



BOARD OF ADMINISTRATION

Meeting Agenda - Final

Police & Fire Department Retirement Plan and Health Care Trust

Thursday, January 5, 2023

8:30 AM

MEETING TO BE HELD BY ZOOM CONFERENCE IN LIEU OF PHYSICAL LOCATION

zoom.us

Dial In: +1 669 900 9128 US (San Jose)

Meeting ID: 935 6272 6998

Pass Code: 515706

Drew Lanza, Chair, Public Member (Term Expires 4/30/23)

Franco Vado, Vice-Chair, Police Retiree Rep (Term Expires 11/30/24)

Sunita Ganapati, Trustee, Public Member (Term Expires 11/30/26)

Andrew Gardanier, Vice-Chair, Fire Active Rep (Term Expires 11/30/23)

David Kwan, Trustee, Public Member (Term Expires 11/30/24)

Howard Lee, Trustee, Public Member (Term Expires 11/30/26)

Eswar Menon, Trustee, Public Member (Term Expires 11/30/26)

Richard Santos, Trustee, Fire Retiree Rep (Term Expires 11/30/26)

Dave Wilson, Trustee, Police Active Rep (Term Expires 11/30/25)

Pam Foley, City Council Liaison to the Board

Harvey Leiderman & Maytak Chin, General and Fiduciary Counsel

Roberto L. Peña, CEO, Office of Retirement Services

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Number 80628, 80659, 80685, 80724, 80758 and 80809 this meeting will not be physically open to the public and the Board Members will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment:

- 1) By email to retirement.dept@sanjoseca.gov by 5:00 p.m. the day before the meeting.
- 2) By phone +1 669 219 2599 . Meeting ID: 935 6272 6998. The Chair will recognize public comment after each item and will be notified to speak.
- 3) By online <https://sanjoseca.zoom.us>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. When the Chair calls for the item on which you wish to speak, click on “Raise Hand.” Speakers will be notified shortly before they are called to speak.
 - c. When called, please limit your remarks.

AGENDA

CALL TO ORDER AND ROLL CALL

CLOSED SESSION

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

I. CLOSED SESSION INVESTMENTS

- A. CLOSED SESSION:** PURSUANT TO GOVERNMENT CODE SECTION 54956.81, TO CONSIDER PURCHASE OR SALE OF PARTICULAR, SPECIFIC PENSION FUND INVESTMENTS (ONE INVESTMENT).

OPEN SESSION - will reconvene following Closed Session, estimated to be 9:00 a.m.

To request an accommodation or alternative format under the Americans with Disabilities Act for Board meetings, events or printed materials, please call (408) 794-1112 as soon as possible, but at least three business days before the meeting.

• ORDERS OF THE DAY

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

1. CONSENT CALENDAR

1.1 Approval Of Minutes

- a. Approval of the Board Minutes of December 1, 2022.

Attachments: [1.1a - PF Minutes 12.1.22 Final](#)

- b. Approval of the Board Minutes of December 13, 2022.

Attachments: [1.1b - SPCBD 12.13.22 -Final](#)

1.2 Return of Contributions

- a. Voluntary | Involuntary.

Attachments: [1.2a - ROC - PF Jan2023](#)

1.3 Communication/Information

- a. Police and Fire Retirement System Dashboard.

Attachments: [1.3a - P&F Dashboard for 1.5.23](#)

- b. Press Release: Retirement Department's Chief Investment Officer Recognized as Top Pension Chief Investment Officer.

Attachments: [1.3b - Top Pension CIOs press release](#)

1.4 Change of Retirement Application

- a. Approval for a change in effective date for **Jon C. Hartman**, Police Sergeant, from December 23, 2022 to January 21, 2023 for a Service Retirement approved at the December 1, 2022 Board meeting.

Attachments: [1.4a - COD - Hartman](#)

- b. Approval for a change in effective date for **Eric J. Magnuson**, Police Lieutenant, from December 11, 2022 to December 25, 2022 for a Service Retirement approved at the December 1, 2022 Board meeting.

Attachments: [1.4b - COD - Magnuson](#)

- c. Approval for a change in effective date for **Craig G. Storlie**, Police Lieutenant, from December 10, 2022 to December 23, 2022 for a Service Retirement approved at the December 1, 2022 Board meeting.

Attachments: [1.4c - COD - Storlie](#)

- d. Approval for a change in effective date for **Glen S. Thompson**, Fire Prevention Inspector, from December 11, 2022 to December 24, 2022 for a Service Retirement approved at the December 1, 2022 Board meeting.

Attachments: [1.4d - COD - Thompson](#)

- e. Approval for a change in effective date for **Michael L. Villanueva**, Police Officer, from December 10, 2022 to December 24, 2022 for a Service Retirement approved at the December 1, 2022 Board meeting.

Attachments: [1.4e - COD - Villanueva](#)

- f. Approval for a change in effective date for **Bryant Washington**, Police Officer, from December 10, 2022 to December 24, 2022 for a Service Retirement approved at the December 1, 2022 Board meeting.

Attachments: [1.4f - COD - Washington](#)

1.5 Education and Training

- a. The Cortex Report - January 2023, Conferences, Seminars and Educational Programs.

Attachments: [1.5a - Cortex Report - January 2023 Edition](#)

- b. CalAPRS General Assembly, Monterey Marriott, Monterey, CA - March 4 -7, 2023.

- c. CalAPRS Advanced Principles of Pension Governance for Trustees, UCLA Luskin Conference Center, Los Angeles, CA - March 29 -31, 2023.

2. INVESTMENTS

- a. Oral update by CIO, Prabhu Palani.

3. OLD BUSINESS CONTINUED-DEFERRED ITEMS

- a. Discussion and action on the topics for the Joint Meeting of the Boards and City Council.

Attachments: [3a\(1\) - 2023 Annual Joint MeetingMemo](#)

[3a\(2\) - JBandCC AgendaPOB 9.30.21](#)

[3a\(3\) - JBandCC Agenda 10.16.20](#)

4. NEW BUSINESS

- a. Oral update from the CEO of Retirement Services, Roberto L. Peña.
- b. Oral update from the City Council Liaison to the Board.
- c. Discussion and action on member Kevin Fagalde's appeal of ORS' denial of untimely post-retirement optional settlement election.

Time Certain: 10:00 a.m.

- d. Discussion and action on authorizing the CEO to negotiate and execute a new agreement with Cortex Consulting Inc., for calendar year 2023, for a total NTE amount of \$30,000.

Attachments: [4d - CORTEXCONSULTINGP&F2023AGREEMENT](#)

- e. Discussion and action on adoption of procedures for resolving ADA requests pursuant to AB 2449.

Attachments: [4e -AB 2449 Memo 1.5.23 -Replacement](#)

- f. Discussion and action on factual findings for use of California Assembly Bill 361's abbreviated teleconferencing procedures.

Attachments: [4f - AB 361 Memo 1.5.23](#)

5. RETIREMENTS

5.1 Service Retirements

- a. **Alfonso M. Alvarez**, Fire Prevention Inspector, Fire Department, effective January 7, 2023; 25.49* years of service.
- b. **Christina L. Anaya**, Police Lieutenant, Police Department, effective January 7, 2023; 27.33* years of service. *(With Reciprocity - 25.23 CSJ YOS + 2.10 PERS YOS)*
- c. **Todd L. Ashbaugh**, Fire Engineer, Fire Department, effective January 7, 2023; 27.47* years of service.
- d. **Steven E. Brown**, Fire Engineer, Fire Department, effective January 22, 2023; 27.69* years of service. *(With Reciprocity - 21.19 CSJ YOS + 6.5 PERS YOS)*
- e. **Luis Carrasco**, Fire Engineer Fire Department, effective January 7, 2023; 24.69* years of service.
- f. **Juan Ceballos**, Police Lieutenant, Police Department, effective January 8, 2023; 31.47* years of service. *(With Reciprocity - 27.99 CSJ YOS + 3.47 PERS YOS)*
- g. **Richard C. De Lisser**, Police Sergeant, Police Department, effective January 21, 2023; 26.82* years of service.

- h. Forest Fernandez**, Fire Engineer, Fire Department, effective January 29, 2023; 29.13* years of service. *(With Reciprocity - 21.17 CSJ YOS + 7.95 PERS YOS)*
- i. Jeff Fiedler**, Police Officer, Police Department, effective January 21, 2023; 24.47* years of service.
- j. Gilbert Fox**, Police Officer, Police Department, effective January 7, 2023; 27.37* years of service. *(With Reciprocity - 23.70 CSJ YOS + 1.69 SFERS + 1.98 PERS YOS)*
- k. Bryan W. Hodges**, Fire Captain, Fire Department, effective January 21, 2023; 27.82* years of service. *(With Reciprocity - 26.51 CSJ YOS + 1.30 PERS YOS)*
- l. John Hoge**, Police Officer, Police Department, effective January 21, 2023; 24.25* years of service.
- m. John M. Hutchings**, Police Lieutenant, Police Department, effective January 7, 2023; 31.60* years of service. *(With Reciprocity - 25.60 CSJ YOS + 6.00 PERS YOS)*
- n. Anthony R. King**, Fire Captain, Fire Department, effective January 29, 2023; 26.02* years of service.
- o. David Kirby**, Police Officer, Police Department, effective January 7, 2023; 20.07* years of service.
- p. Timothy Lewis** Fire Prevention, Fire Department, effective January 21, 2023; 22.11* years of service. *(With Reciprocity - 21.11CSJ YOS + 1.00 PERS YOS)*
- q. Mark S. Mabanag**, Police Officer, Police Department, effective January 8, 2023; 29.01* years of service. *(With Reciprocity - 25.11 CSJ YOS + 3.90 PERS YOS)*
- r. Chad E. Marshall**, Police Officer Police Department, effective January 7, 2023; 26.87* years of service. *(With Reciprocity - 23.87 CSJ YOS + 2.99 PERS YOS)*
- s. Robert McAlavey**, Police Officer, Police Department, effective January 21, 2023; 23.18* years of service.
- t. Melvin P. Meeks**, Fire Captain, Fire Department, effective January 7, 2023; 25.02* years of service.
- u. Jesus Mendoza**, Police Lieutenant, Police Department, effective January 21, 2023; 25.95* years of service. *(With Reciprocity - 23.94 CSJ YOS + 1.48 SFERS YOS + .53 PERS YOS)*
- v. Brett J. Myers**, Police Sergeant, Police Department, effective January 21, 2023; 26.38* years of service.
- w. David Olmos**, Fire Captain, Fire Department, effective January 21, 2023; 28.01* years of service.
- x. Fernando L. Pedreira**, Police Officer, Police Department, effective January 21, 2023; 25.34* years of service.
- y. Jose L. Rodriguez**, Police Sergeant, Police Department, effective January 7, 2023; 26.80* years of service.

- z. Victor M. Rodriguez**, Police Officer, Police Department, effective January 21, 2023; 25.12* years of service.
- aa. Richard B. Rosenquist**, Fire Engineer, Fire Department, effective January 8, 2023; 25.03* years of service.
- bb. Edward R. Schroder**, Deputy Chief of Police, Police Department, effective January 21, 2023; 29.46* years of service.
- cc. Obery Smith**, Fire Engineer, Fire Department, effective January 21, 2023; 25.07* years of service.
- dd. Oscar Tovar**, Fire Captain, Fire Department, effective January 29, 2023; 28.03* years of service.
- ee. Victor Velasquez**, Fire Captain, Fire Department, effective January 7, 2023; 25.03* years of service.
- ff. Martin S. Walker**, Fire Captain, Fire Department, effective January 7, 2023; 25.50* years of service.
- gg. Ellen Washburn**, Deputy Chief of Police, Police Department, effective January 7, 2023; 28.85* years of service.
- hh. Phillip K. White**, Police Officer, Police Department, effective January 31, 2023; 25.01* years of service.

5.2 Deferred Vested

- a. Tamara L. Remington**, Police Officer, Police Department, effective January 23, 2023; 10.01* years of service.

5.3 Request for a Change in Status to Service-Connected Disability Retirement

- a. James R. Mason**, Police Sergeant, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective October 2, 2021; 29.43* years of service. (*With Reciprocity CSJ YOS 19.49 + PERS YOS 9.93*) (Recommendation: Grant)
Time Certain: 10:30 a.m.

6. DEATH AND SURVIVORSHIP NOTIFICATIONS (Moment of Silence)

- a.** Notification of the death of **Claud Furnare**, Police Officer, retired January 5, 1996, died November 24, 2022. Survivorship benefits to Cindy Furnare, Spouse.
- b.** Notification of the death of **Gerald Gradia** Fire Engineer, retired March 1, 2001, died November 4, 2022. No Survivorship benefits.
- c.** Notification of the death of **David L. Samsel** Police Sergeant, retired June 19, 1993, died December 11, 2022. No Survivorship benefits.

- d. Notification of the death of **Clarence Wells**, Fire Captain, retired January 30, 2006, died October 31, 2022. No survivorship benefits.

7. COMMITTEE MINUTES, REPORTS and RECOMMENDATIONS

7.1 Investment Committee (Menon - CH/Gardanier/Ganapati/Lee)

Last Meeting: December 20, 2022 (Regular) Next Meeting: January 5, 2023 (Special)

- a. Oral update from the Chair of the Investment Committee.
- b. Minutes of the Special Investment Committee meeting from November 3, 2022. Receive and file.

Attachments: [7.1b - SPCIC 11.3.22 -Final](#)

7.2 Audit/Risk Committee (Ganapati-CH/Lee/Wilson)

Last Meeting: December 13, 2022 (Special) Next Meeting: January 5, 2023 (Special)

- a. Oral update from the Chair of the Audit/Risk Committee.
- b. Minutes of the Special Audit/Risk Committee meeting from November 3, 2022. Receive and file.

Attachments: [7.2b - SPCAC 11.3.22 -Final](#)

7.3 Governance Committee (Vado - CH/Kwan/Santos)

Last Meeting: December 13, 2022 -CANCELLED FOR LACK OF QUORUM Next Meeting: TBD

- a. Oral update from the Chair of the Governance Committee.
- b. Minutes of the Special Governance Committee meeting from November 3, 2022. Receive and file.

Attachments: [7.3b - SPCGC 11.3.22 -Final](#)

7.4 Disability Committee (Santos - CH/Lanza - Alts: Menon/Vado)

Last Meeting: December 13, 2022 (Special) Next Meeting: January 5, 2023 (Special)

- a. Oral update from the Chair of the Disability Committee.
- b. Minutes of the Special Disability Committee meeting from November 3, 2022. Receive and file.

Attachments: [7.4b - SPCDC 11.3.22 -Final](#)

7.5 Joint Personnel Committee (Menon-CH/Gardanier/Lanza)

**Last Meeting: December 8, 2022 (Regular) Next Meeting: January 6, 2023 (Special),
January 12, 2023 (Regular)**

- a. Oral update from the Chair of the Joint Personnel Committee.
- b. Minutes from the October 10, 2022 JPC meeting. Receive and file.

Attachments: [7.5b - JPC Minutes 10.10.22 - Final](#)

- c. Minutes from the Special November 8, 2022 JPC meeting. Receive and file.

Attachments: [7.5c - JPC Minutes 11.8.22 - Final](#)

- d. Minutes from the November 10, 2022 JPC meeting. Receive and file.

Attachments: [7.5d - JPC Minutes 11.10.22 - Final](#)

• PROPOSED AGENDA ITEMS

• ADJOURNMENT

Next Meeting: February 2, 2023

*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>) 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.