



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** November 20, 2019

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**SUBJECT: PUBLIC MEMBER APPOINTMENT TO THE BOARD OF  
ADMINISTRATION FOR FEDERATED CITY EMPLOYEES'  
RETIREMENT SYSTEM**

## **RECOMMENDATION**

1. Interview applicant for appointment to the Public Member Seat; and
2. Appoint one applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2020.
3. If a vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

## **OUTCOME**

Appointment to the vacant Public Member seat will allow the 7-member Board of Administration for the Federated City Employees' Retirement System to continue to conduct business and allow for a seventh member at its next regular meeting.

## **BACKGROUND**

San José Municipal Code Section 2.08.1020 requires each public member appointed to the Board of Administration for the Federated City Employees' Retirement System (Board), to reside within a fifty-mile radius of San José City Hall, possess a high level of knowledge and expertise, and to possess at least twelve years of experience relevant to the administration of public retirement plan.

Additionally, persons such as current and former city employees; current or former elected or appointed city officials; retired members of, or persons participating in or receiving benefits from the federated city employees' retirement system; a representative from any union or bargaining unit representing city employees; any immediate family member of a city employee or persons participating in or receiving benefits from the federated city employees' retirement system are not eligible to serve as public members.

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San José Municipal Code Section 2.08.1010 requires that four members of the Board be public members. There is currently one (1) vacancy for a Public Member seat on the Board for the term ending November 30, 2020. This seat has been vacant since the resignation of former Board Member Kurt Billick on April 5, 2019.

### **ANALYSIS**

The Office of the City Clerk issued a vacancy flyer recruiting for the Public Member Seat. Recruitment for this seat closed on July 15, 2019. At the close of recruitment, the Office of the City Clerk received two applications. Upon review of the applications, one applicant did not meet the qualifications set forth in San José Municipal Code Section 2.08.1020. The application was removed from further consideration. Code Enforcement conflict of interest review returned clear.

Mark Keleher was interviewed before the Federated Retirement board on October 16, 2019 where he was unanimously approved to be recommended to the City Council for appointment.

The application of the candidate is attached. Memoranda from the Office of the City Attorney and the Department of Planning, Building, and Code Enforcement regarding their conflicts of interest are included under separate cover.

### **EVALUATION AND FOLLOW-UP**

A core duty of the Office of the City Clerk is to minimize vacancies on the Boards and Commissions.

### **PUBLIC OUTREACH**

On April 6, 2019, the Office of the City Clerk issued a vacancy flyer recruiting for the Public Member Seat. Recruitment for this seat closed on July 15, 2019.

This memorandum has been posted on the City Clerk's website as part of the December 3, 2019 City Council Meeting Agenda.

### **COORDINATION**

This memorandum has been coordinated with the Department of Retirement Services, Office of the City Attorney and the Department of Planning, Building, and Code Enforcement.

### **COMMISSION RECOMMENDATION/INPUT**

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Mark Keleher was interviewed before the Federated Retirement board on October 17, 2019 where he was unanimously approved to be recommended to the City Council for appointment.

**CEQA**

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



TONI J. TABER, CMC  
City Clerk