



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, MMC
City Clerk

SUBJECT: SEE BELOW

DATE: November 22, 2024

SUBJECT: BOARDS AND COMMISSIONS APPOINTMENTS

RECOMMENDATION

Approve the following Boards and Commissions appointments:

(a) Federated Retirement Board:

(1) Appoint Mark Linder as the Retiree Representative to the Board of Administration for the Federated City Employees Retirement System to a second term ending November 30, 2028.

(b) Police and Fire Retirement Board:

(1) Appoint Franco Vado as the Police Retiree Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a second term ending November 30, 2028.

(c) If a vacancy remains, direct the City Clerk to continue recruitment efforts.

OUTCOME

Appointment to the Retiree Representative Seats on both Retirement Boards will allow for fully constituted Boards of Administration for both the Police and Fire Retirement Plan Board and Federated City Employees Retirement System so they may continue conducting regular business.

BACKGROUND

Federated Retirement Board

Mark Linder, the retired member of the Federated City Employee's Retirement System Board, was appointed on January 11, 2022 to an unexpired term ending November 30, 2024. San Jose Municipal Code Section 2.08.1010.A.5 requires that one of the seven members of the Federated Retirement Board be a person who has retired under the provisions of the Federated City Employees' Retirement System.

Pursuant to San Jose Municipal Code Section 2.08.1070.D, whenever there is a scheduled vacancy in the Retiree seat on the Federated Retirement Board because of the expiration of a retired member's term of office, the following procedures apply:

1. Retired members who want to serve on the Federated Retirement Board must file an application with the Office of the City Clerk on a form provided by the City Clerk, and submit on or before the date and time set by the City Clerk.
2. A panel consisting of a representative from the employee organizations affiliated with the American Federation of State, County and Municipal Employees, AFSCME Local 101, a representative from the employee organizations other than the organizations affiliated with AFSCME, Local 101, a representative from the City Manager's Office, and two (2) representatives from the City of San José Retired Employees Association shall interview all candidates if less than four (4) candidates applied to serve on the Board in the retired member seat.
3. The panel shall select one (1) of the candidates it interviewed for the City Council to consider for appointment to the Federated Retirement Board. The panel's selection is the candidate who received a majority of affirmative votes on the panel; provided that a dissenting member of the panel may submit a minority report.

Pursuant to San Jose Municipal Code Section 2.08.1070.F, the appointment of employee and retiree members is routine business on the Council agenda and may be an item on the consent calendar

Police and Fire Retirement Board

On August 3, 2021, Franco Vado, a Police Retiree, was appointed to an unexpired term ending November 30, 2024. San José Municipal Code Section 2.08.1210.E requires one member of the Police and Fire Retirement Board to be a person who was employed in the Police Department and has retired under provisions of the Police and Fire Retirement Plan.

The recruitment process for a vacancy for the Police Retiree seat is set forth in Section 2.08.1245.C. Whenever a scheduled vacancy exists in the Police Retiree seat on the Police and Fire Retirement Board because of the expiration of the retired Police member's term of office, the following procedures shall apply:

1. If there is only one (1) eligible retired Police member applying for the scheduled vacancy, an election shall not occur and that candidate will be forwarded to the panel in Section 2.08.1245 C. (2) for interview.
2. A panel consisting 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 shall interview the three (3) (or less if there are fewer than three (3) candidates) retired members receiving the highest number of votes. 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.

3. The panel shall recommend to the City Council one (1) of the interviewed retired Police members for appointment to the Board. The panel's recommendation shall be determined by a majority of the members of the panel.

Pursuant to San Jose Municipal Code Section 2.08.1245.F, the appointment of employee and retiree members shall be routine business on the Council agenda.

ANALYSIS

On August 26, 2024, the Office of the City Clerk mailed a notice of vacancy to all retired members of the Police and Fire Department Retirement Plan and the Federated City Employees Retirement System. The election date (if necessary) was set for November 18, 2024 with a panel interview on November 19, 2024. The nomination period opened on September 9, 2024 at 8:00 a.m. and closed on September 27, 2024 at 5:00 p.m.

Federated Retirement Board

At the close of the nomination period, the Office of the City Clerk received two eligible applications from Mark Linder and Brad Imamura for the Retiree Representative seat on the Board of Administration for the Federated City Employees Retirement System. On November 19, 2024 the panel interviewed both candidates and unanimously recommended Mark Linder (application attached) for the Retiree Representative position on the Federated Retirement Board (5-0). Pursuant to San Jose Municipal Code Section 2.08.1060.C, a retired member may not serve more than two (2) consecutive terms unless no other retired member is recommended pursuant to Section 2.08.1070. Mark Linder has been recommended to serve his second consecutive term.

Police and Fire Retirement Board

At the close of the nomination period, the Office of the City Clerk received one eligible application for the Police Retiree Representative seat from Franco Vado, the current Police Retiree Representative. His application is attached. On November 19, 2024 the panel unanimously recommended Franco Vado for the Police Retiree Representative position on the Police and Fire Retirement Board by a vote of 2-0. The IAFF, Local 230 representative did not attend the interview. Pursuant to San Jose Municipal Code Section 2.08.1235.C, retired members may not serve more than two (2) consecutive terms unless no other retired member is recommended pursuant to Section 2.08.1245. Franco Vado has been recommended to serve his second consecutive term.

The City Council may accept the interview panels' recommendations or reject the retiree(s) recommended upon findings of cause and 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 Clerk shall work with the Office of Retirement Services to reopen the recruitment(s).

PUBLIC OUTREACH

This memorandum has been posted on the City Clerk's website as part of the December 3, 2024 City Council Meeting Agenda.

COORDINATION

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

BOARD RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

CEQA

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



TONI J. TABER, MMC
City Clerk

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