

Memorandum

**TO: RULES AND OPEN GOVERNMENT
COMMITTEE**

FROM: Jennifer Schembri

**SUBJECT: DEFERRED COMPENSATION
ADVISORY COMMITTEE
APPOINTMENTS**

DATE: February 3, 2021

Approved

D. DSYL

Date

2/4/2021

RECOMMENDATION

- a) Approve the following appointments to the Deferred Compensation Advisory Committee (DCAC) for a four-year term, beginning March 1, 2021 and ending on March 1, 2025:
 1. Jason Santos as the nominee by the “trades organizations” consisting of Association of Building, Mechanical & Electrical Inspectors (ABMEI), International Union of Operating Engineers, Local 3 (OE#3) and International Brotherhood of Electrical Workers (IBEW);
 2. David Woolsey as the nominee by the Police Officers’ Association (POA); and
 3. Jamal Fountaine as the nominee by the International Association of Firefighters, Local 230 (IAFF).
- b) Place the item on the February 23, 2021 City Council Agenda for action.

OUTCOME

Approval of this recommendation will allow the current members to remain on the committee and allow the DCAC to continue to do business and meet as a full committee at its next meeting on March 15, 2021.

BACKGROUND

The DCAC oversees all aspects of the City’s voluntary Deferred Compensation Program. The program currently consists of approximately 7,801 plan participants, and includes active employees, former employees, retirees, and approximately \$1.3 billion in assets.

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 POA; one recommended by the IAFF, Local 230; one

recommended by the employee organizations affiliated with the American Federation of State, County, and Municipal Employees, and one recommended by the trades employee organizations. Each member normally serves a four-year term. As a Council-appointed committee, appointments to the DCAC must first be approved by the Rules Committee before being recommended to the City Council.

ANALYSIS

Three terms are set to expire March 1, 2021. The POA, IAFF, Local 230, and the group designated as the trades organizations were each asked for nominations from their organizations for the City Council's approval and appointment to their members' four-year term on the DCAC. On December 21, 2020, David Woolsey's nomination was received from the POA. On December 22, 2020, Jason Santos's nomination was received from ABMEI and OE#3. No other nominations were received from POA, AMBEI, or OE#3. On December 21, 2020, Jamal Fountaine's interest in continuing his role with the DCAC was communicated to IAFF. On January 11, 2021, IAFF, Local 230, was asked again for a nomination and was informed that Staff will consider IAFF, Local 230's non-response as a recommendation for Jamal to continue in his role unless staff received a nomination by January 15, 2021. No nomination was received from IAFF, Local 230.

EVALUATION AND FOLLOW-UP

This recommendation addresses the performance measures of the DCAC. The DCAC is responsible for administering the Deferred Compensation Plan, the trust account and 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.

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 DCAC.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

The key stakeholders were invited to nominate a candidate for appointment to the DCAC.

COORDINATION

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

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.



JENNIFER SCHEMBRI

Director of Employee Relations and
Director of Human Resources

For questions please contact Amy Morton, Senior Benefits Analyst at (408) 975-1425.