



BOARD OF ADMINISTRATION

Meeting Agenda - Final-revised Police & Fire Department Retirement Plan and Health Care Trust

Thursday, October 3, 2024

9:00 AM

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

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: 932 0079 3944

Pass Code: 467544

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

John Flynn, 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: CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6(a). Agency designated representatives: Trustee Eswar Menon; Unrepresented employees: Chief Investment Officer.**
- C. CLOSED SESSION: THREAT TO PUBLIC SERVICES OR FACILITIES Consultation with: Legal Counsel pursuant to Government Code section 54957(a).**

OPEN SESSION - will reconvene following Closed Session, estimated to be 9:30 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. Bruce Barthelmy, Police Officer, Police Department, Request for Service-Connected Disability Retirement, effective July 9, 2024; 16.50* years of service. (*Disability Committee Recommendation: Approval*)**

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

- a. Damian Bortolotti**, Police Sergeant, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 9, 2021; 27.83* years of service. *(Disability Committee Recommendation: Approval)*
- b. Peter Caponio**, Fire Captain, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective August 7, 2021; 26.56* years of service. *(Disability Committee Recommendation: Approval)*
- c. James Cowan**, Fire Captain, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 8, 2022; 26.70* years of service. *(Disability Committee Recommendation: Approval)*
- d. Jason Herr**, Police Lieutenant, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 8, 2022; 27.04* years of service. *(Disability Committee Recommendation: Approval)*
- e. Paul Hickey**, Police Officer, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 22, 2022; 25.82* years of service. *(Disability Committee Recommendation: Approval)*
- f. David Tindall**, Deputy Chief of Police, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective July 24, 2021; 26.99* years of service. (With Reciprocity - 25.77 CSJ YOS + 1.22 PERS YOS) *(Disability Committee Recommendation: Approval)*
- g. Erik Westcott**, Fire Captain, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 9, 2022; 24.04* years of service. *(Disability Committee Recommendation: Approval)*
- h. Keith Woeste**, Fire Captain, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 8, 2022; 23.73* years of service. *(Disability Committee Recommendation: Approval)*

1.3 Approval Of Minutes

- a.** Approval of the Board Minutes of September 5, 2024.

Attachments: [1.3a - PF 9.5.24 Meeting Minutes - Final](#)

1.4 Approval Of Travel for Conferences and Reimbursements

- a.** John Flynn
 - CALAPRS Administrators Institute, Carmel-by-the-Sea, CA, September 25 - 27, 2024.
 - CALAPRS Compliance Roundtable, San Jose, CA, October 11, 2024.
- b.** Reimbursements

- John Flynn's 'House Hunting Trip 1,' July 31, 2024 - August 3, 2024 pursuant to CEO Employment Contract, Paragraph 3(C), Exhibit E.
- John Flynn's 'House Hunting Trip 2,' August 14, 2024 - August 16, 2024 pursuant to CEO Employment Contract, Paragraph 3(C), Exhibit E.

Attachments: [1.4b\(1\) - John Flynn Final Signed Contract w Exhibit Deck](#)
[1.4b\(2\) - JF House Hunting Trip 1](#)
[1.4b\(3\) - JF House Hunting Trip 2](#)

1.5 Return of Contributions

- a. Voluntary | Involuntary

Attachments: [1.5a - PF ROC September 2024](#)

1.6 Communication/Information

- a. Police and Fire Retirement System Dashboard.

Attachments: [1.6a - P&F 10.3.24 Dashboard](#)

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

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

- c. Q4 FY23-24 Budget to Actual Quarterly Budget Report.

Attachments: [1.6c - PF Q4 FY23-24 Budget Report](#)

1.7 Education and Training

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

Attachments: [1.7a - City of SJ - Cortex Report - September 2024 Edition](#)

- b. CALAPRS 2024 Program Calendar.

Attachments: [1.7b - CALAPRS 2024 Program Calendar](#)

- c. SACRS Annual Fall Conference 2024, Hyatt Regency Hotel and Spa, Monterey, CA, November 12 - 15, 2024.

Attachments: [1.7c - SACRS Fall Conference 2024](#)

- d. CALAPRS General Assembly 2025, Silverado Resort, Napa, CA, March 2 - 5, 2025.

1.8 Change of Alternate Payee Benefit Election

- a. Approval for a change in effective date from July 23, 2024 to September 1, 2024 for Ms. Gina

Ferreira, ex-spouse of Police Officer, Kenneth Hardesty.

Attachments: [1.8a - Change Benefit Date Memo Ferreira](#)

2. INVESTMENTS

- a. Oral update by CIO, Prabhu Palani.
- b. Presentation of Investment Fee report for Calendar year 2023 by Investment Staff.

Attachments: [2b\(1\) - PF Fee Presentation 2023](#)
 [2b\(2\) - PF Annual Fee Report 2023](#)

3. OLD BUSINESS CONTINUED-DEFERRED ITEMS

- a. Discussion and action to amend prior September 5, 2024 motion to authorize CEO to negotiate and execute 1st Amendment with Saltzman & Johnson Law Corporation to increase not to exceed amount by \$250,000, from \$500,000 to \$750,000, through the end of the current term of the agreement.

Attachments: [3a - Saltzman & Johnson Law Corporation Memo](#)

4. NEW BUSINESS

- a. Oral update by CEO, John Flynn.
- b. Oral update from the City Council Liaison to the Board.
- c. Actuarial educational presentation by Cheiron.

Attachments: [4c - SJPF00P Educational Session](#)

- d. Discussion and action on Pension economic assumptions for the June 30, 2024 Actuarial Valuation to be presented by Cheiron.

Attachments: [4d - SJPF00P 2024 Economic Assumptions Review](#)

- e. Discussion and action to approve the reallocation of the FY23-24 administrative budget to 1) increase professional services by \$10,000, 2) increase medical services by \$50,000, and 3) reduce non-personnel services/equipment by \$60,000 with no effect on the total administrative budget.

Attachments: [4e - Administrative Budget Reallocation PF](#)

- f. Discussion and action for the appointment of an ad hoc committee for the procurement of legal services for ORS and the Plan.
- g. Discussion and action to authorize Chair to amend agreement between Board and Roberto Peña to include reimbursement of housing rental costs incidental to new CEO transition with a total not to exceed amount of \$5,003.92 for a term of one month.

Attachments: [4g - Peña - First Amendment to Employment Contract](#)

5. RETIREMENTS

5.1 Service Retirements

- a. **Cleotis D. Doss**, Fire Captain, Fire Department, effective October 13, 2024; 27.27* years of service.
- b. **Sean D. Pierce**, Police Sergeant, Police Department, effective October 25, 2024; 27.10* years of service.
- c. **Atanacio Garcia**, Fire Engineer, Fire Department, effective October 13, 2024; 25.06* years of service. *(With Reciprocity - 23.81 CSJ YOS + 1.25 PERS YOS)*

5.2 Deferred Vested

- a. **Jonathan Atkinson**, Police Lieutenant, Police Department, effective October 12, 2024; 25.07* years of service. *(With Reciprocity - 10.00 CSJ YOS + 15.07 PERS YOS)*
- b. **Michael McMahon**, Police Officer, Police Department, effective November 23, 2024; 29.26* years of service. *(With Reciprocity - 16.38 CSJ YOS + 12.87 PERS YOS)*

6. DEATH AND SURVIVORSHIP NOTIFICATIONS (Moment of Silence) - NONE

7. COMMITTEE MINUTES, REPORTS and RECOMMENDATIONS

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

Last Meeting: August 20, 2024

Next Meeting: December 17, 2024

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

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

Last Meeting: August 15, 2024

Next Meeting: October 31, 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: December 19, 2024

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

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

Last Meeting: September 9, 2024

Next Meeting: November 15, 2024

- a. Oral update from the Chair of the Disability Committee.
- b. Minutes of the P&F Disability Committee meeting from August 12, 2024. Receive and file.

Attachments: [7.4b - PF-DC 8.12.24 Meeting Minutes - Final](#)

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

Last Meeting: April 25, 2024

Next Meeting: January 21, 2025

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

• PROPOSED AGENDA ITEMS

• ADJOURNMENT

Next Meeting: November 7, 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.