



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**SUBJECT:** VEBA ADVISORY COMMITTEE  
APPOINTMENT

**FROM:** Jennifer Schembri

**DATE:** January 19, 2023

Approved

Date

1/31/2023

## RECOMMENDATION

- (a) Approve the appointment of Pablo Polidoro, nominated by the IAFF Local 230 as the IAFF Local 230 active employee member, to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term beginning March 1, 2023 and ending May 31, 2025.
- (b) Place the item on the February 14, 2023 City Council Agenda for action.

## SUMMARY AND OUTCOME

Approval of this recommendation will allow the VEBA Advisory Committee to continue to do business and have a quorum at its next meeting on March 20, 2023.

## BACKGROUND

Pursuant to the Alternative Pension Reform Frameworks and Measure F, the City has established the Police and Fire Voluntary Employees Beneficiary Association under Chapter 3.57 of the San Jose Municipal Code and the Federated Employees' Voluntary Employees Beneficiary Association under Chapter 3.58 of the San Jose Municipal Code. A VEBA is a tax-exempt trust instrument authorized by Internal Revenue Code 501(c)(9) through which eligible healthcare benefits can be reimbursed. The City's VEBAs are set up to reimburse eligible medical expenses in retirement for their respective members.

San José Municipal Code Sections 3.57.210 and 3.58.210 provide that the VEBA Plans shall be administered by the VEBA Advisory Committee. The VEBA Advisory Committee is to oversee all aspects of the City's VEBA Plans. The VEBA Plans currently have 4,596 participants and includes active employees, former employees, retirees, and contain approximately \$54,004,646 in assets. All newly hired employees represented by a bargaining unit are placed into the VEBA

plan and make contributions based on a percent of base pay. The VEBA Advisory Committee is responsible for administering the VEBA Plans, the trust account, and is responsible for the operation of the Plans in accordance with their terms. The VEBA Advisory Committee is required to determine all questions arising out of the administration, interpretation, and application of the Plans, including evaluating and selecting investment options.

Resolution No. 78563, dated May 1, 2018, requires that the VEBA Advisory Committee be composed of five (5) members: One (1) active member of the San Jose Firefighters, IAFF Local 230; One (1) active member of the San Jose Police Officers' Association; Two (2) active members of the Federated Unions; and one (1) active member of unrepresented employees. The union members shall be nominated by the respective unions. The City Manager or City Manager's designee shall nominate the unrepresented employee member. As a Council-appointed committee, appointments to the VEBA Advisory Committee must first be approved by the Rules Committee before being recommended to the City Council. The appointment of nominated employees to the VEBA Advisory Committee shall be routine business on the City Council agenda. The City Council shall approve the nomination unless the City Council finds cause for rejection.

Each member of the VEBA Advisory Committee shall be an active employee who is a participant in a VEBA Plan and shall serve a four year term with the exception that the initial terms of the members were set to allow each member's term to end on subsequent years. In the event a vacancy should occur in the office of any member prior to the expiration of a term, a successor shall be nominated for the unexpired portion of the member's term pursuant to the process set forth above. There are no term limits for members.

### **ANALYSIS**

Patrick Chung served as the IAFF's employee member on the VEBA Advisory Committee and his four-year term commenced on June 1, 2021. Mr. Chung's term was set to end on May 31, 2025, but he resigned from his role on the VEBA Advisory Committee effective September 7, 2022. The IAFF nominated Pablo Polidoro to serve the remainder of the four-year term, starting on March 1, 2023 and ending on May 31, 2025. Mr. Polidoro is an active employee and a VEBA participant.

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

The VEBA Advisory Committee is responsible for administering the VEBA Plans, the trust account, and is responsible for the operation of the VEBA Plans in accordance with their terms. The VEBA Advisory Committee is required to determine all questions arising out of the administration, interpretation, and application of the VEBA Plans, including evaluating and selecting investment options.

Whenever terms of the members are due to expire or a seat becomes vacant, a recommendation will be presented to the City Council to appoint nominees to fill those seats on the VEBA Advisory Committee.

### **COORDINATION**

This memorandum has been coordinated with the Office of the City Attorney and the City Clerk's Office.

### **PUBLIC OUTREACH**

The key stakeholders were invited to nominate a candidate for appointment to the VEBA Advisory Committee.

### **COMMISSION 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.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

  
JENNIFER SCHEMBRI

Director of Employee Relations and Human Resources

For questions please contact Amy Morton, Senior Analyst in Human Resources, at (408) 535-1245.