett explained that the County was interested in the pensionable compensation issue because county taxpayers have a financial interest and that, although the Board of Retirement has fiduciary responsibility for the fund, the County is responsible to fund it. Lastly, he agreed there had to be a way to resolve impasses, but he preferred that an agreement was reached.

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

MOTION: Table the Item to Allow VCERA Staff and the County of Ventura to Meet and Discuss the Unresolved Issues.

Moved by Sedell, seconded by Bennett.

Vote: Motion carried

Yes: Ashby, Bennett, Hintz, Sedell, Shapiro, Wilson

No: Goulet

Absent: Bianchi, McCombs, Winter

Abstain: -

- C. Request from Retired Employees Association (REAVC) for Authorization for Payroll Deductions for Retiree Supplemental Insurance Program with Pacific Group Agencies, Inc.
1. Staff Letter.
  2. Letter from REAVC.

Ms. Webb said that REAVC requested that the Board authorize a new payroll deduction for a supplemental insurance program recently adopted for the organization. To keep retirees' contact information private, staff would coordinate with a third-party vendor to mail notices to retirees about the insurance program.

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

MOTION: Approve.

Moved by Sedell, seconded by Hintz.

Vote: Motion carried

Yes: Ashby, Bennett, Goulet, Hintz, Sedell, Shapiro, Wilson

No: -

Absent: Bianchi, McCombs, Winter

Abstain: -

After voting on this item, the Board returned to item VIII.A. "Review and Adoption of Proposed Fiscal Year 2019/20 Budget."

- D. Discussion Regarding VCERA's 2019 Board Retreat.

Chair Wilson requested the Board's comments on last year's retreat and suggestions for the 2019 retreat.

Ms. Webb said that staff is seeking speakers and topics engaging enough to have the full Board in attendance, including topics for new trustees.

Trustee Hintz suggested a half-day retreat as well as hearing items that help Board members attain their educational requirements, such as ethics training.

Ms. Webb said that she and Mr. Gallagher would work on collecting a few administrative and investment items with the goal of a half-day board retreat.

**IX. INFORMATIONAL**

A. CALAPRS Principles of Pension Government for Trustees.

B. Correspondence from Loomis Sayles: Dan Fuss Honored at 2019 US Morningstar Awards for Investing.

**X. PUBLIC COMMENT**

None.

**XI. STAFF COMMENT**

Ms. Webb informed the Board that there were potential layoffs at the Health Care Agency that could impact staff's workload.

**XII. BOARD MEMBER COMMENT**

None.

**XIII. ADJOURNMENT**

The Chair adjourned the meeting at 11:34 a.m.

Respectfully submitted,



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LINDA WEBB, Retirement Administrator

Approved,

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WILLIAM WILSON, Chairman



**VCERA**  
VENTURA COUNTY EMPLOYEES'  
RETIREMENT ASSOCIATION

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June 3, 2019

Board of Retirement  
Ventura County Employees' Retirement Association  
1190 S. Victoria Avenue, Suite 200  
Ventura, CA 93003

**Subject: APPLICATION FOR DISABILITY RETIREMENT GONZALEZ, CARMEN M.; CASE NO. 15-028**

Dear Board Members:

The Board of Retirement, at its meeting of April 15, 2019, took action to review the administrative record for this case, pursuant to Government Code section 31534 (b). The Administrative Record, including transcripts of all testimony, plus all other evidence received by the hearing officer is provided for your consideration.

Staff plans to set the matter for hearing on September 9, 2019.

Staff will be pleased to respond to any questions you may have on this matter at the June 3, 2019, disability meeting.

Best regards,

A handwritten signature in black ink, appearing to read "Linda Webb". The signature is fluid and cursive, written in a professional style.

Linda Webb  
Retirement Administrator



June 3, 2019

Board of Retirement  
Ventura County Employees' Retirement Association  
1190 South Victoria Avenue, Suite 200  
Ventura, CA 93003

**SUBJECT: RENEWAL OF HEARING OFFICER CONTRACTS FOR 2019-2020**

Dear Board Members:

The contracts for members of VCERA's Hearing Officer Panel will expire June 30, 2019. A list of 7 Hearing Officers is provided below, all of whom have been actively hearing disability cases on VCERA's behalf.

- Irene P. Ayala
- John L. Rosenthal
- Deborah Z. Wissley
- Humberto Flores
- Catherine Harris
- Nancy T. Beardsley
- James P. Cloninger

A Panel consisting of 7 members provides VCERA staff with options in managing disability case workloads that require the services of a Hearing Officer.

Provided for your review is the pro forma Hearing Officer contract. Staff has completed contracts for the individuals named above, pending your approval. The contracts all expire on June 30, 2019 and the contract terms remain unchanged from the prior fiscal year, including the rate of hourly compensation.

**RECOMMENDATION: AUTHORIZE THE RETIREMENT ADMINISTRATOR TO EXECUTE FISCAL YEAR 2019-2020 CONTRACTS FOR THE SEVEN LISTED MEMBERS OF VCERA'S HEARING OFFICER PANEL.**

Staff will respond to any questions you may have on this matter at the June 3, 2019 disability meeting.

Sincerely,

Linda Webb  
Retirement Administrator

Attachment

## **REFEREE SERVICES AGREEMENT**

THIS AGREEMENT, to be effective as of the 1<sup>st</sup> day of July 2019, by and between the BOARD OF RETIREMENT (hereinafter referred to as "Board") of the VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (hereinafter referred to as "Association"), and \_\_\_\_\_ (hereinafter referred to as "Contractor").

### Recitals

Pursuant to the provisions of section 31533 of the Government Code, the Board is authorized to provide for the conduct of hearings by a referee in connection with the determination of applications of members of the Association for disability benefits under the County Employees Retirement Law of 1937 (ch. 3 of div. 4 of tit. 3 of the Government Code).

Contractor has experience with respect to evidentiary hearings and is a member of the State Bar of California (active membership no. \_\_\_\_\_).

The Board intends to retain the services of Contractor as a referee to conduct said hearings.

IT IS THEREFORE AGREED:

### Services to be Performed

1. Contractor agrees, when available, to act as a referee in connection with the conduct of hearings and the review of cases pursuant to section 31533 of the Government Code.
2. Such services shall be performed in accordance with the applicable provisions of the County Employees Retirement Law of 1937, as amended, and pursuant to any specific requirements imposed by the Board, and such services shall include, but shall not be limited to, the conduct of hearings, the review of evidence, and the rendering of a written report which shall contain proposed findings of fact, conclusions of law, and a recommended decision provided, however, that said written report shall be rendered within ninety (90) days after the case has been submitted to Contractor and include service of said written report to all parties.
3. Contractor may request an extension from the Board of any time limitation established in this contract, on an individual case basis, when done in writing, and upon a showing of "good cause" as to said request.
4. Contractor shall be familiar with the Association's "Disability Hearing Procedures".
5. The Board is under no obligation to submit cases to the Contractor, but may do so at its pleasure.

Compensation

6. Compensation to Contractor for the above services shall be at the following rates:

(a) If the written report is rendered within ninety (90) days after the case has been submitted, or within any time extension granted by the Board pursuant to paragraph 3 above, Contractor shall be entitled to One Hundred and Seventy-Five Dollars (\$175.00) per hour;

(b) Contractor shall be compensated for necessary and reasonable travel time to and from Ventura County pursuant to the rate set forth above;

(c) If the written report is not rendered within ninety (90) days from the date the case has been submitted, or within any time extension granted by the Board pursuant to paragraph 3 above, the Board may transfer the case to another referee, in which event the original referee shall not receive any fee for services performed in connection with said case;

(d) If a hearing scheduled before the Contractor is continued or cancelled less than fourteen (14) calendar days before the date agreed upon by all parties, or set by the Board, the Board shall pay to the Contractor the sum of Eight Hundred and Seventy-Five Dollars (\$875.00) which includes all costs associated with the hearing including, but not limited to, travel, time, mileage reimbursement and other associated hearing costs.

Term of Contract

7. This agreement shall apply for all services provided by the Contractor, performed on or after July 1, 2019, and shall continue through the date of June 30, 2020, at which time it shall terminate. However, either party may terminate this agreement sooner upon ten (10) days written notice to the other party. Any cases pending before the Contractor at the time of termination shall be immediately transferred to the Board. If this agreement is terminated at the request of the Contractor, the Contractor shall not receive any fees for services performed in connection with any cases that are pending as of the effective date of the termination, except those wherein a written report has been provided to the Board. If this agreement is terminated at the request of the Board, the Contractor shall be entitled to the compensation earned prior to the effective date of termination as provided for in this agreement, computed pro rata up to and including that date. The Contractor shall be entitled to no further compensation as of the date of termination.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Linda Webb, Retirement Administrator

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Contractor