



BOARD OF ADMINISTRATION

Meeting Minutes - Final Federated Disability Committee

Tuesday, April 2, 2024

10:00 AM

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: 986 3021 2476
Passcode: 113571

DISABILITY COMMITTEE MEMBERS

Mark Linder, Chair
Julie Jennings, Trustee
Matthew Faulkner, Trustee -- 924 Park Ave, South Lake Tahoe, CA 96150

Roberto L. Peña, 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 Tuesday, April 2, 2024 at 10:00 a.m. The meeting was called to order at 10:00 a.m. by Chair Linder followed by roll call.

Board Members Present: Mark Linder and Julie Jennings.

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

Retirement Staff Present: Sandra Castellano, Amy Dickinson, Cynthia Ayala, Edith Aldama, David Torres, Sherrell Aledo and Chris Ha.

Retirement Staff Present via Zoom: Roberto L. Peña, Barbara Hayman and Linda Alexander.

Also Present: Colleen Brennan, Applicant.

Also Present via Zoom: Russ Richeda, Disability Counsel; and Sarah Steele, OER.

ADA ALERT

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, therefore 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

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.

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”.

NONE

- ii. Call for Trustee(s) requesting the Board approve their attendance of this meeting via teleconference due to an “Emergency Circumstance”.

- 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. Approval of the Minutes of the Federated Disability Committee meeting from March 5, 2024.

A motion was made to approve the Consent Calendar.

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

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

- a. **Colleen Brennan**, Senior Executive Analyst, Office of Economic Development, Request for Change of Status to Service-Connected Disability Retirement, effective March 19, 2022; 26.24* years of service.

Chair Linder introduced this item and explained the application process to Colleen Brennan, applicant. Ms. Brennan was present in person. Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Russ Richeda, Disability Counsel, clarified for the Committee on the specifics he focused on. Counsel Richeda also spoke to the applicant's injuries, and concluded that the applicant does not have a permanent work restriction, which he recommended to the Committee to deny the applicant's request for a Change of Status to Service-Connected Disability Retirement. After a lengthy discussion, the Committee denied the applicant's request. Ms. Brennan made a few comments. Sarah Steele, OER, also made some comments.

A motion was made to deny the applicant's request for a Change of Status to Service-Connected Disability Retirement. This item will be placed on the Consent Calendar of the May 16, 2024 Federated Board Meeting.

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

- **PROPOSED AGENDA ITEMS**

Chair Linder proposed a Frequently Asked Questions (FAQ) sheet for members.

- **PUBLIC COMMENTS**

None.

- **ADJOURNMENT**

This meeting was adjourned at 10:40 a.m.

Minutes Recorded, Prepared and Respectfully submitted by,

Roberto L. Peña, CEO, Office of Retirement Service