



BOARD OF ADMINISTRATION

Meeting Agenda - Final-revised Federated City Employees' Retirement System and Federated City Employees' Health Care Trust

Thursday, June 20, 2024

8:30 AM

City Hall, Wing Rooms 118 - 120
200 E. Santa Clara St. San Jose, CA 95113

HYBRID MEETING

PHYSICAL LOCATION:

City Hall, Wing Rooms 118-120, 200 E. Santa Clara St. San Jose, Ca 95113

ZOOM INFORMATION:

zoom.us

Dial In: +1 669-219-2599 US (San Jose)

Meeting ID: 987 6701 0551

Passcode: 050558

BOARD MEMBERS

Spencer Horowitz, Chair (Term Expires 11/30/24)
Julie Jennings, Vice-Chair (Term Expires 11/30/27)
Deborah Abbott, Trustee (Term Expires 11/30/26)--2329 Sunrise Dr, San Jose, CA 95124
Prachi Avasthy, Trustee (Term Expires 11/30/25)
Anurag Chandra, Trustee (Term Expires 11/30/26)
Matthew Faulkner, Trustee (Term Expires 11/30/27)
Mark Linder, Trustee (Term Expires 11/30/24)

CITY COUNCIL LIAISON TO THE BOARD

Dev Davis

COUNSEL

Maytak Chin, General and Fiduciary Counsel

Roberto L. Peña, CEO, Office of Retirement Services

ADA ALERT

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.

**** 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.

CEREMONIAL ITEM

a. Presentation of a commendation to Roberto L. Peña for his service as CEO and Board Secretary for the Federated Plan's Board of Administration.

Attachments: [Roberto L. Peña's Commendation.pdf](#)

CLOSED SESSION

CLOSED SESSION AGENDA ITEMS WILL BE HEARD AT 8:30 A.M.

I. CLOSED SESSION NEW BUSINESS-DEFERRED/CONTINUED ITEMS

A. **CLOSED SESSION**: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED
LITIGATION: Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One Case.

B. **CLOSED SESSION**: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION: Significant exposure to litigation pursuant to Section 54956.9(d)(2): One Case.

OPEN SESSION - will reconvene following Closed Session, estimated to be 9:30 a.m.

• ORDERS OF THE DAY

• PUBLIC/RETIREE/GENERAL COMMENTS - Not Related to a Specific Agenda Item

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

a. **Colleen Brennan**, Senior Executive Analyst, Office of Economic Development, Request for Change of Status to Service-Connected Disability Retirement, effective March 19, 2022; 26.24* years of service. (*Staff Disability Committee Recommendation: Denial*)

Time Certain: 11:00 a.m.

2. CONSENT CALENDAR

2.1 Approval of Service Retirements

- a. **Marie Estrada**, Groundswoker, Parks, Recreation & Neighborhood Services, effective August 3, 2024; 15.23* years of service.
- b. **Fina G. Lefevre**, Senior Office Specialist, Police Department, effective July 20, 2024; 28.55* years of service.
- c. **Ellen Loebel**, Literacy Program Specialist, Library Department, effective June 8, 2024; 17.18* years of service.
- d. **Robert K. Manford**, Deputy Director, Planning Building and Code Enforcement, effective July 20, 2024; 25.28* years of service. (*With Reciprocity - 12.42 CalPERS + 7.09 LACERS + 5.75 CSJ = 25.28 YOS*)
- e. **Michelle A. Meeks**, Library Clerk, Library Department, effective August 3, 2024; 27.59* years of service.
- f. **Greg L. Mefferd**, Senior Maintenance Worker, Parks, Recreation & Neighborhood Services, effective June 22, 2024; 27.73* years of service.
- g. **Alexander Niles**, Analyst II, Parks, Recreation & Neighborhood Services, effective July 6, 2024; 23.64* years of service.
- h. **Anthony J. Palladino**, Wastewater Maintenance Superintendent, Environmental Services Department, effective July 20, 2024; 27.69* years of service.
- i. **Theresa Ramos**, Senior Analyst, Housing Department, effective June 22, 2024; 26.65* years of service.
- j. **Alisa M. Rappleye**, Principal Engineering Technician, Public Works Department, effective July 20, 2024; 27.52* years of service.
- k. **Heather Vrzal**, Zoo Curator, Parks, Recreation & Neighborhood Services, effective July 20, 2024; 25.85* years of service.
- l. **Adriana A. York**, Staff Specialist, Housing Department, effective July 6, 2024; 30.19* years of service.

2.2 Approval of Deferred Vested

- a. **Christopher A. Godley**, Deputy Director, Fire Department, effective July 23, 2024; 20.77* years of service. (*With Reciprocity - 3.67 CSJ + 2.26 PERS + 5.78 SCERA + 9.04 MCERA = 20.77 YOS*)
- b. **Martin Gonzalez**, Senior Custodian, Public Works Department, effective July 1, 2024; 13.71* years of service.
- c. **Charles R. Griffen**, Administrative Officer, Library Department, effective July 22, 2024; 33.81* years of service. (*With Reciprocity - 13.90 CSJ + 19.91 PERS = 33.81 YOS*)

- d. **Ashwini Kantak**, Assistant Director, Environmental Services Department, effective May 6, 2024; 17.18* years of service.
- e. **Virginia Wilcox**, Public Safety Radio Dispatcher, Police Department, effective July 12, 2024; 10.05* years of service.

2.3 Approval of Board Minutes

- a. Approval of the Board Minutes of May 16, 2024.

Attachments: [2.3a - FED Board 5-16-24 Minutes-Final.pdf](#)

2.4 Approval of Return of Contributions

- a. Voluntary | Involuntary

Attachments: [2.4a - FED ROC Review - May 2024.pdf](#)

2.5 Acceptance of Communication/Information Reports

- a. Report of the Monthly Board Expenses for April 2024. Receive and file.

Attachments: [2.5a - FED April 2024 Monthly Expenses Report.pdf](#)

2.6 Approval of Travel / Conference Attendance

- a. Prabhu Palani
 - Transpose Platform Ecosystem Day 2024, Julie Morgan Ballroom, San Francisco, CA, June 10 - 12, 2024.

2.7 Alternate Beneficiary Designation

- a. Approval of Alternate Payee Benefit election of Lifetime Monthly Payment Option to be paid to **Eric Driscoll**, ex-spouse of Senior Analyst, Felipa Perez to be effective June 19, 2024, under Chapter 3.28, Part 23 of the San Jose Municipal Code.

Attachments: [2.7a - DRS430 Driscoll, Eric.pdf](#)

- b. Approval of Alternate Payee Benefit election of Monthly Payment Option to be paid to **Kendra Frost-Jones**, ex-spouse of Senior Construction Inspector, Arion Jones to be effective May 22, 2024, under Chapter 3.28, Part 23 of the San Jose Municipal Code.

Attachments: [2.7b - DRS430 Frost-Jones, Kendra.pdf](#)

3. DEATH AND SURVIVORSHIP NOTIFICATIONS (Moment of Silence)

- a. Notification of the death of **Frank R. Barbaccia Jr**, Administrative Officer, retired January 10, 2004,

died May 12, 2024. Survivorship benefits to Sharon Barbaccia, spouse.

- b. Notification of the death of **Corinne Bulygo**, Senior Police Record Clerk, retired October 29, 1988, died April 5, 2024. No survivorship benefits.
- c. Notification of the death of **Terry J. Chamberlin**, Heavy Diesel Equipment Operator Mechanic, retired June 29, 1996, died April 25, 2024. No survivorship benefits.
- d. Notification of the death of **Jessie Duran**, Maintenance Worker I, retired March 26, 2005, died April 2, 2024. Survivorship benefits to Sylvia Duran, spouse.
- e. Notification of the death of **Nola N. Maupin**, Maintenance Worker II, retired September 29, 2001, died May 5, 2024. No survivorship benefits.
- f. Notification of the death of **David Moreno**, Supervising Auditor, retired November 27, 2011, died April 5, 2024. Survivorship benefits to Linda Moreno, spouse.
- g. Notification of the death of **Linda K. Nierenberg**, Maintenance Worker I, retired March 13, 2003, died March 11, 2024. No survivorship benefits.
- h. Notification of the death of **Victoria Ribbs**, Senior Engineering Technician, retired March 11, 2017, died May 1, 2024. No survivorship benefits.
- i. Notification of the death of **Edward Stevens**, Risk Manager, retired May 20, 1998, died May 8, 2024. No survivorship benefits.
- j. Notification of the death of **Madeline E. Torres**, Staff Analyst II, retired February 4, 1990, died April 9, 2024. No survivorship benefits.

4. INVESTMENTS

- a. Oral update by CIO, Prabhu Palani.
- b. Presentation of Calendar 4th Quarter 2023 Private Equity report by Neuberger Berman.
Attachments: [4b - Investment Report for SJ Federated City Employees' Retirement 12-31-23.](#)
- c. Presentation of Calendar 4th Quarter 2023 Private markets report by Meketa Investment Group.
Attachments: [4c - Q4 2023 PM Report SJ FED PUBLIC.pdf](#)
- d. Presentation of Calendar 1st Quarter 2024 Performance report for Pension Plan by Meketa Investment Group.
Attachments: [4d - 1Q 2024 Performance Report SJ FED ERS v2.pdf](#)
- e. Presentation of Calendar 1st Quarter 2024 Performance report for Health Care Trust by Meketa Investment Group.
Attachments: [4e - 1Q 2024 Performance Report SJ FED HCT.pdf](#)

5. OLD BUSINESS-DEFERRED/CONTINUED ITEMS-NONE

6. NEW BUSINESS

- a. Oral update by CEO, Roberto L. Peña.
- b. Oral update from the City Council Liaison to the Board.
- c. Discussion and action on adoption of City Workplace Violence Prevention Plan Policy No. 1.3.15 (Disciplinary Policy) for ORS Operations, adopted by City Council May 30, 2024.

Attachments: [6c - CPM 1315 Workplace Violence eff 05-30-24.pdf](#)

- d. Discussion and action on non-preapproved travel for Trustee Chandra to attend the Public Fund Summit East from July 22 to July 24, 2024.

Attachments: [6d - 2024 Public Funds Summit East from July 22-24, 2024.pdf](#)

7. COMMITTEES/REPORTS/RECOMMENDATIONS

7.1 Investment Committee (Chandra, Horowitz, Faulkner)

Last Meeting: April 10, 2024 Next Meeting: August 20, 2024

- a. Oral update from the Chair of the Investment Committee.

7.2 Audit Committee (Avasthy, Jennings, Abbott)

Last Meeting: May 16, 2024 Next Meeting: August 15, 2024

- a. Oral update from the Chair of the Audit/Risk Committee.
- b. Minutes of the April 11, 2024 Joint Audit Committee meeting for the Federated City Employee's Retirement System and the Police and Fire Department Retirement Plan. Receive and file.
- c. Discussion and action on Office of Retirement Services' proposed timeline and plan for implementing recommendations from the City Auditor's Report, dated April 4, 2024.

Attachments: [7.2b - JAC 4-11-24 Minutes-Final.pdf](#)

Attachments: [7.2c - City Auditor recommendations timeline Informational Memo ORS.pdf](#)

- d. Discussion and action on amendment to Internal Auditor Charter to reflect process for hiring Internal Auditor and on performance evaluation issues.

Attachments: [7.2d - Proposed Changes to ORS Internal Audit Charter 05-2024 \(revised\).pdf](#)

- e. Update on status of request to custodian bank (Bank of New York Mellon) to correct fiscal years

2016-2023 Pension Plans' returns based on the results of the Agreed Upon Procedures work completed by Macias Gini & O'Connell LLP audit firm.

Attachments: [7.2e - Request from SJORS to BNYM to Correct Historical Returns 4-30-24.pdf](#)

- f. Discussion and action on FY 2023 - 2024 Office of Retirement Services Plans Audit Plan by Macias Gini & O'Connell LLP (MGO).

Attachments: [7.2f - Fiscal Year 2024 Audit Plan-MGO.pdf](#)

7.3 Governance Committee (Linder, Abbott, Avasthy)

Last Meeting: June 18, 2024 Next Meeting: September 19, 2024

- a. Oral update from the Chair of the Governance Committee.
- b. Minutes of the Governance Committee meeting from March 7, 2024. Receive and file.

Attachments: [7.3b - JGC 3-7-24 Minutes-Final.pdf](#)

- c. Discussion and action regarding City Finance Department's requested changes to retirement boards' adopted Trustee Educational Travel Policy.

Attachments: [7.3c\(1\) - 2024 Final - SJ Plans - Joint Board Travel Policy.pdf](#)
 [7.3c\(2\) - Trustee Educational Travel Policy Memo.pdf](#)

- d. Discussion and action regarding adoption of City Policy "Chapter 5.1- Purchasing: Procurement" for goods and non-professional services for ORS operations.

Attachments: [7.3d\(1\) - CPM 511 Procurement and Contract eff 04-18-07.pdf](#)
 [7.3d\(2\) - CPM 512 City Procurement Cards rev 04-17-24.pdf](#)
 [7.3d\(3\) - CPM 513 Source Selection Plan rev 05-22-08.pdf](#)
 [7.3d\(4\) - CPM 514 Brand Name & Sole Source rev 05-22-08.pdf](#)
 [7.3d\(5\) - CPM 515 Food & Beverage Expenditure rev 12-05-23.pdf](#)
 [7.3d\(6\) - CPM 516 Procurements with Grant Funds eff 09-19-06.pdf](#)
 [7.3d\(7\) - CPM 517 Procurement of Supplies eff 05-18-07.pdf](#)
 [7.3d\(8\) - CPM 518 Procurement of Non-Prof Srvcs rev 05-22-08.pdf](#)
 [7.3d\(9\) - CPM 519 Procurement of Info Tech rev 05-22-08.pdf](#)
 [7.3d\(10\) - CPM 5110 Green Fleet Policy eff 09-01-07.pdf](#)
 [7.3d\(11\) - CPM 5111 Bottled Water Purchase eff 10-20-08.pdf](#)
 [7.3d\(12\) - CPM 5112 Encumbrance Policy eff 07-13-10.pdf](#)
 [7.3d\(13\) - CPM 5113 Prohibition of City Funding eff 06-28-12.pdf](#)
 [7.3d\(14\) - CPM 5114 Protective Footwear eff 07-14-15.pdf](#)
 [7.3d\(15\) - CPM 5115 Marketing Expenditures eff 03-16-22.pdf](#)

- e. Discussion and action regarding adoption of proposed internal ORS Policy for procurement and contracting for professional and critical plan administrative services/goods for ORS operations.

Attachments: [7.3e\(1\) - Cortex Memo 2024 06 18 Joint Governance Committee.pdf](#)
[7.3e\(2\) - Policy re the Procurement & Contracting of Goods & Services-Draft2.p](#)

7.4 FCERS Disability Committee (Linder, Jennings, Faulkner)

Last Meeting: June 5, 2024 Next Meeting: August 6, 2024

- a. Oral update from the Chair of the Disability Committee.
- b. Minutes of the Federated Disability Committee meeting from April 2, 2024. Receive and file.

Attachments: [7.4b - FED DC 4-2-24 Minutes-Final.pdf](#)

- c. Federated Quarterly Disability Retirement applications dashboard.

Attachments: [7.4c – Q1 2024 Federated Quarterly Dashboard.pdf](#)

- d. Overview of the Age of Federated Disability Applications.

Attachments: [7.4d – FED 2024 Age of Disability Apps 5-20-24.pdf](#)

7.5 Joint Personnel Committee (Chandra, Horowitz, Linder)

Last Meeting: April 25, 2024 Next Meeting: TBD

- a. Oral update from the Chair of the Joint Personnel Committee.

8. EDUCATION & TRAINING

- a. The Cortex Report - May 2024, Conferences, Seminars and Educational Programs.

Attachments: [8a - San Jose Cortex Report - May 2024 Edition.pdf](#)

- b. CALAPRS, Principles of Pension Governance for Trustees, The Lodge at Tiburon, Tiburon, CA, August 26 - 29, 2024.

Attachments: [8b - CALAPRS Principles of Pension Governance-August 2024.pdf](#)

• PROPOSED AGENDA ITEMS

• ADJOURNMENT

• Next FCERS Board Meeting: August 15, 2024

*Estimated

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 Office of Retirement Services, 1737 N. First Street, Suite 600, San José CA 95112 at the same time that the public records are distributed or made available to the legislative body.

Access the video or audio, the agenda and related reports for this meeting by visiting the Retirement Services website at <http://sjrs.legistar.com/calendar.aspx>. If you have any questions, please contact the Office of Retirement Services at (408) 794 - 1000.

The Code of Conduct

(<https://www.sanjoseca.gov/home/showpublisheddocument/12901/63667000496663000>

0) 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.