

# VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

## BOARD OF RETIREMENT

### DISABILITY MEETING

SEPTEMBER 11, 2023

### AGENDA

**TRUSTEES  
PRESENT:**

Mike Sedell, Chair, Public Member  
Arthur E. Goulet, Vice-Chair, Retired Member  
Jordan Roberts, General Employee Member  
Cecilia Hernandez-Garcia, General Employee Member  
Kelly Long, Public Member  
Tommie E. Joe, Public Member  
Aaron Grass, Safety Employee Member  
Will Hoag, Alternate Retired Member  
Robert Ashby, Alternate Safety Employee Member

**TRUSTEES  
ABSENT:**

Sue Horgan, Treasurer-Tax Collector

**STAFF  
PRESENT:**

Rick Santos, Interim Retirement Administrator  
Amy Herron, Chief Operations Officer  
Lori Nemiroff, General Counsel  
Dan Gallagher, Chief Investment Officer  
La Valda Marshall, Chief Financial Officer  
Leah Oliver, Chief Technology Officer  
Josiah Vencel, Retirement Benefits Manager  
Brian Owen, Sr. Information Technology Specialist  
Michael Sanchez, Sr. Information Technology Specialist  
Chris Ayala, Program Assistant

**PLACE:**

Ventura County Employees' Retirement Association  
Second Floor, Boardroom  
1190 S. Victoria Avenue, Suite 200  
Ventura, CA 93003

**TIME:**

9:00 a.m.

**ITEM:**

**I. CALL TO ORDER**

A. Roll Call.

Chair Sedell called the Disability Meeting of September 11, 2023, to order at 9:01 a.m.

Roll Call:

Trustees Present: Robert Ashby, Aaron Grass, Art Goulet, Will Hoag, Tommie Joe, Kelly Long, Jordan Roberts, Will Hoag, Mike Sedell

Trustees Absent: Cecilia Hernandez-Garcia, Sue Horgan

**II. APPROVAL OF AGENDA**

Chair Sedell recommended that the Board make agenda item VI.I., "Presentation of Resolution in Recognition of Linda Webb" time certain for 10:30 a.m. because of Ms. Webb's availability to attend the meeting remotely.

Trustee Hernandez-Garcia arrived at the meeting at 9:04 a.m.

MOTION: Approve as Amended.

Moved by Roberts.

Trustee Goulet requested the Board move agenda item, VI.D., "Authorization Request for Interim Retirement Administrator to Execute Agreement With Vitech for Pre-Purchase of Support Hours" so that it followed item VI.E., "Authorization for Interim Retirement Administrator to Execute Agreements With Vitech Systems Group, Inc., and VSG Hosting".

Trustee Roberts then agreed to amend his motion to include the additional amendment from Trustee Goulet.

MOTION: Approve with Amendment to make Agenda Item VI.I. Time Certain for 10:30 a.m. and Move Agenda Item VI.D., so that it Followed VI.E.

Moved by Roberts, seconded by Goulet

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

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 a discussion on the item.*

A. Receive and File Pending Disability Application Status Report.

- B. Approve Business Meeting Minutes of July 10, 2023.
- C. Approve Business Meeting Minutes of July 24, 2023.
- D. Receive and File GASB 67 Actuarial Valuation Report as of June 30, 2022 - Revised.
  - 1. Staff Letter from Chief Financial Officer.
  - 2. GASB 67 Report, as of June 30, 2022 - Revised.

After discussion by the Board and staff regarding the Business meeting minutes of July 10<sup>th</sup>, the following motion was made:

MOTION: Approve.

Moved by Goulet, seconded by Joe

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

#### **IV. APPLICATIONS FOR DISABILITY RETIREMENT**

- A. Application for Service-connected Disability Retirement—Braza, Mario; Case No. 20-016.
  - 1. Proposed Findings of Fact, Conclusions of Law and Recommended Decision to Deny the Application for Service-connected Disability Retirement, filed by Hearing Officer John Rosenthal, dated July 1, 2023.
  - 2. Applicant's Statement, dated September 1, 2023.
  - 3. Application for Service-connected Disability Retirement, filed by Applicant, dated June 29, 2020.
  - 4. Hearing Notice, dated July 25, 2023.

Josiah Vencel was present on behalf of VCERA. Catherine Laveau and Carol Kempner, Attorney at Law, were present on behalf of County of Ventura-Risk Management. The applicant, Mario Braza, was not present.

Mr. Vencel provided a brief summary statement.

MOTION: Approve the Findings of Fact and Conclusions of Law and the Hearing Officer's Recommendation to Deny the Applications for Service and Nonservice-connected Disability Retirement.

Moved by Goulet, seconded by Grass

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

B. Staff Request to Ratify Change in Disability Retirement Effective Date—Fisher, Mark;  
Case No. 21-023.

1. Staff Letter, dated September 11, 2023.
2. Hearing Notice, dated July 25, 2023.

Josiah Vencel was present on behalf of VCERA. Thomas Wicke, Attorney at Law, was present on behalf of the applicant, Mark Fisher, who was not present.

Mr. Vencel provided a brief summary statement.

Mr. Wicke declined to make a statement.

MOTION: Approve Staff's Recommendation to Ratify the Change in Mark Fisher's Disability Retirement Effective Date to August 21, 2021.

Moved by Roberts, seconded by Long

Vote: Motion carried

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

No: -

Absent: Horgan

Abstain: -

C. Application for Service-connected Disability Retirement—Raya, Maria; Case No. 21-029.

1. Staff Recommendation to Grant the Application for Service-connected Disability Retirement, dated August 30, 2023.
2. Supporting Documentation for Staff Recommendation.
3. Application for Service-connected Disability Retirement, filed by Applicant, dated September 21, 2021.
4. Hearing Notice, dated August 31, 2023.

Josiah Vencel was present on behalf of VCERA. The applicant, Maria Raya, was also present.

Mr. Vencel provided a brief summary statement.

MOTION: Approve Staff's Recommendation to Grant Service-connected Disability Retirement Effective, September 21, 2021.

Moved by Long, seconded by Hernandez-Garcia

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

D. Application for Service-connected Disability Retirement—Merino, Anne; Case No. 21-031.

1. Staff Recommendation to Grant the Application for Service-connected Disability Retirement, dated August 30, 2023.
2. Supporting Documentation for Staff Recommendation.
3. Application for Service-connected Disability Retirement with Amendments, filed by Applicant's Attorney, Michael Treger, dated September 21, 2021.
4. Hearing Notice, dated August 31, 2023.

Josiah Vencel was present on behalf of VCERA. Michael Treger, Attorney at Law, was present on behalf of the applicant, Anne Merino, who was not present.

Mr. Vencel provided a brief summary statement.

Mr. Treger also provided a brief statement.

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

MOTION: Approve Staff's Recommendation to Grant Service-connected Disability Retirement Effective, March 5, 2022.

Moved by Roberts, seconded by Joe

Vote: Motion carried

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

No: -

Absent: Horgan

Abstain: -

E. Application for Service-connected Disability Retirement—Novak, Julie; Case No. 21-038.

1. Staff Recommendation to Grant the Application for Service-connected Disability Retirement, dated August 30, 2023.
2. Supporting Documentation for Staff Recommendation.
3. Application for Service-connected Disability Retirement, filed by Applicant's Attorney, Thomas Wicke, dated December 10, 2021.

4. Hearing Notice, dated August 31, 2023.

Josiah Vencel was present on behalf of VCERA. Thomas Wicke, Attorney at Law, was present on behalf of the applicant, Julie Novak, who was not present.

Mr. Vencel provided a brief summary statement.

Mr. Wicke also provided a brief summary statement.

MOTION: Approve Staff's Recommendation to Grant Service-connected Disability Retirement Effective, January 21, 2022.

Moved by Grass, seconded by Hernandez-Garcia

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

- F. Application for Service-connected Disability Retirement—Luther, Nichole; Case No. 22-002.

1. Staff Recommendation to Grant the Application for Service-connected Disability Retirement, dated August 30, 2023.
2. Supporting Documentation for Staff Recommendation.
3. Application for Service-connected Disability Retirement, filed by Applicant, dated January 18, 2022.
4. Hearing Notice, dated August 31, 2023.

Josiah Vencel was present on behalf of VCERA. The applicant, Nichole Luther, was also present.

Mr. Vencel provided a brief summary statement.

MOTION: Approve Staff's Recommendation to Grant Service-connected Disability Retirement Effective, January 20, 2022, and Authorize an IME Re-Evaluation Every 2 Years Until the Applicant Attains Age 55 and Find that the Applicant is Eligible for a Disability Reassignment.

Moved by Grass, seconded by Roberts

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

**V. OLD BUSINESS**

- A. Request by the Ad Hoc Committee for the Retirement Administrator Recruitment to Approve the Statement of Work for Cooperative Personnel Services, dba CPS HR Consulting.

**RECOMMENDED ACTION: Approve.**

1. Letter from Ad Hoc Committee.
2. Statement of Work.

Chair Sedell presented the Statement of Work for Cooperative Personnel Services, for CPS HR Consulting, and also provided a brief update regarding the recruitment of the Retirement Administrator.

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

MOTION: Approve the Statement of Work for Cooperative Personnel Services, dba CPS HR Consulting.

Moved by Grass, seconded by Joe

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

- B. Alameda Implementation Status Report Dated September 11, 2023.

**RECOMMENDED ACTION: Receive and File.**

Ms. Herron presented the Alameda Implementation Status Report, Dated September 11, 2023.

Trustee Long felt that staff should consider providing the report to the County, instead of just the link to it on VCERA's website, or at least contact them to see if the County would like to receive these reports in the future since it could foster dialogue between them and VCERA regarding the issue.

Mr. Santos said that he would just like to send the County the report going forward because communication regarding important issues with the pension system was very important to everyone.

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

MOTION: Receive and File.

Moved by Long, seconded by Hernandez-Garcia

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

**VI. NEW BUSINESS**

A. Disability Retiree Re-Examination Policy.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter from Interim Retirement Administrator.
2. Disability Retiree Re-Examination Policy.

Mr. Santos presented the Disability Retiree Re-Examination Policy to the Board.

Chair Sedell suggested drafting a letter to affected retirees in such a way to avoid causing them concern about their disability retirement. He also suggested that an additional staff member review each case in which further steps are needed based on questionnaire responses.

Mr. Santos suggested that staff provide the policy to affected VCERA members after their disability retirement is granted.

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

MOTION: Approve Staff's Recommendation to Approve the Disability Retiree Re-Examination Policy for Future Disability Retirees Only, with an Edit to Section IV(2) that Gives Retirees 30 Days to Request an Evidentiary Hearing.

Moved by Roberts, seconded by Long

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

B. Dismissal of Disability Applications with/without Prejudice.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter from Interim Retirement Administrator.

Mr. Santos presented the Dismissal of Disability Applications with/without Prejudice agenda item to the Board by reviewing staff's proposed edits to paragraphs 7, 13, 30 and 35 of VCERA's Disability Retirement Process.

Trustee Roberts left the meeting at 9:57 a.m., before the vote on the item, and returned to the meeting at 9:59 a.m., before the vote on the item.

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

MOTION: Approve Staff's Proposed Edits to VCERA's Disability Retirement Process Document, with an Amendment to Paragraph 30 to say, "Unless the Board Finds Compelling Good Cause to Dismiss without Prejudice".

Moved by Roberts, seconded by Grass

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Sedell



No: -  
Absent: Horgan, Roberts  
Abstain: -

After the vote on this agenda item, the Board advanced to item VI.I., "Presentation of Resolution in Recognition of Linda Webb".

- C. Authorization for Chief Operations Officer to Attend the CALAPRS Intermediate & Advanced Courses in Retirement Plan Administration, November 1 – 3 & December 6 – 8, 2023, in Burbank, CA.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter from Chief Operations Officer.
2. Intermediate Course Agenda.
3. Advanced Course Agenda.

Chair Sedell introduced the item to the Board and remarked that any training that VCERA staff can take was always beneficial.

MOTION: Approve Authorization for the Chief Operations Officer to Attend the CALAPRS Intermediate & Advanced Courses in Retirement Plan Administration, November 1 – 3 & December 6 – 8, 2023, in Burbank, CA.

Moved by Roberts, seconded by Hernandez-Garcia

Vote: Motion carried  
Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell  
No: -  
Absent: Horgan  
Abstain: -

After the vote on this agenda item, the Board advanced to item VI.E., "Authorization for Interim Retirement Administrator to Execute Agreements With Vitech Systems Group, Inc., and VSG Hosting".

- D. Authorization Request for Interim Retirement Administrator to Execute Agreement With Vitech for Pre-Purchase of Support Hours.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter from Chief Technology Officer.
2. VCERA Change Order for Block of Hours (2023 – 2026).

Ms. Oliver presented the request for authorization for the Interim Retirement Administrator to execute an agreement with Vitech for the pre-purchase of Support Hours for use with enhancements required for the Alameda Implementation and the regular support of VCERA's pension system, V3.

MOTION: Approve Staff's Recommendation to Authorize the Interim Retirement Administrator to Execute an Agreement with Vitech for the Pre-Purchase of 2,000 Support Hours, to be Paid from the Allocation for Support Hours Previously Approved in the FY 2023/24 Budget.

Moved by Hernandez-Garcia, seconded by Roberts

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

After the vote on the agenda item, the Board advanced to item, VI.F., "Request for Authorization for Trustee and CIO On-Site Due Diligence Visit to Adams Street and LaSalle in Chicago, and Parametric in Minneapolis".

E. Authorization for Interim Retirement Administrator to Execute Agreements With Vitech Systems Group, Inc., and VSG Hosting.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter from Chief Technology Officer.
2. V3 Upgrade Subscription and Maintenance and Support Agreement.
3. Amended and Restated V3 Hosting Agreement.

Ms. Oliver presented the agreements With Vitech Systems Group, Inc., for maintenance and support and hosting.

Trustee Goulet noted that on the Schedule A. Order Form, it showed that there were zero Annual Hours Bank, and asked why there were not 2,000 hours listed there instead, which would remove the need for a Change Order.

Ms. Oliver explained the reason why the 2,000 hours were not listed in the Order Form was that the agreement for the 2,000 hours was drafted before staff realized that the contracts would be accepted by Vitech. Therefore, should the Board approve the agreement, staff would go back to Vitech to have them update the order form so that it was based on the current agreement.

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

MOTION: Approve Staff's Recommendation to Authorize the Interim Retirement Administrator to Execute Agreements with Vitech Systems Group, Inc., and VSG Hosting, with Amendments to Schedule A.

Moved by Grass, seconded by Long

Vote: Motion carried

Yes: Grass, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: Goulet

After the vote on this agenda item, the Board returned to item, VI.D., "Authorization Request for Interim Retirement Administrator to Execute Agreement With Vitech for Pre-Purchase of Support Hours".

- F. Request for Authorization for Trustee and CIO On-Site Due Diligence Visit to Adams Street and LaSalle in Chicago, and Parametric in Minneapolis.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter from Chief Investment Officer.

Chair Sedell said that the Due Diligence trips were a great learning opportunity for trustees to attend. He also noted that the Due Diligence visit was for up to 2 Trustees and the CIO to attend.

MOTION: Approve Staff's Request for Authorization for Up 2 Trustees and CIO On-Site Due Diligence Visit to Adams Street and LaSalle in Chicago, and Parametric in Minneapolis.

Moved by Long, seconded by Joe

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

Trustee Goulet said that he realized that the Board was voting on just the agreement with Vitech, and not the Hosting Agreement for item, VI.E., since he also had concerns with that.

Chair Sedell noted that the motion was to approve the 2 items. Since the Board would not be able to reopen the item to revisit it, Trustee Goulet could, however, make any comments pertaining to the item.

Trustee Goulet had questions regarding the Annual Fee Schedule in the Hosting Agreement and the increase for hosting of 21.7%.

Chair Sedell said that Trustee Goulet should meet with Mr. Santos and Ms. Oliver to discuss his concerns regarding the hosting agreement to resolve his issues with the contract.

Mr. Santos also suggested that the next time one of these specific items was scheduled to be brought to the Board, that trustees please provide a list of concerns, comments, and questions 24 hours before the meeting so that staff would be able to address them.

Chair Sedell then asked staff to set up a meeting with him, Mr. Santos, and Trustee Goulet to discuss a plan so that in the future Trustee Goulet could have his concerns met.

- G. Request for Authorization for On-Site Due Diligence Visits to Abbott Capital Management in New York City, and Prudential Global Investment Management (PGIM) Real Estate in Newark, New Jersey.

**RECOMMENDED ACTION: Approve.**

1. Staff Letter from Chief Investment Officer.

Mr. Gallagher presented a request for Board authorization for On-Site Due Diligence Visits to Abbott Capital Management in New York City, and Prudential Global Investment Management (PGIM) Real Estate in Newark, New Jersey.

MOTION: Approve Staff's Request for Authorization for CIO and Up 2 Trustees to Attend On-Site Due Diligence Visits to Abbott Capital Management in New York City, and Prudential Global Investment Management (PGIM) Real Estate in Newark, New Jersey.

Moved by Goulet, seconded by Joe

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

H. SACRS Voting Delegate and Alternate for 2023 Fall Conference.

**RECOMMENDED ACTION: Designate VCERA's Voting Proxy and Alternate for the SACRS Fall Business Meeting.**

1. Staff Letter from Interim Retirement Administrator.

Chair Sedell presented the item to the Board.

MOTION: Appoint Trustee Hoag as the Voting Proxy and Chair Sedell as the Alternate Voting Proxy.

Moved by Long, seconded by Joe

Vote: Motion carried

Yes: Grass, Goulet, Hernandez-Garcia, Horgan, Joe, Long, Roberts, Sedell

No: -

Absent: Horgan

Abstain: -

After the vote on the agenda item, the Board advanced to item VII., "Informational".

I. Presentation of Resolution in Recognition of Linda Webb.

Chair Sedell presented a Resolution in Recognition of Linda Webb, for all that she had done during her time as the Retirement Administrator for VCERA.

Ms. Webb expressed her appreciation and gratitude to the Board for the resolution.

After the presentation of this agenda item, the Board returned to item VI.C., "Authorization for Chief Operations Officer to Attend the CALAPRS Intermediate & Advanced Courses in Retirement Plan Administration, November 1 – 3 & December 6 – 8, 2023, in Burbank, CA".

## **VII. INFORMATIONAL**

A. United States Department of Labor: Cybersecurity Program Best Practices.

B. SACRS Legislative Update – August 2023.

C. SACRS Fall Conference 2023 – Conference Information.

D. Nossaman's 2023 Pensions, Benefits & Investments Fiduciaries' Forum – Event Notice.

**VIII. PUBLIC COMMENT**

None.

**IX. STAFF COMMENT**

Mr. Gallagher reminded the Board that the next Board meeting was their Board Retreat, which would be off-site.

Chair Sedell asked that all of the Trustees please plan to be there from 9 a.m. to 3 p.m..

**X. BOARD MEMBER COMMENT**

Trustee Grass said there has been recruitment and retention issues with the Sheriff's Office and Safety Members as a whole. Over the last few years, the Sheriff's Office, specifically has been looking at a variety of different options to solve some of these issues, and one of the things that they were considering was a Deferred Retirement Option Plan (DROP program), which was authorized through the County Employees' Retirement Law (CERL).

Trustee Ashby then called for a moment of silence in memory of the First Responders who lost their lives during the 9/11 terrorist attacks.

Ms. Nemiroff then suggested that the Board adjourn the meeting in their memory.

Trustee Long welcomed Mr. Santos to his first Board meeting at VCERA and she also thanked him for stepping in as VCERA's Interim Retirement Administrator.

Trustee Hernandez-Garcia also echoed Trustee Long's sentiment.

Trustee Roberts asked the Board if they would be willing to adjourn in memory of Lisa Frost, who was a classmate of his and was on flight 175 that flew into the World Trade Center.

**XI. ADJOURNMENT**

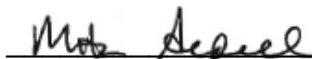
The Chair adjourned the meeting at 11:27 a.m., in memory of the First Responders and Lisa Frost who perished in the 9/11 terrorist attack.

Respectfully submitted,



\_\_\_\_\_  
RICHARD SANTOS, Interim Retirement Administrator

Approved,



\_\_\_\_\_  
MIKE SEDELL, Chair