



SPECIAL AMERICAN CANYON FIRE PROTECTION DISTRICT MEETING

AGENDA

4381 Broadway, Suite 201, American Canyon

August 3, 2022

5:00 PM

Chair: Leon Garcia
Vice Chair: Mariam Aboudamous
Board Members: Mark Joseph, David Oro, Pierre Washington

Consistent with Government Code Section 54953 and the American Canyon Board of Directors Resolution Declaring the Existence of a Local Emergency due to the COVID-19 Pandemic, Board of directors and other public meetings will be conducted via Zoom Teleconferencing to promote local, state, and federal guidelines and social distancing recommendations for the containment of the coronavirus. District officials and members of the public are invited to attend the meeting via teleconference.

Verbal via Zoom: A Zoom meeting has been established for public participation during the meeting related to a specific agenda item, or matters not on the agenda. To give your public comment directly to the legislative body during the meeting, connect via Zoom and follow the instructions given. <http://zoom.us/join> or by calling 1-669-444-9171. Please mute all audio devices and do not use the speakerphone to prevent echoing.

Zoom ID: 815 3776 7700: Passcode: 100928

Written comments Via eComments: The eComments link is located on the Meetings & Agenda's page of our website [here](#). Comments received before 3:00 p.m. day-of-meeting cutoff time will be routed to all Board Members at that time. eComments will remain open throughout the meeting, and all comments received will be posted online and become part of the meeting record.

The above-identified measures exceed all legal requirements for participation in public comment, including those imposed by the Ralph M. Brown Act. For more information, please call the Fire Executive Assistant (707) 551-0653 or email at mmanuelos@amcanfire.com.

This meeting will be broadcast live to residents on Napa Valley TV at [here](#) and on YouTube [here](#).

AGENDA MATERIALS: Board agenda materials, are released less than 72 hours prior to the meeting, and are available to the public via the City's website at www.cityofamericancanyon.org.

AMERICANS WITH DISABILITIES ACT: The Board of Directors will provide materials in appropriate alternative formats to comply with the Americans with Disabilities Act. Please send a written request to fire Executive Assistant at 911 Donaldson Way E., American Canyon, CA 94503 or by email to mmanuelos@amcanfire.com. Include your name, address, phone number and brief description of the requested materials, as well as you preferred alternative format or auxiliary aid, at least three calendar days before the meeting.

5:00 P.M. CLOSED SESSION

1. **Matters Relating to Public Employment - Pursuant to Government Code Section 54957 (b)
Position: Staffing Personnel Matters;**
2. **Conference with Legal Counsel - Anticipated Litigation.
Pursuant to Government Code Section 54956.9 (d)(2); and,
One Matter.**

PUBLIC ADDRESS-CLOSED SESSION ITEMS

The Chairman will call the meeting to order and conduct role call. The Board of Directors will immediately convene into Closed Session after hearing any public comment on Closed Session. At 6:30 p.m. the Board of Directors will reconvene into Open Session and then resume Closed Session at the end of the meeting to address outstanding items, if necessary.

5:30 P.M. OPEN SESSION

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION

PROCLAMATIONS AND PRESENTATIONS

PUBLIC COMMENT

This time is reserved for members of the public to address the American Canyon Fire Protection District Board on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the American Canyon Fire Protection District Board. It is recommended that speakers limit their comments to 3 minutes each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the American Canyon Fire Protection District Board on items on the Agenda should comment via email prior to the start of the meeting. The American Canyon Fire Protection District Board is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the American Canyon Fire Protection Board does not respond to public comment at this time. Speakers are asked to please speak clearly, and provide their name. Any handouts for distribution to the American Canyon Fire Protection District Board must be emailed by 3:00 p.m. on meeting day.

AGENDA CHANGES

The Chair/Board of Directors may change the order of the Agenda or request discussion of a Consent Item. A member of Public may request discussions of a Consent Item by completing a Speaker's Card and presenting it to the Fire Executive Assistant prior to Public Comment.

CONSENT CALENDAR

None

PUBLIC HEARINGS

None

BUSINESS

- 3. **Resolution Determining the Disability Retirement of Fire Captain/Paramedic Joshua Cordeiro, a District Safety Employee Covered by Contract with the California Public Employees Retirement System.**

Recommendation: Approve a Resolution Determining the Disability Retirement of Fire Captain/Paramedic Joshua Cordeiro, a District Safety Employee Covered by Contract with the California Public Employees Retirement System.

FIRE CHIEF ORAL REPORT

CHAIR/BOARD COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS

The Chair and Board of Directors may comment on matters of public concern and announce matters of public interest; no collective Board action will be taken.

ADJOURNMENT

CERTIFICATION

I, Geoff Belyea, District Fire Chief, do hereby declare that the foregoing Agenda of the American Canyon Fire District Board was posted in compliance with the Brown Act prior to the meeting date.

Geoff Belyea, Fire District Chief



TITLE

Resolution Determining the Disability Retirement of Fire Captain/Paramedic Joshua Cordeiro, a District Safety Employee Covered by Contract with the California Public Employees Retirement System.

RECOMMENDATION

Approve a Resolution Determining the Disability Retirement of Fire Captain/Paramedic Joshua Cordeiro, a District Safety Employee Covered by Contract with the California Public Employees Retirement System.

CONTACT

Geoff Belyea, Fire Chief

BACKGROUND & ANALYSIS

The American Canyon Fire Protection District (“District”), a subsidiary Special District of the City of American Canyon, is a contracting agency with the California Public Employees’ Retirement System (“CalPERS”) for certain District employees, including Fire Captain/Paramedic Joshua Cordeiro, who applied for a disability retirement on 7/12/22.

Government Code Section 21156 (a)(2) requires that the governing body of a contracting agency with CalPERS, such as the District, certify to CalPERS whether a safety disability applicant is incapacitated for the performance of his or her duties or not.

An evaluation has been presented in Closed Session based on the review and recommendations of the District’s Workers’ Compensation Administrator, Athens Administrators, and other relevant evidence, as to whether the District Board can determine that Fire Captain/Paramedic Joshua Cordeiro, a local safety member of the Public Employees’ Retirement System, (the “Member”) employed by the District, is incapacitated with the meaning of the CalPERS Law for the performance of his duties in the position of Fire Captain/Paramedic, and that the Member is substantially incapacitated to perform the usual duties of the position for other California public agencies in CalPERS (including State agencies, schools, and local public agencies).

Consistent with Government Code section 21156 (a) (2) and applicable law, the District Board should

also determine if, based on the evidence, incapacity is established and whether that incapacity is a result of injury or disease arising out of, and in the course of, his employment as a local safety member.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

FISCAL IMPACT

There is no direct fiscal impact resulting from the determination of disability retirement for . The District is required to make Advance Disability Payments of 50% of regular wages while the application is being processed by CalPERS. The District will be reimbursed for these payments once CalPERS approves the application.

ENVIRONMENTAL REVIEW

ATTACHMENTS:

[Resolution 2022-18](#)

RESOLUTION NO. 2022-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON
SITTING *EX OFFICIO* AS THE BOARD OF DIRECTORS OF THE AMERICAN
CANYON FIRE PROTECTION DISTRICT, A SUBSIDIARY SPECIAL DISTRICT
OF THE CITY OF AMERICAN CANYON, DETERMINING DISABILITY FOR FIREFIGHTER JOSHUA
CORDEIRO, A DISTRICT SAFETY EMPLOYEE COVERED BY CONTRACT WITH THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

WHEREAS, the American Canyon Fire Protection District ("District"), a subsidiary Special District of the City of American Canyon, is a contracting agency with the California Public Employees' Retirement System (CalPERS); and,

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency who, while in employment in which the employee is classified as a local safety member, becomes disabled for purposes of the California Public Employees' Retirement Law, and whether such disability is "industrial" within the meaning of such Law; and,

WHEREAS, an application for industrial disability retirement of disability allegation from Joshua Cordeiro employed by the Agency in the position of Fire Captain/Paramedic, was filed with CalPERS on July 12, 2022; and,

WHEREAS, the District Board of Directors has reviewed the medical and other evidence relevant to such alleged disability.

NOW, THEREFORE, BE IT RESOLVED THAT the District Board of Directors hereby finds and determines that Joshua Cordeiro is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of Fire Captain/Paramedic for an orthopedic (right hip) condition and does hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for any disciplinary process in accordance with Government Code section 21156(a)(2). If any disciplinary process occurred before the member's separation from employment, all relevant personnel documents were forwarded to CalPERS for determination of the member's eligibility for disability retirement and CalPERS' determination that the member is eligible to apply for disability retirement was obtained prior to starting the process of determination. Joshua Cordeiro has filed a Workers' Compensation claim for his disabling condition. The Workers Compensation claim was accepted.

BE IT FURTHER RESOLVED THAT the Board of Directors finds and determines that such disability is an injury or disease arising out of and in the course of employment.

BE IT FURTHER RESOLVED THAT the member will be separated from his employment in the position of Fire Captain/Paramedic after expiration of his rights under Government Code Section 21164, effective June 10, 2022 that no dispute as to the expiration of such leave rights is pending. His last day on pay status is June 10, 2022. There is not a presently known possibility of third-party liability. Advanced Disability Pension Payments will be made. The payments will be made bi-monthly in the amount of \$ 2,366.23 beginning June 11, 2022. The primary disabling condition is an orthopedic (right hip) condition. The duration of the disabling condition is expected to be permanent which is certified by competent medical opinion.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the Board of Directors of the American Canyon Fire Protection District held on the 3rd day of August, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Leon Garcia, Chairman of the Board

ATTEST:

APPROVED AS TO FORM

Geoff Belyea
Fire District Chief/Clerk to the Board

William D. Ross, District Counsel