

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

NOVEMBER 5, 2012

AGENDA

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

TIME: 9:00 a.m.

ITEM:

- | | | |
|------|--|-----------------|
| I. | <u>INTRODUCTION OF MEETING</u> | Master Page No. |
| II. | <u>APPROVAL OF AGENDA</u> | 1 - 3 |
| III. | <u>APPROVAL OF MINUTES</u> | |
| | A. Board Investment Retreat of October 4, 2012. | 4 - 6 |
| | B. Business Meeting of October 15, 2012. | 7 - 13 |
| IV. | <u>PENDING DISABILITY APPLICATION STATUS REPORT</u> | 14 - 60 |
| V. | <u>APPLICATIONS FOR DISABILITY RETIREMENT</u> | |
| | A. Application for Non-Service Connected Disability Retirement; Dennis C. Crandall, Case No. 12-025. | 61 - 116 |
| | 1. Application for Non-Service Connected Disability Retirement and Supporting Documentation. | |
| | 2. Hearing Notice. | |

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- B. Application for Service Connected Disability Retirement; 117 - 136
Lee Bowman, Case No. 10-020.
1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Irene P. Ayala, dated June 11, 2012.
 2. Respondent's Reply to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated June 12, 2012.
 3. Hearing Notice.
- C. Application for Service Connected Disability Retirement; 137 - 163
Rosa C. Sanchez, Case No. 09-012.
1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Kenneth A. Perea, dated August 2, 2012.
 2. Respondent's reply to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated August 14, 2012.
 3. Hearing Notice.
- D. Application for Service Connected Disability Retirement; 164 - 213
Mark B. Lopez, Case No. 09-036.
1. Letter from Lori A. Nemiroff, Assistant County Counsel on behalf of Board of Retirement referring the matter back to Hearing Officer Shelley Kaufman, with instructions, pursuant to Government Code section 31534, subdivision (c)., dated February 24, 2012.
 2. Amended Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Shelley Kaufman, dated September 10, 2012.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

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

3. Respondent's Objections to Amended
Recommendation of Hearing Officer,
Submitted by Marshall W. Graves, Attorney at
Law, dated September 18, 2012.

4. Applicant's Response to Respondent's
Opposition to Amended Recommendation of
Hearing Officer, Submitted by Steven R.
Pingel, Attorney at Law.

5. Hearing Notice.

VI. NEW BUSINESS

- | | |
|---|-----------|
| A. Due Diligence Schedule for 2012-2015. | 214 - 216 |
| B. Election Policy Review, Board Member Terms, and
Proposed Election Schedule. | 217 - 258 |
| C. CALAPRS Election of Members to the Board of
Directors. | 259 - 262 |

VII. PUBLIC COMMENT

VIII. BOARD MEMBER COMMENT

IX. ADJOURNMENT

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

BOARD INVESTMENT RETREAT

OCTOBER 4, 2012

MINUTES

DIRECTORS
PRESENT:

Tracy Towner, Vice Chair, Safety Employee Member
Steven Hintz, Treasurer-Tax Collector
Peter Foy, Public Member
Albert G. Harris, Public Member
Robert Hansen, General Employee Member
Tom Johnston, General Employee Member
Arthur E. Goulet, Retiree Member
Chris Johnston, Alternate Employee Member
Will Hoag, Alternate Retiree Member

DIRECTORS
ABSENT:

William W. Wilson, Chair, Public Member
Joseph Henderson, Public Member

STAFF
PRESENT:

Donald C. Kendig, Retirement Administrator
Henry Solis, Chief Financial Officer
Lori Nemiroff, Assistant County Counsel

PLACE:

Marriott Ventura Beach
2055 East Harbor Boulevard
Ventura, CA 93001

TIME:

9:00 a.m.

TOPIC:

I. Introductions, Administrative Matters, and Review of Agenda

Vice Chairman Towner called the Board Retreat of October 4, 2012 to order at 9:00 a.m.

II. Macro Economics

Mr. Foy entered the meeting.

Rob Arnott of Research Affiliates, LLC presented an update on macro economics.

III. Is it Time to Become More Active in Rebalancing Decisions?

Russ Charvonja of Hewitt Ennisknupp and Ben Lazarus of The Clifton Group gave a presentation on intelligent rebalancing.

The Board directed Hewitt Ennisknupp to return on December 17, 2012 with a proposal for a tactical rebalancing program and policy.

IV. Working Lunch – UBS Global Asset Management - Inflation Risk Re-Examined

Louis D. Finney of UBS Global Asset Management gave a presentation on inflation risk.

V. A Range of “Alternatives”: CPI-Plus and Real & Absolute Return Strategies

Adam L. Berger of Wellington Management gave a presentation on alternative investments and options.

Andrew Goldsmith of Tortoise Capital Advisors gave a presentation on MLPs.

The Board directed Hewitt Ennisknupp to return on November 19, 2012 with three or four risk models for Global Tactical Asset Allocations and MLP strategies.

VI. Global Private Equity

Russ Charvonja of Hewitt Ennisknupp gave a presentation on VCERA's private equity program, providing three options for building out the private equity allocation to the targeted 5 percent.

The Board directed Hewitt Ennisknupp to return on December 17, 2012 with more information on Option 1, additional fund-of-funds allocations every two years at \$150 million, along with specifics on what the fees would be for reinvesting with existing managers.

VII. Board Member Reaction, Comment and Ideas for the Future

The Board reviewed Hewitt Ennisknupp's sample monthly performance report and discussed options for improved reporting.

The Board directed staff to return with a presentation on the pros and cons of moving the Board meetings to the second and fourth Mondays of the month, along with other options.

The Board directed staff and Hewitt Ennisknupp to explore and develop a way to make monthly and other manager reports more accessible to Board members.

VIII. Adjournment

MOTION: Judge Hintz moved, seconded by Mr. T. Johnston, to adjourn the meeting.

Motion passed unanimously. Mr. Wilson and Mr. Henderson were absent.

The Retreat adjourned at 4:34 p.m.

Respectfully submitted,



DONALD C. KENDIG, CPA, Retirement Administrator

Approved,

WILLIAM W. WILSON, Chairman

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

BUSINESS MEETING

OCTOBER 15, 2012

MINUTES

**DIRECTORS
PRESENT:**

William W. Wilson, Chair, Public Member
Tracy Towner, Vice Chair, Safety Employee Member
Steven Hintz, Treasurer-Tax Collector
Joseph Henderson, Public Member
Robert Hansen, General Employee Member
Tom Johnston, General Employee Member
Chris Johnston, Alternate Employee Member
Will Hoag, Alternate Retiree Member

**DIRECTORS
ABSENT:**

Peter C. Foy, Public Member
Albert G. Harris, Public Member
Arthur E. Goulet, Retiree Member

**STAFF
PRESENT:**

Donald C. Kendig, Retirement Administrator
Henry Solis, Chief Financial Officer
Lori Nemiroff, Assistant County Counsel
Chantell Garcia, Retirement Benefits Assistant
Glenda Jackson, 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. INTRODUCTION OF MEETING

Chairman Wilson called the Business Meeting of October 15, 2012, to order at 9:00 a.m.

II. APPROVAL OF AGENDA

Staff proposed the following change to page 1, Agenda Item V.E.2.a. to read: Loomis Full Discretion Institutional Securitized Funds (FDISF).

MOTION: Mr. Hansen moved, seconded by Mr. T. Johnston, to approve the agenda as corrected.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

III. APPROVAL OF MINUTES

A. Disability Meeting of October 1, 2012.

MOTION: Mr. Hansen moved, seconded by Judge Hintz, to approve the minutes of October 1, 2012 as presented.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

IV. CONSENT AGENDA

THE FOLLOWING ITEMS ARE ANTICIPATED TO BE ROUTINE AND NON CONTROVERSIAL. CONSENT ITEMS WILL BE APPROVED WITH ONE MOTION IF NO MEMBER OF THE BOARD WISHES TO COMMENT OR ASK QUESTIONS. IF COMMENT OR DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND TRANSFERRED TO THAT SECTION OF THE AGENDA DEEMED APPROPRIATE BY THE CHAIR.

- A. Regular and Deferred Retirements and Survivors Continuances for the Month of September 2012.
- B. Report of Checks Disbursed in September 2012.
- C. Asset Allocation as of September 2012.
- D. Statement of Reserves as of June 30, 2012.
- E. Statement of Plan Net Assets, Statement of Changes in Plan Net Assets, and Investments & Cash Equivalents for the Month Ended July 31, 2012.
- F. Budget Summary – Year to Date as of August 2012, Fiscal-Year 2012-13.
- G. Budget Summary – Year to Date as of September 2012, Fiscal-Year 2012-13.

MOTION: Mr. T. Johnston moved, seconded by Judge Hintz, to approve the Consent Agenda as presented.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

END OF CONSENT AGENDA

V. INVESTMENT INFORMATION

C. Reams Asset Management Investment Presentation, Mark M. Egan, CFA.

Mark M. Egan, CFA, was present on behalf of Reams Asset Management to review the firm's organization, investment results for VCERA's accounts, investment process, and outlook.

Mr. Egan asked the Board to consider relaxing the duration constraints in the investment manager guidelines so Reams Asset Management can provide better downside protection.

NO ACTION TAKEN.

D. Western Asset Management Company Investment Presentation, Joseph C. Carieri and Julien A. Scholnick, CFA.

Joseph C. Carieri and Julien A. Scholnick, CFA were present on behalf of Western Asset Management Company to review the firm's organization, investment results for VCERA's accounts, investment process, and outlook.

NO ACTION TAKEN.

A. BlackRock Investment Presentation, Anthony Freitas, CFA and Stephanie Hill.

Anthony Freitas, CFA and Stephanie Hill were present on behalf of BlackRock to review the firm's organization, investment results for VCERA's accounts, investment process, and outlook.

NO ACTION TAKEN.

B. BlackRock Securities Lending Update, Anthony Freitas, CFA and Stephanie Hill.

Anthony Freitas, CFA and Stephanie Hill were present on behalf of BlackRock to present a securities lending update.

NO ACTION TAKEN.

E. Hewitt Ennisknupp, Russ Charvonja, ChFC, CFP, Esq. and Kevin Chen.

1. Monthly Manager Performance Report, September 2012.

MOTION: Mr. Hansen moved, seconded by Judge Hintz, to receive and file the September 2012 Monthly Manager Performance Report, as corrected for the change of the performance headings from 8/31/2012 to 9/30/12 on Master Pages Nos. 154 and 155.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

2. Highlights and Research, October 2012.

- a. Loomis Full Discretion Institutional Securitized Funds (FDISF)

MOTION: Judge Hintz moved, seconded by Mr. Hansen, to approve the Hewitt Ennisknupp Highlights & Research recommended action authorizing Loomis to invest in the FDISF and modifying the current investment guidelines for the insertion of an allowable range of 0-20% for the FDISF.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

- b. PIMCO Global Fixed Income

MOTION: Mr. Hansen moved, seconded by Mr. T. Johnston, to receive and file the Research PIMCO Global Fixed Income Account Update.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

- c. Securities Lending Report

MOTION: Judge Hintz moved, seconded by Mr. Hansen to receive and file the Securities Lending Credit Support Agreement Report.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

d. RREEF Ownership

MOTION: Mr. Hansen moved, seconded by Judge Hintz, to receive and file the RREEF Ownership/Report.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

e. Guggenheim Update

MOTION: Mr. Hansen moved, seconded by Mr. T. Johnston to approve the Hewitt Ennisknupp Highlights and Research recommended action, liquidating this investment placing roughly half of the proceeds with PRISA and the remainder used for additional rebalancing, depending on values at the time. The liquidation is to take place 3/31/13.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

Staff also announced that it will be turning off the income reinvestment option for UBS to help keep UBS within the asset allocation range and to help fund cash flow needs.

f. QE3 Paper

MOTION: Mr. Hansen moved, seconded by Mr. T. Johnston to receive and file the Hewitt Ennisknupp Highlights and Research QE3 Paper.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

g. Guideline Review by Manager

MOTION: Mr. Hansen moved, seconded by Judge Hintz to direct Hewitt Ennisknupp to amend the current investment guidelines for Reams and Western providing for maximum duration underweighting/overweighting of two (2) years relative to the Barclays Capital Aggregate Bond Index.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

The Board also directed Hewitt Ennisknupp to come back next month with a recommendation on moving all or a portion of VCERA's passive fixed income to actively managed Global Fixed Income.

VI. NEW BUSINESS

A. Quarterly PAS (VCERIS) Report.

Brian Colker from Linea Solutions, Inc., and Al Gates, Principal from MBS were present in addition to staff for this item. Brian Colker presented the item and Mr. Gates, Mr. Colker and staff answered questions raised by the Board.

MOTION: Mr. Hansen moved, seconded by Mr. T. Johnston, to approve the proposed change orders and receive and file the quarterly PAS (VCERIS) Update report and attachments.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

B. Pension Data Disclosure.

Received public comment from David Grau, Ventura County Taxpayers Association.

MOTION: Mr. Henderson moved, seconded by Mr. Hansen, directing staff to disclose (a) retirees' elections of their final compensation measurement period based on the rationale in *San Diego* and *Sacramento*, and (b) the "Worksheets" used to determine the amount of annual leave buyback that was used in the calculation of retirees' benefits, with confidential information redacted.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

C. Quarterly Retirement Administrator Report.

MOTION: Mr. Hansen moved, seconded by Mr. T. Johnston, to receive and file the Quarterly Retirement Administrator Report.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

D. Conference Report: Opal Investment Trends Summit on September 12-14, 2012 - Trustee Judge Hintz.

MOTION: Mr. Hansen moved, seconded by Mr. Henderson, to receive and file the Conference Report: Opal Investment Trends Summit on September 12-14, 2012 submitted by Trustee Judge Hintz.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

E. SACRS Fall 2012 Conference Legislative Items.

MOTION: Mr. Henderson moved, seconded by Mr. Hansen, to receive and file the SACRS Fall 2012 Conference Legislative Items.

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Goulet absent.

VII. PUBLIC COMMENT

Mr. Kendig introduced Glenda Jackson to the Board as the new Program Assistant, and reported that one trustee remains to pay the Waiver of Recourse fee of \$9.09 for the Fiduciary Liability Policy, of which said waiver will not be in effect until fully paid.

VIII. BOARD MEMBER COMMENT

None.

IX. ADJOURNMENT

The Meeting adjourned at 12:02 p.m.

Respectfully submitted,



DONALD C. KENDIG, CPA, Retirement Administrator

Approved,

WILLIAM W. WILSON, Chairman

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

County Administration Building
800 South Victoria Avenue
Ventura, CA 93009-0005
(805) 654-3736 • Fax: (805) 654-3560

November 5, 2012

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

SUBJECT: 2013-2015 INVESTMENT MANAGER DUE DILIGENCE SCHEDULE

Dear Board Members:

Objective

To re-establish an annual due diligence schedule, to provide a due diligence plan for the next three years, and to have the Board provide the Chair with input on trustee designations for the due diligence visits in 2013.

Recommendation

Staff recommends receiving and filing the attached 2013-2015 investment manager due diligence schedule and designating trustees and staff to participate in each on-site evaluation for 2013.

Background

The Board's Education and Travel Policy provides for the scheduling of regular on-site due diligence evaluations with VCERA's investment managers every three years. (More frequent evaluations shall be conducted if there have been material organizational changes, significant underperformance of the investment or for any other reason deemed appropriate by the Board.) On-site due diligence evaluations may be conducted by one or more Trustees, and may include the Administrator or his designee.

The Administrator shall, in consultation with the Investment Consultant, agendaize a proposed schedule for all on-site due diligence trips to be conducted in the upcoming year.

The Board Chair shall, with Board consent, designate the Trustee(s) to participate in each on-site evaluation. Every effort shall be made to rotate due diligence responsibilities so no single Trustee, or group of Trustees, is conducting a majority of due diligence visits on VCERA's behalf.

The Trustee(s) and Administrator, or designee, shall be responsible for providing a written/oral report to the Board no later than the second subsequent regular Board meeting summarizing their findings and recommendations, if any.

Discussion

Please receive and file the attached 2013-2015 investment manager due diligence schedule and review it with the Chair to provide input into the Chair's designations for the due diligence trips listed for 2013. Trips contain groups of two or more managers that will be visited, except Walter Scott, which is overseas. Staff will work with the managers, consultant, and designated trustee(s) on scheduling one to two months in advance of the on-site due diligence trip.

Staff would be happy to answer any questions you may have and field any comments, concerns, discussion, or direction during the meeting.

Sincerely,



Donald C. Kendig, CPA
Retirement Administrator

My vision is for VCERA to be a model of excellence for public pension plans around the World.

Attachment

Year	Service Provider	Location	Time Frame	Trustee(s)	Comments
2013					
	Pantheon	San Francisco	February - April		
	RREEF	San Francisco			
	SSgA - Custodian	Sacramento			
	SSgA - Sec. Lending	Boston	June - August		
	Clifton	Minneapolis			
	Walter Scott	Edinburgh, Scotland	September - October		
2014					
	Prudential	San Francisco	February - April		
	BlackRock	San Francisco			
	UBS Realty	San Francisco			
	Western	Pasadena, CA	June - August		
	PIMCO	Newport Beach			
	Reams	Columbus, IN	September - October		
2015					
	Hewitt EnnisKnupp	Chicago	May - June		HEK client conf. is May/June
	Adams Street	Chicago			
	Sprucegrove	Toronto	June - August		Passports will be required
	Hexavest	Montreal			Passports will be required
	GMO	Boston	September - October		
	Loomis Sayles	Boston			

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

County Administration Building
800 South Victoria Avenue
Ventura, CA 93009-0005
(805) 654-3736 • Fax: (805) 654-3560

November 5, 2012

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

SUBJECT: ELECTION POLICY REVIEW, BOARD MEMBER TERMS, AND PROPOSED ELECTION SCHEDULE

Dear Board Members:

Objective

For your Board to 1) select one *Appointment and Election of Trustees* policy from the two provided, confirming Board member terms, and 2) to set the Election Schedule for the Third Member on the Board, that being the General Member position currently filled by Trustee Hansen.

Recommendation

Staff recommends that you:

1. Approve Attachment 1, the *Appointment and Election of Trustees* policy, and
2. Approve Attachment 3, the Schedule for the General Member Election for the Third Member on the Board.

Alternatively, you may approve Attachment 4, the *Appointment and Election of Trustees* policy, based on Staff's best piecing together of the history, upholding past practice, and applying the law to the appointed members for lack of better history, or you may take any other action your Board deems appropriate.

Discussion

Before you for consideration are two versions of the *Appointment and Election of Trustees* policy and the proposed election schedule for Third Member on the Board, or the General Member seat filled by Trustee Hansen. As part of your policy consideration, Staff has provided an analysis of Trustee Terms that need modification.

Appointment and Election of Trustees Policy

The Appointment and Election of Trustees policy was originally adopted on December 2, 1985, according to records located by staff, and again approved on October 20, 2003, and October 17, 2005. The Two versions before you have been reformatted to match the paragraph numbering conventions of the Board Governance policies along with an updated history and a proposed review cycle of once every three years. New to the policy is clarification, under paragraph 3, that, "An appointed board member whose term has expired is considered a holdover and continues as an appointed member until he/she resigns or until the Board of Supervisors reappoints the sitting appointee or appoints a new member," and most importantly, a table of the terms of office making it clear when a term starts (and subsequently ends) and clearly identifying the member positions of the Board, something that does not appear to have ever been done before. Lastly, under paragraph 12, ballots may be returned by 5:00 pm matching the policy to the current practice, and it is now clear that ballots may be returned by personal delivery, County Brown Mail, or U.S. mail¹. Policy changes have highlighting that will be removed once adopted.

There are two versions of this policy before you due to Staff and Counsel's difficulty in piecing together the history of Trustee terms and getting them to fit neatly within the statutes. The recommended policy, Attachment 1, gets closest to statute and better matches the uniformity found in other 1937 Act Retirement systems, but also causes the a greater shift in existing terms, and it is not a perfect piecing together of the puzzle as some assumptions had to be made. (See Board Counsel Memorandum under Attachment 2 for more information.) An alternative policy, Attachment 4, is a compromise providing for the least amount of change in Trustee terms by just getting them back into conformity with past practice that has been traced back to 1986, 1987, and 1988 (See Attachment 5 for supporting documentation). Under the alternative, VCERA would conform to past practice for elected members, but would deviate from the term dates set by statute and the other 1937 Act systems. A redeeming quality is not second guessing the legal interpretations or actions of our predecessors.

Board Member Terms

In preparing for the next election, it was brought to my attention that the start and end dates of some of Board Member terms would need to be adjusted, which had been shifted to the Oath of Offices dates, and as it turns out, to the Board appointment dates for appointed members. From the attached legal memorandum, the one thing that is clear is the term goes with the office as opposed to the time an oath is taken or a person is appointed.

¹ Past practice has been to only allow the returning of ballots by personal delivery or County Brown Mail. Elections will accept ballots by U.S. mail if directed by VCERA and Board Counsel has advised Staff that the Board of Retirement has discretion to allow ballots to be returned by mail. Staff has incorporated all three methods.

ELECTION POLICY REVIEW, BOARD MEMBER TERMS, AND PROPOSED ELECTION SCHEDULE

November 5, 2012

Page 3 of 6

With a new Administrator comes a new opportunity to set the schedule straight with the term start (and resulting end dates) clearly expressed and understood, and in conformity with the intent of Board and statute. After extensive research by Board Counsel and staff, the schedules below have been formulated and added to the two *Appointment and Election of Trustees* policies before you today.

Recommended Terms per statute

Office	Position	Term	Start of Term	Sample Years	Ref.	Filled By
Treasurer (Ex Officio)	1st	4 yrs	1st Mon. in Jan. at noon following election	2010, 2014, 2018	GC 24200	Steven Hintz
General Member 1	2nd	3 yrs	January 1	2012, 2015, 2018	GC 31520.1 Ord. 401	Tom Johnston
General Member 2	3rd	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401	Robert Hansen
Appointed Member 1	4th	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401	William Wilson
Appointed Member 2	5th	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401	Peter Foy
Appointed Member 3	6th	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Res. 208.210	Albert Harris
Safety Member	7th	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Res. 208.210	Tracy Towner
Retiree Member	8th	3 yrs	January 1	2012, 2015, 2018	GC 31520.1 Ord. 401	Arthur Goulet
Appointed Member 4	9th	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Ord. 401	Joseph Henderson
Alternate Safety	7th Alt.	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Res. 208.210	Chris Johnston
Alternate Retiree	8th Alt.	3 yrs	January 1	2012, 2015, 2018	GC 31520.5	Will Hoag

Adopting the Recommended Policy containing the above terms would result in the following adjustments.

Office	Count	Term	Filled By	Old Start	Old End	New End	Addnl. Days
Treasurer (Ex Officio)	1st	4 yrs	Steven Hintz	1/3/2011	1/5/2015	n/c	0
General Member 1	2nd	3 yrs	Tom Johnston	9/12/2011	9/12/2014	12/31/2014	110
General Member 2	3rd	3 yrs	Robert Hansen	4/5/2010	4/5/2013	n/c*	0
Appointed Member 1	4th	3 yrs	William Wilson	1/23/2010	1/23/2013	12/31/2012	-23
Appointed Member 2	5th	3 yrs	Peter Foy	1/3/2010	1/3/2013	12/31/2012	-3
Appointed Member 3	6th	3 yrs	Albert Harris	1/13/2011	1/13/2014	12/31/2013	-13
Safety Member	7th	3 yrs	Tracy Towner	9/12/2011	9/12/2014	n/c**	0
Retiree Member	8th	3 yrs	Arthur Goulet	11/7/2011	11/3/2014	12/31/2014	58
Appointed Member 4	9th	3 yrs	Joseph Henderson	1/13/2011	1/13/2014	12/31/2013	-13
Alternate Safety	7th Alt.	3 yrs	Chris Johnston	9/12/2011	9/12/2014	n/c**	0
Alternate Retiree	8th Alt.	3 yrs	Will Hoag	11/7/2011	11/3/2014	12/31/2014	58

* Next term will be announced with an end date of 12/31/15.

** Next term will be announced with an end date of 12/31/16.

The first member term is ex officio and runs concurrent with the County Treasurer term and is not subject to any adjustment.

The second through fifth members are clearest per statutory interpretation as to why they need to be adjusted. Under the proposed terms per statute, appointed fourth and fifth member terms will be shortened, the second member current term, elected by the general members, will be extended, and the third member current term, also elected by the general members, will complete as originally filled, with the next term ending date announced as December 31, 2015.

The sixth, seventh, and alternate seventh members have a resolution which deviate from statute, and the present terms do not coincide with either the resolution date or statute. Under the proposed terms per statute, the appointed sixth member term will be shortened, and the current seventh and alternate seventh member terms, elected by the safety members, will complete as originally filled, with the next term ending date announced as December 31, 2016.

The eighth and alternate eighth members, elected by retirees, could end on either the second, third or seventh member dates, and staff chose the second member term, which provided for the smallest deviation to the existing term date, extending the current terms.

The ninth member could end on either the second, third or seventh member dates, and staff chose the seventh member term, which provided for the smallest deviation to the existing appointed member term date, shortening the current term.

Now, we turn to an alternative proposal based on a combination of past practice, Board resolution, and statute. Attachment 5 contains earliest memos and resolution that staff was able to find surrounding Board Member terms. In addition, the attachment contains the earliest known version of the appointment and election policy.

Proposed Terms as an Alternative

Office	Position	Term	Start of Term	Sample Years	Ref.	Filled By
Treasurer (Ex Officio)	1st	4 yrs	1st Mon. in Jan. at noon following election	2010, 2014, 2018	GC 24200	Steven Hintz
General Member 1	2nd	3 yrs	September 11	2012, 2015, 2018	4/6/87 Memo	Tom Johnston
General Member 2	3rd	3 yrs	March 17	2013, 2016, 2019	10/3/88 Memo	Robert Hansen
Appointed Member 1	4th	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401	William Wilson
Appointed Member 2	5th	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401	Peter Foy
Appointed Member 3	6th	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Res. 208.210	Albert Harris
Safety Member	7th	3 yrs	July 17	2011, 2014, 2017	4/6/87 Memo	Tracy Towner
Retiree Member	8th	3 yrs	November 6	2012, 2015, 2018	4/6/87 Memo	Arthur Goulet
Appointed Member 4	9th	3 yrs	July 1	2011, 2014, 2017	GC 31520.1 Ord. 401	Joseph Henderson
Alternate Safety	7th Alt.	3 yrs	July 17	2011, 2014, 2017	4/6/87 Memo	Chris Johnston
Alternate Retiree	8th Alt.	3 yrs	November 6	2012, 2015, 2018	GC 31520.5	Will Hoag

ELECTION POLICY REVIEW, BOARD MEMBER TERMS, AND PROPOSED ELECTION SCHEDULE

November 5, 2012

Page 5 of 6

Adopting the Alternative Policy containing the proposed terms on the previous page would result in the following adjustments.

Office	Count	Term	Filled By	Old Start	Old End	New End	Addnl. Days
Treasurer (Ex Officio)	1st	4 yrs	Steven Hintz	1/3/2011	1/5/2015	n/c	0
General Member 1	2nd	3 yrs	Tom Johnston	9/12/2011	9/12/2014	9/10/2014	-2
General Member 2	3rd	3 yrs	Robert Hansen	4/5/2010	4/5/2013	n/c*	0
Appointed Member 1	4th	3 yrs	William Wilson	1/23/2010	1/23/2013	12/31/2012	-23
Appointed Member 2	5th	3 yrs	Peter Foy	1/3/2010	1/3/2013	12/31/2012	-3
Appointed Member 3	6th	3 yrs	Albert Harris	1/13/2011	1/13/2014	12/31/2013	-13
Safety Member	7th	3 yrs	Tracy Towner	9/12/2011	9/12/2014	n/c**	0
Retiree Member	8th	3 yrs	Arthur Goulet	11/7/2011	11/3/2014	11/5/2014	2
Appointed Member 4	9th	3 yrs	Joseph Henderson	1/13/2011	1/13/2014	12/31/2013	-13
Alternate Safety	7th Alt.	3 yrs	Chris Johnston	9/12/2011	9/12/2014	n/c**	0
Alternate Retiree	8th Alt.	3 yrs	Will Hoag	11/7/2011	11/3/2014	11/5/2014	2

* Next term will be announced with an end date of March 16, 2016.

** Next term will be announced with an end date of 7/16/17.

As mentioned previously, the first member term is ex officio and runs concurrent with the County Treasurer term and is not subject to any adjustment. Also, the proposed changes to Appointed Member positions are proposed to be the same as per statute given that past practice was more fluid.

The second member has an earliest found memo dated April 6, 1987, which announced its term end and coincides with the long standing practice of a term ending September 10. Staff proposes shortening the term by a nominal two (2) days.

The third member has an earliest found memo dated October 3, 1988, which announced its term end and coincides with the long standing practice of a term ending March 16. Under the alternative proposal, the third member current term, elected by the general members, would complete as originally filled, with the next term ending date announced as March 16, 2016.

The seventh member, and ergo the seventh alternate member, elected by safety members, has an earliest found memo dated April 6, 1987, which announced its term end and coincides with the long standing practice of a term ending July 16. Under the alternative proposal, the current seventh and alternate seventh member terms, elected by the safety members, would complete as originally filled, with the next term ending date announced as July 16, 2017.

The eighth, and ergo the eighth alternate member, elected by retirees, has an earliest found memo dated April 6, 1987, which announced the term end and coincides with the long standing practice of a term ending November 5. The current terms would be extended.

Upon the Board's approval of either policy proposal and resulting schedule, Staff will notify the County of the terms expiring for the fifth member, currently filled by Trustee Foy, and the Fourth Member, currently filled by Trustee Wilson. Staff will also set reminders for timely notification of the other appointed positions, such that the County is given a minimum 90 day notice per policy.

General Member Election Schedule

The General Member seat filled by Trustee Robert Hansen is up for election the first part of 2013. Please review and approve Attachment 3, the Schedule for the General Member Election for the Third Member on the Board. Neither of the two policy options will affect the proposed election schedule, but will affect the details of the subsequent announcement, which will contain the term end date.

I would be delighted to answer any questions you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald C. Kendig".

Donald C. Kendig, CPA
Retirement Administrator

A model of excellence for public pension plans around the World.

Attachments

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

APPOINTMENT AND ELECTION OF TRUSTEES POLICY

I. Purpose and Objectives

- 1) The purpose of this policy is to establish a procedure for the Ventura County Employees' Retirement Association ("VCERA") to provide notice to the Board of Supervisors when the term of a Public Member appointee is about to expire, as well as a procedure for the election of employee and retiree representatives to the Board of Retirement ("Board").

II. Background

- 2) The Board of Retirement (Board) shall consist of nine members and two alternates as provided for under Government Code sections 31520.1 and 31520.5. One member shall be the County Treasurer, whose membership on the Board shall run concurrent with his/her term as County Treasurer. The second and third members shall be general members of the Association and shall be elected by the general members of the Association in active service. The fourth, fifth, sixth and ninth members shall be qualified electors of the County of Ventura who are not connected with county government in any capacity, except that one may be a County Supervisor, and shall be appointed by the Ventura County Board of Supervisors. The seventh member shall be a safety member of the Association who is elected by the safety members of the Association in active service. The eighth member shall be a retired member elected by the retired members of the Association. The alternate member shall be that candidate, if any, from the group under section 31470.2 (law enforcement) or 31470.4 (fire suppression), which is not represented by a board member, who receives the highest number of votes of the candidates in the group that is not represented. For purposes of this policy, law enforcement personnel shall include Welfare Fraud Investigators and Probation Officers, and fire suppression personnel shall include Airport Operations Officers and Harbor Patrol Officers, who have been granted safety membership. There shall be an alternate retired member who shall be elected at the same time and in the same manner as the eighth member.

III. Appointed Members

- 3) Not less than 90 days before the expiration of the term of a member appointed by the Board of Supervisors, the Administrator shall provide written notice to the Chair of the Board of Supervisors, with a copy to the member of the Board of Supervisors who sits on the Board of Retirement, if any, and the County Chief Executive Officer, advising him/her that the term of a public member is set to expire. The notice shall provide the name of the individual and date on which his/her term on the Board will expire. **An appointed board member whose term has expired is considered a holdover and continues as an appointed member until he/she resigns or until the Board of Supervisors reappoints the sitting appointee or appoints a new member.**

IV. Elected Members

- 4) The County Elections Division shall conduct all elections on behalf of VCERA.
- 5) Not less than 120 days prior to the expiration of the term of a member elected to the Board of Retirement, the Administrator shall contact the Ventura County Elections Division to request an election be conducted. The Elections Division shall be primarily responsible for preparation of the nomination petition, preparation of ballots, mailing and receipt of ballots, counting of ballots and certification of the election. The Administrator shall prepare, for approval by the Elections Division, a calendar which sets forth all relevant dates in the election process.
- 6) Not less than 90, nor more than 120, days before the expiration of the term of a member elected to the Board, the Administrator shall provide written notice to all members of the Association who are eligible to be a candidate for such position, that an election will be held to fill a position on the Board. The obligation to provide such notice to current employee members shall be satisfied by providing to each county department a sufficient number of election notices and requesting it be distributed to their employees. In the case of the retired (eighth) member position and the alternate retired member position, notice of an election shall be provided to all retired members by mail. The written notice provided shall include, but not be limited to, an introduction section describing the Board of Retirement, the process for obtaining and filing a nomination petition, and all relevant dates in the election process.
- 7) A candidate for the second or third member position shall be a general member of the Retirement Association. Only general members of the Retirement Association shall be eligible to vote for the second or third member position. A candidate for the seventh member position shall be a safety member of the Retirement Association. Only safety members of the Retirement Association shall be eligible to vote for the seventh member position. To be a candidate, or voter, for the second, third or seventh member positions, the employee must be an active member in the Retirement Association. A candidate for the eighth member position shall be a retired member of the Retirement Association. A candidate for the alternate retired member position shall be a retired member of the Retirement Association. Only retired members of the Retirement Association shall be eligible to vote for the eighth member position and alternate retired member position.
- 8) Any qualified member of the Retirement Association who wishes to be a candidate for a position on the Board may request a nomination petition from the County Elections Division. The nomination petition shall be signed by not less than 20 or more than 30 members of the Retirement Association who are eligible to vote in the election. Signatures on the nomination petition shall be verified against County Registrar of Voter records, or, if necessary, the member's County Appointment form or Sworn Statement form on file with VCERA. At the time the nomination petition is filed with the Elections Division, the candidate may file a statement of qualifications, goals and objectives, of not more than 200 words. The statement of qualifications shall be limited to describing the candidate's own qualifications and shall refrain, from in any way, making any reference to any other candidate. The counting of words shall be in accordance with the California Elections Code. Candidate statements shall remain confidential until after the filing deadline and may not be

changed for any reason after the filing deadline. The statement of qualifications shall be distributed to all voting members with their ballots and instructions for voting. The nomination petition shall list the date on which it is to be filed and any nomination petition filed after such deadline shall be disqualified.

- 9) The election of the retired (eighth) member and the alternate retired member shall be conducted simultaneously. An eligible retired member of the Retirement Association may be a candidate for both positions. A retired member who chooses to be a candidate for both positions must file separate nomination petitions. If a retired member files as a candidate for both positions, and receives the highest number of votes for both positions, such candidate shall be certified as the retired (eighth) member on the Board of Retirement. In such a case, the candidate for the alternate retired member position, if any, that received the second highest number of votes for that position shall be certified as the alternate retired member.
- 10) If the Elections Division determines that there is only one qualified candidate, the Board of Supervisors shall, as provided for by Government Code section 31523, order that no election be held and that a unanimous ballot be cast in favor of such candidate.
- 11) The Administrator shall provide to the Elections Division a list of all eligible voters for each election, along with a set of mailing labels. The Administrator shall be responsible for ensuring a sufficient number of envelopes, copies of the instructions for voting, and copies of the statements of qualifications are provided to the Elections Division for distribution to all eligible voters.
- 12) The Elections Division shall prepare the official ballot. The official ballot, statement of qualifications and instructions for voting shall be sent to each eligible voter by the Elections Division through the U.S. mail. Ballots must be returned to the Elections Division prior 5:00 p.m. on the date noted in the instructions for voting by personal delivery, County Brown Mail, or U.S. Mail. The Elections Division shall void duplicate ballots cast, ballots which bear the signature or initials of the voter, ballots which do not bear the printed name and signature of the voter on the outer envelope, envelopes containing more than one ballot, or any other ballots where the Elections Division is unable to determine the voter's intent. Write-in candidates are not acceptable and such votes shall not be reported in the certification of election results.
- 13) The Elections Division shall be responsible for the receipt and safekeeping of voted ballots. Ballots shall be counted under the supervision of personnel assigned by the Elections Division. The Elections Division shall retain voted ballots for 180 days following the date of the counting of ballots.
- 14) The Elections Division shall certify the results of the election to the Board of Supervisors as soon as practicable after the ballots have been counted.
- 15) Upon application to the Elections Division made within five business days of the certification of the results of the election, any candidate may request a recount of the ballots. The candidate shall be responsible for depositing with the Elections Division, prior to the recount, an amount sufficient to cover the actual cost of having the ballots recounted.

- 16) Newly elected members shall be sworn in at their first Board of Retirement meeting.
- 17) Decisions of the Elections Division and Administrator regarding the conduct of the election may be appealed to the Board in writing within 15 days of notice of the decision. The decision of the Board shall be final, subject to judicial review.
- 18) If a vacancy on the Board occurs for any reason within nine (9) months of the scheduled expiration of the term of the member leaving office, a special election shall not be held. If the vacancy occurs more than nine months prior to the scheduled expiration of the term, the Administrator shall contact the Elections Division to schedule a special election to be held in a manner consistent with the provisions of this policy.
- 19) All costs of the election shall be an expense of administration of the Retirement Association, and the Retirement Association shall reimburse the Elections Division for any costs associated with conducting an election.

V. Terms of Office

- 20) The following schedule outlines the terms of office for the appointed and elected members.

Office	Position	Term	Start of Term	Sample Years	Ref.
Treasurer (Ex Officio)	1st	4 yrs	1st Mon. in Jan. at noon following election	2010, 2014, 2018	GC 24200
General Member 1	2nd	3 yrs	January 1	2012, 2015, 2018	GC 31520.1 Ord. 401
General Member 2	3rd	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401
Appointed Member 1	4th	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401
Appointed Member 2	5th	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401
Appointed Member 3	6th	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Res. 208.210
Safety Member	7th	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Res. 208.210
Retiree Member	8th	3 yrs	January 1	2012, 2015, 2018	GC 31520.1 Ord. 401
Appointed Member 4	9th	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Ord. 401
Alternate Safety	7th Alt.	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Res. 208.210
Alternate Retiree	8th Alt.	3 yrs	January 1	2012, 2015, 2018	GC 31520.5

VI. Process Review

- 21) The Board will review the Appointment and Election of Trustees Policy at least once every three (3) years to ensure that it remains relevant and appropriate.

VII. Process History

- 22) The Board last reviewed and approved this policy on November 5, 2012. The Board originally adopted this policy on December 2, 1985 and revised the policy on October 20, 2003 and October 17, 2005.

**MEMORANDUM
COUNTY OF VENTURA
COUNTY COUNSEL'S OFFICE**

October 30, 2012

TO: Donald Kendig, Retirement Administrator
Ventura County Employees' Retirement Association

FROM: Lori A. Nemiroff, Assistant County Counsel *LAN*

RE: RETIREMENT BOARD MEMBER TERM DATES

This responds to your request for guidance on the laws applicable to the Ventura County Employees' Retirement Association ("VCERA") board member term dates and a review of current board member term dates to determine whether corrections are warranted. You have also asked whether board member term dates may be changed to be more uniform. Below are the statutory provisions governing retirement board member terms and legal analysis concerning term dates, available history of the term dates for each board member position, and options for changing term dates for the purpose of correction or making the terms more uniform.

A. GOVERNING LAW: GOVERNMENT CODE SECTIONS 31520.1 AND 31520.5

Retirement board member term dates are governed by Government Code sections 31520.1 and 31520.5.¹⁷ Section 31520.1 provides, in pertinent part,

“(a) In any county subject to Articles 6.8 . . . the board of retirement shall consist of nine members and one alternate, one of whom shall be the county treasurer. The **second** and **third** members of the board shall be members of the association, other than safety members, elected by those members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The **fourth**, **fifth**, **sixth**, and **ninth** members shall be qualified electors of the county who are not connected with the county government in any capacity, except one may be a

¹⁷ All further section references are to the Government Code.

supervisor, and shall be appointed by the board of supervisors. A supervisor appointed as a member of the retirement board may not serve beyond his or her term of office as supervisor. The **seventh** member shall be a safety member of the association elected by the safety members. The **eighth** member shall be a retired member elected by the retired members of the association in a manner to be determined by the board of supervisors. The **alternate [safety] member . . .** shall be referred to as the alternate seventh member The first person chosen as the **second** and **fourth** members shall serve for a term of two years beginning with the date the system becomes operative, the **third** and **fifth** members shall serve for a term of three years beginning with that date, and the **sixth, seventh** and **alternate seventh** members shall serve for a term of two years beginning on the date on which a retirement system established by this chapter becomes operative. The **eighth** and **ninth** members shall take office as soon as practicable for an initial term to expire concurrent with the expiration of the longest remaining term of an elected member. Thereafter, the terms of office of the elected, appointed, and alternate seventh members are three years, except as provided in Section 31523.^{2/} (Emphases added.)

Section 31520.1 was amended in 2011 to change the language governing the date upon which the **sixth, seventh and alternate seventh members'** initial terms begin. Prior to this amendment, section 31520.1 provided, in pertinent part, "[t]he sixth, seventh and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later." CERL became operative in Ventura County on January 1, 1947. Accordingly, under the prior version of the statute, January 1, 1952, would be the date upon which the initial two-year term would have begun for the sixth, seventh and alternate members.

^{2/} Section 31523 governs the filling of vacancies, but does not appear to impact term dates.

Section 31520.5, subdivision (a), governs the term date for the alternate retired member. This section provides,

“Notwithstanding Section 31520.1, in any county subject to Articles 6.8 . . . the board of retirement may, by majority vote, appoint, from a list of nominees submitted by a qualified retiree organization, an **alternate retired member** to the office of the **eighth member**, who shall serve until the expiration of the current term of the current eighth member.” (Emphases added.)

**Board Member Terms Are Fixed by Statute
and Run with the Office, Not the Officer**

In 2003, pursuant to a request by then Retirement Administrator Van Perris, I confirmed that VCERA’s practice of keeping board member term dates consistent and not changing the dates based on the oath dates was in compliance with the law. I advised that board member terms are fixed by statute and run with the office, not with the person serving in the position. In other words, the term dates begin and end on dates certain and are not adjusted to correspond with the date the member is appointed or sworn into office. It appears that during the past several years, however, the board member term dates were changed based on the date the member took the oath of office at a board meeting. In those instances, it would be appropriate to correct the term dates if so desired based on the legal authority set forth below. In addition, VCERA has now asked whether the term dates may be changed, on a prospective basis, to be uniform and coordinated to reduce the required number of separate elections. These legal issues are also addressed below.

Section 31520.1 sets the beginning of each term at a date certain, that being either January 1, 1952, or the date on which the system becomes operative. When a statute sets the beginning date for a term at a particular date, the term runs with the office and not the date of a particular member’s appointment to the office. In *Boyd v. Huntington* (1932) 215 Cal. 473, 478-480 (“*Boyd*”), provides, in pertinent part,

“[W]here there is no beginning or termination date provided for a definite term, the terms run with the incumbent [T]he Nickel case [*sic*] implies that the converse is also true; that is, if a particular date is established for either the beginning or ending of the term,

then the term runs with the office and not the officer, for it is there said that when the terms of commencement and termination of the term of an office as well as its duration are definitely fixed and provision is made for filling vacancies without any provision as to the duration of authority, such person is entitled to serve for the unexpired term. [Citation.] Whether a public officer has a fixed term of office can be determined only by reference to the law creating the office [¶] . . . [¶] The law is well established that a term begins not necessarily from the date of the appointment, but from the time fixed by the lawmakers for it to begin. [Citation.] Nor is it necessary that such a statutory provision expressly fix a date for the beginning or ending of a term. It is sufficient if the statute shows by its provisions that the term shall run with the office The statute here in question does fix the date of the commencement of the terms as August 8, 1915, the effective date of the act, and the rotation in office or classification provided for therein in our opinion definitely fixes and establishes the end thereof.”

The analysis in two Attorney General opinions is consistent with, and relies upon, the *Boyd* case, though the conclusions are different because the statutes at issue did not set a beginning or ending date for the term of office. In 66 Ops.Cal.Atty.Gen. 477 (1983), the Attorney General opined that the three-year terms of members of the Commission of Emergency Medical Services began on the date of each respective appointment, not on the date of the creation of the commission, because the governing statute fixed the term for a given period of time only (three years), and no particular date is established for the beginning or ending of the term. Accordingly, the term is said to run with, or is attached to, the officer, not the office. (See also 70 Ops.Cal.Atty.Gen. 168 (1987) [county board of supervisors’ appointment of agricultural commissioner and county sealer of weights and measures runs with date of each respective appointment because beginning and end date of each term is not set by statute].)

Accordingly, because section 31520.1 sets the beginning of each term at a date certain, that being either January 1, 1952, or the date on which the system becomes operative under the former version of the section and the date on which the system becomes operative under the current version, board member terms run with the office and

not the date of a particular member's appointment to the office. This conclusion is supported by public policy considerations of efficiency and retention of staggered terms.

Note, however, that an appointed board member whose term has expired may be considered a holdover and may continue as an appointed member during the subsequent term until he or she resigns or until the Board of Supervisors appoints a new member. Section 1302 states, "Every officer whose term has expired shall continue to discharge the duties of his office until his successor has qualified." This would indicate that an appointed member of the board of retirement may continue to serve until a successor has been appointed, or until he or she has been re-appointed. In 1983, the California Attorney General opined, "In 8 Ops.Cal.Atty.Gen. 156 (1946) we explained that for purposes of public necessity in the absence of a contrary statute or constitutional provision, a public officer retains his office until he is replaced by his successor either by election, appointment, or otherwise." (66 Ops.Cal.Atty. Gen. 477, 480, *supra*.) Accordingly, the general rule for public bodies is that the incumbent may hold over beyond the expiration of his or her term until the successor is appointed. There is nothing in the County Employees Retirement Law ("CERL") that is contrary to this general rule, except for the provision in section 31520.1 that states that a supervisor appointed as a member of the retirement board shall not serve beyond his or her term of office as supervisor.

Below is an analysis of each board member's position, including the legal provision governing the applicable term date, available history of actual term dates and options for changing the term dates for each member. The history of term dates was compiled based on my prior correspondence with Van Perris and Brenda Cummings, Retirement Operations Manager.

**B. ANALYSIS OF EACH BOARD MEMBER'S TERM – APPLICABLE
STATUTORY TERM, HISTORICAL TERM AND OPTIONS FOR
CORRECTION OR CHANGE**

**Summary List of Board Member Positions
Government Code sections 31520 and 31520.5**

First Member: County Treasurer

Second Member: Elected General Member No. 1

Third Member: Elected General Member No. 2

Fourth Member: County Appointee

Fifth Member: County Appointee

Sixth Member: County Appointee

Seventh Member: Elected Safety Member

Eighth Member: Elected Retired Member

Ninth Member: County Appointee

Alternate Safety Member

Alternate Retired Member

1. First Member: County Treasurer

The County Treasurer sits ex officio, and therefore, his or her term on the board of retirement runs concurrent with his or her term as County Treasurer. Pursuant to section 24200, unless otherwise provided, all elective county officers take office at 12 o'clock noon on the first Monday after the January 1 succeeding their election.

Judge Hintz's term as County Treasurer began January 3, 2011.

2. Second Member: Elected General Member No. 1

The first person chosen as the second member serves for a term of two years beginning with the date the system becomes operative, and thereafter the term of office is three years. The terms of the second and fourth members run concurrently.

The provisions of the CERL became operative in Ventura County on January 1, 1947. The first person chosen as the second member would have a term of two years, beginning on January 1, 1947, and thereafter, the term of the second member would be three years.

(a) Term Dates for Second Member Based on Statute

- First term: 1/1/1947 - 12/31/1948.
- Second term begins on 1/1/1949, and then every three years thereafter.
- Current term, held by Tom Johnston, should have begun on 1/1/2012, and should end 12/31/2014.
- Next term should begin 1/1/2015.

(b) History of Second Member Term (Referred to in VCERA Documents as "Member #1"). per VCERA's Records

Donald Love's Predecessor

3/1963 - 3/1969

Vacancy from 3/1969 to 9/1969

Donald Love

Elected 9/1969 (term improperly delayed due to vacancy)

[Gap]

Steve Wood

Term Ends: 9/10/1999

Term Ends: 9/10/2002

Jim Wall

Term Ends: 9/13/2005 (board meetings 9/9/2005 & 9/16/2005)

Karen Becker

Term Ends: 9/13/2008 (board meeting 9/12/2005)

Term Ends: 9/8/2011 (board meeting 9/8/2008, changed based on oath date)

Tom Johnston

Term Ends: 9/12/2014

(c) Options for Correction

(1) Extend Mr. Johnston's term to 12/31/2014. This option would allow for completion of corrective action more quickly, but there is some risk to changing the term ending date of a sitting elected official. A general member who is interested in running for election could argue that Mr. Johnston was elected for a three-year term only, pursuant to the ballot materials.

(2) Conduct the next election on schedule, without change, but note that the term will be 9/13/2014 to 12/31/2017. This option is more conservative and carries less legal risk in that it does not alter the currently set term of Mr. Johnston.

(3) Conduct further review to determine when and how the second member term dates were set to begin in March, prior to Mr. Love's term, rather than January 1.

3. Third Member: Elected General Member No. 2

The first person chosen as the third member serves for a term of three years beginning with the date the system becomes operative, and thereafter the term of office is three years. The term of the third member runs concurrently with the term of the fifth member.

(a) Term Dates for Third Member Based on Statute

- First term: 1/1/1947 - 12/31/1949.

- Second term: Begins on 1/1/1950, and then every three years thereafter.
- Current term, currently held by Robert Hansen, should have begun on 1/1/2010, and should end 12/31/2012.
- Next term should begin 1/1/2013 and end 12/31/2015.

(b) History of Third Member Term (Referred to in VCERA Documents as "Member #2"), per VCERA's Records

Robert Branch

3/19/1963 - 3/19/1969

[Gap]

Paul Derse

Term Ends: 3/19/2001 (board meeting 3/16/1998)

Robert Hansen

Term Ends: 3/16/2004 (board meeting 3/19/2001)

Term Ends: 3/16/2007 (board meeting 3/15/2004)

Term Ends: Undetermined

Term Ends: 4/5/2013 (board meeting 4/5/2010, changed based on oath date)

(c) Options for Correction

(1) Allow Mr. Hansen to serve out his noticed term, and correct the term dates in the next election. This option is the most conservative and carries the least legal risk because it does not interfere with the term dates of a sitting board member.

(2) Shorten current term to correct ending date of 12/31/2012. This option would allow for completion of corrective action more quickly, but there is risk to shortening the term ending date of a sitting board member. Mr. Hansen was voted into

office for a full three-year term based on dates set forth in the ballot, and early termination, even for the purpose of correcting an error, carries legal risk.

(3) Conduct further review to determine when and why the third board member term was set to begin in March rather than on January 1.

4. Fourth Member: County-Appointed Member

The first person chosen as the fourth member serves for a term of two years beginning with the date the system becomes operative, and thereafter the term of office is three years. The term dates for the fourth member should be the same as the term dates for the second member (General Member No. 1).

(a) Term Dates for Fourth Member Based on Statute

- First term: 1/1/1947 - 12/31/1948.
- Second term begins on 1/1/1949, and then every three years thereafter.
- Current term should have begun on 1/1/2010, and should end 12/31/2012.
- Next term would begin 1/1/2013.

(b) History of Fourth Member Term

VCERA has not been able to determine which appointed member corresponds to each appointed seat and, therefore, analysis for specific named sitting board member is not provided.

5. Fifth Member: County-Appointed Member

The first person chosen as the fifth member serves for a term of three years beginning with the date the system becomes operative, and thereafter the term of office is three years. The term dates for the fifth member, according to the statute, should be the same as the term dates for the third member (General Member No. 2).

(a) Term Dates for Fifth Member Based on Statute

- First term: 1/1/1947 - 12/31/1949.
- Second term begins on 1/1/1950, and then every three years thereafter.
- Current term should have begun on 1/1/2010, and should end 12/31/2012.
- Next term would begin 1/1/2013.

(b) History of Fifth Member Term

VCERA has not been able to determine which appointed member corresponds to each appointed seat and, therefore, analysis for specific named sitting board member is not provided.

6. Sixth Member: County-Appointed Member

The first person chosen as the sixth member serves for a term of two years beginning January 1, 1952, and thereafter serves three-year terms. This would put the current appointee in a term that began January 1, 2011, ending December 31, 2013. However, on April 12, 1966, the Board of Supervisors adopted Resolution No. 208.210, making the safety member provisions of CERL applicable in the County, and providing for a sixth (appointed) and seventh (safety-elected) member for the Board of Retirement. The resolution provided, pursuant to section 31520.1, that the Board will appoint a sixth member of the Board of Retirement, for a term of office of two years, commencing on July 1, 1966. Pursuant to section 31520.1, the successive terms thereafter would be three years. This would put the current appointee in a term that began July 1, 2010, ending July 1, 2013, which is six months prior to the statutory term ending date of December 31, 2013. Fortunately, this is an appointed position and any correction or revision to term dates is not likely to be controversial based on past practice. Pursuant to both the statutory provisions and the provisions of Resolution No. 208.210, the sixth (appointed), seventh (elected safety), and alternate safety member terms run concurrently.

(a) Term Dates for Sixth Member Based on Statute

- First term: 1/1/1952 - 12/31/1953.
- Second term begins on 1/1/1954, and then every three years thereafter.
- Current term should have begun on 1/1/2011, and should end 12/31/2013.
- Next term would begin on 1/1/2014.

(b) Term Dates for Sixth Member Based on Board of Supervisors Resolution No. 208.210

- First term of two years would have begun on 7/1/1966 and would have ended 6/30/1968.
- Second term of three years would have begun on 7/1/1968 and ended 6/30/1971.
- Current term should have begun on 7/1/2011, and should end 6/30/2014, with the successive term to begin 7/1/2014.

(b) History of Sixth Member Term

VCERA has not been able to determine which appointed member corresponds to each appointed seat and, therefore, analysis for specific named sitting board member is not provided.

7. Seventh Member: Elected Safety Member

The first person chosen as the seventh member serves for a term of two years beginning January 1, 1952, and thereafter serves three-year terms. This would put the current elected safety member in a term that began January 1, 2011, ending December 31, 2013. However, pursuant to Resolution No. 208.210, adopted on April 12, 1966,

referenced above, the Board of Supervisors provided for an election to be held on July 1, 1966, for the purpose of electing a seventh member to the Board of Retirement, with an initial term of two years, commencing on July 1, 1966. Pursuant to section 31520.1, the successive terms thereafter would be three years. This would put the current seventh member in a term that began July 1, 2010, ending June 30, 2013, which is six months prior to the statutory term ending date of December 31, 2013.

(a) Term Dates for Seventh Member Based on Statute

- First term: 1/1/1952 - 12/31/1953.
- Second term begins on 1/1/1954, and then every three years thereafter.
- Current term should have begun on 1/1/2011, and should end 12/31/2013.
- Next term would begin on 1/1/2014.

(b) Term Dates for Seventh Member Based on Board of Supervisors Resolution No. 208.210

- First term of two years would have begun on 7/1/1966 and would have ended 6/30/1968.
- Second term of three years would have begun on 7/1/1968 and ended 6/30/1971.
- Current term should have begun on 7/1/2011, and should end 6/30/2014.
- Next term would begin 7/1/2014.

(c) History of Seventh Member Term, per VCERA's Records

Vernon Markley

Term Ends: 7/16/87

[Gap]

Tracy Towner

Term Ends: 7/16/2002

Term Ends: 7/16/2005

Term Ends: 7/16/2008

Term Ends: 7/16/2011 (board meeting 7/21/2008; changed based on
oath date)

Term Ends: 9/12/2014 (based on oath date)

(d) Options for Correction

(1) Allow Mr. Towner to serve out his noticed term, and correct the term dates in the next election. Determine whether to base the corrected term date on the statutory term of 1/1/2014 or the 7/1/2014 term set by resolution. This option is the most conservative and carries the least legal risk because it does not interfere with the term dates of a sitting board member.

(2) Shorten Mr. Towner's current term to end on 1/1/2014 or 7/1/2014. This option would allow for completion of corrective action more quickly, but as with Mr. Hansen's term above, there is legal risk to shortening the term ending date of a sitting elected board member.

8. Eighth Member: Elected Retired Member

The eighth member takes office as soon as practicable after initial election, for an initial term to expire concurrent with the expiration of the longest remaining term of an elected member.

It is not possible to determine the proper term date without knowing the date upon which the first eighth member was elected to office. VCERA's records do not show when the first eighth member was elected to office, but the eighth member's term should correspond to the term dates for either the second, third or seventh member.

(a) History of Eighth Member's Term per VCERA's Records

Chuck Moore

Term Ends: 11/5/1987

[Gap]

Term Ends: 11/5/1999

John MacIntyre

Term Ends: 11/5/2002

Term Ends: 11/5/2005 (passed away before end of term)

Wayne Larroque

Term Ends: 11/5/2005 (finished John MacIntyre's term)

Art Goulet

Term Ends: 11/5/2008

Term Ends: 11/3/2011 (board meeting 11/3/2008, changed based on oath date)

Term Ends: 11/7/2014 (unchallenged, oath taken 11/7/2011)

(b) Options for Correction

(1) Extend Mr. Goulet's term to 12/31/2014 to correspond to the extension of Mr. Tom Johnston's term as the second member, if Mr. Johnston's term is extended. This option requires the least adjustment due to the dates of each of the other elected member terms. However, as with Mr. Tom Johnston's position, there is some risk to changing the term ending date of a sitting elected official. A retired member who is interested in running for election could argue that Mr. Goulet was elected for a three-year term only, pursuant to the ballot materials.

(2) Make no change to Mr. Goulet's term, but correct the succeeding term to align with any changes made to the third member's term succeeding that of the sitting third member, Mr. Hansen. For example, if it is decided that the third member's term should be corrected in the term following that of Mr. Hansen, then the next third member term would begin 1/1/2016.

(3) Make no change to Mr. Goulet's term, but correct the succeeding term to align with any changes made to the seventh member's term, held by Mr. Towner. For example, if it is decided that correction to the seventh member term will be made following the end of Mr. Towner's current term, the corrected term date will be either the statutory term of 1/1/2014 or the 7/1/2014 term set by resolution.

9. Ninth Member: County-Appointed Member

The ninth member takes office as soon as practicable after appointment, for an initial term to expire concurrent with the expiration of the longest remaining term of an elected member. It is not possible to determine the proper term date without knowing the date the first ninth member was elected to office. However, the term of the ninth member should correspond to the term dates for either the second, third, seventh or eighth member.

10. Alternate Safety Member

Pursuant to section 31520.1, the term of the alternate safety member runs concurrently with that of the seventh (elected safety) member. In addition, pursuant to Resolution No. 208.210, adopted by the Board of Supervisors on April 12, 1966, the term of the alternate safety member elected on July 1, 1966, was set for two years, concurrent with the seventh member term. Pursuant to section 31520.1, the successive terms thereafter would be three years.

(a) History of Alternate Safety Member Term per VCERA's Records

Bruce Mandell

Term Ends: 7/16/87
[Gap]

Terry Raley

Term Ends: 7/16/2002

Chris Johnston

Term Ends: 7/16/2005

Term Ends: 7/16/2008

Term Ends: 7/21/2011 (board meeting 7/21/2008, changed based on
oath date)

Term Ends: 9/12/2014 (based on oath date)

(b) Options for Correction

The analysis set forth above, for the seventh member position, applies to the alternate retired member as well.

11. Alternate Retired Member

Pursuant to sections 31520.1 and 31520.5, the term of the alternate retired member runs concurrently with that of the eighth (elected retired) member.

(a) History of Alternate Retired Member Term per VCERA's Records

June Seery

Term Ends: 11/5/2002

Vern Markley

Term Ends: 11/5/2005

Terms Ends: 11/5/2008

Will Hoag

Term Ends: 11/3/2011 (board meeting 11/3/2008, term was
changed based on oath date)

Term Ends: 11/7/2014 (unchallenged; oath taken
11/7/2011 (term changed based on oath date))

(b) Options for Correction

The analysis set forth above, for the eighth member position, applies to the alternate retired member as well.

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
RETIREMENT BOARD ELECTION CALENDAR

GENERAL MEMBER TERM COMMENCING APRIL 6, 2013
FOR THE THIRD MEMBER OF THE BOARD

(Election Date is February 19, 2013)

Monday, November 26, 2012 – Retirement Department notifies Elections of upcoming election.
(131 days from term commencement date of April 6, 2013.)

- DEC. 6** Elections Announcements to be ready by VCERA for mass mailing.
- DEC. 7** Announcement of General Member Election to be distributed by U.S. mail to all eligible General Members. (120 days from April 6, 2013.)
- DEC. 19** Nomination Petitions will be available from the Elections Division of the Ventura County Clerk & Recorder at 8:00 a.m.
- JAN. 4** Nomination Petitions must be returned to Elections. (Deadline 5:00 p.m.)
- JAN. 8** Retirement staff to conduct random alpha drawing at 9:00 a.m. in the Board Room (1190 S. Victoria Ave., Suite 200, Ventura, CA) to determine order of placement of names on ballot, and to notify Elections by email.
- JAN. 14** Elections to Provide Candidates Statements and Voting Instructions to Retirement for printing.
- JAN. 16** Retirement Department to request voter list and mailing labels of eligible general member personnel after pay period 13-01.
- JAN. 23** Retirement staff to deliver voter listings, mailing labels and envelopes to Elections.
- FEB. 1** Official ballots, Instructions for Voting and Candidates Statements to be distributed by U.S. mail to all eligible General Members.
- FEB. 12** Elections to begin signature verification process. Assistance to be provided by Retirement Association in cases where member does not have signature on file with Elections.
- FEB. 19** Last day for voted ballots to be returned to Elections (Deadline 5:00 p.m.)
- FEB. 25** Voted ballots to be counted by Elections at 9:00 a.m. (800 S. Victoria Avenue, Ventura, CA, 93009)
- MAR. 19** Election to be certified by Board of Supervisors.
- APR. 6** Term commences.

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

APPOINTMENT AND ELECTION OF TRUSTEES POLICY

I. Purpose and Objectives

- 1) The purpose of this policy is to establish a procedure for the Ventura County Employees' Retirement Association ("VCERA") to provide notice to the Board of Supervisors when the term of a Public Member appointee is about to expire, as well as a procedure for the election of employee and retiree representatives to the Board of Retirement ("Board").

II. Background

- 2) The Board of Retirement (Board) shall consist of nine members and two alternates as provided for under Government Code sections 31520.1 and 31520.5. One member shall be the County Treasurer, whose membership on the Board shall run concurrent with his/her term as County Treasurer. The second and third members shall be general members of the Association and shall be elected by the general members of the Association in active service. The fourth, fifth, sixth and ninth members shall be qualified electors of the County of Ventura who are not connected with county government in any capacity, except that one may be a County Supervisor, and shall be appointed by the Ventura County Board of Supervisors. The seventh member shall be a safety member of the Association who is elected by the safety members of the Association in active service. The eighth member shall be a retired member elected by the retired members of the Association. The alternate member shall be that candidate, if any, from the group under section 31470.2 (law enforcement) or 31470.4 (fire suppression), which is not represented by a board member, who receives the highest number of votes of the candidates in the group that is not represented. For purposes of this policy, law enforcement personnel shall include Welfare Fraud Investigators and Probation Officers, and fire suppression personnel shall include Airport Operations Officers and Harbor Patrol Officers, who have been granted safety membership. There shall be an alternate retired member who shall be elected at the same time and in the same manner as the eighth member.

III. Appointed Members

- 3) Not less than 90 days before the expiration of the term of a member appointed by the Board of Supervisors, the Administrator shall provide written notice to the Chair of the Board of Supervisors, with a copy to the member of the Board of Supervisors who sits on the Board of Retirement, if any, and the County Chief Executive Officer, advising him/her that the term of a public member is set to expire. The notice shall provide the name of the individual and date on which his/her term on the Board will expire. An appointed board member whose term has expired is considered a holdover and continues as an appointed member until he/she resigns or until the Board of Supervisors reappoints the sitting appointee or appoints a new member.

IV. Elected Members

- 4) The County Elections Division shall conduct all elections on behalf of VCERA.
- 5) Not less than 120 days prior to the expiration of the term of a member elected to the Board of Retirement, the Administrator shall contact the Ventura County Elections Division to request an election be conducted. The Elections Division shall be primarily responsible for preparation of the nomination petition, preparation of ballots, mailing and receipt of ballots, counting of ballots and certification of the election. The Administrator shall prepare, for approval by the Elections Division, a calendar which sets forth all relevant dates in the election process.
- 6) Not less than 90, nor more than 120, days before the expiration of the term of a member elected to the Board, the Administrator shall provide written notice to all members of the Association who are eligible to be a candidate for such position, that an election will be held to fill a position on the Board. The obligation to provide such notice to current employee members shall be satisfied by providing to each county department a sufficient number of election notices and requesting it be distributed to their employees. In the case of the retired (eighth) member position and the alternate retired member position, notice of an election shall be provided to all retired members by mail. The written notice provided shall include, but not be limited to, an introduction section describing the Board of Retirement, the process for obtaining and filing a nomination petition, and all relevant dates in the election process.
- 7) A candidate for the second or third member position shall be a general member of the Retirement Association. Only general members of the Retirement Association shall be eligible to vote for the second or third member position. A candidate for the seventh member position shall be a safety member of the Retirement Association. Only safety members of the Retirement Association shall be eligible to vote for the seventh member position. To be a candidate, or voter, for the second, third or seventh member positions, the employee must be an active member in the Retirement Association. A candidate for the eighth member position shall be a retired member of the Retirement Association. A candidate for the alternate retired member position shall be a retired member of the Retirement Association. Only retired members of the Retirement Association shall be eligible to vote for the eighth member position and alternate retired member position.
- 8) Any qualified member of the Retirement Association who wishes to be a candidate for a position on the Board may request a nomination petition from the County Elections Division. The nomination petition shall be signed by not less than 20 or more than 30 members of the Retirement Association who are eligible to vote in the election. Signatures on the nomination petition shall be verified against County Registrar of Voter records, or, if necessary, the member's County Appointment form or Sworn Statement form on file with VCERA. At the time the nomination petition is filed with the Elections Division, the candidate may file a statement of qualifications, goals and objectives, of not more than 200 words. The statement of qualifications shall be limited to describing the candidate's own qualifications and shall refrain, from in any way, making any reference to any other candidate. The counting of words shall be in accordance with the California Elections Code. Candidate statements shall remain confidential until after the filing deadline and may not be

changed for any reason after the filing deadline. The statement of qualifications shall be distributed to all voting members with their ballots and instructions for voting. The nomination petition shall list the date on which it is to be filed and any nomination petition filed after such deadline shall be disqualified.

- 9) The election of the retired (eighth) member and the alternate retired member shall be conducted simultaneously. An eligible retired member of the Retirement Association may be a candidate for both positions. A retired member who chooses to be a candidate for both positions must file separate nomination petitions. If a retired member files as a candidate for both positions, and receives the highest number of votes for both positions, such candidate shall be certified as the retired (eighth) member on the Board of Retirement. In such a case, the candidate for the alternate retired member position, if any, that received the second highest number of votes for that position shall be certified as the alternate retired member.
- 10) If the Elections Division determines that there is only one qualified candidate, the Board of Supervisors shall, as provided for by Government Code section 31523, order that no election be held and that a unanimous ballot be cast in favor of such candidate.
- 11) The Administrator shall provide to the Elections Division a list of all eligible voters for each election, along with a set of mailing labels. The Administrator shall be responsible for ensuring a sufficient number of envelopes, copies of the instructions for voting, and copies of the statements of qualifications are provided to the Elections Division for distribution to all eligible voters.
- 12) The Elections Division shall prepare the official ballot. The official ballot, statement of qualifications and instructions for voting shall be sent to each eligible voter by the Elections Division through the U.S. mail. Ballots must be returned to the Elections Division prior **5:00 p.m.** on the date noted in the instructions for voting **by personal delivery, County Brown Mail, or U.S. Mail**. The Elections Division shall void duplicate ballots cast, ballots which bear the signature or initials of the voter, ballots which do not bear the printed name and signature of the voter on the outer envelope, envelopes containing more than one ballot, or any other ballots where the Elections Division is unable to determine the voter's intent. Write-in candidates are not acceptable and such votes shall not be reported in the certification of election results.
- 13) The Elections Division shall be responsible for the receipt and safekeeping of voted ballots. Ballots shall be counted under the supervision of personnel assigned by the Elections Division. The Elections Division shall retain voted ballots for 180 days following the date of the counting of ballots.
- 14) The Elections Division shall certify the results of the election to the Board of Supervisors as soon as practicable after the ballots have been counted.
- 15) Upon application to the Elections Division made within five business days of the certification of the results of the election, any candidate may request a recount of the ballots. The candidate shall be responsible for depositing with the Elections Division, prior to the recount, an amount sufficient to cover the actual cost of having the ballots recounted.

- 16) Newly elected members shall be sworn in at their first Board of Retirement meeting.
- 17) Decisions of the Elections Division and Administrator regarding the conduct of the election may be appealed to the Board in writing within 15 days of notice of the decision. The decision of the Board shall be final, subject to judicial review.
- 18) If a vacancy on the Board occurs for any reason within nine (9) months of the scheduled expiration of the term of the member leaving office, a special election shall not be held. If the vacancy occurs more than nine months prior to the scheduled expiration of the term, the Administrator shall contact the Elections Division to schedule a special election to be held in a manner consistent with the provisions of this policy.
- 19) All costs of the election shall be an expense of administration of the Retirement Association, and the Retirement Association shall reimburse the Elections Division for any costs associated with conducting an election.

V. Terms of Office

- 20) The following schedule outlines the terms of office for the appointed and elected members.

Office	Position	Term	Start of Term	Sample Years	Ref.
Treasurer (Ex Officio)	1st	4 yrs	1st Mon. in Jan. at noon following election	2010, 2014, 2018	GC 24200
General Member 1	2nd	3 yrs	September 11	2012, 2015, 2018	4/6/87 Memo
General Member 2	3rd	3 yrs	March 17	2013, 2016, 2019	10/3/88 Memo
Appointed Member 1	4th	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401
Appointed Member 2	5th	3 yrs	January 1	2013, 2016, 2019	GC 31520.1 Ord. 401
Appointed Member 3	6th	3 yrs	January 1	2011, 2014, 2017	GC 31520.1 Res. 208.210
Safety Member	7th	3 yrs	July 17	2011, 2014, 2017	4/6/87 Memo
Retiree Member	8th	3 yrs	November 6	2012, 2015, 2018	4/6/87 Memo
Appointed Member 4	9th	3 yrs	July 1	2011, 2014, 2017	GC 31520.1 Ord. 401
Alternate Safety	7th Alt.	3 yrs	July 17	2011, 2014, 2017	4/6/87 Memo
Alternate Retiree	8th Alt.	3 yrs	November 6	2012, 2015, 2018	GC 31520.5

VI. Process Review

- 21) The Board will review the Appointment and Election of Trustees Policy at least once every three (3) years to ensure that it remains relevant and appropriate.

VII. Process History

- 22) The Board last reviewed and approved this policy on November 5, 2012. The Board originally adopted this policy on December 2, 1985 and revised the policy on October 20, 2003 and October 17, 2005.

county of ventura

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

April 6, 1987

Board of Directors
Ventura County Employees'
Retirement Association
800 South Victoria Avenue
Ventura CA 93009

Subject: ELECTED MEMBERS

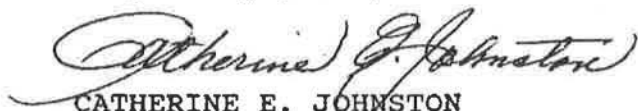
Dear Board Members:

During 1987, four of the elected members' terms expire. The expiration dates vary from July to November 1987, and in the interest of economy and efficiency, it is recommended that the upcoming elections be consolidated into one election, and that it be held during the month of August 1987.

The expiring terms are as follows:

Vernon Markley	Safety Member	7/16/87
Bruce Mandell	Alternate Safety Member	7/16/87
William E. Steinlicht	General Member	9/10/87
Charles Moore	Retired Member	11/5/87

Very truly yours,


CATHERINE E. JOHNSTON
Treasurer

CEJ/HSP/mbe

cc: Elections Department

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VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

HAROLD S. PITTMAN
Retirement Administrator

VAN PERRIS
Retirement Manager

October 3, 1988

Board of Retirement
800 South Victoria Avenue
Ventura, CA. 93009-0005

RE: EMPLOYEE MEMBER ELECTION

Dear Board Members:

Duane Dammeyer's term of office as Employee Member to the Board of Retirement expires on March 16, 1989. It is recommended that the election for this seat be held during the month of February 1989.

Sincerely,



HAROLD S. PITTMAN
Treasurer-Tax Collector
Retirement Administrator

HSP/ME

cc: Elections Department

Note:
Employee = General

COUNTY OF VENTURA	ADMINISTRATIVE MANUAL
Number:	Subject: Appointment and Election of Board of Retirement Trustees
Issued:	
Effective:	
Cancellation Date:	Section:
Supersedes:	

PURPOSE:

The purpose of this policy is to define the means by which Trustees are elected and appointed to the Board of Retirement of the Ventura County Employees' Retirement Association.

GENERAL POLICY:

The Board of Retirement ^{shall} ~~may~~ not endorse any individual for the office of Trustee of the Ventura County Employees' Retirement Association.

Appointments:

Sixty (60) days prior to the expiration of an appointed member's term on the Board of Retirement, the Secretary/Treasurer of the Board shall send a letter to the Chairperson of the Ventura County Board of Supervisors requesting that the pending vacancy be filled through the appointment process.

Elections:

1. To fill an elected member's vacancy on the Board of Retirement, the Secretary/Treasurer of the Board, 120 days prior to the member's expiration of term, shall request the Ventura County Board of Supervisors to appoint an Election Committee to conduct an election through the office of the Ventura County Clerk's Office, Elections Division. In this request, the Secretary/Treasurer shall recommend to the Board of Supervisors that the Election Committee consist of a minimum of three individuals, one each from the public, management, and membership of the pension system.
2. With the ^{payroll} ~~pay~~-warrants the Elections Division shall distribute an announcement regarding the vacancy to all active members of the Retirement Association eligible to vote. If the election is for a retired member representative, the retired members will receive this announcement through the U. S. mail.
3. The announcement of the impending election will inform potential candidates that they may obtain nominating

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B/R

JAN 6 1986

petitions from the Elections Division. Depending on the classification of the vacancy, only general, safety, or retired members may be eligible to run for the office and vote in the election. For instance, only general members may run and vote for a general member vacancy on the Board of Retirement.

4. An eligible member of the Retirement Association may become a candidate for election by obtaining a nominating petition and having it signed by not less than 20 individuals eligible to vote in the election.

At the time the nominating petition is filed with the Elections Division, a statement of qualifications of not more than 200 words, may be filed by the candidate. These statements will be distributed to all voting members with their ballots at no expense to the candidate.

5. The official ballot, together with instructions for voting and a statement of qualifications, shall be distributed in the identification envelope to all eligible voters with the payroll warrant. When the election is for a retired member this information shall be distributed to retirees through the U. S. mail.

6. Voted ballots may be returned to the Elections Division in the ~~person~~ mail, person or through the U. S. mail.

7. The voted ballots shall be counted by the ballot counting board under the supervision of the Election Committee and the results declared.

8. Election results shall be certified to the board of Supervisors. The candidate receiving the largest number of votes shall be declared the winner. In the event there is a tie vote, there will be a run off election.

9. The newly elected member's term to the Board of Retirement shall be for three (3) years.

10. In the event of a conflict between this policy and the provisions of Government Code Section 31520 - 31526, to include amendments and/or newly enacted Sections, the latter shall prevail.

Adopted this ____ day of
_____, 1986.

Albert G. Harris
Chairman
Board of Retirement

county of ventura

CATHERINE E. JOHNSTON
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR

July 7, 1986

Board of Retirement
County Government Center
800 South Victoria Avenue
Ventura, CA 93009

RE: EXPIRATION OF TERM OF OFFICE - JOHN FLYNN, PUBLIC MEMBER

RECOMMENDATION:


Ratify the attached memorandum to Chairman of the Board of Supervisors requesting appointment to the Board of Retirement.

DISCUSSION:

The term of office of John Flynn, Public Member, expires on September 18, 1986.

In conformance with the Board of Retirement's policy adopted **December 2, 1985**, no recommendation will be made to endorse a specific candidate.

Please ratify the attached letter directed to the Chairman of the Board of Supervisors for the purpose of making an appointment to the Board of Retirement effective September 18, 1986.


CATHERINE E. JOHNSTON
Treasurer-Tax Collector
Public Administrator
Retirement Administrator

CEJ/jrv

Attachment

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800 South Victoria Avenue, Ventura, CA 93009

county of ventura

CATHERINE E. JOHNSTON
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR

July 7, 1986

TO: James R. Dougherty
Chairman of the Board of Supervisors

FROM: Catherine E. Johnston, Treasurer-Tax Collector
Public Administrator
Retirement Administrator

SUBJECT: VACANCY ON VENTURA COUNTY EMPLOYEES RETIREMENT
ASSOCIATION BOARD OF DIRECTORS - TERM OF JOHN FLYNN
EXPIRES SEPTEMBER 18, 1986

The expiration of the term of John Flynn, Public Member on the Retirement Association Board of Directors, expires September 18, 1986. This is an appointive position for a three year term on the Board. The appointment is made by the Board of Supervisors.

"Public Members" on the Board receive a compensation of \$100 per meeting.

Board meetings normally are held on the first and third Mondays of each month. However, due to certain holidays, there are occasions when the meeting dates may change. The meeting schedule for 1986 is attached. The meetings are held in the multipurpose room on the third floor of the Government Center.

We would appreciate your Board making an appointment to the Retirement Board of Directors effective September 18, 1986.

If you have any questions regarding this appointment please call me at extension 3725.

CEJ/jrv

Attachment

Note:

Public = Appointed

cc: Supervisor Susan K. Lacey
Supervisor Edwin A. Jones
Supervisor Maggie Erickson
Supervisor John K. Flynn
John Scott, Administrative Analyst
Clerk of the Board

RESOLUTION NO. 208.210RESOLUTION MAKING SAFETY MEMBER PROVISIONS
OF COUNTY EMPLOYEES RETIREMENT LAW OF 1937
APPLICABLE TO VENTURA COUNTY

WHEREAS, section 31695.1 of the Government Code provides that the Board of Supervisors by majority vote may make the safety member provisions of the County Employees Retirement Law of 1937 applicable in the County;

WHEREAS, this Board is also the governing board of the Ventura County Fire Protection District; and

WHEREAS, this Board has determined that it is in the public interest to make the safety member provisions of the County Employees Retirement Law of 1937 applicable in Ventura County and has budgeted funds for that purpose;

NOW THEREFORE BE IT RESOLVED as follows:

1. Effective July 1, 1966, all the provisions of the County Employees Retirement Law of 1937 (Chapter 3 of Part 3 of Division 4 of Title 3 of the California Government Code) relating to safety members, which apply to counties coming under the provisions of section 31676.1 of the Government Code prior to January 1, 1953, shall apply in this county to all employees of the County and the Fire Protection District whose principal duties consist of active law enforcement or active fire suppression as defined in section 31470.2 or 31470.4 of the Government Code.

2. The County Treasurer and the County Executive Officer are directed to inform each eligible employee prior to July 1, 1966 that he may elect to be included within the safety member provisions of the County Employees Retirement Law of 1937 by filing a written notice with the Board of Retirement of the Ventura County Employees Retirement Association not later than sixty days after

July 1, 1966. In cases of doubt as to whether a person is eligible to become a safety member, the Board of Retirement shall decide.

The written notice shall be in the following form:

Board of Retirement
Ventura County Employees
Retirement Association
% County Treasurer
Courthouse
Ventura, California

Gentlemen:

I hereby elect

_____ to be included

_____ NOT to be included

within the safety member provisions of the County Employees Retirement Law of 1937.

(Signature)

(Date)

PRINT:

Name _____

Department _____

Position Title _____

3. Pursuant to section 31520.1 of the Government Code the Board of Supervisors will appoint a sixth member of the Board of Retirement of the Ventura County Employees Retirement Association who shall be a qualified elector of the County and who is not connected with the county government in any capacity, for a term of office of two years commencing on July 1, 1966.

4. The Personnel Director, Sheriff, and County Fire Chief are hereby appointed to serve as an election committee to hold an election on Wednesday, July 6, 1966 for the purpose of electing a seventh member of the Board of Retirement of the County Employees Retirement Association who shall be a safety member of the

Association elected by the safety members. Only those employees who are eligible to become safety members and who have filed a written notice to be included within the safety member provisions shall be entitled to vote. The term of office of the seventh member of the Board of Retirement and the term of office of the alternate member of the Board of Retirement, if any, elected on July 7, 1966, shall be for two years commencing on July 1, 1966.

ADOPTED THIS 12th day of April, 1966.

COPIES TO:

Co. Executive
Treasurer
Sheriff
Fire Chief
Personnel
Employees Assn.
Assessor
Item 55
4-12-66 mr

WOODRUFF J. DEEM
DISTRICT ATTORNEY
HERBERT L. ASHEY
ASSISTANT DISTRICT ATTORNEY
K. DUANE LYDERS
CHIEF CIVIL DEPUTY
EDWIN M. OSBORNE
CHIEF CRIMINAL DEPUTY

DISTRICT ATTORNEY
VENTURA COUNTY
COURTHOUSE
501 POLI STREET
VENTURA, CALIFORNIA 93001
TELEPHONE 648-3391

AREA OFFICES
CITY-COUNTY BUILDING
242 W. 2ND STREET
OXNARD, CALIFORNIA 93032
TELEPHONE 486-2641
COURTHOUSE
2220 VENTURA BOULEVARD
CAMARILLO, CALIFORNIA 93010
TELEPHONE 482-1981

April 1, 1966

Board of Supervisors
County of Ventura
Courthouse
Ventura, California

Re: Safety Members Retirement

Gentlemen:

Enclosed is a resolution making the safety member provisions of the County Employees Retirement Law of 1937 applicable to the County of Ventura. The resolution was prepared at the request of the County Executive Officer.

As you will recall, your Board on July 9, 1963 indicated its intention to make the safety member provisions applicable to Ventura County, effective July 1, 1966. The safety member provisions provide increased benefits and increased contributions for fire and law enforcement employees. The law requires that current eligible employees be given an opportunity to elect whether or not they individually wish to be included within the safety member provisions. The law also requires that the Board of Retirement of the County Employees Retirement Association be increased from five to seven members. One additional member is appointed by your Board, and the other new member and an alternate are elected by the safety members of the Retirement Association.

The enclosed resolution makes the safety member provisions applicable in Ventura County effective July 1, 1966 and sets up the machinery for making the individual selections and for the election of the seventh member of the Retirement Board.

Very truly yours,

Herbert L. Ashby
HERBERT L. ASHEY
Assistant District Attorney

KHB:jt
Enclosure

cc: Loren W. Enoch
County Treasurer
Sheriff
Fire Chief
Personnel Director

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

County Administration Building
800 South Victoria Avenue
Ventura, CA 93009-0005
(805) 654-3736 • Fax: (805) 654-3560

November 5, 2012

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

SUBJECT: CALAPRS ELECTION OF MEMBERS TO THE BOARD OF DIRECTORS

Dear Board Members:

The Ventura County Employees' Retirement Association (VCERA) is a member of the California Association of Public Retirement Systems (CALAPRS). CALAPRS is a non-profit corporation founded in 1985 as an educational and information exchange association for the public pension systems in California.

The attached letter explains the CALAPRS election process for its governing Board of Directors and includes a ballot for five (5) nominees to serve two-year terms commencing January 1, 2013 and ending December 31, 2014. As VCERA's representative, I will cast the vote on behalf of VCERA for all five (5) nominees, unless given other direction by your Board.

Please receive and file this item and give any direction as necessary.

I would be happy to respond to any questions you may have on this matter.

Sincerely,



Donald C. Kendig, CPA
Retirement Administrator

A model of excellence for public pension plans around the World.

Attachment



MEMORANDUM

RECEIVED

OCT 29 2012

VENTURA COUNTY EMPLOYEES'
RETIREMENT ASSOCIATION

DATE: October 25, 2012
TO: CALAPRS Member System Representatives
SUBJECT: Election of Members to the Board of Directors

In accordance with Article 6.3 of the By Laws of the California Association of Public Retirement Systems, the enclosed ballot is presented for election of five (5) members to the ten (10) member Board of Directors. Five persons have been nominated for a two-year term commencing January 1, 2013 and ending December 31, 2014.

Board members elected to two-year terms last year (2012-2013) and remaining on the Board are:

- Anne Holdren, Kern County Employees' Retirement Association
- Donna Lum, California Public Employees Retirement System
- Stan McDivitt, Fresno City Employees' Retirement System
- Tony Petruzzi, San Luis Obispo County Pension Trust
- Gregg Rademacher, Los Angeles County Employees' Retirement Association

The Nominating Committee placed five names for election for the two-year term. The enclosed ballot allows a single mark to vote for all five nominees, the ability to vote for some of the nominated persons and the ability to write in the name(s) of up to five persons eligible to serve on the Board of Directors (see reverse for definition). PLEASE NOTE THAT ANY BALLOT THAT CONTAINS VOTES FOR MORE THAN FIVE (5) ELIGIBLE PERSONS WILL BE INVALIDATED IN ITS ENTIRETY.

Your completed ballot must be returned to the CALAPRS office no later than November 24, 2012.
An envelope has been provided for your convenience.

If you have any questions, you may call the CALAPRS office at 415-764-4860 or CALAPRS President Gregg Rademacher at 626-564-2494.

Sincerely,

CALAPRS 2013 Nominating Committee:

Chair: Stan McDivitt, Fresno City Employees' Retirement System

Anne Holdren, Kern County Employees' Retirement Association

Tony Petruzzi, San Luis Obispo County Pension Trust

575 MARKET STREET, SUITE 2125, SAN FRANCISCO, CA 94105
P: 415.764.4860 TOLL-FREE: 1-800-RETIRE-0 F: 415.764.4915
INFO@CALAPRS.ORG WWW.CALAPRS.ORG

Definition of Eligible Member System Representative

CALAPRS By Laws

Section 4.3 MEMBERSHIP REPRESENTATION. Each member system shall have one representative; such representative shall be the person who has primary responsibility for the day-to-day operation of the system. If that is not practical, the representative shall be the person who most closely meets these qualifications as determined by the system's Chief Executive Officer. The representative is to cast all votes on behalf of the member system and is designated to receive and act on official communications from CALAPRS. Only representatives of the member systems are eligible to serve on the Board of Directors.

Section 6.3 QUALIFICATION AND ELECTION OF DIRECTORS. All member systems' representatives are eligible to serve on the Board of Directors. Director positions are held by such representatives and not the systems they represent.



OFFICIAL BALLOT

ELECTION OF DIRECTORS

There are five (5) vacancies on the ten-member Board of Directors. These five (5) positions are to be filled for the two-year term that expires December 31, 2014. The nominees each agreed to serve the term for which they are nominated. This election is being conducted in accordance with Section 6.3 of the CALAPRS Bylaws.

To Elect Five Directors for the Two-Year Term ending December 31, 2014

VOTE FOR ALL FIVE (5) NOMINEES CHECK HERE

☐

OR

Vote for individual nominees, check the boxes below:

Name:	System:	Vote:
David Bailey	San Mateo County Employees' Retirement Association	<input type="checkbox"/>
David Kehler	Tulare County Employees' Retirement Association	<input type="checkbox"/>
Marilyn Leedom	Contra Costa County Employees' Retirement Association	<input type="checkbox"/>
Brian White	San Diego County Employees' Retirement Association	<input type="checkbox"/>
Hugo Wildmann	Alameda-Contra Costa Transit District Retirement Plan	<input type="checkbox"/>

OR

Write in up to five (5) names of eligible Member System Representatives*

**For CALAPRS' Bylaws definition of Eligible Member System Representative see the reverse of the cover letter.*

Name:	System:
2 year:	
2 year:	
2 year:	
2 year:	
2 year:	

The election period ends on November 24, 2012

Please return to CALAPRS office at the address below. An envelope has been enclosed for your convenience.

575 MARKET STREET, SUITE 2125, SAN FRANCISCO, CA 94105
P: 415.764.4860 TOLL-FREE: 1-800-RETIRE-0 F: 415.764.4915
INFO@CALAPRS.ORG WWW.CALAPRS.ORG