



BOARD OF ADMINISTRATION

Meeting Minutes - Final Federated Disability Committee

Tuesday, January 16, 2024

10:00 AM

1737 North First Street, 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: 969 0604 1052
Passcode: 868998

DISABILITY COMMITTEE MEMBERS

Mark Linder, Chair
Julie Jennings, Trustee -- 855 E. Hilton Dr., Boulder Creek, CA 95006
Matthew Faulkner, Trustee

Roberto L. Peña, CEO, Office of Retirement Services
Sandra Castellano, Benefits Division Manager

Russ Richeda, Disability Counsel
Harvey Leiderman & 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, January 16, 2024 at 10:00 a.m. The meeting was called to order at 10:01 a.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: Roberto L. Peña, Sandra Castellano, Amy Dickinson, Veronica Solorio, Sherrell Aledo, Edith Aldama, Chris Ha and David Torres.

Retirement Staff Present via Zoom: Barbara Hayman and Cynthia Ayala.

Also Present: Sarah Steele, OER; and Sammy Aguirre, applicant.

Also Present via Zoom: Russ Richeda, Disability Counsel; Maytak Chin, General and Fiduciary Counsel; Lupe Rodarte-Velasquez, ESD; and Kenneth Jones, applicant.

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, 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

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 (amended/attachments POSTED late):

- Late Attachment for Item 3a: Draft Federated Disability Committee Rules of Procedures Concerning the Denial of Apps for Failure to Respond.

A motion was made to waive sunshine for Item 3a late attachment.

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

1. CONSENT CALENDAR

- a. Approval of the Minutes of the Federated Disability Committee meeting from December 5, 2023.

A motion was made to approve the Consent Calendar.

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

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

- a. **Sammy Aguirre**, Water System Operator I, Environmental Services Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 21, 2023; 28.99* years of service.

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. **Mr. Aguirre**, applicant, was 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, and concluded the Committee should recommend approval for the member a Service-Connected Disability Retirement to the Board. **Mr. Aguirre** thanked the Committee for their time and consideration. **Sandra Castellano**, Benefits Division Manager, mentioned the approval will be in the Consent Calendar of the February 15, 2024 Federated Board Meeting and the benefits staff will provide the information to the applicant. Chair **Linder** said a few kind words.

A motion was made to approve 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 February 15, 2024 Federated Board Meeting.

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

- b. **Kenneth Jones**, Groundsworker, Parks, Recreation & Neighborhood Services, Request for Change of Status to Service-Connected Disability Retirement, effective May 11, 2013; 24.83* years of service.

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. **Mr. Jones**, applicant, was present via zoom. **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, and concluded the Committee should recommend approval for the member a Service-Connected Disability Retirement to the Board. **Mr. Jones** thanked the Committee for their time and consideration. **Sandra Castellano**, Benefits Division Manager, mentioned the approval will be in the Consent Calendar of the February 15, 2024 Federated Board Meeting and the benefits staff will provide the information to the applicant. Chair **Linder** and Trustee **Jennings** said a few kind words.

A motion was made to approve 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 February 15, 2024 Federated Board Meeting.

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

3. NEW BUSINESS

- a. Discussion and action for approval of disability retirement application rules and procedures.

Russ Richeda, Disability Counsel, presented the item and answered questions from the Committee. Sandra Castellano, Benefits Division Manager, Barbara Hayman, Deputy Director, and Maytak Chin, General and Fiduciary Counsel, also assisted in answering questions from the Committee. CEO Peña made a few comments. Trustee Faulkner requested to bring back this item in the August 6th meeting and to provide the Committee feedback on how the federated disability retirement application rules and procedures are working.

A motion was made to approve the disability retirement application rules and procedures as is.

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

- **PROPOSED AGENDA ITEMS**

The Disability Committee requested staff to bring in the federated quarterly disability retirement applications dashboard and the overview of the federated disability retirement benefit calculations at the February 6th meeting. The staff update on the federated disability retirement application rules and procedures will be discussed at the August 6th meeting.

- **PUBLIC COMMENTS**

None.

- **ADJOURNMENT**

The meeting was adjourned at 11:01 a.m.

Minutes Recorded, Prepared and Respectfully submitted by,

Roberto L. Peña, CEO, Office of Retirement Service