



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: November 17, 2022

SUBJECT: APPOINTMENT TO THE FIRE RETIREE SEAT ON THE BOARD OF ADMINISTRATION FOR THE POLICE AND FIRE RETIREMENT PLAN

RECOMMENDATION

- a. Appoint Richard Santos as the Fire Retiree Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a fourth term ending November 30, 2026.
- b. If a vacancy remains, direct the City Clerk to continue recruitment efforts.

OUTCOME

Appointment to the Fire Retiree Representative Seat will allow for a fully constituted Board of Administration for the Police and Fire Retirement Plan (Board) to continue conducting regular business.

BACKGROUND

San Jose Municipal Code Section 2.08.1210.D requires one member of the Board to be a person who was employed in the Fire Department and has retired under provisions of the Police and Fire Retirement Plan.

The regular recruitment process for the Fire Retiree member set forth in San Jose Municipal Code Section 2.08.1245 includes a nomination process conducted among retired members of the Police and Fire Retirement Plan. The nomination process shall bring forward three candidates who receive the highest number of votes, or less if fewer than three candidates, to an interview panel. The interview panel consists of a representative from the San José Police Officers' Association, a representative from International Association of Fire Fighters Local 230, and a representative from the City Manager's Office. The purpose of the interview shall be to ensure that the candidates are viable in that they will be able to attend meetings of the board and fulfill the time commitment of member of the board. The panel shall recommend to the City Council one of the interviewed retired fire members for appointment to the board. The panel's recommendation shall be determined by a majority of the members of the panel. The Council shall only reject the retiree recommended by the interview panel upon findings of cause for

rejection. Cause for rejection may include, but is not limited to, Council finding that the recommended candidate will not be able to attend meetings of the Board and fulfill the time commitment as a Board member, or to act in accordance with fiduciary duties or carry out the requirements of governing legislation.

Each retired member appointed to the Board shall serve for four years, unless they are filling an unanticipated vacancy, then they serve the remainder of the unexpired term. Pursuant to San Jose Municipal Code 2.08.1235.D retired members may not serve more than two consecutive terms unless no other retired member is recommended through the regular recruitment process.

ANALYSIS

On September 16, 2022, the Office of the City Clerk mailed a notice of vacancy to all retired members of the Police and Fire Retirement Plan for the Fire Retiree vacancy. The election date was set for December 5, 2022 with a panel interview on December 5, 2022. The nomination period opened on September 26, 2022 at 8:00 a.m. and closed on October 14, 2022 at 5:00 p.m. At the close of the nomination period, the Office of the City Clerk received one eligible application from Richard Santos, the current Fire Retiree Representative. We confirmed with the City Attorney's Office that Trustee Santos would be eligible only if no other applicants applied. His application is attached.

Pursuant to Muni Code Section 2.08.1245 (C)(2), a panel met on November 9, 2022 with Richard Santos to ensure that he is able to fulfill the obligations of the Police and Fire Department Retirement Board. The panel is recommending that he be re-appointed to the retirement board.

The City Council may accept the interview panel's recommendation or reject the retiree recommended upon findings of cause, direct the City Clerk to continue recruitment.

EVALUATION AND FOLLOW-UP

A core duty of the Office of the City Clerk is to minimize vacancies on the Boards and Commissions. If any vacancies remain, the City shall contact the Association of Retired Police Officers and Firefighters to recommend three candidates to the Board for recommendation.

PUBLIC OUTREACH

This memorandum has been posted on the City Clerk's website as part of the November 29, 2022 City Council Meeting Agenda.

COORDINATION

This memorandum has been coordinated with the Office of the Retirement Services and the Office of the City Attorney.

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BOARD RECOMMENDATION/INPUT

The Police and Fire Retirement Board are not part of the retiree election process for anticipated vacancies.

CEQA

Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment.



TONI J. TABER, CMC
City Clerk

For questions, please contact Toni Taber, City Clerk, at (408) 535-1260.