

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

JANUARY 7, 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 January 7, 2013, to order at 9:00 a.m.

II. APPROVAL OF AGENDA

Staff recommended that Agenda item V.A. be amended to include the addition of a letter submitted by Stephen R. Pingel, applicant's counsel, in the matter of the application for non-service and service connected disability by David L. Gasaway, as sub-item 4 "Applicant's Objection to Respondent's Objection," changing the hearing notice to sub-item 5. Mr. Goulet recommended the correction of Item VII.C. changing "Trustees" to "Administrators."

MOTION: Mr. Goulet moved, seconded by Mr. Harris, to approve the agenda as amended.

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

III. APPROVAL OF MINUTES

A. Business Meeting of December 17, 2012.

Staff recommended that Master Page No. 11 be amended to include the signature blocks.

MOTION: Judge Hintz moved, seconded by Mr. Harris, to approve the minutes of December 17, 2012, as corrected.

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

IV. PENDING DISABILITY APPLICATION STATUS REPORT

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

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

V. APPLICATIONS FOR DISABILITY RETIREMENT

A. Application for Non-Service and Service Connected Disability Retirement; David L. Gasaway, Case No. 12-002.

1. Letter from Stephen D. Roberson, Attorney at Law, dated December 6, 2012.
2. Applicant's objection to Respondent's letter, Submitted by Steven R. Pingel, Attorney at Law, dated December 11, 2012.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- A. Application for Non-Service and Service Connected Disability Retirement; David L. Gasaway, Case No. 12-002. (continued)
3. Respondent's objection to Applicant's letter, Submitted by Stephen D. Roberson, dated December 19, 2012.
 4. Applicant's objection to Respondent's objection, Submitted by Steven R. Pingel, dated January 2, 2013.
 5. Hearing Notice.

Stephen D. Roberson and Paul Hilbun were present representing the County of Ventura Risk Management. Steven R. Pingel was present representing the applicant. The applicant, David L. Gasaway, was not present.

Applicant's counsel withdrew the objection to the independent medical evaluation by Dr. Richard Rosenberg.

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

MOTION: Mr. Henderson moved, seconded by Mr. Foy, to grant the authority to take the deposition.

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

- B. Application for Service Connected Disability Retirement; Mark B. Lopez, Case No. 09-036.
1. Petition for Reconsideration, Submitted by Marshall W. Graves, Attorney at Law, dated December 7, 2012.
 2. Applicant's response to Respondent's Petition for Reconsideration, Submitted by Steven R. Pingel, Attorney at Law, dated December 11, 2012.
 3. Hearing Notice.

Marshall W. Graves and Paul Hilbun were present representing the County of Ventura Risk Management. Steven R. Pingel was present representing the applicant. The applicant, Mark. B. Lopez, was not present.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- B. Application for Service Connected Disability Retirement; Mark B. Lopez, Case No. 09-036. (continued)

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

MOTION: Mr. Goulet moved to grant the petition for reconsideration.

After hearing no second, the following motion was made.

MOTION: Mr. Towner moved, seconded by Mr. T. Johnston, to deny the petition for reconsideration.

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

VI. OLD BUSINESS

- A. Pensionable Compensation under the California Public Employees' Pension Reform Act (CalPEPRA).

Angie Tolentino left the meeting at 9:36 a.m.

Received public comment from David Grau, Ventura County Taxpayers Association; Paul Derse, County Executive Office; Catherine Rodriguez, County Executive Office.

Henry Solis entered the meeting at 9:39 a.m.

After discussion, the following motion was made.

MOTION: Mr. Goulet moved, seconded by Mr. Towner, to receive and file the staff report and attachments.

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

After further discussion, the following motion was made.

MOTION: Mr. Goulet moved, seconded by Mr. Towner, to direct Board Counsel to obtain a letter of assurance from the County that if through legislation, regulation or case law it is determined that 'pensionable compensation' for new members includes items of pay in addition to base pay, the County will make additional employer and member contributions...

VI. OLD BUSINESS (continued)

- A. Pensionable Compensation under the California Public Employees' Pension Reform Act (CalPEPRA). (continued)

...to the retirement system on those additional pay items, with interest at the earnings assumption rate, retroactive to January 1, 2013, and that the County will be responsible for determining whether to seek reimbursement from members for the retroactive member contributions.

Motion passed. Mr. Foy voting no. Third Member absent. Mr. C. Johnston voting.

- B. Election Policy Review, Board Member Terms, and Proposed Election Schedule.

After discussion, the following motion was made.

MOTION: Mr. Henderson moved, seconded by Mr. C. Johnston, to adjust the third position's term to end December 31, 2012, and adopt the adjusted election schedule.

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

- C. Request to Attend Brown Armstrong Client Update – H. Solis.

MOTION: Mr. C. Johnston moved, seconded by Mr. Henderson, to approve Mr. Solis' attendance at the Brown Armstrong Client Update.

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

VII. NEW BUSINESS

- A. Establishment of Personnel Committee (PC) for the performance review of the Retirement Administrator.

After discussion, the Personnel Review Committee was established comprised of Judge Hintz, Mr. C. Johnston and Mr. Hoag.

- B. Request to Attend the CALAPRS Trustees Round Table – Trustee A. Goulet.

MOTION: Mr. Henderson moved, seconded by Mr. Harris, to approve Mr. Goulet's attendance at the CALAPRS Trustees Round Table.

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

C. Request to Attend the CALAPRS Administrators Round Table – Retirement Administrator.

MOTION: Mr. Goulet moved, seconded by Mr. T. Johnston, to approve the Retirement Administrator's attendance at the CALAPRS Administrators Round Table.

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

VIII. PUBLIC COMMENT

None.

IX. BOARD MEMBER COMMENT

None.

X. ADJOURNMENT

The Board adjourned the meeting at 10:02 a.m.

Respectfully submitted,



DONALD C. KENDIG, CPA, Retirement Administrator

Approved,



WILLIAM W. WILSON, Chairman