BOARD OF ADMINISTRATION

Meeting Minutes - Final

Federated Disability Committee

Tuesday, August 5, 2025	**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: +1 408 638 0968 US (San Jose)
Meeting ID: 992 5936 9272

DISABILITY COMMITTEE MEMBERS

Mark Linder, Chair (Term Expires 11/30/28)
Matthew Faulkner, Trustee (Term Expires 11/30/27) -- 420 Star Hill Dr., Cape Carteret, NC 28584
Nathan Nakagawa, 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, Matthew Faulkner, and Nathan Nakagawa

The Federated Disability Committee met in person at 1737 N. First St., Ste 580, San Jose, CA 95112 and via Zoom on Tuesday, August 5, 2025 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 Nathan Nakagawa.

Board members Present via Zoom utilizing the Traditional Brown Act rules: Mathew 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: John Flynn, Sandra Castellano, Amy Dickinson, Cynthia Ayala, Gabriela Romero, Edith Aldama, Sherrell Aledo, Veronica Solorio, and Chris Ha.

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

Also Present via Zoom: Amarjeet Rai, Applicant; Angelica Lomeli Franco, Applicant; Ian Leslie, Attorney; and Kat Estrada, Environmental Services 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."

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**

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

ORDERS OF THE DAY:

• Defer item 2a to the next scheduled disability meeting.

WAIVE SUNSHINE:

• None.

1. CONSENT CALENDAR

A motion was made to approve the Consent Calendar.

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

a. Approval of the Minutes of the Federated Disability Committee meeting from June 3, 2025.

2. APPLICATION FOR A CHANGE OF STATUS TO SERVICE CONNECTED DISABILITY

a. **Veronica Andrade**, Division Manager, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective June 15, 2024; 30.12* years of service.

This item was deferred.

3. APPLICATION FOR A SERVICE-CONNECTED DISABILITY

a. **Amarjeet Rai**, Staff Specialist, Environmental Services Department, Request for Service-Connected Disability Retirement, effective December 8, 2022; 22.29* years of service. (deferred from 5/6/25 Committee Meeting)

Trustee Nakagawa recused himself from item 3a. CEO, John Flynn, stated for the record that Trustee Nakagawa will be stepping away but will remain on the premises.

Amy Dickinson, Senior Benefits Analyst, read the applicant's case information into the record. Amarjeet Rai, applicant, was present via Zoom. Russ Richeda, Disability Counsel, concluded that based on the medical evidence and information provided by the department, the Committee should recommend approval for a Service-Connected Disability Retirement to the Board with an effective date of December 8, 2022.

Sandra Castellano, Benefits Division Manager, and Counsel Richeda answered questions from the Committee. Sarah Steele, OER, and Ms. Rai, applicant, added comments.

A motion was made to recommend approval to the Board for a Service-Connected Disability Retirement with an effective date of December 8, 2022. Chair Linder stated Ms. Rai will be

contacted by staff for next steps. This item will go to the full board on a future meeting.

Approved. (M.S.C. Faulkner/Linder 2-0-0). This motion passed by roll call vote.

4. NEW BUSINESS

a. Discussion and action on whether to concur with the conclusions of Dr. Donald Pompan, the Board's Independent Medical Examiner ("IME"), in his supplemental report, dated February 6, 2025, in which he apportioned 30% of Ms. Angelica Lomeli Franco's cumulative trauma injury to the injury for which Ms. Lomeli Franco's service-connected disability was granted and whether to make such recommendation to the Board of Administration of the Federated City Employees Retirement System.

Russ Richeda, Disability Counsel, spoke to the item and provided a background summary of this application. Angelica Lomeli Franco, applicant, was present via Zoom. Ian Leslie, Attorney, was also present via Zoom. Counsel Richeda concluded the committee concur with the conclusions of Dr. Donald Pompan, the Board's Independent Medical Examiner, in his supplemental report in which he apportioned 30% of Ms. Angelica Lomeli Franco's cumulative trauma injury to the injury for which Ms. Lomeli Franco's service-connected disability was granted and to make this recommendation to the Board.

Amy Dickinson, Senior Benefits Analyst, Sandra Castellano, Benefits Division Manager, and Counsel Richeda answer questions from the committee. Ian Leslie, Attorney, added comments.

The committee entered a break at 11:00 am and reconvened at 11:05 am.

After a lengthy discussion, a motion was made to apportion 30% of Ms. Angelica Lomeli Franco's cumulative trauma injury to the injury for which Ms. Lomeli Franco's service-connected disability was granted and to make this recommendation to the Board.

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

b. Federated Quarterly Disability Retirement Applications Dashboard.

Amy Dickinson, Senior Benefits Analyst, presented the item.

No action was taken for this item.

• PUBLIC COMMENTS

John Flynn, CEO, expressed gratitude to the committee and staff, and extended special recognition to Amy Dickinson, Senior Benefits Analyst, for her contributions as she will be moving on to a new position. Chair Linder and Sandra Castellano said a few kind words.

• ADJOURNMENT

This meeting was adjourned at 11:19 am.

Next FCERS Board Meeting: August 21, 2025

Next FCERS Disability Committee Meeting: September 2, 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
The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than $500 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution on the form located on the Levine Act webpage.

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.