



# BOARD OF ADMINISTRATION

## Meeting Agenda - Final

### Police & Fire Department Retirement Plan and Health Care Trust

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Thursday, August 1, 2024

9:00 AM

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

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#### 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: +1 669 900 9128 US (San Jose)

Meeting ID: 968 3927 8081

Pass Code: 500324

*Franco Vado, Chair, Police Retiree Rep (Term Expires 11/30/24)*  
*Sunita Ganapati, Vice-Chair, Public Member (Term Expires 11/30/26)*  
*Andrew Gardanier, Trustee, Fire Active Rep (Term Expires 11/30/27)*  
*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)*  
*Vacant, Trustee, Public Member*

*Pam Foley, City Council Liaison to the Board*

*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.

**AGENDA**

**CALL TO ORDER AND ROLL CALL**

**CLOSED SESSION**

**CLOSED SESSION AGENDA ITEMS WILL BE HEARD AT 9:00 A.M.**

**I. CLOSED SESSION NEW BUSINESS**

**A. CLOSED SESSION:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1). Position: Chief Investment Officer.

**B. CLOSED SESSION:** PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1). Position: Chief Executive Officer.

**OPEN SESSION - will reconvene following Closed Session, estimated to be 10:00 a.m.**

**• ORDERS OF THE DAY**

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

**1. CONSENT CALENDAR**

**1.1 Approval for a Service-Connected Disability Retirement**

**a. Aaron Alvarez**, Police Officer, Police Department, Request for Service-Connected Disability Retirement, effective July 6, 2024; 5.77\* years of service. (*Disability Committee Recommendation: Approval*)

**1.2 Approval for a Change in Status to Service-Connected Disability Retirement**

**a. Fabrice Bellini**, Police Sergeant, Police Department, Request for Change of Status to

Service-Connected Disability Retirement, effective January 23, 2021; 22.80\* years of service.  
(*Disability Committee Recommendation: Approval*)

- b. Richard Caginia**, Fire Engineer, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective February 26, 2021; 25.02\* years of service.  
(*Disability Committee Recommendation: Approval*)
- c. Keith Kirmse**, Fire Engineer, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective August 22, 2020; 30.52\* years of service. (*Disability Committee Recommendation: Approval*)
- d. Victor Loesche**, Fire Captain, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective April 3, 2021; 25.67\* years of service. (*Disability Committee Recommendation: Approval*)
- e. Leslie Martin**, Police Officer, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective December 5, 2020; 20.30\* years of service.  
(*Disability Committee Recommendation: Approval*)
- f. Jesus Sanchez**, Fire Engineer, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective February 20, 2021; 25.05\* years of service. (*Disability Committee Recommendation: Approval*)
- g. James Yumen**, Police Sergeant, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective April 3, 2021; 25.04\* years of service. (*Disability Committee Recommendation: Approval*)

### **1.3 Approval Of Minutes**

- a.** Approval of the Board Minutes of June 6, 2024.  
**Attachments:**     [1.3a - PF 6.6.24 Meeting Minutes - Final](#)
- b.** Approval of the Joint Board Minutes of July 1, 2024.  
**Attachments:**     [1.3b - Joint Boards 7.1.24 Meeting Minutes - Final](#)

### **1.4 Approval of Travel Attendance & Reimbursements**

- a.** Prabhu Palani, CIO
  - Fiduciary Investors Symposium, Stanford University, Stanford, CA, September 17 - 19, 2024.
- b.** Andrew Gardanier, Trustee
  - Reimbursement - SACRS Spring Conference 2024, Hilton Santa Barbara Beachfront Resort, Santa Barbara, CA, May 7 - 10, 2024.  
**Attachments:**     [1.4b - Travel Reimbursement Packet - Andrew Gardanier - SACRS Spring Conf](#)

### **1.5 Return of Contributions**

- a. Voluntary | Involuntary

### **1.6 Communication/Information**

- a. Police and Fire Retirement System Dashboard.

**Attachments:**      [1.6a - PF Dashboard for 8.1.24](#)

- b. Report of the Monthly Board Expenses for May 2024. Receive and file.

**Attachments:**      [1.6b - PF May 2024 Monthly Expense Reports](#)

- c. Report out of Closed Session from May 2, 2024 Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to Section 54956.9(d)(2): One Case.

**Attachments:**      [1.6c - Report out of Closed Session from May 2, 2024](#)

### **1.7 Education and Training**

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

**Attachments:**      [1.7a - City of San Jose Cortex Report - July 2024 Edition](#)

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

**Attachments:**      [1.7b - CALAPRS Principles of Pension Governance-August 2024](#)

- c. Public Funds Forum, Laguna Beach, CA, September 3 - 5, 2024.

**Attachments:**      [1.7c - Public Funds Forum Agenda](#)

### **1.8 Rescission Of Retirement Application**

- a. Approval of request to rescind the Service Retirement application of **Michelle A. Hinch**, Police Officer, approved at the June 6, 2024 Board meeting for the effective date of July 20, 2024.

**Attachments:**      [1.8a - Hinch, Michelle A. - Withdraw Memo](#)

### **1.9 Notice of Alternate Payee Benefit Election**

- a. Approval of Alternate Payee Benefit election of Unreduced Retirement Option to be paid to Susann Cloutier, ex-spouse of Battalion Chief, **John B. Cloutier** to be effective June 5, 2024 under Part 17, Section 3.36.3600 of the San Jose Municipal Code.

**Attachments:**      [1.9a - DRS430 Cloutier, S](#)

## **2. INVESTMENTS**

- a. Oral update by CIO, Prabhu Palani.

## **3. OLD BUSINESS CONTINUED-DEFERRED ITEMS**

### **4. 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:**      [4c - CPM 1315 Workplace Violence eff 05-30-24](#)

- d. Discussion and action on adoption of updated City Non-Management Performance Program Policy No. 3.3.3 with Revised Date of June 25, 2024 for ORS Operations, approved by City on June 25, 2024.

**Attachments:**      [4d - CPM 333 NonManagement Performance Program Policy](#)

- e. Discussion and action on the 2025 Scheduled Board and Standing Committee Meetings.

**Attachments:**      [4e - PF 2025 Proposed Meeting Schedule](#)

- f. Discussion and action to approve and for the Chair to execute the employment contract negotiated by designated labor negotiators for new CEO.
- g. Discussion and action for development of CEO transition plan with Cortex Consulting in lieu of CEO performance evaluation.
- h. Discussion and action for the appointment of an ad-hoc liaison to assist in transition plan for new CEO, along with Cortex.

## **5. RETIREMENTS**

### **5.1 Service Retirements**

- a. **Michael X. Gomez**, Fire Engineer, Fire Department, effective July 18, 2024; 27.03\* years of service.
- b. **Andy M. Lacayo**, Police Officer, Police Department, effective August 29, 2024; 25.39\* years of service.

### **5.2 Deferred Vested**

- a. **Kenneth R. Hardesty III**, Police Officer, Police Department, effective September 1, 2024; 25.60\*

years of service. (*With Reciprocity - 16.90 CSJ (DRO: -3.78) YOS + 8.70 PERS YOS*)

- b. **Jesus P. Macias**, Police Officer, Police Department, effective June 23, 2024; 12.51\* years of service.

## **6. DEATH AND SURVIVORSHIP NOTIFICATIONS (Moment of Silence)**

- a. Notification of the death of **Ernest Graves**, Police Sergeant, retired February 7, 1990, died April 28, 2024. No survivorship benefits.
- b. Notification of the death of **David C. Harrison**, Police Sergeant, retired August 5, 1992, died May 1, 2024. Survivorship benefits to Lois A. Harrison, spouse.
- c. Notification of the death of **Terry L. Kerns**, Fire Captain, retired November 23, 2002, died June 4, 2024. Survivorship benefits to Faith Hibbard, spouse.
- d. Notification of the death of **John P. Flatley**, Battalion Chief, retired December 31, 2005, died June 30, 2024. No survivorship benefits.
- e. Notification of the death of **Owen Purser**, Police Sergeant, retired December 4, 1984, died June 22, 2024. No survivorship benefits.

## **7. COMMITTEE MINUTES, REPORTS and RECOMMENDATIONS**

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

**Last Meeting: April 15, 2024**

**Next Meeting: August 20, 2024**

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

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

**Last Meeting: May 16, 2024**

**Next Meeting: August 15, 2024**

- a. Oral update from the Chair of the Audit/Risk Committee.

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

**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 Meeting Minutes - Final](#)

- c. Discussion and action regarding City Finance Department's requested changes to retirement boards'

adopted Trustee Educational Travel Policy.

**Attachments:**      [7.3c\(1\) - SJ Plans - Joint Board Travel Policy Incorporating City Finance Depart](#)  
[7.3c\(2\) - Trustee Educational Travel Policy Memo](#)

- 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 Process Integrity](#)  
[7.3d\(2\) - CPM 512 City Procurement Cards](#)  
[7.3d\(3\) - CPM 513 Source Selection Plan Policy](#)  
[7.3d\(4\) - CPM 514 Brand Name and Sole Source Procurements Policy](#)  
[7.3d\(5\) - CPM 515 Food and Beverage Policy](#)  
[7.3d\(6\) - CPM 516 Procurements with Grant Funds Policy](#)  
[7.3d\(7\) - CPM 517 Procurement of Supplies, Materials, and Equipment Policy](#)  
[7.3d\(8\) - CPM 518 Procurement of Non-Professional Services](#)  
[7.3d\(9\) - CPM 519 Procurement of Information Technology](#)  
[7.3d\(10\) - CPM 5110 Green Fleet Policy](#)  
[7.3d\(11\) - CPM 5111 Bottled Water Purchase Policy](#)  
[7.3d\(12\) - CPM 5112 Encumbrance Policy](#)  
[7.3d\(13\) - CPM 5113 Prohibition of City Funding for Purchase of Expand](#)  
[7.3d\(14\) - CPM 5114 Protective Footwear Policy](#)  
[7.3d\(15\) - CPM 5115 Marketing Expenditures](#)

- 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](#)  
[7.3e\(2\) - Policy Re the Procurement and Contracting of Goods and Services](#)

#### **7.4 Disability Committee (Santos - CH/Wilson - Alts: Menon/Vado/Lee)**

**Last Meeting: June 10, 2024**

**Next Meeting: August 12, 2024**

- a. Oral update from the Chair of the Disability Committee.  
b. Minutes of the P&F Disability Committee meeting from May 6, 2024. Receive and file.

**Attachments:**      [7.4b - PF-DC 5.6.24 Meeting Minutes - Final](#)

#### **7.5 Joint Personnel Committee (Menon - CH/Gardanier/Vado)**

**Last Meeting: April 25, 2024**

**Next Meeting: TBD**



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

**• PROPOSED AGENDA ITEMS**

**• ADJOURNMENT**

**Next Meeting: September 5, 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>) 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.