BOARD OF ADMINISTRATION

Meeting Minutes - Final

Police and Fire Disability Committee

Monday, January 13, 2025 | **8:00 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: 939 3964 5161

DISABILITY COMMITTEE MEMBERS
Richard Santos, Chair
David Woolsey, Trustee

ADVISORY PANEL
Russell Richeda, Counsel
Sandra Castellano, Benefits Div Manager

ALTERNATES
Franco Vado, Trustee
Eswar Menon, Trustee

2nd ALTERNATE
Howard Lee, Trustee
Vacant, Trustee

Present 2 - Richard Santos, and David Woolsey

The Police and Fire Disability Committee met in person at 1737 N. First St., Suite 580, San Jose, CA 95112 and via Zoom on Monday, January 13, 2025 at 8:00 a.m. The meeting was called to order at 8:01 a.m. by Chair Santos followed by roll call.

Committee members Present: Richard Santos and David Woolsey.

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

Retirement Staff Present via Zoom: Veronica Solorio and Barbara Hayman.

Also Present: Bret Gervasoni, Applicant; Todd Johnson, Attorney; Raul Mayorga, Applicant; Stephanie Lau, Fire Department; Andy Kaligis, Fire Department; and Ian Leslie, Attorney.

Also Present via Zoom: Russ Richeda, Disability Counsel; Forest Fernandez, Applicant; Roberto M Garcia Jr., Applicant; Elias Juric, Applicant; Bryant Washington, Applicant; John Ferroni, Attorney; Taylor Mathis, Public Member; Sandra Dennis, Police Department; and Rose Lara, Police Department.

- **CALL TO ORDER AND ROLL CALL**

- **ORDERS OF THE DAY**

Orders of the Day was heard immediately after roll call attendance.

ORDERS OF THE DAY:

• None.

WAIVE SUNSHINE:

• None.

1. CONSENT CALENDAR

A motion was made to approve the Consent Calendar.

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

a. Approval of the Minutes of the Police & Fire Disability Committee meeting from December 9, 2024.

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

a. **Forest Fernandez**, Fire Engineer, Fire Department, Request for Change of Status to

Service-Connected Disability Retirement, effective January 29, 2023; 29.14* years of service.

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Forest Fernandez, applicant, was present via Zoom. His attorney, Ian Leslie, 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 Change of Status to a Service-Connected Disability Retirement to the Board. Mr. Fernandez 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 February 6, 2025.

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

b. **Roberto M Garcia Jr.**, Fire Engineer, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 23, 2021; 29.94* years of service.

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Roberto M Garcia Jr., applicant, was present via Zoom. His attorney, Ian Leslie, 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 Change of Status to a Service-Connected Disability Retirement to the Board. Mr. Garcia 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 February 6, 2025.

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

c. **Bret Gervasoni**, Battalion Chief, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective December 11, 2022; 29.07* years of service. (*With Reciprocity - 22.47 CSJ YOS + 6.60 PERS YOS)*

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Bret Gervasoni, applicant, and his attorney Ian Leslie 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, and concluded the Committee should recommend approval for the Change of Status to a Service-Connected Disability Retirement to the Board. Mr. Gervasoni 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 February 6, 2025.

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

d. **Elias Juric**, Police Officer, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective September 17, 2022; 27.32* years of service.

(*With Reciprocity - 24.32 CSJ YOS + 3.00 PERS YOS)*

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Elias Juric, 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 Change of Status to a Service-Connected Disability Retirement to the Board. Mr. Juric said a few comments and thanked the Committee. Chair Santos and Trustee Woolsey 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 February 6, 2025.

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

e. **Raul Mayorga**, Fire Captain, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective November 13, 2021; 32.42* years of service. (*With Reciprocity - 20.01 CSJ YOS + 12.41 PERS YOS)*

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Raul Mayorga, applicant, and his attorney Todd Johnson 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, and concluded the Committee should recommend approval for the Change of Status to a Service-Connected Disability Retirement to the Board. Mr. Mayorga 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 February 6, 2025.

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

f. **Bryant Washington**, Police Officer, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective December 24, 2022; 27.22* years of service.

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Bryant Washington, applicant, and his attorney John Ferroni were 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 Change of Status to a Service-Connected Disability Retirement to the Board. Mr. Washington said a few comments and thanked the Committee. Chair Santos and Trustee Woolsey 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 February 6, 2025.

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

- **PROPOSED AGENDA ITEMS**

None.

- **PUBLIC COMMENTS**

  None.

- **ADJOURNMENT**

  This meeting was adjourned at 8:37 a.m.

Next P&F Board Meeting: February 6, 2025

Next P&F Disability Committee Meeting: February 10, 2025

Minutes Recorded, Prepared and Respectfully submitted by,

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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.

The Code of Conduct (https://www.sanjoseca.gov/home/showpublisheddocument/12901/636670004966630000) 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.