

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

NOVEMBER 5, 2012

MINUTES

DIRECTORS William W. Wilson, Chair, Public Member
PRESENT: Tracy Towner, Vice Chair, Safety Employee Member
Steven Hintz, Treasurer-Tax Collector
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 Peter C. Foy, Public Member
ABSENT: Albert G. Harris, Public Member
Joseph Henderson, Public Member

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

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

TIME: 9:00 a.m.

ITEM:

I. INTRODUCTION OF MEETING

Chairman Wilson called the Disability Meeting of November 5, 2012, to order at 9:00 a.m.

II. APPROVAL OF AGENDA

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

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Henderson absent. Judge Hintz absent for this item.

III. APPROVAL OF MINUTES

A. Board Investment Retreat of October 4, 2012.

MOTION: Mr. Towner moved, seconded by Mr. Goulet, to approve the minutes of October 4, 2012 as presented.

Motion passed. Mr. Hansen abstaining. Mr. Foy, Mr. Harris, and Mr. Henderson absent. Judge Hintz absent for this item.

B. Business Meeting of October 15, 2012.

MOTION: Mr. Towner moved, seconded by Mr. T. Johnston, to approve the minutes of October 15, 2012 as presented.

Motion passed. Mr. Goulet abstaining. Mr. Foy, Mr. Harris, and Mr. Henderson absent. Judge Hintz absent for this item.

IV. PENDING DISABILITY APPLICATION STATUS REPORT

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

Motion passed unanimously. Mr. Foy, Mr. Harris, and Mr. Henderson absent. Judge Hintz absent for this item.

V. APPLICATIONS FOR DISABILITY RETIREMENT

Judge Hintz entered the meeting at 9:02 a.m.

A. Application for Non-Service Connected Disability Retirement; Dennis C. Crandall, Case No. 12-025.

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

2. Hearing Notice.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- A. Application for Non-Service Connected Disability Retirement; Dennis C. Crandall, Case No. 12-025. (continued)

Paul C. Hilbun was present representing the County of Ventura, Risk Management. The applicant, Dennis C. Crandall, was present.

Both parties declined an offer to make a statement.

MOTION: Mr. Goulet moved, seconded by Mr. T. Johnson, to adopt the Hearing Officer's recommendation approving the application for non service connected disability in the case of Dennis C. Crandall.

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

Parties agreed to waive preparation of Findings of Fact and Conclusions of Law.

- B. Application for Service Connected Disability Retirement; 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.

Stephen D. Roberson was present representing the County of Ventura Risk Management. The applicant, Lee Bowman, was present.

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

MOTION: Mr. Goulet moved, seconded by Mr. Towner, to adopt the Hearing Officer's recommendation denying the application for service connected disability in the case of Lee M. Bowman.

Motion passed. Mr. T. Johnston voting no. Mr. Foy, Mr. Harris, and Mr. Henderson absent.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

C. Application for Service Connected Disability Retirement; 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.

Stephen D. Roberson was present representing the County of Ventura Risk Management. The applicant, Rosa C. Sanchez, was present.

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

MOTION: Judge Hintz moved, seconded by Mr. T. Johnston, to adopt the Hearing Officer's recommendation denying the application for service connected disability in the case of Rosa C. Sanchez.

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

D. Application for Service Connected Disability Retirement; 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.
3. Respondent's Objections to Amended Recommendation of Hearing Officer, Submitted by Marshall W. Graves, Attorney at Law, dated September 18, 2012.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

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

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.

Marshall W. Graves was present representing the County of Ventura, Risk Management. Steven R. Pingel, Attorney at Law, representing the applicant, was present. The applicant, Mark B. Lopez, was not present.

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

MOTION: Mr. Towner moved, seconded by Mr. T. Johnston, to adopt the Hearing Officer's recommendation approving the application for service connected disability in the case of Mark B. Lopez.

Motion passed. Mr. Goulet and Mr. Wilson voting no. Mr. Foy, Mr. Harris, and Mr. Henderson absent.

Angie Tolentino, Retirement Specialist, left the meeting at 9:40 a.m.

Henry Solis, Chief Financial Officer, entered the meeting at 9:45 a.m.

VI. NEW BUSINESS

A. Due Diligence Schedule for 2012-2015.

MOTION: Mr. T. Johnston moved, seconded by Mr. Hansen, to receive and file the Due Diligence Schedule for 2012-2015 as presented.

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

The Board directed staff to return with due diligence travel requests before each trip providing more specific travel dates and an opportunity for Trustees to volunteer or confirm their attendance.

VI. NEW BUSINESS (continued)

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

Staff announced two modifications to the proposed policies: The addition of, "for the remainder of the term" to the last sentence of paragraph 3, and the change of paragraph 18 to read, "In the event of a vacancy in the second, third, seventh, eighth, or alternate seventh member position on the Board, the Board shall cause an election to fill the vacancy to be held at the earliest possible date in a manner consistent with the provisions of this policy and Government Code section 31523. If there is a vacancy with respect to the alternate retired member (alternate eighth), the Board shall, by majority vote, appoint a replacement alternate member in the same manner as prescribed in Government Code section 31523."

Mr. Goulet proposed the following correction to Paragraph 21, of the proposed policies, changing the word "ate" to "at."

MOTION: Mr. Goulet moved, seconded by Judge Hintz, to tentatively adopt the Appointment and Election of Trustees Policy contained in Attachment 1, as modified, subject to a 30 day comment period for the adjustment of trustee terms, prior to final adoption.

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

MOTION: Judge Hintz moved, seconded by Mr. Goulet, to approve the proposed election schedule under Attachment 3, as modified for the addition of, "and ends December 31, 2015" to the last date entry of APR. 6.

The Board directed staff to notify the unions, recognized retiree organization, and County regarding the proposed change to trustee terms contained in the tentatively adopted Appointment and Election of Trustees Policy. The Board further directed staff to notify the County regarding the appointed positions expiring December 31, 2012.

VI. NEW BUSINESS (continued)

C. CALAPRS Election of Members to the Board of Directors.

MOTION: T. Johnston moved, seconded by Judge Hintz, to receive and file the CALAPRS Election of Members to the Board of Directors item.

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

VII. PUBLIC COMMENT

None.

VIII. BOARD MEMBER COMMENT

None.

IX. ADJOURNMENT

The Board adjourned the meeting at 10:12 a.m.

Respectfully submitted,



DONALD C. KENDIG, CPA, Retirement Administrator

Approved,



WILLIAM W. WILSON, Chairman