

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

DISABILITY MEETING

November 4, 2013

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
Joseph Henderson, Public Member
Mike Sedell, Public Member
Tom Johnston, General Employee Member
Deanna McCormick, General Employee Member
Arthur E. Goulet, Retiree Member
Will Hoag, Alternate Retiree Member
Chris Johnston, Alternate Safety Employee Member

DIRECTORS None.

ABSENT:

STAFF

PRESENT: Donald C. Kendig, Retirement Administrator
Henry Solis, Chief Financial Officer
Lori Nemiroff, Assistant County Counsel
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 November 4, 2013, to order at 9:01 a.m.

II. APPROVAL OF AGENDA

MOTION: Approve the agenda.

Moved by Goulet, seconded by T. Johnston.

Vote: Motion carried

Yes: Goulet, Henderson, Hintz, T. Johnston, McCormick, Towner, Wilson

No: -

Absent: Foy, Sedell

III. APPROVAL OF MINUTES

A. Business Meeting of October 21, 2013.

MOTION: Approve the Minutes.

Moved by Goulet, seconded by T. Johnston.

Vote: Motion carried

Yes: Goulet, Henderson, Hintz, T. Johnston, McCormick, Towner, Wilson

No: -

Absent: Foy, Sedell

IV. PENDING DISABILITY APPLICATION STATUS REPORT

MOTION: Receive and file the Pending Disability Application Status Report.

Moved by Goulet, seconded by Henderson.

Vote: Motion carried

Yes: Goulet, Henderson, Hintz, T. Johnston, McCormick, Towner, Wilson

No: -

Absent: Foy, Sedell

V. APPLICATIONS FOR DISABILITY RETIREMENT

A. Application for Non-Service and Service Connected Disability Retirement; Carmen Castaneda; Case No. 12-014.

John Gilman was present representing the County of Ventura Risk Management. James Segall-Gutierrez, Attorney at Law, was present representing the applicant. The applicant, Carmen Castaneda, was not present.

After statements by both parties, the following Motion was made:

MOTION: Adopt the recommendation of the hearing officer and grant the application for non-service connected disability retirement.

Moved by Henderson, seconded by Hintz.

Vote: Motion carried

Yes: Goulet, Henderson, Hintz, T. Johnston, McCormick, Towner, Wilson

No: -

Absent: Foy, Sedell

- B. Application for Service Connected Disability Retirement; David Nadon; Case No. 11-008.

Trustee Foy arrived at 9:11 a.m.

Stephen Roberson was present representing the County of Ventura Risk Management. Anthony Strauss, Attorney at Law, was present representing the applicant. The applicant, David Nadon, was present.

After statements by both parties, the following Motion was made:

MOTION: Adopt the recommendation of the hearing officer and grant the application for service connected disability retirement.

Moved by Towner, seconded by Hintz.

Vote: Motion failed

Yes: Hintz, McCormick, Towner

No: Foy, Goulet, Henderson, Wilson

Abstain: T. Johnston

Absent: Sedell

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

MOTION: Pursuant to Government Code section 31534(b), the Board will obtain transcript of all testimony, hold a hearing and take action as indicated by the evidence.

Moved by Goulet, seconded by Hintz.

Vote: Motion carried

Yes: Foy, Goulet, Henderson, Hintz, T. Johnston, McCormick, Towner, Wilson

No:

Abstain:

Absent: Sedell

- C. Application for Service Connected Disability Retirement; Susan Moser; Case No. 11-018.

Trustee Sedell arrived at 9:53 a.m.

Stephen Roberson was present representing the County of Ventura Risk Management. Timothy Ehritt, Attorney at Law, was present representing the applicant. The applicant, Susan Moser, was not present.

After statements by both parties, the following Motion was made:

MOTION: Deny the petition for reconsideration.

Moved by Goulet, seconded by Foy.

Vote: Motion carried

Yes: Foy, Goulet, Henderson, Hintz, T. Johnston, McCormick, Sedell,
Towner, Wilson

No:

Abstain:

- D. Application for Service Connected Disability Retirement; Susan Chavez; Case No. 13-009.

Stephen Roberson was present representing the County of Ventura Risk Management. The applicant, Susan Chavez, was not present.

After discussion, the following Motion was made:

MOTION: Issue an order from the Board for Susan Chavez to attend a deposition set at the offices of the Ventura County Employees' Retirement Association.

Moved by Hintz, seconded by Goulet.

Vote: Motion carried

Yes: Foy, Goulet, Henderson, Hintz, T. Johnston, McCormick, Sedell,
Towner, Wilson

No:

Abstain:

VI. STANDING ITEM

- A. Receive and File Monthly PAS (VCERIS) Report for September 2013.

MOTION: Receive and file the report.

Moved by Henderson, seconded by Hintz.

Vote: Motion carried

Yes: Foy, Goulet, Henderson, Hintz, T. Johnston, McCormick, Sedell,
Towner, Wilson

No: -

Abstain:

VII. INVESTMENT INFORMATION

- A. Approval and Execution of the NEPC Investment Consulting Agreement.

After Board discussion, the following Motion was made:

MOTION: Authorize the Chair to execute the Agreement as modified to include an effective date and termination date, and add a comma after the words shall include, on the Agreement under item 2. Consulting Services, and direct staff to send HEK a 30-day notice of termination.

Moved by Henderson, seconded by T. Johnston.

Vote: Motion carried

Yes: Foy, Goulet, Henderson, Hintz, T. Johnston, McCormick, Sedell,
Towner, Wilson

No: -

Abstain:

VIII. NEW BUSINESS

- A. Receive and File Staff Notice Regarding Custodial Fee Proposal.

After Board discussion, the following Motion was made:

MOTION: Receive and file the fee proposal.

Moved by Henderson, seconded by T. Johnston.

Vote: Motion carried

Yes: Foy, Goulet, Henderson, Hintz, T. Johnston, McCormick, Sedell,
Towner, Wilson

No: -

Abstain:

- B. Authorization of the Engagement of Human Resources to Review the Proposed Job Specifications, and Establish an Appropriate Title and Salary Range for a Retirement Investment Analyst.

After Board discussion, the following Motion was made:

MOTION: Modify the proposed job specifications and continue the item to next Business meeting.

Moved by Goulet, seconded by T. Johnston.

Vote: Motion carried

Yes: Foy, Goulet, Henderson, Hintz, T. Johnston, McCormick, Sedell, Towner, Wilson

No: -

Abstain:

IX. CLOSED SESSION

It is the Intention of the Board of Retirement to Meet in Closed Session to Discuss the Following Items.

A. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 54956.9 – EXISTING LITIGATION.

NAME OF CASE: COUNTY OF VENTURA V. BOARD OF RETIREMENT AND MARK B. LOPEZ.

No reportable action taken.

X. PUBLIC COMMENT

None.

XI. BOARD MEMBER COMMENT

Trustee Hoag provided an update on the schedule of the Ad Hoc Management Committee.

Trustee Goulet commented on Board Counsel review of Board letters that are administrative and not of a legal nature.

Vice Chair Towner informed the Board that the Water Scott Due Diligence travel report will be presented at the November 18, 2013 Business meeting.

XII. ADJOURNMENT

The meeting was adjourned at 11:19 a.m.

Respectfully submitted,



DONALD C. KENDIG, Retirement Administrator

Approved,



WILLIAM W. WILSON, Chairman