

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

February 4, 2013

MINUTES

DIRECTORS William W. Wilson, Chair, Public Member
PRESENT: Tracy Towner, Vice Chair, Safety Employee Member
Steven Hintz, Treasurer-Tax Collector
Peter C. Foy, Public Member
Albert G. Harris, Public Member
Joseph Henderson, Public Member
Tom Johnston, General Employee Member
Arthur E. Goulet, Retiree Member
Chris Johnston, Alternate Employee Member
Will Hoag, Alternate Retiree Member

DIRECTORS Vacant, Third Position, General Employee Member
ABSENT:

STAFF Donald C. Kendig, Retirement Administrator
PRESENT: Henry Solis, Chief Financial Officer
Lori Nemiroff, Assistant County Counsel
Glenda Jackson, Program Assistant
Angie Tolentino, Retirement Benefits Specialist

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

TIME: 9:00 a.m.

ITEM:

I. INTRODUCTION OF MEETING

Chairman Wilson called the Disability Meeting of February 4, 2013, to order at 9:00 a.m.

II. APPROVAL OF AGENDA

MOTION: Mr. Foy moved, seconded by Mr. Goulet, to approve the agenda as presented.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting.

III. PENDING DISABILITY APPLICATION STATUS REPORT

MOTION: Judge Hintz moved, seconded by Mr. Harris, to receive and file the pending disability application status report.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting.

IV. APPLICATIONS FOR DISABILITY RETIREMENT

A. Application for Non-Service Connected Disability Retirement; Mona Goe, Case No. 12-019.

1. Application for Non-Service Connected Disability Retirement and Supporting Documentation.
2. Hearing Notice.

Mr. Towner entered the meeting at 9:01 a.m.

Paul Hilbun was present representing the County of Ventura Risk Management. The applicant, Mona Goe, was present.

MOTION: Mr. Goulet moved, seconded by Mr. T. Johnston, to grant the applicant, Mona Goe, a non-service connected disability retirement.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting.

Both parties agreed to waive preparation of Findings of Fact and Conclusions of Law.

B. Application for Non-Service Connected Disability Retirement; Geraldine Murray, Case No. 12-011.

1. Application for Non-Service Connected Disability Retirement and Supporting Documentation.
2. Hearing Notice.

IV. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- B. Application for Non-Service Connected Disability Retirement; Geraldine Murray, Case No. 12-011. (continued)

Paul Hilbun was present representing the County of Ventura Risk Management. The applicant, Geraldine Murray, was present.

MOTION: Mr. Goulet moved, seconded by Mr. Harris, to grant the applicant, Geraldine Murray, a non-service connected disability retirement.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting.

Both parties agreed to waive preparation of Findings of Fact and Conclusions of Law.

- C. Application for Service Connected Disability Retirement; Christina L. Corpus, Case No. 10-021.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Irene P. Ayala, dated December 16, 2012.
2. Applicant's Objection to Recommendation of Hearing Officer, Submitted by John H. Sugden, Attorney at Law, dated December 24, 2012.
3. Respondent's reply to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated December 26, 2012.
4. Respondent's Objection to Applicant's Objection to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated January 7, 2013.
5. Hearing Notice.

Stephen D. Roberson and Paul Hilbun were present representing the County of Ventura Risk Management. John Sugden, Attorney at Law, was present representing the applicant. The applicant, Christina L. Corpus, was present.

IV. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- C Application for Service Connected Disability Retirement; Christina L. Corpus, Case No. 10-021. (continued)

Following statements by both parties, and discussion, the following motion was made:

MOTION: Judge Hintz moved, seconded by Mr. Foy, to adopt the hearing officer's recommendation finding that the applicant, Christina L. Corpus, failed to meet her burden of proof that she is permanently disabled from the performance of her duties and to deny the application for service connected disability retirement.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting.

- D. Application for Service Connected Disability Retirement; Gregory D. Danko, Case No. 10-019.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Irene P. Ayala, dated November 24, 2012.
2. Respondent's reply to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated November 29, 2012.
3. Applicant's Objection to Recommendation of Hearing Officer, Submitted by Gregory D. Danko, Dated December 6, 2012.
4. Respondent's Objection to Applicant's Objection to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated December 11, 2012.
5. Applicant's Rebuttal to Respondent's Objection, Submitted by Gregory D. Danko, dated December 20, 2012.
6. Hearing Notice.

Stephen D. Roberson and Paul Hilbun were present representing the County of Ventura Risk Management. The applicant, Gregory D. Danko, was present.

IV. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- D. Application for Service Connected Disability Retirement; Gregory D. Danko, Case No. 10-019. (continued)

Following statements by both parties, and discussion, the following motion was made:

MOTION: Mr. Harris moved, seconded by Mr. Henderson, to adopt the hearing officer's recommendation finding that the applicant, Gregory D. Danko, failed to meet his burden of proof on the issue of permanent incapacity for the performance of his duties and to deny the application for service connected disability retirement.

Motion passed. Judge Hintz and Mr. Towner voting no. Third Member vacant. Mr. C. Johnston voting no.

- E. Application for Service Connected Disability Retirement; Michael R. Koevenig, Case No. 11-014

1. Applicant's Petition for Reconsideration, Submitted by Michael R. Koevenig, dated January 2013.
2. Respondent's Objection to the Petition for Reconsideration, Submitted by Marshall W. Graves, Attorney at Law, dated January 21, 2013.
3. Hearing Notice.

Marshall Graves and Paul Hilbun were present representing the County of Ventura Risk Management. The applicant, Michael R. Koevenig, was present.

Following statements by both parties, and discussion, the following motion was made:

MOTION: Mr. Goulet moved, seconded by Mr. Harris, to deny the petition for reconsideration.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting.

IV. **APPLICATIONS FOR DISABILITY RETIREMENT (continued)**

F. Application for Service Connected Disability Retirement; Helen Reid, Case No. 12-003.

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Paul E. Crost, dated December 1, 2012.
2. Respondent's Objection to Recommendation of Hearing Officer, Submitted by John I. Gilman, Attorney at Law, Dated December 6, 2012.
3. Hearing Notice.

John I. Gilman and Paul Hilbun were present representing the County of Ventura Risk Management. David Schumaker, Attorney at Law, was present representing the applicant. The applicant, Helen Reid, was present.

Following statements by both parties, and discussion, the following motion was made:

MOTION: Mr. Towner moved, seconded by Mr. T. Johnson, to adopt the hearing officer's findings of fact and conclusions of law and grant the applicant, Helen Reid, a service connected disability retirement.

Motion passed. Third Member vacant. Mr. C. Johnston voting. Judge Hintz and Mr. Foy voting no.

V. **NEW BUSINESS**

A. Quarterly PAS (VCERIS) Report – Brian Colker, Linea

After discussion, the following motion was made:

MOTION: Judge Hintz moved, seconded by Mr. T. Johnston, to approve the change order proposed in the quarterly report and to receive and file the report and attachments.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting.

V. **NEW BUSINESS** (continued)

B. Request for Proposal (RFP) for Investment Consulting Services

1. Cortex Proposal

After discussion, the following motion was made:

MOTION: Mr. Towner moved, seconded by Mr. C. Johnston, to authorize the engagement of Cortex Applied Research to assist in the search process for a non-discretionary or discretionary investment consultant at a contract amount not to exceed \$29,500.

Motion passed. Third Member vacant. Mr. C. Johnston voting. Mr. Harris voting no.

After further discussion, the following motion was made:

MOTION: Mr. Towner moved, seconded by Mr. Harris, to approve the creation of an ad-hoc RFP Committee and delegate to that committee the responsibility for the approval of the final RFP document, evaluation of proposals, and selection of finalists for Board consideration.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting.

Mr. Goulet left the meeting and, after further discussion, the following motion was made:

MOTION: Judge Hintz moved, seconded by Mr. Harris, to appoint Mr. Foy, Mr. Goulet, and Mr. C. Johnston to the ad-hoc RFP Committee.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting. Mr. Goulet absent for this motion.

Mr. Goulet returned to the meeting.

Staff suggested a quiet period from February 4, 2013 through selection, tentatively scheduled for July 1, 2013.

After further discussion, the following motion was made:

V. **NEW BUSINESS (continued)**

B. Request for Proposal (RFP) for Investment Consulting Services
(continued)

1. Cortex Proposal

MOTION: Mr. Goulet moved, seconded by Judge Hintz, to designate a quiet period during the consultant RFP and selection process, during which trustees will not knowingly communicate with consultant candidates, with the exception of official search-related interviews and due diligence and ongoing business with the current consultant.

Motion passed unanimously. Third Member vacant. Mr. C. Johnston voting.

C. Ad Hoc Disability Process Review Committee

After discussion, the following motion was made:

MOTION: Mr. Harris moved, seconded by Mr. T. Johnston, to authorize the Retirement Administrator to enter into an agreement with Annette Paladino to document and assess our current disability process and to recommend changes in line with best practices at a not-to-exceed amount of \$30,000.

Motion passed. Third Member vacant. Mr. C. Johnston voting.

D. Oral Reports on the January 22, 2013 GMO Investment Presentation.

No action taken.

VI. **PUBLIC COMMENT**

The Retirement Administrator announced a RREEF distribution of \$273,000 and the success of the new VOIP phone system installation. Board Counsel indicated that an appearance was scheduled by the court in the Lanquist case on February 25, 2013, and that she might be late or have Robert Orellana from County Counsel attend the Board meeting in her absence.

VII. **BOARD MEMBER COMMENT**

Staff received, and concurred, with a complaint by Mr. Towner regarding the excessive noise coming from the HVAC unit overhead. Staff reported that it had been inspected previously and that staff placed another service call to see about "jacketing" the compressor to reduce noise. Judge Hintz solicited references for volunteers to service on the Treasury Oversight Committee as a great way to serve the community.

VIII. **ADJOURNMENT**

The meeting was adjourned at 11:31 a.m.

Respectfully submitted,



DONALD C. KENDIG, CPA, Retirement Administrator

Approved,



WILLIAM W. WILSON, Chairman