

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY & BUSINESS MEETING

DECEMBER 13, 2021

AGENDA

**TRUSTEES
PRESENT:**

Mike Sedell, Chair, Public Member
Arthur E. Goulet, Vice-Chair, Retiree Member
Steven Hintz, Treasurer-Tax Collector
Jordan Roberts, General Employee Member
Cecilia Hernandez-Garcia, General Employee Member
Kelly Long, Public Member
Tommie E. Joe, Public Member
Will Hoag, Alternate Retiree Member
Robert Ashby, Alternate Safety Employee Member

**TRUSTEES
ABSENT:**

Aaron Grass, Safety Employee Member
Sim Tang-Paradis, Public Member

**STAFF
PRESENT:**

Linda Webb, Retirement Administrator
Lori Nemiroff, General Counsel
Henry Solis, Chief Financial Officer
Dan Gallagher, Chief Investment Officer
Leah Oliver, Chief Technology Officer
Josiah Vencel, Retirement Benefits Manager
Brian Owen, Sr. Information Technology Specialist
Jess Angeles, Communications Officer
Chris Ayala, Program Assistant

PLACE:

In Accordance with Government Code §54953(e)(1)(A), and in response to the declared State and Local emergencies due to the Novel Coronavirus and Local Health Officer recommendation regarding social distancing, the Board of Retirement and its legislative bodies are holding meetings electronically and can be accessed below. Pursuant to Government Code §§ 54953(e)(2) and 54954.3, members of the public, to the extent required by law, will have the opportunity to directly address the Board concerning the below mentioned business.

TIME:

9:00 a.m.

ITEM:

I. CALL TO ORDER

A. Roll Call.

Chair Sedell called the Disability & Business meeting of December 13, 2021, to order at 9:00 a.m.

Roll Call:

Trustees Present: Art Goulet, Cecilia Hernandez-Garcia, Steven Hintz, Tommie Joe, Kelly Long, Jordan Roberts, Robert Ashby, Will Hoag, Mike Sedell.

Trustees Absent: Aaron Grass, Sim Tang-Paradis

B. Oath of Office for Jordan Roberts to be Administered by VCERA's Clerk of the Board.

VCERA's Clerk of the Board, Chris Ayala administered the Oath of Office to Trustee Jordan Roberts.

II. APPROVAL OF AGENDA

Chair Sedell suggested that the Board amend the agenda with the minutes of November 15th removed from the Consent Agenda to review suggested corrections.

MOTION: Approve as Amended.

Moved by Long seconded by Ashby

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

III. CONSENT AGENDA

Notice: Any item appearing on the Consent Agenda may be moved to the Regular Agenda at the request of any Trustee who would like to propose changes to or have discussion on the item. Note that approval of meeting minutes are now part of the Consent Agenda.

A. Approve Regular and Deferred Retirements and Survivors Continuances for the Month of November 2021.

B. Receive and File Report of Checks Disbursed in November 2021.

MOTION: Approve.

Moved by Goulet seconded by Roberts

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis
Abstain: -

C. Business Meeting Minutes of November 15, 2021.

Ms. Webb provided the following corrections: Trustee Hintz should be shown as absent for the vote for the Disability Minutes of November 1, 2021, and present for the next item. On MP 18, the word "availability" should be corrected to "unavailability". Then on MP 20, in the 2nd sentence of the 2nd paragraph, the words, "look at" should be added in between the words, "would the" and in the 3rd paragraph, the word, "said" should be inserted after, "Chair Sedell".

MOTION: Approve as Amended.

Moved by Roberts seconded by Goulet

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

IV. RECEIVE AND FILE PENDING DISABILITY APPLICATION STATUS REPORT

MOTION: Receive and File.

Moved by Roberts seconded by Ashby

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

V. APPLICATIONS FOR DISABILITY RETIREMENT

A. Application for Nonservice-connected and Service-connected Disability Retirement; Germack, Theresa; Case No. 19-001.

1. Proposed Findings of Fact and Recommended Decision to Deny the Application for Nonservice-connected and Service-connected Disability Retirement, filed by Hearing Officer John L. Rosenthal, dated October 23, 2021.
2. Application for Nonservice-connected and Service-Connected Disability Retirement, filed by Applicant, dated January 8, 2019.
3. Hearing Notice, dated November 18, 2021.

Stephen Roberson, Attorney at Law, and Catherine Laveau were present on behalf of County of Ventura-Risk Management. Josiah Vencel was present on behalf of VCERA. The applicant, Theresa Germack was not present.

Mr. Vencel said that he did not have a statement regarding the disability case.

Mr. Roberson made a brief summary statement.

MOTION: Adopt Findings of Fact and Conclusions of Law from the Hearing Officer and Deny the Application for Nonservice-connected and Service-connected Disability Retirement.

Moved by Goulet seconded by Joe

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

B. Application for Service-connected Disability Retirement; Bruton, Geoff; Case No. 20-023.

1. Staff Recommendation to Grant the Application for Service-connected Disability Retirement, dated December 6, 2021.
2. Employer's Objection to Staff's Recommendation, submitted by County of Ventura-Risk Management, dated November 5, 2021.
3. Addendum A: Response to Employer's Objection to Staff's Recommendation, dated December 6, 2021.
4. Supporting Documentation for Staff Recommendation.
5. Application for Service-connected Disability Retirement, filed by Applicant, dated December 2, 2020.
6. Hearing Notice, dated December 6, 2021.

Catherine Laveau was present on behalf of County of Ventura-Risk Management. Josiah Vencel was present on behalf of VCERA. The applicant, Geoff Bruton was also present.

Trustee Goulet said that given the County of Ventura had raised substantial objections to the recommended action, he suggested the Board consider sending the case to an evidentiary hearing.

Mr. Vencel made a brief summary statement regarding the legal standards of the case.

Ms. Laveau also made a brief summary statement concerning the County of Ventura's position that the disability case should automatically go to an evidentiary hearing, as allowed by the Disability Hearing Procedures.

Chair Sedell said that he was unaware that the Disability Hearing Procedures allowed for a disability case to automatically be sent for a hearing when the County of Ventura contested a case. He asked for clarification from General Counsel.

Ms. Nemiroff explained that under the new disability model, the employer did not have an unfettered, unilateral right to compel and evidentiary hearing. If VCERA staff recommended approval of a disability retirement application, the Board then had the discretion whether to send the case to an evidentiary hearing, if the Board found good cause to do so. However, under both the old processing

model and new processing model, the Disability Hearing Procedures always had an implied finding of good cause before sending it to an evidentiary hearing. The Board also had certain fiduciary duties to its members with the goal to come to the right decision on the case in a timely and prompt manner. Also, the Constitution would take precedence over any processes in Disability Hearing Procedures, which gave the Board plenary authority over the administration of the system. Therefore, the Board could send the case to an evidentiary hearing if they found that there was good cause, but if the Board found that there was no good cause, it could decide not to send the case to a hearing even if that were the employer's request.

Chair Sedell thanked Ms. Nemiroff for the clarification and said her explanation summed up what he believed regarding the issue.

Mr. Bruton then made a brief statement to explain his position regarding his disability retirement case.

MOTION: Refer the Application for Service-connected Disability Retirement for Geoff Bruton to an Evidentiary Hearing.

Moved by Goulet seconded by Joe

Vote: Motion failed

Yes: Goulet, Joe, Sedell

No: Hernandez-Garcia, Hintz, Long, Roberts, Ashby

Absent: Grass, Tang-Paradis

Abstain: -

After discussion by the Board, the following motion was made:

MOTION: Deny the Application for Service-connected Disability Retirement for Geoff Bruton.

Moved by Hintz seconded by Long

Ms. Nemiroff noted that the new disability model procedures stated that in cases for which a final recommendation from VCERA staff to the Board was to grant the disability retirement, the Board could grant the disability retirement application, in whole or in part, remand the application back to staff for further investigation of the case, refer the case to an evidentiary hearing, or take any other action deemed appropriate by the Board.

Ms. Nemiroff said she believed that due process provided the applicant the opportunity to request an evidentiary hearing. She would feel more comfortable if the applicant had the opportunity to request an evidentiary hearing, instead of the case being denied before the applicant had the opportunity to make the request, because if the Board denied the application the matter could then go to Superior Court if the applicant appealed their decision. The case would then be heard by the Court without an evidentiary record.

Chair Sedell said that the Board should ask Mr. Bruton if he would like the case to go to an evidentiary hearing before the Board voted on the motion made by Trustee Hintz.

Trustee Hintz withdrew his motion to deny the application for Service-connected Disability Retirement to avoid having the case appealed and sent to the Superior Court without an evidentiary record.

Trustee Long also agreed to withdraw the motion.

After further discussion by the Board, the following motion was made:

MOTION: Approve Staff's Recommendation to Grant the Application for Service-connected Disability Retirement, dated December 6, 2021.

Moved by Long seconded by Hernandez-Garcia

Vote: Motion failed

Yes: Hernandez-Garcia

No: Goulet, Hintz, Joe, Long, Roberts, Ashby, Sedell

Absent: Grass, Tang-Paradis

Abstain: -

After further discussion by the Board, the following motions were made:

MOTION: To Reconsider Referring the Application for Service-connected Disability Retirement for Geoff Bruton to an Evidentiary Hearing.

Moved by Roberts seconded by Goulet

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

MOTION: Refer the Application for Service-connected Disability Retirement for Geoff Bruton to an Evidentiary Hearing.

Moved by Roberts seconded by Hernandez-Garcia

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

C. Thin, Allan; Case No. 20-018—Motion for Protective Order and for Order Conferring Authority on Hearing Officer to Preside Over Prehearing Process.

1. Notice of Motion and Motion Before the Board of Retirement for Protective Order and Order Conferring Authority on Hearing Officer to Preside Over Prehearing Process; Memorandum of Points and Authorities; Proposed Protective Order, filed by Vivian Shultz, Attorney for Respondent, VCERA, dated November 12, 2021.
2. Memorandum of Points and Authorities in Opposition to the Motion Filed by VCERA for Protective Order and for Further Order Confirming Authority of Hearing Referee to Set Pre-Hearing Discovery Deadlines and Related Issues, filed by Stephen Roberson, County of Ventura, dated December 3, 2021.

3. Respondent VCERA's Reply in Support of Motion for Protective Order and Order Conferring Authority on Hearing Officer to Preside Over Prehearing Process, filed by Vivian Shultz, Attorney for Respondent, VCERA, dated December 8, 2021.
4. Hearing Notice, dated December 6, 2021.

Ms. Shultz explained that the recommendation on the case was for a protective order and an order conferring authority to the hearing officer to preside over prehearing process and that the matter had already been referred to an evidentiary hearing and would be placed on calendar soon. She explained that the first part of the recommendation was to request a protective order, because after meeting with the County of Ventura's counsel on the case, they were not able to come to an agreement on the disclosure of the application, medical records and other documentation in the case. The protective order would limit the use and disclosure of the case records, based on VCERA's obligation to maintain the confidentiality of a member's records, unless 1 of 3 exceptions were met. The first was with a court order and the second exception was a written authorization from the member; however, these 2 exceptions did not apply in the case. The third exception required a qualitative analysis by the parties as to whether the disclosure of the documents requested were necessary for the administration of the chapter, with the specific issue was whether unlimited disclosure of the records was necessary, which she believed it was not and that reasonable measures should be in place to prevent the disclosure of the member's records. She also explained that the bulk of the records were either previously provided to the County or would be provided to them if they served VCERA with a subpoena for them; however, the records in questions were the Independent Medical Evaluations (IME) by the member's physician's and any internal correspondence from VCERA related to the case. Though she acknowledged that the County was a party to the evidentiary hearing in the case, she believed only limited disclosure was necessary for the administration of the chapter and that their discovery rights were not absolute.

Trustee Goulet asked Ms. Shultz if during the meeting with the County there were any discussion regarding a contractual agreement for the disclosure of the records, and his observation was that the County seemed to have an issue with the fact that the Hearing Officer would have authority explicitly beyond what was written in Govt. Code section 31533, though the Disability Hearing Procedures provided that authority to the hearing officer. Also, the County argued that the Hearing Officer did not have the authority to order a medical examination for the applicant, however section 8.1. of the procedures stated that the Hearing Officer may order physical, psychological, or psychiatric evaluations.

Mr. Roberson said the Govt. Code did give the Hearing Officer the authority to conduct the hearing, which meant that they could make evidentiary rulings, determine what evidence was admissible, and after hearing the evidence, to request additional medical evaluations. However, the County did not believe that the Hearing Officer had the authority to order a medical evaluation prior to the hearing. As to the issue with the protective order, the whole purpose of the new model was to speed up the process of hearing the disability applications. However, VCERA was not providing the medical records obtained in the case to the County, which were clearly discoverable and should be produced. The County was given only had 21 days to provide a recommendation to VCERA and it made no sense for VCERA to cite sections of the medical records to the County without providing the full record so that the County could respond properly to the case. Clearly, the government code did not preclude the County as a party to the case, having access to medical records that VCERA generated themselves, which were not covered by a privilege that the applicant would have because they were not medical records of the applicant, but reports that VCERA received. Mr. Roberson said he offered at the beginning of the case to sign a letter stating that the County would not use the medical records for any improper purpose.

Mr. Roberson continued that if the Board issued a protective order, it had no jurisdiction to enforce it because the matter would then have to go before the Ventura County Superior Court. Further, VCERA wanted the County to agree that the Hearing Officer could sign the protective order, but neither would that officer have any jurisdiction to sign the protective order. Therefore, it was unnecessary for the Board to get involved in issuing protective orders in these types of cases, since the County could sign a letter stating that the records would be treated as confidential, but he wanted VCERA to provide all of the medical records and reports to the County so that they could properly respond.

Chair Sedell suggested that the Board separate the two requests and vote on them separately, which was the request for the protective order and the order conferring authority to the Hearing Officer to preside over the prehearing process.

Ms. Anna Batanero, the attorney representing the applicant in the case, said that she agreed with the arguments presented by Ms. Shultz.

Chair Sedell asked if trustees had a preference as to whether they should vote on the order conferring authority to the Hearing Officer to preside over the prehearing and also decide on the protective order issue or should the Board vote on the protective order issue, which would serve as a precedent to Hearing Officers in similar cases in the future. After hearing no preference from the other Board members, he suggested that the Board vote on the order conferring authority to the Hearing Officer to preside over the prehearing and then if the Board wished, they could vote on the protective order request afterwards.

MOTION: Approve Request for an Order Conferring Authority on Hearing Officer to Preside Over Prehearing Process.

Moved by Goulet seconded by Hintz

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Long, Roberts, Ashby, Sedell

No: Joe

Absent: Grass, Tang-Paradis

Abstain: -

MOTION: Deny Staff's Request for a Protective Order.

Moved by Hintz seconded by Joe

Vote: Motion carried

Yes: Hernandez-Garcia, Hintz, Joe, Long, Sedell

No: Goulet, Roberts, Ashby

Absent: Grass, Tang-Paradis

Abstain: -

Chair Sedell asked to clarify that the County would provide a letter stating they would abide by the same restrictions as the protective order pertaining to the use the records, which was his understanding based on Mr. Roberson's previous statements.

Mr. Roberson said that he was agreeable to signing a letter stating the County recognized the confidentiality of the medical records, but in return he wanted VCERA to agree to provide the IMEs

and all other records related to the case to the County, so that they could properly investigate the case.

Ms. Nemiroff said that she could not advise the Board to enter into such an agreement, as there was nothing in the CERL, the Disability Hearing Procedures, or the New Disability Model Process that entitled the County to any confidential medical records, except for the limited disclosure of the initial disability retirement application and its supporting documentation. The only reason the County received those documents was because it was stated that they would be provided in the Disability Hearing Procedures, but as for the IME's reports and other reports generated by VCERA, they should be disclosed by VCERA at the evidentiary hearing, but subject to use only for disability case process and not any other purpose. This was the issue that the Board should be considering, which was a limitation of use of those documents once they were produced during discovery at an evidentiary hearing.

Mr. Roberson asked what the fairness of that was, when the County had to respond to the "cherry picked" items from the IMEs that VCERA cites when the County did not have access to them. Also, VCERA's fiduciary duties required them to provide a copy of the IME report to the member, so he could not understand VCERA's reluctance to provide a copy of those reports to the County.

Ms. Nemiroff said Mr. Roberson again was talking about the disclosure of VCERA's entire investigatory case file prior to the matter going to a hearing and again there was no obligation for VCERA to do that. Once the case had gone to a hearing, VCERA was more than happy to disclose the entire record. The Board should be asking for an agreement with the County that the records would only be used for the disability retirement process and not for any personnel or disciplinary action or any other purposes.

Chair Sedell then said he understood the County was willing to put that in writing which was why he voted not to approve the recommended protective order for the records.

Ms. Nemiroff said she believed the County had agreed to that as well.

Ms. Webb asked the Board to recall that under the old disability model process, when the Board had delegated the authority to investigate disability cases to the Risk Management, VCERA was not provided with the entire record. However, Ms. Shultz had clearly articulated how the process should work under the new model. She then cautioned that the discussion had broadened from the disability case to the new disability model process. Therefore, she recommended the Board focus on the case before it, and for any discussion of the new disability model process be done separately.

Mr. Roberson replied that under the old model, VCERA did not participate in the hearings and therefore did not need any of the medical records, making such a comparison moot. However, the County would agree to send a letter on the current case to Ms. Shultz advising her that they would take appropriate steps to protect the confidentiality of the medical records, pursuant to applicable law.

Chair Sedell said that he believed that VCERA staff and the County should have a discussion to resolve the issue regarding the County's request for the additional records before the case goes to an evidentiary hearing, to avoid having the issue brought before the Board every time there was a similar situation.

Trustee Hintz said he believed VCERA's staff wanted to limit the County's involvement in the hearing process to the least possible degree and did not understand why staff was unwilling to trust the County enough to let them sign a letter saying they would comply with the clear law relating to the

use of a disability applicants' medical records unless they simply did not want the County to have them.

Chair Sedell said that he was looking to resolve the matter in the current case before them and not in all future cases, however he also added that VCERA's staff and the County needed some serious discussion on the issue so that it could be resolved jointly.

Trustee Hintz said that was a great idea.

Chair Sedell asked that VCERA staff and the County work together to bring a solution to the issue back to the Board that showed how they could both move forward together. However, if for some reason they could not find a resolution then the Board would have to decide on the matter.

Trustee Roberts then asked if the issue was not whether the County received access to the entire medical records for an applicant in a disability case, but rather when they received access to the entire medical records.

Ms. Nemiroff said that was correct, and that VCERA agreed it was fair for the County to have all of the records that would be used in a hearing. The issue was regarding VCERA staff's request to the County to use the documentation only for the disability process and nothing else. VCERA outside counsel had requested a protective order to do this because it was more efficient and easier to enforce, in the event that it needed to be enforced, as opposed to a letter agreement, which meant that they would have to sue the County for a breach of contract. This would be much less streamlined than a protective order, where they would simply take the issue to the Board and to the Court for a contempt order. Such efficiency was the advantage of the protective order.

Chair Sedell then said that it was also a matter of trust and extending that trust at this point in time, which was what he believed he heard from the Board and if at some point that changed then the Board could reconsider it.

Trustee Roberts said that if VCERA staff had done their investigation, and the Board did not believe that a case needed to go to a hearing but instead wanted to approve a disability application, and the County was a party to the case beforehand, then the County could object to the Board granting a disability retirement if the County had the records before a hearing.

Ms. Nemiroff said yes, and the Board had just seen such an instance that morning, when VCERA staff had recommended granting a disability retirement and the County objected. Therefore, the County had the right to come to the Board hearing an object, which was in the new model process. Therefore, the County had a role even before the case went to an evidentiary hearing, which allowed for them to come to the Board and object to a recommendation by VCERA staff and present any evidence that the County had obtained in opposition, but at that point VCERA staff would not give the County the confidential medical records, before the case was sent to an evidentiary hearing. She referenced Mr. Roberson's asking how the County could respond to VCERA staff's recommendation to the Board, unless they had access to VCERA's entire medical records for the applicant, but VCERA had given the County the full opportunity to perform their own investigation and the County also had access to their own medical records in the Worker's Compensation case. So, the County could use their records to come to the Board and present their evidence and show the reason why they believe there was enough evidence to request that the case be sent to an evidentiary hearing.

Ms. Shultz noted that in her experience, there were not many other retirement associations that had the employer actively intervening as a party in a disability case and therefore, the issue of confidentiality did not come up all that often. A party other than the retirement association or member,

should have additional scrutiny to determine the disclosure of documents in a disability case. Therefore, in cases where the employer had filed an application for disability retirement, and was therefore a party to the case, the employer would obtain a subpoena to request records from 3rd parties as part of its discovery process because they were unable to obtain the records earlier on in the proceedings. When an employee objects, which they have on several occasions, the matter would go before the Superior Court. She had routinely requested and was granted protective orders for the disclosure of medical reports that were lodged as exhibits to the Administrative Law Judge or Hearing Officer, because they all acknowledge that there was no purpose served by disclosure of those confidential documents to the public or by use of another County department. So, a request for a protective order was not a usual or unreasonable request when it came to those sensitive medical records.

VI. OLD BUSINESS

- A. Reconsideration of Circumstances to Enable Board to Hold Meetings via Teleconference Under the Provisions of Government Code Section 54953, Subdivision (e)(1)(A), of the Ralph M. Brown Act, Due to State of Emergency and Authorize Continued Remote Teleconference Meetings.
1. Staff Letter by General Counsel.
 2. Letter from Dr. Robert Levin, Ventura County Health Officer.

Ms. Nemiroff said that the item was presented to the Board every 30-days to reconsider whether the Board wished to continue to hold Board meetings via teleconference. The facts existed for the Board to make the finding that Dr. Levin's order was still in effect, with the order being to recommend social distancing. She also noted that VCERA had seen more public involvement and public access to the Board meetings than before the meetings were conducted via teleconference; also, the applicants in the disability cases and investment managers had expressed appreciation for the option to attend virtually. If the Board continued to approve the current hybrid approach, where the Board met via teleconference, the Board would need to reconsider the circumstances of the emergency and make the findings that local health officials were still recommending social distancing. The Board could then authorize teleconferencing under the abbreviated Brown Act procedures for another 30 days.

MOTION: Reconsider the Circumstances of the State of Emergency and Find that Dr. Levin's Continued Recommendation for Social Distancing Remains in Effect, and Authorize Meetings under the Abbreviated Teleconference Provisions of the Brown Act.

Moved by Goulet seconded by Ashby

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Joe, Roberts, Ashby, Sedell

No: Hintz, Long

Absent: Grass, Tang-Paradis

Abstain: -

After the vote on the item, the Board took a break at 10:52 a.m.

The Board returned from Break at 11:00 a.m.

- B. Services Agreement Extension and Report Presentation of Compensation Survey Report.
RECOMMENDED ACTION: Approve.

1. Letter from Trustee Goulet.
2. Presentation of Compensation Survey Report from, Ralph Andersen & Associates, Doug Johnson.

Trustee Goulet explained that the first order of business regarding the item was to consider extending the term of the agreement with Ralph Andersen & Associates. All that was required was a one-month extension, which would cover today's presentation, and if the Service Agreement were extended then Ralph Andersen & Associates would make their presentation as scheduled.

Chair Sedell asked Trustee Goulet if there were questions that required further review, would the Board need to extend the contract again.

Trustee Goulet replied yes, the Board would have to extend it again, however if it pleased the Board, they could extend the contract for 6 months or 1 year, rather than 1 month.

Chair Sedell said that he would prefer a longer period to allow for more review if there were questions regarding the report.

Trustee Goulet then suggested that the Board should revise the term of the agreement for 1 year extension.

MOTION: Approve Services Agreement Extension with Ralph Andersen & Associates for 1 Year.

Moved by Hintz seconded by Roberts

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

Mr. Doug Johnson of Ralph Andersen & Associates then presented the Compensation Survey Report.

MOTION: Receive and File Compensation Survey Report.

Moved by Hintz seconded by Roberts

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

- C. Periodic Review of Board Policy: Education & Travel Policy.
RECOMMENDED ACTION: Approve.

1. Staff Letter by Retirement Administrator.

2. Education and Travel Policy Proposed (Redline).
3. Education and Travel Policy Proposed (Clean).

MOTION: Approve the Existing Travel & Expense Claims as Submitted and Move Consideration of the Full Policy to the January Disability Meeting.

Moved by Hintz seconded by Roberts

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

D. Discussion of Assembly Bill 826 Status.

RECOMMENDED ACTION: Receive and File.

1. Staff Letter by Retirement Administrator.

Ms. Webb said that as the staff letter indicated, at the September 13th meeting, staff had provided an update on the status AB 826, and at that time the Board decided to take no action and directed staff to provide an update on the item in December. However, staff had not received any updates on the item.

Chair Sedell noted that in a recent discussion with Assembly Member Irwin, she was hopeful in their ongoing discussions with the Governor's Office regarding the bill. In an informal discussion with the County of Ventura, they said that they were aware of upcoming discussions in January with the goal of trying to move the bill along quickly.

MOTION: Receive and File.

Moved by Long seconded by Roberts

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

E. Update on Alameda Implementation Re: Alameda Decision (Verbal).

RECOMMENDED ACTION: Receive and File.

Ms. Webb provided a brief update regarding the Alameda Implementation, noting that staff was preparing a general communication to members regarding VCERA's implementation of the Alameda Decision, which did not include information on the Flex Credit issue. She also said that the Auditor-Controller staff was working on corrections to the payroll system, in order to comply with the Board direction on the Alameda Decision and staff was meeting with them regularly on the status of those corrections.

MOTION: Receive and File.

Moved by Long seconded by Roberts

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

VII. NEW BUSINESS

A. Proposed Legislation.

1. Letter from Trustee Goulet.

Trustee Goulet noted that the attachment that was provided to the Board was not the final version.

Chair Sedell asked Trustee Goulet if he would like to bring the agenda item back in January 2022.

MOTION: Continue the Item to the Disability Meeting in January 2022.

Moved by Goulet seconded by Long

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

B. Request for Authorization of Up to 2 VCERA Trustees and CIO to Attend NEPC's 2022 Public Funds Workshop in Tempe, Arizona, February 1 - 2, 2022.

RECOMMENDED ACTION: Approve.

1. Staff Letter by Chief Investment Officer.

MOTION: Approve Request for Authorization for Up to 2 VCERA Trustees and CIO to Attend NEPC's 2022 Public Funds Workshop in Tempe, Arizona on February 1- 2, 2022.

Moved by Ashby seconded by Roberts

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

C. Annual Appointment of Chair and Vice-Chair.

1. Staff Letter by Retirement Administrator.

Trustee Hintz nominated Trustee Sedell for appointment as the Chair for calendar year 2022.

Trustee Long said that she would make a motion to appoint Trustee Sedell for Chair and Trustee Goulet as Vice-Chair for calendar year 2022.

Trustee Hintz said that he would second Trustee Long's motion.

Trustee Hernandez-Garcia then nominated Trustee Sedell as Chair and Trustee Roberts as Vice-Chair for calendar year 2022.

Trustee Long then said that she would change her motion to appoint Trustee Sedell as Chair for calendar year 2022 only, since there was now nomination for a different Vice-Chair from another trustee.

MOTION: Appoint Trustee Sedell as Chair for Calendar Year 2022.

Moved by Long seconded by Hintz

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

Trustee Hernandez-Garcia nominated Trustee Roberts as Vice-Chair for calendar year 2022.

Trustee Ashby then nominated Trustee Goulet as Vice-Chair for calendar year 2022.

Trustee Roberts respectfully declined the nomination for Vice-Chair and would rather support Trustee Goulet's appoint as Vice-Chair for calendar year 2022.

Trustee Long thanked Trustee Goulet for his diligence and agreed with the motion to appoint his as Vice-Chair.

Chair Sedell said he agreed with Trustee Long.

MOTION: Appoint Trustee Goulet as Vice-Chair for Calendar Year 2022.

Moved by Ashby seconded by Long

Vote: Motion carried

Yes: Goulet, Hernandez-Garcia, Hintz, Joe, Long, Roberts, Ashby, Sedell

No: -

Absent: Grass, Tang-Paradis

Abstain: -

VIII. INFORMATIONAL

A. SACRS Legislative Update – December 2021.

IX. PUBLIC COMMENT

None.

X. STAFF COMMENT

Mr. Gallagher said that despite it being early in the month, NEPC was able to provide some preliminary investment information. For the month of November, the portfolio was down 1%, but up 3.7% fiscal year to date and up 15% calendar year to date, and for a 1-year basis we were up 19.3%.

Mr. Martin added that if the Board were to *annualize* the fiscal year-to-date investment their performance through November 30, 2021, it would be 8.8% for the year. Mr. Martin then cautioned that tougher times may be ahead because as of December 9th, the inflation percentage was coming in higher than expected.

XI. BOARD MEMBER COMMENT

Ms. Webb said as the Board was aware, the Chief Operations Officer (COO) position was still vacant, and staff would be starting the recruitment process for the position early next year. Ms. Webb said she had been absorbing the COO workload and staff supervision. She had been working with County Human Resources to open 2 fixed-term positions to provide assistance during the interim. Given that the Board was considering potential legislation for Executive Management positions she believed that it was appropriate to currently postpone the formal recruitment of the Chief Operations Officer position.

XII. ADJOURNMENT

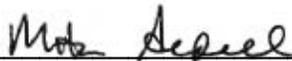
The Chair adjourned the meeting at 11:00 a.m.

Respectfully submitted,



LINDA WEBB, Retirement Administrator

Approved,



MIKE SEDELL, Chair