

**RETIRED EMPLOYEES ASSOCIATION OF VENTURA COUNTY
BOARD OF DIRECTORS MEETING**



**Tuesday, April 4, 2023 – 11:30 a.m.
Hosted by Roberta Griego
Bella Vista Clubhouse
1724 Tanager St.
Ventura, CA 93003**

CALL TO ORDER – Reddy Pakala, President

Reddy Pakala, Roberta Griego, Kenneth Cozzens, Will Hoag, Paul Callaway, Nancy Settle, Colleen Bruns, Anne Dana, Ben Emami, Art Goulet, Colleen House, Lyn Krieger, Tom McEachern, Jacquie Richardson, Cindy Schneider, Kelly Shirk, Maryellen Benedetto

MINUTES - Approval of Minutes from February 7, 2023, Board Meeting - Attachment 1

FINANCIAL REPORT – Butch Britt

- Financial Report – Attachment 2

JUNE LUNCHEON STATUS

COMMITTEE REPORTS (Committee Chairs may report via e-mail and need not be present)

<i>Retirement Board/Legislation</i> - (Art)	<i>Newsletter</i> - (Dee)
<i>Associate Members</i> - (Maryellen)	<i>Nominations/Elections</i> - (Nancy)
<i>Benefits</i> - (Kelly)	<i>Program/Social</i> - (Anne/Tom)
<i>Communications</i> - (Will)	<i>Scholarship</i> - (Tom)
<i>Audit Committee</i> - (Ken)	<i>CRCEA</i> - (Will/Jacquie)
<i>Membership Report/Courtesy</i> - (Nancy, Tom, Roberta, Maryellen, Anne)	

OLD BUSINESS

1. Discuss and Approve – Hosting the 2025 CRCEA Conference with Santa Barbara County
2. Discuss and Approve – Speakers for future luncheon meetings

NEW BUSINESS

1. Discuss and Approve -- Committee Members for Jan 2023 – Dec 2024 (Attachment 3)
2. Discuss and Approve – REAVC Logo (Attachment 4)
3. Discuss and Approve – Invoices/payments for March luncheon no-shows or late cancellations
4. Discuss and Approve – Update on VCERA, Flex Credit Resolution, Vacation Buy-Down, April Board Resolution for Retirees after 2020—Possible Related Actions for REAVC (Attachment 5)
5. Discuss and Approve – Options for Printing/Mailing REAVC newsletters beginning next issue
6. Discuss and Approve – Upcoming VCERA Board elections/consider endorsement of Art Goulet for retired member term 2023
7. Discuss and Approve – REAVC website upgrades, email, ADA compliance, and possible action (Attachments 6 and 7)

ADJOURN

NEXT BOARD MEETING – Tuesday, June 13, 2023, 11:30 a.m. hosted by Roberta Griego

ATTACHMENT 1

RETIRED EMPLOYEES ASSOCIATION OF VENTURA COUNTY (REAVC)

Minutes of the Board of Directors Meeting for

February 7, 2023

The Meeting was hosted by Roberta Griego on 1724 Tanager Street, Ventura at the Bella Vista Clubhouse.

- ***Call to Order and Roll Call***

First Vice President Roberta Griego called the meeting to order at 12:20.

Present

Board Members: Maryellen Benedetto, Paul Callaway, Anne Dana, Ben Emami, Art Goulet, Roberta Griego, Will Hoag, Lyn Krieger, Cindy Schneider, Nancy Settle, and Kelly Shirk.

Absent

Colleen Bruns, Kenneth Cozzens, Colleen House, Tom McEachern, Reddy Pakala, and Jacquie Richardson.

- **Minutes – Attachment 1**

Minutes for a Regular Meeting of December 13, 2022– Nancy moved, and Ben seconded approval of the minutes as amended*. There were three abstentions from Board members who were absent at the previous meeting. Minutes were approved. *(Administration was changed to Administrator)

- **Financial Report for Year End 2022 – Attachment 2**

Butch Britt presented the Financial Report. All accounts are balanced and Butch recommended that the Board accept the report as a receive and file item. Paul moved and Cindy seconded that the Financial Report for Year End 2022 be received and filed. Motion passed unanimously.

- **2023 Budget Adoption – Attachment 3**

Butch indicated that he made changes proposed by the Board in its December meeting and presented the 2023 Budget for Adoption. Kelly moved and Nancy seconded. Motion passed unanimously.

- **2023 Financial Report – Attachment 4**

Butch presented the regular Financial Report for February. Art made a motion, and Paul seconded to receive and file the Financial Report. Motion passed unanimously.

- **Invest Reserve Funds with VCCU/Fidelity Investments in Certificate of Deposits – Attachment 5**

Butch brought back research for discussion, as requested by Reddy Pakala and the Board its prior meeting. Option A, which reads as follows, was selected for a motion. Invest \$50,000 in a 1-year CD with VCCU. At current rate of 4%, that would result in investment income of \$2,000 for the year. Ben made a motion and Art seconded to authorize investment of the reserves. Motion passed unanimously.

- **March Luncheon Status**

Anne reported that so far 45 people have sent in RSVPs to attend the luncheon. Anne said that Tom McEachern has confirmed that a speaker from Senior Concerns will present about the Silent Seniors.

- **Committee Reports**

Retirement Board/Legislation-Art reported that there is very little activity in the legislature regarding pensions. Only one bill is in progress, but it is related to PERS. So far, nothing pertaining to 1937 Act Pensions. The Board of Retirement is still waiting to adopt a resolution to implement reduction of pensions based on the Alameda decision. The unions and the County requested that the Board wait until April for adoption of a resolution, to allow time to work on solutions to offset the impacts. Annual actuarial evaluation shows the funded ratio went from 92.9% to 97.2%. All Tier 1 and Safety employees will be getting a 3% COLA beginning with their April check. Sue Horgan, the new Treasurer/Tax Collector is also a new VCERA Board Member.

Associate Members-Maryellen nothing to report because of the decision not to contact people. Maryellen indicated that if anyone has suggestions about things she could do, she would be happy to hear them.

Benefits-Kelly attended a remote meeting with labor management. Kelly has sought Benefits information to provide to retirement membership. No information has yet been received. Nothing further to report.

Communications-Will said most calls he is receiving are about whether members would like to receive their newsletters by mail or email. The calls are tapering off. Calls seem to be about equally split between mail and email requests. However, a lot of people are submitting email requests who already have an email on file.

Audit Committee-Ken was not present to report. Butch indicated that audits do not occur until after taxes are filed. Next May is a possibility.

CRCEA-Will said the next CRCEA will be in San Bernardino in April. Further discussion will be provided in Old Business item 1.

Newsletter- Dee was not present to report.

Nominations/Elections-Nancy had nothing new to report.

Program/Social report was provided by Anne. June will be scholarships presentation in lieu of a speaker and December traditionally does not have a speaker. The Head of Senior Concerns will present about the influence of the Silent Generation at the March luncheon. Only the September luncheon needs a speaker.

Scholarship-Tom was not present to report.

Membership Report/Courtesy-Nancy said that County retirement workshops will begin again in April. We will be sending a REAVC flyer out to at least hundred new retirees. PGA information can be included in the newsletter.

Old Business

1. Discuss and Approve – Hosting the 2025 CRCEA Conference with Santa Barbara County

Every seven years a county gets to host a conference. Santa Barbara County would like to join Ventura in providing the conference. February 15 would be an opportunity to meet to discuss.

2. Discuss and Approve – Speakers for Future Luncheon Meetings

Anne discussed this item under committee reports.

3. Discuss, Approve, and Finalize Courtesy Notice – Attachment 6

There was much discussion about the content of the letter. Art moved that the proposed revisions be made with the understanding that they are the final revisions to be made. Robert seconded. Motion carried unanimously.

New Business

1. Installation of REAVC Board Members Lyn Krieger and Ben Emami, Jan 2023-Dec 2024- Attachment 7

This item was moved to the beginning of the meeting to allow the new Board Members to vote on agenda items. Nancy, Immediate Past President, administered the oath to Lyn and Ben.

2. Discussion of REAVC Board Meeting Luncheon Food Choices

Roberta asked for Board suggestions about food. The Board indicated that they have enjoyed the selections she has made. Black Bear Diner and brown bag were other suggestions.

3. Committee Members for Jan 2023 - Dec 2024

This item will be continued to the April 4, 2023, meeting.

- **Adjournment**

Roberta adjourned the meeting at 1:47 p.m.

- **Next Board Meeting**

The next REAVC Board meeting will be hosted at Bella Vista Clubhouse at 11:30 a.m. on April 4, 2023, on 1724 Tanager St., Ventura, CA.

Respectfully submitted by,

Reviewed and approved by,

Dee Emami
REAVC Executive Assistant

Reddy Pakala
REAVC President

ATTACHMENT 2

RETIRED EMPLOYEES ASSOCIATION OF VENTURA COUNTY



Financial Report

Board Meeting - April 4, 2023

NOTE: Financial Data as of March 28 2023

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Item No.	Page No.	Description
1	1	TOG/comments/recommendations
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i	i	Cash Flow Statement 2Q23
3	3	Budget VS Actual - YTD
4	4	Checkino Account Transaction Register YTD
5	5	MMF Transaction Register YTD

Comments/ Recommendations:

1. Receive and file Financial Report subject to review by Audit Committee
(NOTE: The Cash Flow report has been discontinued as it is duplicative of the Budget VS Actual -YTD Report.)

Net Worth - As of 3/28/2023

Account	3/28/2023 Balance
ASSETS	
Cash and Bank Accounts	
12 MO CERTIFICATE S09	50,150.74
60 MO CERTIFICATE- S0008	10,741.49
Checking Account ID 90	7,308.62
Money Market Checking ID 14	34,839.70
Primary Share ID 01	32.55
<u>Cash Box - Change</u>	<u>396.00</u>
TOTAL Cash and Bank Accounts	103,469.10
Other Assets	
See's Candy Gift Cards	3,283.00
See's Candy Sales - 999	0.00
TOTAL Other Assets	3,283.00
TOTAL ASSETS	106,752.10
LIABILITIES	
	0.00
OVERALL TOTAL	106,752.10

See's Candy GIFT CARDS Summary Report 2023				
Status	No. Sold	Value Sold	No. On-hand	Book Value
Year-end 2022	330	\$6,720	82	\$2,250
2023	48	\$1,008	130	\$3,283
Note: 100 See's Gift cards purchased 2/8/23				

REAVC CD Accounts - Summary Report			
Account No.	Term (months)	Interest Rate (%)	Maturity Date
S0008	60	2.325	2/11/2025
S0003	12	4.0	2/15/2024

REAVC - BOARD MEETING - APRIL 4, 2023

Budget VS Actual

Data as of: 3/28/2023

Percent time:

24%

-100%

Income	2023 Budget	Actual / Exp.	Inc.% Act vs Budget	Notes
Budget app'd by Board 2/7/23				
101-Membership Dues	\$65,800.00	\$16,908.00	26%	
102-Dividend and Interest Income	\$2,000.00	\$379.31	19%	Interest inc. low
110- Luncheon Sales	\$5,000.00	\$1,191.00	24%	
103-Miscellaneous Income	\$2,000.00	\$1,625.00	81%	Scholarship donations
Total Income	\$74,800.00	\$20,103.31	27%	
Transfer from reserves (Required to Balance Budget)	\$4,850.00	\$0.00		Rev 1 included
Total Funds Required 2023	\$79,650.00	\$20,103.31	25%	
ExQenses				
201-Professional Services	\$20,800.00	\$4,350.00	21%	
202-Newsletter/ Printing	\$8,000.00	\$2,627.23	33%	
203-Board of Director's Meetings	\$2,500.00	\$663.52	27%	
206-General Membership Luncheons	\$28,000.00	\$9,229.52	33%	In cl. luncheon deposits and late 2022 charges
207-Conference & Seminars	\$2,000.00	\$0.00	0%	
208-Office Supplies	\$1,000.00	\$968.25	97%	Includes PO Box Rental 1 yr, and 1 yr Zoom rental
209-Association Dues - CRCEA	\$1,650.00	\$1,669.65	101%	
211-Scholarships	\$12,000.00	\$0.00	0%	
212-Mileage	\$100.00	\$0.00	0%	
213-Taxes and Insurance	\$1,650.00	\$0.00	0%	
214-Miscellaneous	\$150.00	\$0.00	0%	
215-Telephone/Internet	\$1,000.00	\$144.00	14%	
217-Contingency	\$800.00	\$0.00	0%	
Total Expenditures	\$79,650.00	\$19,652.17	25%	
Net - (Income minus expenditures - 2023)		\$451.14		

Checking Account ID 90

Checking Account ID 90
3/28/2023

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Date	Num	Payee	Memo	Category	Amount	C	Balance
1/3/2023	DEP	Various	Various	SPLIT	1,195.00	R	9,305.79
1/3/2023	EFT	Han'ei, Inc	Printing	Newsletter - ...	-1,714.97	R	7,590.82
1/3/2023	1887	Wedgewood Weddings	Deposit for 4 L...	General Me...	-7,605.36	R	-14.54
1/4/2023	TXFR	Checking From MMF	Transfer for ca...	[Money Mark...	10,000.00	R	9,985.46
1/4/2023	1885	Postmaster	Postage for N...	Newsletter - ...	-620.12	R	9,365.34
1/6/2023	DEP	VCERA	Dues Check	Membership ...	5,526.00	R	14,891.34
1/8/2023	TXFR	Transfer To MMF	Transfer for ca...	[Money Mark...	-5,000.00	R	9,891.34
1/9/2023	1886	Dee Emami	Admin Serv	Professional ...	-1,000.00	R	8,891.34
1/12/2023	1888	CRCEA	Annual Dues	Assoc. Dues...	-1,669.65	R	7,221.69
1/14/2023	TXFR	Transfer To MMF	Transfer for C...	[Money Mark...	-5,000.00	R	2,221.69
1/17/2023	DEP	Cora Lee	10 Cards	[See's Cand...	210.00	R	2,431.69
1/17/2023	1889	W. B. Britt, Inc.	Reimburseme ...	Office Suppli...	-299.80	R	2,131.89
1/23/2023	EFT	ATT	Telephone Oct...	Telephone I...	-48.00	R	2,083.89
1/24/2023	1890	Gabe Ramirez	Web site Servi...	Professional ...	-300.00	R	1,783.89
1/31/2023	DEP	Various Checks	various	[See's Cand...	189.00	R	1,972.89
2/5/2023	TXFR	MMF To Checking	Transfer for C...	[Money Mark...	5,000.00	R	6,972.89
2/7/2023	1894	See's Candy	100 Cards	[See's Cand...	-2,125.00	R	4,847.89
2/8/2023	DEP	Cash	Cash Deposit	Luncheon S...	30.00	R	4,877.89
2/8/2023	DEP	Various	dues and lune...	SPLIT	6,146.00	R	11,023.89
2/8/2023	1895	US Post Office	PO Box Rental...	Office Suppli...	-194.00	R	10,829.89
2/9/2023	TXFR	Checking To MMF	Cash flow tran...	[Money Mark...	-5,000.00	R	5,829.89
2/9/2023	1891	Dee Emami	Admin Service...	Professional ...	-1,000.00	R	4,829.89
2/9/2023	1893	W. B. Britt, Inc.	2 mos bookke...	SPLIT	-1,016.02	R	3,813.87
2/10/2023	DEP	Various Checks	Lunch Checks	SPLIT	1,745.00	R	5,558.87
2/10/2023	1892	Roberta Griego	Reimburse Lu...	Board of Dir...	-663.52	R	4,895.35
2/17/2023	DEP	Cash Deposit	lunch cash	Luncheon S...	20.00	R	4,915.35
2/17/2023	1896	Dee EMami	Reimburseme...	Office Suppli...	-158.43	R	4,756.92
2/22/2023	EFT	ATT	Telephone	Telephone I...	-48.00	R	4,708.92
3/1/2023	DEP	Various	various check...	Luncheon S...	290.00	R	4,998.92
3/6/2023	DEP	VCERA	Check Received	Membership ...	5,686.00	R	10,684.92
3/6/2023	1897	Dee Emami	Reimburseme ...	General Me...	-66.47	R	10,618.45
3/6/2023	1898	Dee Emami	Admin Services	Professional ...	-1,000.00	R	9,618.45
3/6/2023	1899	Ben Emami	IT Services	Professional ...	-350.00	R	9,268.45
3/9/2023	1900	Anne Dana	Reimburse W...	General Me...	-1,957.69		7,310.76
3/10/2023	EFT	Han'ei, Inc	Printing	Newsletter - ...	-222.00	R	7,088.76
3/10/2023	EFT	Han'ei, Inc	Postage	Newsletter - ...	-70.14	R	7,018.62
3/11/2023	DEP	Remote Deposit	Marcy Grieco	[See's Cand...	84.00	R	7,102.62
3/11/2023	DEP	Various	Various Checks	SPLIT	230.00	R	7,332.62
3/11/2023	DEP	Deposit \$100 Bill For Ch...	cash	[Cash Box- ...	100.00	R	7,432.62
3/11/2023	ATM	Receive Change From \$...	cash	[Cash Box- ...	-100.00	R	7,332.62
3/23/2023	DEP	Carol Sandor	mobile deposit	Miscellaneo...	24.00	R	7,356.62
3/24/2023	EFT	ATT	Telephone	Telephone I...	-48.00	R	7,308.62

Money Market Checking ID 14

Money Market Checking ID 14
3/28/2023

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Date	Num	Payee	Memo	Category	Amount	C	Balance
1/1/2023	DEP	Dividend Deposit Apy	%%APY Earn...	Dividend an...	63.05	R	84,735.52
1/4/2023	TXFR	Checking From MMF	Transfer for ca...	[Checking A...	-10,000.00	R	74,735.52
1/8/2023	TXFR	Transfer To MMF	Transfer for ca...	[Checking A...	5,000.00	R	79,735.52
1/14/2023	TXFR	Transfer To MMF	Transfer for C...	[Checking A...	5,000.00	R	84,735.52
2/1/2023	DEP	Dividend Deposit Apy	%% APY Earn...	Dividend an...	64.72	R	84,800.24
2/1/2023	TXFR	Trasfer To 12 Mo CD S03	open account	[12 MO CER...	-50,000.00	R	34,800.24
2/5/2023	TXFR	MMF To Checking	Transfer for C...	[Checking A...	-5,000.00	R	29,800.24
2/9/2023	TXFR	Checking To MMF	Cash flow tran...	[Checking A...	5,000.00	R	34,800.24
3/1/2023	DEP	Dividend Deposit Apy	%% APY Earn...	Dividend an...	39.46	R	34,839.70

ATTACHMENT 3

2020 REAVC Committee

Assignments

<i>Committee Name</i>	<i>Committee Member</i>
Associate Members: Oversees recruitment and retention of survivors of members, as well as recognizing and acknowledging important personal events concerning associate members.	Maryellen Benedetto Colleen House
Audit: Conducts an examination and audit of all books, records, and financial accounts maintained by the Association.	Ken Cozzens (Chair) Reddy Pakala Cindy Schneider
Benefits/Insurance: Monitors and reports on the implementation of matters regarding members' retirement benefits; investigates and evaluates general types and specific plans of insurance of interest to our members.	Kelly Shirk (Chair) Roberta Griego
Budget/Finance: Prepares the budget and oversees the Association's finances.	Paul Callaway (Chair) Butch Britt
Communications: Oversees the mail, phone, and website functions.	Will Hoag (Chair) Butch Britt Paul Callaway Sharon Hurault
CRCEA: Represents Ventura County on the California Retired County Employees Association Board, as well as monitoring and reporting on statewide activities of interest to the purposes of the Association.	Will Hoag (Delegate) Nancy Settle (Backup)
Legislative: Tracks and coordinates legislative and political activities of interest to the purposes of the Association	Art Goulet (Chair) Will Hoag
Membership/Courtesy: Oversees recruiting and retention of members, as well as recognizing and acknowledging important personal events concerning members. Participates in quarterly Ventura County Retirement Workshops to inform retirees of REAVC activities and benefits. Ensures REAVC membership invitation materials are mailed every six months to retirees in coordination with VCERA.	Nancy Settle (Chair) Tom McEachern Roberta Griego Maryellen Benedetto Anne Dana
Newsletter: Prepares and oversees the production of the REAVC newsletter.	Sharon Hurault Butch Britt

<p>Nominations/Elections: Advises the President on the filling of Board vacancies and conducts the election process for filling vacancies (five members - two Board, and three regular membership)</p>	<p>Nancy Settle (Chair) Will Hoag Roberta Griego Ron Janes (General Member) Maria Older (General Member) Ray Holzer (General Member)</p>
<p>Program/Social: Assists in planning and conducting the Regular Membership Luncheons. Researches and books speakers for the luncheons.</p>	<p>Anne Dana Tom McEachern Judy Sewell and Cindi Mathieu (Assist at luncheons)</p>
<p>Retirement Board Representative: Members elected by retirees on the Ventura County Employees Retirement Association Board, and monitors and reports on the matters regarding members' retirement benefits.</p>	<p>Art Goulet Will Hoag</p>
<p>Scholarship: Oversees the John McIntyre Scholarship Program and Susan K. Lacey, Distinguished Fellowship Scholarship. Advises the Board on candidates recommended for the scholarship awards</p>	<p>Tom McEachern (Chair) Maryellen Benedetto Colleen Bruns Ray Holzer Don Greenberg</p>

ATTACHMENT 4



ATTACHMENT 5

[PROPOSED] RESOLUTION OF THE BOARD OF RETIREMENT OF VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION REGARDING CORRECTION OF PENSIONABILITY OF BENEFITS UNDER COUNTY OF VENTURA'S FLEXIBLE BENEFITS PROGRAM

WHEREAS, the Ventura County Employees' Retirement Association ("VCERA") and its Board (the "Board") are governed by the County Employees Retirement Law of 1937 (Government Code sections 31450, *et seq.*) ("CERL") and the Public Employees' Pension Reform Act of 2013 (Government Code sections 7522, *et seq.*) ("PEPRA").

WHEREAS, the Board is required by CERL to determine "compensation" and "compensation earnable" for VCERA members who entered membership in VCERA before January 1, 2013, or who entered membership in another California public retirement system before January 1, 2013 and become eligible for reciprocity with VCERA ("Legacy Members").

WHEREAS, in the case of *In Re Retirement Cases* (2003) 110 Cal.App.4th 426, to which VCERA and the County of Ventura ("County") were parties, the superior court issued a ruling on July 20, 2000, stating that "insurance-related benefits," including "employer payments into flexible benefit plans" are benefits of insurance coverage, not cash, and "[a]s such, it is an in-kind advantage." The ruling further stated that cash payments to employees from a flexible benefit plan in lieu of health benefits is cash remuneration and constitutes "compensation." The court of appeal affirmed all aspects of the superior court's ruling and concluded that public retirement systems therefore "need not" include in-kind advantages in the calculation of retirement benefits. Specifically, the court in *In re Retirement Cases* stated, "We conclude that the Legislature has expressed its intent not to include employer payments into flexible benefits plans and payments of insurance carrier premiums as "compensation" under CERL Accordingly, we conclude the trial court properly found that CERL did not require these payments to be included in the calculation of retirement benefits." *In re Retirement Cases* at p. 481. The court of appeal did not address the question of whether retirement boards had the discretion to include flexible benefit payments in compensation earnable, even though the retirement boards were not required to do so.

WHEREAS, on July 30, 2020, the California Supreme Court filed a decision entitled *Alameda County Deputy Sheriffs' Association v. Alameda County Employees' Retirement Association* (2020) 9 Cal.5th 1032, 1070 ("*Alameda*"), which stated, in pertinent part, that "there is no indication . . . that a local board," such as the VCERA Board, "has the discretion to include the monetary value of in-kind benefits," in the determination of retirement allowances. The Supreme Court also expressly "disapproved" footnote 6 of *Guelfi v. Marin County Employees' Retirement Assn.* (1983) 145 Cal.App.3d 297 ("*Guelfi*"), stating "we reject [*Guelfi*'s] open-ended concept of compensation earnable The term 'compensation,' as used in section 31461, is . . . statutorily defined: It is an employee's 'remuneration paid in cash' and expressly excludes the 'monetary value' of benefits paid in kind. (§31460) Nothing in those definitions hints either that they are intended merely to establish a minimum, rather than to serve as a comprehensive definition, or that they may be implemented at the discretion of a local retirement board." *Alameda* at p. 1070. *Alameda* further holds that retirement boards, such as the VCERA Board,

have no discretion to include benefits in Legacy Members' compensation earnable or in PEPRA Members' pensionable compensation that CERL, PEPRA, or other applicable statutes do not permit to be included (the "*Alameda Exclusions*").

WHEREAS, by an "*Alameda Implementation Resolution*" adopted and approved by the Board on October 12, 2020, the Board followed the *Alameda Court*'s directive and stated that "all portions of Flex Credit that may not be provided to members in cash under a participating employer's rules applicable during the pertinent time period" ("In-Kind Only Flex Credit") fall within the definitions of *Alameda Exclusions*, and that the Board thus has no discretion to include In-Kind Only Flex Credit in VCERA members' retirement benefit calculations, even though it has historically included all Flex Credit in the calculation of its Legacy Members' "compensation earnable". However, the Board deferred implementation of the *Alameda Exclusions* applicable to In-Kind Only Flex Credit, under paragraphs 3, 6 and 9 of the *Alameda Implementation Resolution*, to seek judicial resolution of the matter through the declaratory relief action, *Ventura County Employees' Retirement Association v. County of Ventura, et al.* (Case No. VENCI00546574) ("*VCERA v. County of Ventura, et al.*").

WHEREAS, an Ad Hoc Litigation Committee of Board members recommended to the Board at its February 22, 2021 meeting that it adopt a Resolution Implementing Non-Pensionability of In-Kind Only Flex Credit, and in response numerous stakeholders objected citing, among other things, pending proposed legislation, which, if adopted as then presented, would permit VCERA to continue including In-Kind Only Flex Credit in the compensation earnable of Legacy Members.

WHEREAS, on June 14, 2021, the court in *VCERA v. County of Ventura, et al.*, sustained the County's demurrer to VCERA's cause of action requesting declaratory relief regarding In-Kind Only Flex Credit, having concluded that the issue was not able to be adjudicated unless the Board took specific action with respect to In-Kind Only Flex Credit that other parties to the litigation disputed.

WHEREAS, on July 26, 2021, the Board adopted a "Resolution Regarding Pensionability of Flex Credit Pending AB 826," which addressed the Flex Credit provided to those VCERA Legacy Members within benefit plans administered by County, and the Board determined that while the proposed legislation that numerous stakeholders supported, Assembly Bill 826 (2021-2022) ("AB 826"), was pending, VCERA would include Flex Credit in compensation earnable at the lowest amount that is provided to all persons in an individual member's bargaining unit or unrepresented group during the final compensation period ("AB 826 Flex Credit Resolution").

WHEREAS, AB 826 was vetoed by Governor Newsom on September 29, 2022, and the Governor's veto letter critiques the bill because it "expands the definitions of 'compensation' and 'compensation earnable' in [CERL] . . . to include an employee's flexible benefit allowance," notes sympathy to "workers who may see a reduction in their anticipated pension because of prior misinterpretations of what constitutes 'compensation' and 'compensation earnable'" but concludes that AB 826 would "inappropriately incentivize noncompliance with [PEPRA]" and "attempt[s] to circumvent recent court decisions, undermine the intent of PEPRA and expose the local governments to increased costs and litigation."

WHEREAS, at the October 24, 2022 regular meeting of the Board, both the County and representatives of various unions requested that the Board continue to delay implementation of *Alameda* with respect to Flex Credit while the County and the unions negotiated new terms for the provision of that benefit, and the Board voted to postpone consideration of the topic until its first business meeting in April 2023.

WHEREAS, the County currently provides a Flexible Credit Allowance (“FCA”) to all regular employees by bargaining unit under a structure (“Flexible Credit Allowance for All” (“FCA-A”)), that is either (i) a flat amount given to all full-time members or (ii) a tiered amount based on the number of dependents; for employees who choose to opt out of the County- provided medical coverage, an Opt-Out Fee (“OOF”) is subsequently deducted from the FCA; the maximum baseline cashable amount (“Maximum Baseline Cashable Amount”) under the FCA-A that all similarly situated members of a member’s grade or class may receive thereunder in a given plan year is the flat or “employee-only” FCA minus the lesser of the OOF or the lowest-priced healthcare plan.

WHEREAS, the County is in the process of implementing a new Flexible Benefits Program allowance structure (“Flexible Credit Allowance or Opt-Out Allowance” (“FCA/O”)) that will be implemented as soon as administratively possible, which provides a new “Medical Plan Opt-Out Option” for members who opt out, in which they do not receive an FCA nor are they charged an OOF, but rather they receive an Opt-Out Allowance (“OOA”), while other members who opt in continue to receive an FCA; the OOA is the Maximum Baseline Cashable Amount under the FCA/O that all similarly situated members of a member’s grade or class may receive thereunder in a given plan year and is not subject to variation by a member’s ad hoc election each year that is unrelated to their job duties. (Gov. Code §31461, subd. (b)(1)(A) and/or (B), excluding in-kind conversions and ad hoc payments from compensation earnable.)

WHEREAS, VCERA’s participating employer the Ventura Regional Sanitation District (“VRSD”) has a cafeteria plan, but VRSD and its employees did not pay contributions to VCERA on the full value of the cafeteria plan as of July 30, 2020 or thereafter, and instead has paid retirement contributions only on the portion of the cafeteria plan that members were permitted to receive directly in cash; accordingly, this Resolution (“Flexible Benefits Correction Resolution” or “this Resolution”)) does not impact Legacy Members as to their employment by VRSD, regardless of their retirement date, and VCERA will continue to include in compensation earnable the portion of their cafeteria plan benefit that such Legacy Members were permitted to receive in cash.

WHEREAS, California law does not support retirement boards providing a “window period” during which members may retire with allowances calculated to include benefits that are not pensionable after *Alameda*’s disapproval of *Guelfi* footnote no. 6. See, e.g., *City of San Diego v. San Diego City Employees’ Retirement System* (2010) 186 Cal.App.4th 69 (“window period” during which the retirement board knowingly permitted members to purchase service credit at unlawfully low rates was illegal). California law does, however, support a retirement board’s discretionary determination that, when the totality of circumstances so warrant, it need not recoup all amounts it has overpaid to retirees directly from them, and such amounts may be returned to the retirement system through employer payments on the unfunded actuarial accrued liability (“UAAL”). See *City of Oakland v. Oakland Police and Fire Retirement System* (2014) 224 Cal.App.4th 210; *In Re Retirement Cases*, *supra*, 110 Cal.App.4th 426.

WHEREAS, this Flexible Benefits Correction Resolution is intended to comply with the requirements of the Internal Revenue Code of 1986, and the regulations issued thereunder, as applicable.

NOW, THEREFORE BE IT RESOLVED, that the VCERA Board declares the following:

1. The foregoing Recitals are incorporated herein by reference.

2. This Flexible Benefits Correction Resolution directs that, subject to the caveats in paragraph no. 3 below, for Legacy Members who retired, or will retire, on or after July 30, 2020 (“Post-*Alameda* Legacy [Active, Deferred and Retired] Members”), VCERA will require member and employer contributions on, and pay retirement allowances based on, only the portion of any cafeteria plan benefit that such members could receive directly in cash, and limited to the maximum cashable amount permitted to be provided to everyone in the same grade or class of positions. For clarification, the determination of the Maximum Baseline Cashable Amount will be made as follows:

A) Under the Flexible Credit Allowance for All (FCA-A) structure, the Maximum Baseline Cashable Amount is the flat or “employee-only” flexible credit allowance (FCA) minus the lesser of the opt-out fee (OOF) or the lowest-priced healthcare plan.

B) Under the Flexible Credit Allowance or Opt-Out Allowance (FCA/O) structure, the Maximum Baseline Cashable Amount is the Opt-Out Allowance (OOA).

3. With respect to Post-*Alameda* Legacy Retired Members and their beneficiaries (collectively “Retirees”), VCERA will determine, as soon as administratively feasible, the member contributions paid on In-Kind Only Flex Credit (“Overpaid Contributions”) with compound interest per annum (at a rate to be determined by the Board) (“Interest”) to be refunded as the result of the correction required by this Flexible Benefits Correction Resolution, offset by any overpaid benefits such Retirees already have received as the result of the inclusion of In-Kind Only Flex Credit (“Overpaid Benefits”), plus Interest, in accordance with requirements under the Internal Revenue Code and other applicable law; provided, however, for good cause shown that the Retirees, as a whole, did not cause the delay in the Board’s implementation of this Flex Credit Correction Resolution and would be unduly burdened by recoupment of funds from them, the Board hereby exercises its lawful discretion to limit its recoupment from Retirees of any Overpaid Benefits that they have received, and will receive, plus Interest, prior to VCERA correcting their retirement allowance distribution in accordance with this Resolution, to the referenced offset against their Overpaid Contributions, plus Interest. All remaining Overpaid Benefits will be returned to VCERA through employer payments on the UAAL.

4. With respect to Post-*Alameda* Legacy Active Members (“Active Members”), VCERA will determine, as soon as administratively feasible, the Overpaid Contributions, together with Interest, to be refunded as the result of the correction required by this Flexible Benefit Correction Resolution. VCERA will communicate amounts due to the Active Members, and then provide those amounts, either through direct payments or rollovers to the Active Members, or through the County or their other VCERA participating employer if any, as soon as practicable and in accordance with applicable tax law. For clarification, member and employer contributions as to Active Members are only to be paid on the Maximum Baseline Cashable Benefit, and retirement allowance calculations as

to Active Members will include only the applicable Maximum Baseline Cashable Benefit to members. For further avoidance of doubt, all Flexible Benefits-related remuneration, whether provided in cash or in-kind, will continue to be excluded from the retirement allowance calculations of PEPRA members as required by Government Code section 7522.34, subd. (c)(1), (2), (3), (7), (11) and/or (12).

5. With respect to Post-*Alameda* Legacy Deferred Members (“Deferred Members”), VCERA will determine, as soon as administratively feasible, the Overpaid Contributions, plus Interest, to be refunded to members as the result of the correction required by this Resolution. VCERA will communicate amounts due to the Deferred Members, and then provide those amounts, either through direct payments or rollovers, or, if neither are elected by the Deferred Member(s), then with the Deferred Members’ retirement or other allowance, or with a refund of all Overpaid Contributions, plus Interest, due to the Deferred Members or their beneficiaries, as is applicable.

6. The AB 826 Flex Credit Resolution and all other Board actions relating to Flex Credit are hereby rescinded to the extent they are inconsistent with this Flexible Benefits Correction Resolution. For avoidance of doubt, the limitation in the AB 826 Flex Credit Resolution of compensation earnable to the “lowest amount that is provided to all persons in an individual member’s bargaining unit or unrepresented group during the final compensation period,” remains in effect to the extent that amount is the Maximum Baseline Cashable Benefit.

Mike Sedell, Chair of the Board

ATTACHMENT 6

April 4, 2023

From: W. B. Britt, Bookkeeper

To: Board of Directors, REAVC

Subject: Americans with Disabilities Act (ADA) – REAVC Web Site

The purpose of this report is to provide information only. No action is recommended at this time.

Background: An email and proposal were received recently from our web site provider. The purpose of the email was to advise that the federal government and certain special interest groups were aggressively pursuing ADA compliance of web sites and to provide a cost proposal for programming the REAVC website as necessary to ensure ADA compliance.

After review of the Federal ADA Guidance, (copy attached), and considering the plain language of the guidelines, my opinion is that REAVC website is not currently required to comply with ADA guidelines.

REAVC is a private 501(c)(4) Non-Profit Corporation and does not provide goods or services as described in the guidelines to the general public.

This is not a legal determination, nor does the author represent that this is a legal opinion. However, the plain language of the Federal ADA Guidance seems to clearly support this opinion.

The Board should also be aware that future modifications of the Federal Guidelines or threat of legal action from special interest groups may warrant a formal legal opinion or other action. At this time no further action is recommended.

Enclosure: Federal ADA guidelines



ADA.gov

U.S. Department of Justice
Civil Rights Division

Guidance on Web Accessibility and the ADA

March 18, 2022

This guidance describes how state and local governments and businesses open to the public can make sure that their websites are accessible to people with disabilities as required by the Americans with Disabilities Act (ADA).

[Learn more about businesses' and state and local governments' ADA responsibilities.](#)

Why Website Accessibility Matters

Inaccessible web content means that people with disabilities are denied equal access to information. An inaccessible website can exclude people just as much as steps at an entrance to a physical location. Ensuring web accessibility for people with disabilities is a priority for the Department of Justice. In recent years, a multitude of services have moved online and people rely on websites like never before for all aspects of daily living. For example, accessing voting

information, finding up-to-date health and safety resources, and looking up mass transit schedules and fare information increasingly depend on having access to websites.

People with disabilities navigate the web in a variety of ways. People who are blind may use screen readers, which are devices that speak the text that appears on a screen. People who are deaf or hard of hearing may use captioning. And people whose disabilities affect their ability to grasp and use a mouse may use voice recognition software to control their computers and other devices with verbal commands.

The ways that websites are designed and set up can create unnecessary barriers that make it difficult or impossible for people with disabilities to use websites, just as physical barriers like steps can prevent some people with disabilities from entering a building. These barriers on the web keep people with disabilities from accessing information and programs that businesses and state and local governments make available to the public online. But these barriers can be prevented or removed so that websites are accessible to people with disabilities.

Examples of Website Accessibility Barriers

- **Poor color contrast.** People with limited vision or color blindness cannot read text if there is not enough contrast between the text and background (for example, light gray text on a light-colored background).
- **Use of color alone to give information.** People who are color-blind may not have access to information when that information is conveyed using only color cues because they cannot distinguish certain colors from others. Also, screen readers do not tell the user the color of text on a screen, so a person who is blind would not be able to know that color is meant to convey certain information (for example, using red text alone to show which fields are required on a form).

- **Lack of text alternatives (“alt text”) on images.** People who are blind will not be able to understand the content and purpose of images, such as pictures, illustrations, and charts, when no text alternative is provided. Text alternatives convey the purpose of an image, including pictures, illustrations, charts, etc.
- **No captions on videos.** People with hearing disabilities may not be able to understand information communicated in a video if the video does not have captions.
- **Inaccessible online forms.** People with disabilities may not be able to fill out, understand, and accurately submit forms without things like:
 - Labels that screen readers can convey to their users (such as text that reads “credit card number” where that number should be entered);
 - Clear instructions; and
 - Error indicators (such as alerts telling the user a form field is missing or incorrect).
- **Mouse-only navigation (lack of keyboard navigation).** People with disabilities who cannot use a mouse or trackpad will not be able to access web content if they cannot navigate a website using a keyboard.

When the ADA Requires Web Content to be Accessible

The Americans with Disabilities Act applies to state and local governments (Title II) and businesses that are open to the public (Title III).

State and local governments (Title II)

Title II of the ADA prohibits discrimination against people with disabilities in all services, programs, and activities of state and local governments. State and local

governments must take steps to ensure that their communications with people with disabilities are as effective as their communications with others. Many state and local government services, programs, and activities are now being offered on the web. These include, for example, things like:

- Applying for an absentee ballot;
- Paying tickets or fees;
- Filing a police report;
- Attending a virtual town meeting;
- Filing tax documents;
- Registering for school or school programs; and
- Applying for state benefits programs.

A website with inaccessible features can limit the ability of people with disabilities to access a public entity's programs, services and activities available through that website — for example, online registration for classes at a community college.

For these reasons, the Department has consistently taken the position that the ADA's requirements apply to all the services, programs, or activities of state and local governments, including those offered on the web.

Businesses that are open to the public (Title III)

Title III prohibits discrimination against people with disabilities by businesses open to the public (also referred to as “public accommodations” under the ADA). The ADA requires that businesses open to the public provide full and equal enjoyment of their goods, services, facilities, privileges, advantages, or accommodations to people with disabilities. Businesses open to the public must take steps to provide appropriate communication aids and services (often called “auxiliary aids and services”) where necessary to make sure they effectively communicate with individuals with disabilities. For example, communication aids and services can include interpreters, notetakers, captions, or assistive listening devices. Examples of businesses open to the public:

- Retail stores and other sales or retail establishments;
- Banks;
- Hotels, inns, and motels;
- Hospitals and medical offices;
- Food and drink establishments; and
- Auditoriums, theaters, and sports arenas.

A website with inaccessible features can limit the ability of people with disabilities to access a public accommodation's goods, services, and privileges available through that website — for example, a veterans' service organization event registration form.

For these reasons, the Department has consistently taken the position that the ADA's requirements apply to all the goods, services, privileges, or activities offered by public accommodations, including those offered on the web.

How to Make Web Content Accessible to People with Disabilities

Businesses and state and local governments have flexibility in how they comply with the ADA's general requirements of nondiscrimination and effective communication. But they must comply with the ADA's requirements.

The Department of Justice does not have a regulation setting out detailed standards, but the Department's longstanding interpretation of the general nondiscrimination and effective communication provisions applies to web accessibility.¹

Businesses and state and local governments can currently choose how they will ensure that the programs, services, and goods they provide online are accessible to people with disabilities.

Existing technical standards provide helpful guidance concerning how to ensure accessibility of website features. These include the Web Content Accessibility.

Guidelines (WCAG) and the Section 508 Standards, which the federal government uses for its own websites. Check out the resources section for more references.

Even though businesses and state and local governments have flexibility in how they comply with the ADA's general requirements of nondiscrimination and effective communication, they still must ensure that the programs, services, and goods that they provide to the public — including those provided online — are accessible to people with disabilities.



Businesses and state and local governments should consider a variety of website features when ensuring that their websites are accessible.

The resources section has links to organizations that explain how to make websites accessible. Examples of what businesses should do to make websites accessible include (but are not limited to) the following practices:

- **Color contrast in text.** Sufficient color contrast between the text and the background allows people with limited vision or color blindness to read text that uses color.
- **Text cues when using color in text.** When using text color to provide information (such as red text to indicate required form fields), including text cues is important for people who cannot perceive the color. For example, include the word “required” in addition to red text for required form fields.
- **Text alternatives (“alt text”) in images.** Text alternatives convey the purpose of an image, including pictures, illustrations, charts, etc. Text alternatives are used by people who do not see the image, such as people who are blind and use screen readers to hear the alt text read out loud. To be useful, the text should be short and descriptive.
- **Video captions.** Videos can be made accessible by including synchronized captions that are accurate and identify any speakers in the video.

- **Online forms.** Labels, keyboard access, and clear instructions are important for forms to be accessible. Labels allow people who are blind and using screen readers to understand what to do with each form field, such as by explaining what information goes in each box of a job application form. It is also important to make sure that people who are using screen readers are automatically informed when they enter a form field incorrectly. This includes clearly identifying what the error is and how to resolve it (such as an automatic alert telling the user that a date was entered in the wrong format).
- **Text size and zoom capability.** People with vision disabilities may need to be able to use a browser's zoom capabilities to increase the size of the font so they can see things more clearly.
- **Headings.** When sections of a website are separated by visual headings, building those headings into the website's layout when designing the page allows people who are blind to use them to navigate and understand the layout of the page.
- **Keyboard and mouse navigation.** Keyboard access means users with disabilities can navigate web content using keystrokes, rather than a mouse.
- **Checking for accessibility.** Automated accessibility checkers and overlays that identify or fix problems with your website can be helpful tools, but like other automated tools such as spelling or grammar checkers, they need to be used carefully. A "clean" report does not necessarily mean everything is accessible. Also, a report that includes a few errors does not necessarily mean there are accessibility barriers. Pairing a manual check of a website with the use of automated checkers can give you a better sense of the accessibility of your website.
- **Reporting accessibility issues.** Websites that provide a way for the public to report accessibility problems allow website owners to fix accessibility issues.

This is not a complete list of things to consider. There are many existing resources to help businesses and state and local governments with making websites accessible to people with disabilities, some of which are included at the end of this document.

Web Accessibility for People with Disabilities is a Priority for the Department of Justice

When Congress enacted the ADA in 1990, it intended for the ADA to keep pace with the rapidly changing technology of our times. Since 1996, the Department of Justice has consistently taken the position that the ADA applies to web content. As the sample cases below show, the Department is committed to using its enforcement authority to ensure website accessibility for people with disabilities and to ensure that the goods, services, programs, and activities that businesses and state and local governments make available to the public are accessible.

Title II Sample Cases

- Project Civic Access: As part of the Department's Project Civic Access enforcement work, the Department has reached numerous agreements with cities and counties across the country that include web accessibility requirements. For example, City and County of Denver, Colorado, City of Jacksonville, Florida, and City of Durham, North Carolina.
- Miami University in Ohio: The Department reached an agreement with Miami University in Ohio to resolve the United States' lawsuit alleging that the university discriminated against students with disabilities by providing inaccessible web content and learning management systems.
- Nueces County, Texas: The Department reached an agreement with Nueces County, Texas, to address claims that the County used an online conference

registration form that was not accessible to people with disabilities who use software that reads text out loud.

- Louisiana Tech: The Department reached an agreement with Louisiana Tech University to address claims that the university violated the ADA by using an online learning product that was inaccessible to a blind student.

Title III Sample Cases

- Rite Aid Corporation: The Department reached an agreement with Rite Aid Corporation to address accessibility barriers in Rite Aid's COVID-19 Vaccine Registration Portal.
- Teachers Test Prep, Inc.: The Department reached an agreement with Teachers Test Prep, Inc., regarding complaints that the test prep company's online video courses did not provide captions and were inaccessible to people who are deaf.
- HRB Digital and HRB Tax Group (H&R Block): The Department reached an agreement with H&R Block to address claims that the company failed to code its website so that individuals with disabilities could use assistive technology such as screen reader software, refreshable Braille displays, keyboard navigation, and captioning.
- Peapod: The Department reached an agreement with Peapod to address claims that its online grocery delivery services were not accessible to some individuals with disabilities.

Resources

- 18F Accessibility Guide: a comprehensive accessibility guide with resources published by 18F, a digital services agency under the General Services Administration (GSA).
- Digital.gov: this site, which is part of the Technology Transformation Services at the GSA, has resources on design of products, devices, services, or environments for people with disabilities.

- Section 508 Information and Communication Technology Accessibility Standards: standards published by the U.S. Access Board addressing access to information and communication technology under Section 508 of the Rehabilitation Act of 1973.
 - Section508.gov: a website published by the GSA with tools and training on implementing website accessibility requirements under Section 508.
 - Web Content Accessibility Guidelines (WCAG): guidelines published by the Web Accessibility Initiative of the World Wide Web Consortium.
1. See 42 U.S.C. §§ 12132, 12182(a); 28 C.F.R. §§ 35.130, 35.160(a), 36.201, 36.303(c). Back to text

March 18, 2022

ATTACHMENT 7

Proposal for Website Redesign and ADA Compliance for REAVC

Hi Butch

I am writing to propose a website redesign project for REAVC, the Retired Employees Association of Ventura County. The purpose of this project is to modernize reavc.org, enhance user experience, and make it ADA compliant. The proposed updates will also make it easier to manage and update the website.

Scope of Work:

- A new modern design that enhances the user experience
- Improved web forms that are more user-friendly and easier to use
- Implementation of best practices for ADA compliance, ensuring that the website is accessible to all visitors
- Optimization of your existing WordPress site, including the integration of necessary plugins to enhance functionality and improve security.

Price:

The cost of the project is \$1,500.

Timeline:

I estimate that it will take approximately three weeks to complete the project.

Training:

I will provide training on how to manage the new features of the website and ensure ongoing ADA compliance.

It is important to note that making the website ADA compliant will help REAVC avoid possible litigation. There is a trend of organizations being sued for not being ADA compliant, and ensuring that your website is accessible to all visitors is a critical step in avoiding legal issues.

Thank you for considering this proposal. Please let me know if you have any questions or would like to move forward with the project.

Best regards, Gabe
Ramirez