

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

DECEMBER 3, 2012

MINUTES

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

DIRECTORS Robert Hansen, General Employee Member
ABSENT:

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

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

TIME: 9:00 a.m.

ITEM:

I. INTRODUCTION OF MEETING

Chairman Wilson called the Disability Meeting of December 3, 2012, to order at 9:00 a.m.

II. APPROVAL OF AGENDA

Staff recommended that Agenda item VII.F. be amended to include the addition of a letter submitted by Stephen H. Silver objecting to staff's recommendation and requesting that the item be withdrawn or tabled to December 17, 2012.

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

Motion passed unanimously. Mr. Hansen absent. Mr. C. Johnston voting. Mr. Foy absent for this item.

III. APPROVAL OF MINUTES

A. Business Meeting of November 19, 2012.

Staff pointed out an error, originally discovered by Mr. Goulet, and recommended changing Master Page No. 9, item VI.B. motion to read, "Mr. Harris and Judge Hintz absent."

MOTION: Mr. Henderson moved, seconded by Mr. Goulet, to approve the minutes of November 19, 2012, as corrected.

Motion passed. Mr. Harris abstaining. Mr. Hansen absent. Mr. C. Johnston voting. Mr. Foy absent for this item.

IV. PENDING DISABILITY APPLICATION STATUS REPORT

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

Motion passed unanimously. Mr. Hansen absent. Mr. C. Johnston voting. Mr. Foy absent for this item.

V. APPLICATIONS FOR DISABILITY RETIREMENT

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

1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Deborah Z. Wissley, dated August 20, 2012.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- A. Application for Service Connected Disability Retirement; Michael R. Koevenig, Case No. 11-014. (continued)
2. Applicant's Objection to Recommendation of Hearing Officer, Submitted by Michael R. Koevenig, Applicant, dated September 4, 2012.
 3. Respondent's reply to Recommendation of Hearing Officer, Submitted by Marshall W. Graves, Attorney at Law, dated September 19, 2012.
 4. Hearing Notice.

Marshall W. Graves was present representing the County of Ventura Risk Management. The applicant, Michael R. Koevenig, was present.

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

MOTION: Mr. Henderson moved, seconded by Judge Hintz, to adopt the Hearing Officer's recommendation denying the application for service connected disability in the case of Michael R. Koevenig.

Motion passed unanimously. Mr. Hansen absent. Mr. C. Johnston voting. Mr. Foy absent for this item.

- B. Application for Service Connected Disability Retirement; Antonia B. Quirarte, Case No. 10-025.
1. Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Hearing Officer Deborah Z. Wissley, dated August 20, 2012.
 2. Respondent's reply to Recommendation of Hearing Officer, Submitted by Stephen D. Roberson, Attorney at Law, dated August 30, 2012.
 3. Applicant's Objection to Recommendation of Hearing Officer, Submitted by Howard J. Wasserman, Attorney at Law, dated August 31, 2012.
 4. Respondent's memorandum in Support of the Summary of Evidence, Findings of Fact, Conclusions of Law and Recommendation, Submitted by Stephen D. Roberson, Attorney at Law, dated September 11, 2012.
 5. Hearing Notice.

V. APPLICATIONS FOR DISABILITY RETIREMENT (continued)

- B. Application for Service Connected Disability Retirement; Antonia B. Quirarte, Case No. 10-025. (continued)

Stephen D. Roberson was present representing the County of Ventura Risk Management. Howard J. Wasserman, Attorney at Law, was present representing the applicant. The applicant, Antonia B. Quirarte, was also present.

Mr. Foy entered the meeting at 9:25 a.m.

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

MOTION: Mr. Goulet moved, seconded by Mr. Henderson, to adopt the Hearing Officer's recommendation denying the application for service connected disability in the case of Antonia B. Quirarte.

Motion passed unanimously. Mr. Hansen absent. Mr. C. Johnston voting.

Angie Tolentino, Retirement Benefits Specialist, left the meeting at 9:26 a.m.

Henry Solis, Chief Financial Officer, entered the meeting at 9:29 a.m.

VI. OLD BUSINESS

- A. 2013 Board Calendar.

Staff recommended that the Board adopt the proposed 2013 Calendar. After discussion, the following motion was made.

MOTION: Mr. T. Johnston moved, seconded by Mr. Goulet, to reconsider the matter of meeting on the third Monday of the month.

Motion passed. Mr. Foy, Mr. Henderson, Mr. Towner voting no. Mr. Hansen absent. Mr. C. Johnston voting.

After further discussion, the following motion was made.

MOTION: Mr. Goulet moved, seconded by Mr. C. Johnston, to retain the two meetings per month schedule and to adopt the 2013 Calendar prepared by staff for the 1st and 3rd Monday of the month, setting the meeting dates as contained therein for disability and business meetings respectively.

VI. OLD BUSINESS (continued)

A. 2013 Board Calendar. (continued)

Motion passed. Mr. Foy, Mr. Henderson, Mr. Towner voting no. Mr. Hansen absent. Mr. C. Johnston voting.

VII. NEW BUSINESS

A. Request to Attend the CALAPRS Advanced Board Leadership Institute – Trustee A. Goulet.

MOTION: Mr. Harris moved, seconded by Judge Hintz, to approve Mr. Goulet's attendance at the CALAPRS Advanced Board Leadership Institute.

Motion passed unanimously. Mr. Hansen absent. Mr. C. Johnston voting.

B. Request to Attend the Brown Armstrong Client Update – Retirement Administrator.

MOTION: Mr. Goulet moved, seconded by Mr. Harris, to approve the Retirement Administrator's attendance at the Brown Armstrong Client Update.

Motion passed unanimously. Mr. Hansen absent. Mr. C. Johnston voting.

C. Conference Report – SACRS Fall Conference 2012.

MOTION: Mr. Harris moved, seconded by Mr. T. Johnston, to receive and file the 2012 SACRS Fall Conference Reports.

Motion passed unanimously. Mr. Hansen absent. Mr. C. Johnston voting.

D. Appointment of Chair and Vice Chair for 2013.

Judge Hintz moved to appoint Mr. Wilson as Chair, Mr. Goulet asked to amend his motion to also include the appointment of Mr. Towner as Vice Chair, and Mr. Harris seconded the amended motion.

MOTION: Judge Hintz moved, seconded by Mr. Harris, to appoint Mr. Wilson as Chair and Mr. Towner as Vice Chair.

Motion passed unanimously. Mr. Hansen absent. Mr. C. Johnston voting.

VII. NEW BUSINESS (continued)

- E. Limited Duration Programming Services for CalPEPRA.

MOTION: Mr. Goulet moved, seconded by Judge Hintz, to authorize the Retirement Administrator to execute the proposed contract with Anthony Chau.

Motion passed unanimously. Mr. Hansen absent. Mr. C. Johnston voting.

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

Received public comment from Richard Shimmel, Ventura County Deputy Sheriff's Association; Pamm Fair, SEIU; Chris Mahon, Ventura County Professional Firefighters' Association; David Grau, Ventura County Taxpayers Association; Paul Derse, County Executive Office; Greg Thayer, California Nurses Association.

MOTION: Mr. T. Johnston moved, seconded by Mr. C. Johnston, to table the Pensionable Compensation under the California Public Employees' Pension Reform Act CalPEPRA item until the December 17, 2012 Business meeting.

Motion passed. Mr. Foy voting no. Mr. Hansen absent. Mr. C. Johnston voting.

VIII. PUBLIC COMMENT

The Retirement Administrator announced that December 17 will be Kevin Vandolder's last official day with VCERA. Staff will prepare a resolution commemorating his service and asked the Board to email the Retirement Administrator with statements they would like included.

IX. BOARD MEMBER COMMENT

Mr. Wilson welcomed back Mr. Harris on behalf of the Board.

Mr. Harris thanked the Board for his get well card.

Mr. Foy commented on the Board's decision to table the pensionable compensation item and a brief discussion ensued.

X. ADJOURNMENT

The Board adjourned the meeting at 10:33 a.m.

Respectfully submitted,



DONALD C. KENDIG, CPA, Retirement Administrator

Approved,



WILLIAM W. WILSON, Chairman