CALL TO ORDER

The Board of Administration of the Police and Fire Department Retirement Plan met on Tuesday, October 30, 2012 in a special meeting session at City Hall Wing Rooms 118/119, 200 East Santa Clara Street, San José, California 95113. Chair Sean Kaldor called the meeting to order at 8:34 a.m.

BOARD MEMBERS
Sean Kaldor, Chair - Present
Richard Santos, Vice Chair - Present
David Bacigalupi - Present
Sean Bill - Absent
Damon Krytzer - Absent
Drew Lanza - Present
James Mason - Present
Elizabeth Rounds - Present
Vincent Sunzeri – departed @ 4:00 p.m. - Present

NON-VOTING BOARD MEMBER
Pete Constant - Present

ACTING DIRECTOR RETIREMENT SERVICES
Donna Busse - Present

COUNSEL
Jeff Rieger (Via teleconference) - Present

ALSO PRESENT
Alex Gurza, Deputy City Manager
Jim Spence, P&F Retirees’ Association
Thomas Boyle, Attorney
Nick Muyo, Retiree-SJPD
Sam Swift, Attorney
John McBride, Attorney
Cathy Noonan, Fire
Robert Sapien, Local 230
Steve Maraldo, Fire
David Cox, Fire Retiree

CALL TO ORDER: 8:34 a.m.

ORDERS OF THE DAY

Chair Kaldor made the following changes to the Orders of the Day:
Item 1.1(c) – Add “Continued from the September 2012 Board meeting”
Item 1.2(c) – Deferred – Phillip Malivini

Chair Kaldor stated the Board received a memo from Alex Gurza, Deputy City Manager, and added that it be placed under Public Comments and moved to the front.

Mr. Gurza addressed the Board regarding the memo dated October 29, 2012, on the Applications for Disability Retirement and responded to questions from the Board. He stated that Measure B contains changes to the disability process for approving disabilities including determinations of disabilities made...
by an independent panel of medical experts, Mr Gurza asked that the Board consider deferring the
disability determinations until an independent panel of medical experts is established.

The Board continued extensive discussion.

Mr. Rieger (via teleconference) advised the Board to move forward with the disabilities

1. DISABILITIES

1.1 Service-Connected Disability

a. Tina R. Boales, Police Officer, Police Department, effective October 30, 2012; 25.09* years
   of service.
   A motion was made to continue to next December Board meeting.
   Approved. (M.S.C. - Santos/Bacigalupi, 7-0-2, Absent-Bill, Krytzer)

b. David J. Gonzalez, Police Officer, Police Department, effective June 4, 2011; 12.24* years
   of service.
   A motion was made to approve the Service-Connected Disability based on medical evidence
   and medical restrictions.
   Approved. (M.S.C. – Bacigalupi/Mason, 6-0-3, Absent-Bill, Krytzer, Abstain-Sunzeri)

c. Steve Maraldo, Firefighter, Fire Department, effective April 14, 2012; 6.12* years of
   service.  Added “Continued from the September 2012 Board meeting” as noted in the Orders
   of the Day.
   A motion was made to approve the Service-Connected Disability application.
   Approved. (M.S.C. – Santos/Bacigalupi, 7-0-2, Absent-Bill, Krytzer)

d. Cassondra Sanchez, Police Officer, Police Department, effective March 19, 2011; 11.02* years
   of service.  (Closed Session requested by applicant pursuant to Government Code
   Section 54957)
   A motion was made to approve the Service-Connected Disability application.
   Approved. (M.S.C. – Bill/Krytzer, 7-0-2, Absent-Bill, Krytzer)

e. Kevin R. White, Police Officer, Police Department, effective October 30, 2012; 22.28* years
   of service.
   A motion was made to approve the Service-Connected Disability application based on
   medical evidence.
   Approved. (M.S.C. – Bacigalupi/Santos, 5-1-3, No-Lanza, Abstain-Rounds, Absent-Bill,
   Krytzer)

f. Marc D. Williams, Firefighter, Fire Department, effective October 30, 2012; 11.68* years of
   service.
   A motion was made to approve the Service-Connected Disability application.
   Approved. (M.S.C. – Santos/Bacigalupi, 6-0-3, Absent-Bill, Krytzer and Sunzeri)

1.2 Change of Status to Servie-Connected Disability
Trustee Bacigalupi excluded himself from Item 1.2a as a Trustee.

a. David A. Bacigalupi, Police Sergeant, Police Department, effective July 12, 2008; 32.61* years of service.

Trustee Bacigalupi regretfully resigned from the Board immediately in order to have his disability case be heard and to eliminate any uneasiness on the other Trustees that may have concerns regarding voting on a active Board Member. Chair Kaldor with regret immediately accepted Trustee Bacigalupi’s resignation at 4:50 p.m. on October 30, 2012, and acknowledged Trustee Bacigalupi for his dedication and 12 years of service.

A motion was made to approve the Change of Status to a Service-Connected Disability. Approved. (M.S.C. – Mason/Santos, 5-0-4, Absent-Bill, Krytzer and Sunzeri, Resigned-Bacigalupi)

b. David A. Cox, Fire Engineer, Fire Department, effective November 28, 2009; 28.26* years of service.

A motion was made to approve the Change of Status for a Service-Connected Disability. Approved. (M.S.C. – Santos/Rounds, 5-0-4, Absent-Bill, Kryzer and Sunzeri, Resigned-Bacigalupi)

c. Phillip J. Malvini, Police Officer, Police Department, effective January 23, 2010; 23.69* years of service.

Deferred, as noted in the Orders of the Day.

d. Louis P. Zapata, Police Officer, Police Department, effective December 15, 2007; 26.26* years of service.

A motion was made to approve the Change of Status to a Service-Connected Disability. Approved. (M.S.C. – Kaldor/Mason, 5-0-4, Absent-Bill, Krytzer and Sunzeri, Resigned-Bacigalupi)

• PROPOSED AGENDA ITEMS

Item 1.1(a) – Tina Boales – December 2012

• PUBLIC COMMENTS – was heard before Item 1.1a.

• ADJOURNMENT

Meeting was adjourned at 5:55 p.m.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Department of Retirement Services, 1737 N. First Street, Suite 580, San José CA 95112 at the same time that the public records are distributed or made available to the legislative body. Our facility is equipped with assistive listening devices for the hearing impaired.

For questions, please contact Sonia Morales (408) 794-1004.