



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: TONI J. TABER, CMC
CITY CLERK

SUBJECT: SEE BELOW

DATE: November 22, 2017

**SUBJECT: APPOINTMENT TO THE BOARD OF ADMINISTRATION FOR THE
POLICE AND FIRE DEPARTMENT RETIREMENT PLAN**

RECOMMENDATION

Appoint one (1) Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2021.

OUTCOME

Appointing a Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan will allow for a fully constituted Board.

BACKGROUND

San Jose Municipal Code Section 2.08.1210.B requires that one of the nine members of the Board of Administration for Police and Fire Department Retirement Plan be an employee in the Police Department who is also a member of that retirement plan.

Pursuant to San Jose Municipal Code 2.08.1245.A, whenever a vacancy exists in a seat held by the Police Department Employee Representative, the Police Department employees who are members of the plan shall recommend, at an election to be conducted among them by the City Clerk, one of such employees as a successor for such seat. The Office of the City Clerk conducted an employee election to nominate candidates to the City Council for consideration. Council shall only reject the employee recommended by a majority of those voting in an election among employees upon finding a cause for rejection.

ANALYSIS

Incumbent Franco Vado submitted application papers and is running unopposed. Incumbent Franco Vado is current on his Form 700 and Family Gift Reporting filings, and his AB1234 Ethics Training. A copy of his application is attached to this memo.

The election was conducted in conformance with procedures prepared by the Office of the City Clerk. The employee nomination election process is outlined below:

- September 7, 2017: A notice of election was distributed electronically to all active employees through the City Manager's Office.
- September 18 - October 13, 2017: Application Period
- October 25, 2017: Nomination Election Ballots Mailed to all eligible employees in the Police Department
- October 25 – November 27, 2017: Nomination Election Period
- November 27, 2017: Ballots counted and results certified by the City Clerk
- December 5, 2017: Results of the nomination election are presented to the City Council

All ballots for the current nomination election are due to the Office of the City Clerk by 2:00 p.m. on Monday, November 27, 2017. Ballots will be opened and counted immediately after the 2:00 p.m. deadline. A supplemental memorandum listing the results will be submitted following the tabulation of votes on November 27, 2017.

EVALUATION AND FOLLOW-UP

A core duty of the Office of the City Clerk is to minimize vacancies on the Boards and Commissions. A supplemental memorandum with the employee nomination election results will be distributed separately on or after November 27, 2017.

PUBLIC OUTREACH

The memorandum has been posted on the City Clerk's website as part of the December 5, 2017 City Council Meeting Agenda.

COORDINATION

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

HONORABLE MAYOR AND CITY COUNCIL

November 22, 2017

Subject: Appointment to Board of Administration for Police and Fire Retirement Plan

Page 3

COMMISSION RECOMMENDATION/INPUT

The recommended actions have no commission input or recommendation.

CEQA

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

A handwritten signature in black ink, appearing to read "Toni J. Taber". The signature is stylized and cursive.

TONI J. TABER, CMC
City Clerk

For questions, please contact Elaine Trinh, Deputy City Clerk, at (408) 535-1260.