



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: May 11, 2018

**SUBJECT: EMPLOYEE MEMBER VACANCY ON THE FEDERATED CITY
EMPLOYEES' RETIREMENT SYSTEM BOARD OF ADMINISTRATION**

RECOMMENDATION

Direct the City Clerk to accept petitions for the unscheduled Employee Representative vacancy on the Federated City Employees' Retirement System Board of Administration for a term expiring November 30, 2021.

OUTCOME

Appointment to the vacant seat will create a full membership on the Federated City Employees' Retirement System Board of Administration to continue commission business.

BACKGROUND

Part 10 of San Jose Municipal Code Section 2.08 establishes the Board of Administration for the Federated City Employees' Retirement System (Board) and specifies that two members of the Board must be active employees from different departments who are members of the Federated Retirement Plan.

Pursuant to San Jose Municipal Code Section 2.08.1070.A, upon any vacancy in the Employee Seat during the unexpired regular term, the City Council shall appoint a member to the remainder of the unexpired term in accordance with rules prepared by the City Clerk and approved by the City Council. The term for this Employee Seat expires on November 30, 2021.

On August 24, 1999, the City Council approved procedures governing elections to be conducted among officers and employees. Section 215 of the procedures defines the process to fill unscheduled vacancies of employee representatives to the Retirement Boards.

Pursuant to Rule 215 in the City's 1999 Election Procedure Governing Elections Conducted Among Officers and Employees:

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If a vacancy occurs on the Board of Administration of the City Employees Retirement Plan because a city employee is ineligible or is unable to complete the term to which elected and appointed, the City Council may appoint the person who received the next highest number of votes at the last election for the office or it may direct that petitions for appointment be received.

a. If the City Council directs that petitions for appointment be received, the City Clerk shall give notice of the vacancy and the procedure for filing a petition. The form of notice shall conform to applicable provisions of §310 of these procedures and shall be distributed to all employees, as provided in Section 300 of these procedures, within twelve (12) days after the City Council's direction.

b. Petitions for appointment shall conform to applicable provisions of §400, 410, 500, 510, 520 and 530 of these procedures. Petitions shall be filed from the date of the Notice of Vacancy until 5:00 p.m. on the twenty-first day following the City Council's direction.

c. All persons being nominated for appointment shall file a candidate's statement of not more than 200 words which describe the applicant's qualifications for the office being sought. Such statements shall be filed with the petition for appointment.

d. Immediately upon the close of the petition period, the City Clerk shall file all petitions for appointment and candidate's statements with the affected board who shall review the petitions and statements, and, within 12 days, submit its recommendation for appointment to the City Council and shall return the petitions and statements to the City Clerk.

ANALYSIS

The term of the last Employee Seat ended on November 30, 2017. The Office of the City Clerk sent out a citywide notice of vacancy to all employees on September 7, 2017 through the City Manager's Office. The recruitment period was open from September 18, 2017 to October 6, 2017. At the end of the recruitment, the Clerk's Office did not receive any applications.

The Clerk's Office extended the recruitment period was extended for an additional week until October 13, 2017. At the close of the extended recruitment, the Clerk's Office did not receive any applications.

The Clerk's Office extended the recruitment period for an additional two weeks until October 27, 2017. No applications were received at the end of the recruitment.

With the Spring recruitment for boards and commissions underway, interest has been expressed in this vacancy, and the Clerk's Office seeks to begin recruitment for this vacancy. If Council directs the City Clerk to accept petitions, below is a timeline of events:

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May 23, 2018	A Citywide Notice of Vacancy is issued to City Employees Nomination Period Opens
June 12, 2018	Nomination Period is Closed
June 21, 2018	Federated Retirement Board reviews the petitions, applications, and candidate statements, and recommend a candidate for appointment to the City Council
June 22, 2018	Retirement Services transmits the Federated Retirement Board's recommendation to the Clerk
July Recess	
August 7, 2018	Memorandum transmitting the Federated Retirement Board's recommendation is published with the City Council Meeting Agenda
August 16, 2018	Federated Retirement Board Regular Meeting

EVALUATION AND FOLLOW-UP

A core duty of the Office of the City Clerk is to minimize vacancies on the Boards and Commissions. If Council directs the City Clerk to accept petitions, the City Clerk will come back to Council in August 2018 after the Retirement Board has selected their nominee.

PUBLIC OUTREACH

This memorandum has been posted on the City Clerk's website as part of the May 22, 2018 City Council Meeting Agenda.

COORDINATION

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

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COMMISSION RECOMMENDATION/INPUT

A memorandum transmitting the recommendation from the Federated City Employees' Retirement System Board of Administration will be published with an August 2018 City Council Meeting Agenda.

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', is positioned above the printed name and title.

TONI J. TABER, CMC
City Clerk

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