



COUNCIL AGENDA: 2/27/18  
ITEM: 2.26 (18-276)

## *Memorandum*

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** February 22, 2018

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**SUBJECT:** Deferred Compensation Advisory Committee Appointments.

**RECOMMENDATION:**

Approve Roberto Peña, as the representative nominated by the group of employees designated as “Management Employees” for a four-year term starting March 2, 2018 and ending on March 1, 2022 to the Deferred Compensation Advisory Committee.

[Rules Committee referral 2/14/18 - Item F.1]



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Caroline H. Krewson

**SUBJECT: DEFERRED COMPENSATION  
ADVISORY COMMITTEE  
APPOINTMENTS**

**DATE:** February 7, 2018

Approved

Date

2/9/18

## RECOMMENDATION

Approve Roberto Peña, as the representative nominated by the group of employees designated as "Management Employees" for a four-year term starting March 2, 2018 and ending on March 1, 2022 to the Deferred Compensation Advisory Committee.

## OUTCOME

Approval of this recommendation will allow this appointee to begin his term and allow the Deferred Compensation Advisory Committee (DCAC) to continue to do business, and to meet as a full committee at its next meeting on March 19, 2018.

## BACKGROUND

The DCAC oversees all aspects of the City's voluntary Deferred Compensation Program. The program currently consists of approximately 7,445 plan participants, and includes active employees, former employees, retirees, and approximately \$1,000,000,000 in assets. The DCAC is responsible for administering the Deferred Compensation Plan, the trust account and is responsible for the operation of the Plan in accordance with the terms of the Plan. The DCAC is required to determine all questions arising out of the administration, interpretation and application of the Plan and the Trust including evaluating and selecting investment options.

- Resolution No. 70176, dated February 27, 2001, requires that the DCAC be composed of seven members: two appointed by the City Manager; one recommended by the management employees; one recommended by the SJPOA; one recommended by the San José Firefighters, Local 230; one recommended by the employee organizations affiliated with the American Federation of State, County, and Municipal Employees, and one

RULES AND OPEN GOVERNMENT COMMITTEE

February 7, 2018

**Subject: Deferred Compensation Advisory Committee Appointments**

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recommended by the trades employee organizations. Each member normally serves a four-year term; however, the members appointed by the City Manager serve at the pleasure of the City Manager. Except for the City Manager-appointed position, appointments to the DCAC must first be approved by the Rules Committee before being recommended to the City Council.

When 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 DCAC. The current term of Donna Busse, a member of the group of employees designated as "Management Employees" under City Council Resolution No. 39367, expires March 1, 2018. The seat held by Julie Edmond-Mares, a City Manager appointed member-at-large seat will be vacant due to her departure from the City effective February 9, 2018. The seat that is held by an employee representing the employee organizations affiliated with the American Federation of State, County, and Municipal Employees (AFSCME) will become vacant on March 1, 2018 and we will continue to do outreach to obtain a recommendation.

The members of employees designated as "Management Employees" were asked for recommendations for the City Council's approval and appointment to serve on the DCAC. On December 12, 2017, Roberto Peña's recommendation was received from "Management Employees."

The City Manager has appointed Leland Wilcox as the member at-large appointed by the City Manager, effective January 23, 2018. Lee Wilcox serves on the DCAC at the pleasure of the City Manager per Resolution No. 70176.

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

/s/

Caroline H. Krewson  
Director of Human Resources

For questions please contact Kelli Parmley, Acting Assistant Director of Human Resources at (408) 975-1458.