



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: May 4, 2018

SUBJECT RETIREE REPRESENTATIVE APPOINTMENT TO THE BOARD OF
ADMINISTRATION FOR FEDERATED CITY EMPLOYEES'
RETIREMENT SYSTEM

RECOMMENDATION

Appoint Lawrence Jay Castellano as the Retiree Representative to the Board of Administration for the Federated City Employees' Retirement System to a term ending November 30, 2020.

OUTCOME

Appointing a Retiree Representative to the Board of Administration for Federated City Employees' Retirement System will implement the updated appointment process for the retired member on the Board.

BACKGROUND

San José Municipal Code Section 2.08.1010 requires one of the seven members of the Board of Administration of the Federated City Employees' Retirement System (Board) be a retired member of that plan.

On November 29, 2016, the Office of the City Clerk held an election among retired members, and an interview panel to recommend a retiree representative to the Board, as required by the Municipal Code. On December 13, 2016 City Council rejected the recommended candidate and directed staff to return to City Council with further review and analysis.

On January 10, 2017 City Council directed staff to work with the City Attorney's Office to change the Municipal Code to clarify the appointment procedures for the Retiree Representative on the Board. On October 17, 2017 City Council adopted Ordinance No. 29997 amending San José Municipal Code Section 2.08.1070 to update the appointment process and composition of the interview panel for nominating Retired Members to the Board of Administration for the Federated City Employees' Retirement System.

Pursuant to San José Municipal Code Section 2.08.1070.D.2, at the close the recruitment, if four or more candidates apply, retired members of the Federated City Employees' Retirement System shall nominate the top three candidates to be interviewed. If less than four candidates apply, then a nomination process among the retired members of the Federated City Employees' Retirement System shall not occur and all candidates shall be interviewed by the panel.

ANALYSIS

On February 22, 2018 a notice of vacancy was issued to retirees as of January 1, 2018. The nomination period for candidates was open from February 26, 2018 through March 25, 2018. At the close of the nomination period, the Office of the City Clerk received three applications. The list of applicants are:

1. Mark Linder
2. Brad Imamura
3. Lawrence Jay Castellano

The Office of Retirement Services verified that all three applicants are eligible retirees and they were invited to the interview.

The interview for the retirees was held on April 30, 2018. As listed below, pursuant to Municipal Code Section 2.08.1070.D.4, the interview panel consisted of a representative from the employee organizations affiliated with the American Federation of State, County and Municipal Employees, AFSCME Local 101; a representative from the employee organizations other than the organizations affiliated with AFSCME, Local 101; a representative from the City Manager's Office; and two representatives from the City of San José Retired Employees Association. Pursuant to Section 2.08.1070.D.3, "The purpose of the interview is to ensure that the candidates will be able to attend Board meetings, fulfill the time commitment of a Board member, and have the requisite qualifications and experience to fulfill the duties of a Board member."

PANEL MEMBER	REPRESENTING
LaVerne Washington	AFSCME Local 101
Arti Ferrera	Association of Legal Professionals
Cheryl Parkman	Office of the City Manager
Debbie Warkentin	City of San José Retired Employees Association
Tony Cokely	City of San José Retired Employees Association

During the interview, the following questions were asked:

- Why do you want to serve?
- What is your understanding of the key duties of the Board?
- What knowledge and experience do you have in relating to diversity in our community?
- If selected to serve, you'll be working with peers of varying opinions. Can you share an example of having successfully resolved conflict?
- If appointed, what are your expectations and key priorities?
- What expertise/experience do you have that will make you an effective Board Member?

After interviewing all candidates, the panel unanimously concluded that candidate Lawrence Jay Castellano has sufficient time to fulfill the duties of the position and does not have any personal or professional commitments that limit his availability to serve on the Board. The application of the recommended candidate is attached with this memo.

Pursuant to San Jose Municipal Code Section 2.08.1070.F.2, Council may only reject the recommended retiree selected by the panel upon a finding of cause for rejection. Per Section 2.08.1070.F.3, cause for rejection may include, but is not limited to, Council finding that the recommended candidate will not be able to attend meetings of the Board and fulfill the time commitment of a member of the Board, or to act in accordance with fiduciary duties or carry out the requirements of governing legislation, including the requirements of Chapter 3.28.

EVALUATION AND FOLLOW-UP

A core duty of the Office of the City Clerk is to minimize vacancies on the Boards and Commissions.

PUBLIC OUTREACH

This memorandum will be posted on the City's council agenda website for the May 15, 2018 Council meeting.

COORDINATION

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

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.



Toni J. Taber, CMC
City Clerk

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