



BOARD OF ADMINISTRATION

Meeting Minutes - Final Police and Fire Disability Committee

Monday, February 5, 2024

10:00 AM

1737 N. 1st 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: 915 7332 5540
Pass Code: 263966

DISABILITY COMMITTEE MEMBERS ADVISORY PANEL

Richard Santos, Chair
Vacant, Trustee

Russell Richeda, Counsel
Sandra Castellano, Benefits Div Manager

ALTERNATES

Franco Vado, Trustee
Eswar Menon, Trustee

2nd ALTERNATES

Dave Wilson, Trustee
Howard Lee, Trustee

Present 2 - Richard Santos, and Dave Wilson

The Police and Fire Disability Committee met in person at 1737 N. First St., Suite 580 and via Zoom on Monday, February 5, 2024. The meeting was called to order at 10:02 a.m. by Chair Santos followed by roll call.

Committee members present: Richard Santos and Dave Wilson.

Retirement Staff Present: Roberto L. Peña, Barbara Hayman, Sandra Castellano, Amy Dickinson, Chris Ha, Edith Aldama, Cynthia Ayala, and Sherrell Aledo.

Also Present: Russ Richeda, Disability Counsel; Robert Paul, Applicant; Ted Trujillo, Applicant; and Sam Swift, Attorney.

Also Present via Zoom: Lisa Perez, Police Department; Tom Boyle, Attorney; Valtrim Brahimaj, Applicant; Christopher Murphy, Applicant; Aurelio Rodriguez, Applicant; Alberto Valdes, Applicant; Stephanie Lau, Fire Department; Roger Hurtado, Fire Department; and Maytak Chin, General and Fiduciary Counsel.

- **CALL TO ORDER AND ROLL CALL**

- **ORDERS OF THE DAY**

Chair Santos read the following ground rules into the record:

A FEW GROUND RULES FOR THIS MEETING

- 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.

Chair Santos thanked ORS staff, Chris Ha and Shilpi Dwivedi, for their help fixing his laptop.

1. **CONSENT CALENDAR**

A motion was made to approve the Consent Calendar.

Approved. (M.S.C. Wilson/Santos 2-0-0).

- a. Approval of the Minutes of the P & F Disability Committee meeting from January 8, 2024.

2. Application for a Service Connected Disability Retirement

- a. **Valtrim Brahimaj**, Police Officer, Police Department, Request for Service-Connected Disability Retirement, active; 2.26* years of service.

Amy Dickinson, Benefits Analyst, read the applicant's case information into the record. **Valtrim Brahimaj**, applicant, was present via Zoom. **Russ Richeda, Disability Counsel**, clarified for the Committee the specific body parts he focused on in his review of the records. **Counsel Richeda** also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Service Connected Disability Retirement to the Board. **Mr. Brahimaj** said a few comments. **Chair Santos** and **Trustee Wilson** said a few kind words.

A motion was made to recommend approval of a Service Connected Disability Retirement to the Board. This case will go to the Board on the Consent Calendar on March 7, 2024.

Approved. (M.S.C. Wilson/Santos 2-0-0).

- b. **Robert Paul**, Police Officer, Police Department, Request for Service-Connected Disability Retirement, active; 8.69* years of service.

Amy Dickinson, Benefits Analyst, read the applicant's case information into the record. **Robert Paul**, applicant, was present in person. **Russ Richeda, Disability Counsel**, clarified for the Committee the specific body parts he focused on in his review of the records. **Counsel Richeda** also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Service Connected Disability Retirement to the Board. **Mr. Paul** thanked the Committee. **Chair Santos** and **Trustee Wilson** said a few kind words.

A motion was made to recommend approval of a Service Connected Disability Retirement to the Board. This case will go to the Board on the Consent Calendar on March 7, 2024.

Approved. (M.S.C. Wilson/Santos 2-0-0).

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

- a. **Christopher Murphy**, Fire Captain, Fire Department, Request for Change in Status to Service-Connected Disability Retirement, effective January 31, 2020; 24.57* years of service.

Amy Dickinson, Benefits Analyst, read the applicant's case information into the record. **Christopher Murphy**, applicant, was present via Zoom and his attorney **Sam Swift** was present in person. **Russ Richeda, Disability Counsel**, clarified for the Committee the specific body parts he focused on in his review of the records. **Counsel Richeda** also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Change in Status to a Service-Connected Disability Retirement to the Board. **Mr. Murphy** said a few comments and thanked the Committee. **Chair Santos** said a few kind words.

A motion was made to recommend approval of a Change in Status to a Service-Connected Disability Retirement to the Board. This case will go to the Board on the Consent Calendar on March 7, 2024.

Approved. (M.S.C. Wilson/Santos 2-0-0).

- b. **Aurelio Rodriguez**, Police Officer, Police Department, Request for Change in Status to Service-Connected Disability Retirement, effective September 21, 2019; 27.23* years of service.

Amy Dickinson, Benefits Analyst, read the applicant's case information into the record. **Aurelio Rodriguez**, applicant, was present via Zoom. **Russ Richeda, Disability Counsel**, clarified for the Committee the specific body parts he focused on in his review of the records. Counsel Richeda also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Change in Status to a Service-Connected Disability Retirement to the Board. Mr. Rodriguez said a few comments. Chair Santos and Trustee Wilson said a few kind words.

A motion was made to recommend approval of a Change in Status to a Service-Connected Disability Retirement to the Board. This case will go to the Board on the Consent Calendar on March 7, 2024.

Approved. (M.S.C. Wilson/Santos 2-0-0).

- c. **Ted Trujillo**, Police Officer, Police Department, Request for Change in Status to Service-Connected Disability Retirement, effective January 31, 2019; 29.05* years of service.

Amy Dickinson, Benefits Analyst, read the applicant's case information into the record. **Ted Trujillo**, applicant, and his attorney **Sam Swift** were present in person. **Russ Richeda, Disability Counsel**, clarified for the Committee the specific body parts he focused on in his review of the records. Counsel Richeda also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Change in Status to a Service-Connected Disability Retirement to the Board. Mr. Trujillo said a few comments and thanked the Committee. Chair Santos and Trustee Wilson said a few kind words.

A motion was made to recommend approval of a Change in Status to a Service-Connected Disability Retirement to the Board. This case will go to the Board on the Consent Calendar on March 7, 2024.

Approved. (M.S.C. Wilson/Santos 2-0-0).

- d. **Alberto Valdes**, Police Officer, Police Department, Request for Change in Status to Service-Connected Disability Retirement, effective December 14, 2019; 25.14* years of service. (*With Reciprocity - 21.16 CSJ YOS + 3.98 PERS YOS*).

Amy Dickinson, Benefits Analyst, read the applicant's case information into the record. **Alberto Valdes**, applicant, and his attorney **Tom Boyle** were present via Zoom. **Russ Richeda, Disability Counsel**, clarified for the Committee the specific body parts he focused on in his review of the records. Counsel Richeda also spoke to the service-connection of the injuries, and concluded the Committee should recommend approval for the Change in Status to a Service-Connected Disability Retirement to the Board. Mr. Valdes said a few comments and thanked the Committee. Chair Santos and Trustee Wilson said a few kind words.

A motion was made to recommend approval of a Change in Status to a Service-Connected Disability Retirement to the Board. This case will go to the Board on the Consent Calendar on March 7, 2024.

Approved. (M.S.C. Wilson/Santos 2-0-0).

4. **NEW BUSINESS**

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

Counsel Chin introduced this item and explained the disability retirement application rules and procedures and answered questions from the Committee and attorney, Sam Swift. Chair Santos, Trustee Wilson and CEO Peña made a few comments. Russ Richeda, Disability Counsel, thanked Counsel Chin for her work on this.

After discussion, a motion was made to recommend approval of the disability retirement application rules and procedures.

Approved. (M.S.C. Wilson/Santos 2-0-0).

- **PROPOSED AGENDA ITEMS**

None.

- **PUBLIC COMMENTS**

None.

- **ADJOURNMENT**

The meeting was adjourned at 10:45 a.m.

Next P&F Board Meeting: March 7, 2024

Next P&F Disability Committee Meeting: March 11, 2024

Minutes Recorded, Prepared and Respectfully submitted by,

Roberto L. Peña, 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.

The Code of Conduct

(<https://www.sanjoseca.gov/home/showpublisheddocument/12901/63667000496663000>) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged

weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
 - c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.
- Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.