



# BOARD OF ADMINISTRATION

## Meeting Minutes - Final Federated Disability Committee

---

Wednesday, November 20, 2024

1:00 PM

1737 N. First St. Suite 580, San Jose, CA  
95112

---

### HYBRID MEETING

#### PHYSICAL LOCATION:

1737 North First Street, Suite 580  
San Jose, CA 95112

#### ZOOM INFORMATION:

zoom.us  
Dial In: +1 669-219-2599 US (San Jose)  
Meeting ID: 972 5013 8996  
Passcode: 814163

#### **DISABILITY COMMITTEE MEMBERS**

*Mark Linder, Chair (Term Expires 11/30/24)*  
*Julie Jennings, Trustee (Term Expires 11/30/27) -- 855 E. Hilton Dr., Boulder Creek, CA 95006*  
*Matthew Faulkner, Trustee (Term Expires 11/30/27)*

*John Flynn, CEO, Office of Retirement Services*  
*Sandra Castellano, Benefits Division Manager*

*Russ Richeda, Disability Counsel*  
*Maytak Chin, General and Fiduciary Counsel*

---

**Present** 3 - Mark Linder, Julie Jennings, and Matthew Faulkner

The Federated Disability Committee met in person at 1737 N. First St., Ste 580, San Jose, CA 95112 and via Zoom on Wednesday, November 20, 2024 at 1:00 p.m. The meeting was called to order at 1:02 p.m. by Chair Linder followed by roll call.

**Board Members Present:** Mark Linder and Matthew Faulkner.

**Board Members Present via Zoom utilizing the Traditional Brown Act rules:** Julie Jennings. Chair Linder questioned Trustee Jennings on whether she met the qualifications to teleconference under the Brown Act, and Trustee Jennings responded in the affirmative.

**Retirement Staff Present:** John Flynn, Sandra Castellano, Amy Dickinson, Cynthia Ayala, Gabriela Romero, Edith Aldama, Sherrell Aledo, Veronica Solorio, and Chris Ha.

**Retirement Staff Present via Zoom:** Barbara Hayman and Linda Alexander.

**Also Present:** Mary Dariano, Applicant and Andrew Schaffer, Attorney.

**Also Present via Zoom:** Russ Richeda, Disability Counsel; Sarah Steele, OER; and Jennifer Otani and Sandra Dennis, Police Department.

**I. AB 2449 REMOTE APPEARANCE(S)**

**a. Just Cause Circumstance(s) (Gov't Code § 54953)**

- i. The following Trustee(s) have notified the Board of a "Just Cause" to attend this meeting via teleconference.

NONE

- ii. Call for Trustee(s) who wish to notify the Board of a "Just Cause" to attend this meeting via teleconference.

**b. Emergency Circumstance(s) (Gov't Code § 54953)**

- i. The following Trustee(s) have requested the Board approve their attendance of this meeting via teleconference due to an "Emergency Circumstance."
- ii. Call for Trustee(s) requesting the Board approve their attendance of this meeting via teleconference due to an "Emergency Circumstance."

NONE

iii. Take action on request(s) for remote appearance.

- **CALL TO ORDER**

- **ORDERS OF THE DAY**

Chair Linder read the following into the record:

**A FEW GROUND RULES FOR THIS MEETING**

- All votes will be roll call votes.
- We are holding this meeting as a hybrid meeting, and so those who are attending virtually, please mute yourself unless you are speaking and if you wish to speak, please raise your hand and staff will alert the Chair.

**Orders of the Day:**

- None.

**WAIVE SUNSHINE:**

- None.

1. **CONSENT CALENDAR**

A motion was made to approve the Consent Calendar.

Approved. (M.S.C. Faulkner/Linder 3-0-0) .The motion passed by roll call vote.

- a. Approval of the Minutes of the Federated Disability Committee meeting from September 9, 2024.

2. **Application for a Change of Status to Service-Connected Disability Retirement**

- a. **Mary Dariano**, Senior Office Specialist, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective August 29, 2015; 7.11\* years of Service.

**Amy Dickinson**, Senior Benefits Analyst, read the applicant's case information into the record. **Mary Dariano** applicant, and **Andrew Schaffer**, Attorney, were present in person. **Russ Richeda**, Disability Counsel, clarified for the committee the specific body parts he focused on. Counsel **Richeda** also spoke to the service-connection of the injuries. **Sarah Steele**, OER, also spoke to the item and pointed out that the Police Department could not accommodate the applicant's work restrictions and she looked for vacancies for other departments to accommodate the applicants work restrictions. The attorney and applicant also spoke to the item. **Sarah Steele**, OER, and **Sandra Castellano**, Benefits Division Manager, answered questions from the committee and applicant. **Trustee Jennings** also spoke to the item. Chair **Linder** added comments. **Ms. Dariano** and **Mr. Schaffer** thanked the Committee.

After a lengthy discussion, a motion was made to recommend the approval of the applicant's Change of Status to a Service-Connected Disability Retirement to the Board. This case will go to the Board on the Consent Calendar on December 19, 2024.

Approved. (M.S.C. Jennings/Faulkner 3-0-0). This motion passed by roll call vote.

Council Richeda answered question from Trustee Faulkner. Trustee Jennings made a few comments. Chair Linder thanked Sandra Castellano, Benefits Division Manager, and her staff for their work.

**3. NEW BUSINESS**

- a. Federated Quarterly Disability Retirement Applications Dashboard.

Sandra Castellano, Benefits Division Manger, spoke to the item and answered questions from the Committee. Amy Dickinson, Senior Disability Analyst, also assisted in answering questions from the Committee. CEO Flynn added a few comments.

• **PROPOSED AGENDA ITEMS**

The December 2024 and January 2025 meetings were canceled. The next meeting will take place on February 4, 2025 with a possibility of four applicants.

• **PUBLIC COMMENTS**

None.

• **ADJOURNMENT**

This meeting was adjourned at 2:00 p.m.

Minutes Recorded, Prepared and Respectfully submitted by,

---

John Flynn, CEO, Office of Retirement Services

In accordance with the requirements of AB 2449, the Board of Administration (“Board”) will generally, upon request, provide appropriate aids and services leading to effective communication for individuals with disabilities so they can participate equally in the Board’s meetings, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, vision or other disabilities.

Anyone who requires an auxiliary aid or service for effective communication to participate in a Board meeting should contact the designated contact in Office of Retirement Services as far in advance of the scheduled meeting as possible. The Board strongly encourages individuals with disabilities to endeavor to submit requests for reasonable accommodation no later than five (5) business days before the scheduled meeting, as the Board may not be able to grant requests for reasonable accommodations without sufficient advance notice. The Board strongly encourages individuals with disabilities to submit their written requests via email or regular mail to facilitate tracking and response; however, if the submission of a written request constitutes a hardship, individuals may call the Office of Retirement Services to submit an oral request.

The designated contact in the Office of Retirement Services will endeavor to respond to each request within three (3) business days of receipt of the request. Depending on the request, the designated contact in the Office of Retirement Services may ask to schedule a time to discuss the request (which may occur virtually) to determine the most appropriate auxiliary aid or service, before the request is resolved.

#### **ADA Designated Contact Information**

Attention: Deputy Director/Chief Operations Officer, Office of Retirement Services

Address: 1737 N First St #600, San Jose, CA 95112

Email: #Retire\_Admin@sanjoseca.gov

Phone: 408-794-1000 (ORS Main Line)

#### **THE LEVINE ACT**

Senate Bill 1439 (“Levine Act”) amended Government Code Section 84308 and requires disclosure and recusal by a local elected official and some members of boards and commissions if they receive campaign contributions over \$250 from a party, a participant with a financial interest in a proceeding, or their respective agents. The Levine Act was an anti-corruption law intended to curb “pay-to-play” and enhance public trust so that decision-makers can maintain their independence from the influence of donations for political campaigns. SB 1439 expanded the scope from state agency appointees or appointed local officials to include local elected officials. Please visit <https://www.sanjoseca.gov/your-government/appointees/city-clerk/levine-act> for updated forms and information.