



# BOARD OF ADMINISTRATION

## Action Minutes

### Police & Fire Department Retirement Plan and Health Care Trust

---

Thursday, April 4, 2024

9:00 AM

1737 N. 1st St. Suite 580, San Jose, CA 95112

---

#### HYBRID MEETING

#### PHYSICAL LOCATION:

1737 N. 1st St. Suite 580, San Jose, CA 95112

#### ZOOM INFORMATION:

zoom.us

Dial In: +1 669 900 9128 US (San Jose)

Meeting ID: 918 0758 9159

Pass Code: 780515

*Franco Vado, Chair, Police Retiree Rep (Term Expires 11/30/24)*  
*Sunita Ganapati, Vice-Chair, Public Member (Term Expires 11/30/26)*  
*Andrew Gardanier, Trustee, Fire Active Rep (Term Expires 11/30/27)*  
*David Kwan, Trustee, Public Member (Term Expires 11/30/24)*  
*Howard Lee, Trustee, Public Member (Term Expires 11/30/26)*  
*Eswar Menon, Trustee, Public Member (Term Expires 11/30/26)*  
*Richard Santos, Trustee, Fire Retiree Rep (Term Expires 11/30/26)*  
*Dave Wilson, Trustee, Police Active Rep (Term Expires 11/30/25)*  
*Vacant, Trustee, Public Member*

*Pam Foley, City Council Liaison to the Board*

*Maytak Chin, General and Fiduciary Counsel*

*Roberto L. Peña, CEO, Office of Retirement Services*

The Board of Administration of the Police and Fire Department Retirement Plan and Health Care Trust met in person at 1737 N. First St., Ste 580, San Jose, CA 95112 and via Zoom on Thursday, April 4, 2024, at 9:00 a.m. Chair Vado called the Pension Plan and Health Care Trust meeting to order at 9:04 a.m. followed by roll call.

Board Members Present: Franco Vado, Richard Santos, Dave Wilson, Eswar Menon, and Andrew Gardanier.

Trustee Howard Lee arrived at 9:13 a.m.

Vice-Chair Ganapati and Trustee Kwan were absent.

Retirement Staff Present: Roberto L. Peña, Barbara Hayman, Jay Kwon, Eric Tsang, Harrison Pearce, Christina Wang, Dhinesh Ganapathiappan, Arun Nallasivan, Chris Ha, Edith Aldama, David Torres, and Sherrell Aledo.

Retirement Staff Present via Zoom: Prabhu Palani, Ron Kumar, Ellen Lee, Julie He, Benjie Chua-Foy, Sandra Castellano, Deborah Sattler, Shilpi Dwivedi, Linda Alexander, Cynthia Ayala, Chris Reyes, and Trang Vo.

Also Present: Pam Foley, Council Liaison; Maytak Chin and Mariah Fairley, General and Fiduciary Counsel.

Also Present via Zoom: Cheryl Parkman, OER; Rebecca Alperin, Tax Counsel; Laura Wirick, Frank Benham and Ian Schirato, Meketa Investment Group; Marc Gesell, Verus; Harvey Leiderman, Public Attendee; Jeff Welch, Public Attendee; and Kevin Baload, Journalist.

**ADA ALERT**

In accordance with the requirements of AB 2449, the Board of Administration ("Board") will generally, upon request, provide appropriate aids and services leading to effective communication for individuals with disabilities so they can participate equally in the Board's meetings, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, vision or other disabilities.

Anyone who requires an auxiliary aid or service for effective communication to participate in a Board meeting should contact the designated contact in Office of Retirement Services as far in advance of the scheduled meeting as possible. The Board strongly encourages individuals with disabilities to endeavor to submit requests for reasonable accommodation no later than five (5) business days before the scheduled meeting, as the Board may not be able to grant requests for reasonable accommodations without sufficient advance notice. The Board strongly encourages individuals with disabilities to submit their written requests via email or regular mail to facilitate tracking and response; however, if the submission of a written request constitutes a hardship, individuals may call the Office of Retirement Services to submit an oral request.

The designated contact in the Office of Retirement Services will endeavor to respond to each request within three (3) business days of receipt of the request. Depending on the request, the designated contact in the Office of Retirement Services may ask to schedule a time to discuss the request (which may occur virtually) to determine the most appropriate auxiliary aid or service, before the request is resolved.

#### ADA Designated Contact Information

Attention: Deputy Director/Chief Operations Officer, Office of Retirement Services  
Address: 1737 N First St #600, San Jose, CA 95112  
Email: #Retire\_Admin@sanjoseca.gov  
Phone: 408-794-1000 (ORS Main Line)

#### THE LEVINE ACT

Senate Bill 1439 ("Levine Act") amended Government Code Section 84308 and requires disclosure and recusal by a local elected official and some members of boards and commissions if they receive campaign contributions over \$250 from a party, a participant with a financial interest in a proceeding, or their respective agents. The Levine Act was an anti-corruption law intended to curb "pay-to-play" and enhance public trust so that decision-makers can maintain their independence from the influence of donations for political campaigns. SB 1439 expanded the scope from state agency appointees or appointed local officials to include local elected officials. Please visit <https://www.sanjoseca.gov/your-government/appointees/city-clerk/levine-act> for updated forms and information.

#### **AB 2449 REMOTE APPEARANCE(S)**

**a. Just Cause Circumstance(s) (Gov't Code § 54953)**

- i. The following Trustee(s) have notified the Board of a "Just Cause" to attend this meeting via teleconference.

**NONE**

- ii. Call for Trustee(s) who wish to notify the Board of a “Just Cause” to attend this meeting via teleconference.

**b. Emergency Circumstance(s) (Gov’t Code § 54953)**

- i. The following Trustee(s) have requested the Board approve their attendance of this meeting via teleconference due to an “Emergency Circumstance.”

**NONE**

- ii. Call for Trustee(s) requesting the Board approve their attendance of this meeting via teleconference due to an “Emergency Circumstance.”

- iii. Take action on request(s) for remote appearance.

**AGENDA**

**CALL TO ORDER AND ROLL CALL**

**CLOSED SESSION**

**CLOSED SESSION AGENDA ITEMS WILL BE HEARD AT 9:00 A.M.**

**I. CLOSED SESSION NEW BUSINESS/CONTINUED-DEFERRED ITEMS**

The Board entered into Closed Session at 9:05 a.m. Closed session was heard immediately after the Board voted to waive sunshine.

- A. **CLOSED SESSION:** PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)  
(1). Chief Executive Officer.

Chair Vado announced the report out of Closed Session for this item.

- B. **CLOSED SESSION:** CONFERENCE WITH LEGAL  
COUNSEL-ANTICIPATED LITIGATION: Consideration of initiation of litigation  
pursuant to Government Code section 54956.9(d)(4): One.

There was no reportable action for this item from Closed Session.

The Board came out of Closed Session at 10:28 a.m.

**OPEN SESSION - will reconvene following Closed Session, estimated to be 10:30 a.m.**

Open Session re-convened at 10:31 a.m.

- **ORDERS OF THE DAY**

**ORDERS OF THE DAY:**

- None.

**WAIVE SUNSHINE:**

This item was heard immediately after roll call attendance.

A motion was made to waive sunshine on the attachments 2b, 3a, and 3c(3).

Approved. (M.S.C. Santos/Gardanier 5-0-0). Vice-Chair Ganapati, Trustee Kwan and Trustee Lee were absent.

- **PUBLIC/RETIREE/GENERAL COMMENTS - Not Related to A Specific Agenda Item**

None.

- 1. **CONSENT CALENDAR**

The Consent Calendar was heard after Closed Session.

A motion was made to approve the Consent Calendar.

Approved. (M.S.C. Santos/Wilson 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.

- 1.1 **Approval for a Change in Status to Service-Connected Disability Retirement**

- a. **Tedy La Cap**, Police Sergeant, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective July 13, 2019; 27.77\* years of service. (*Disability Committee Recommendation: Approval*)
- b. **Victor Polverino**, Fire Captain, Fire Department, Request for Change in Status to Service-Connected Disability Retirement, effective January 25, 2020; 25.05\* years of service. (*Disability Committee Recommendation: Approval*)
- c. **Jeffrey Welch**, Battalion Chief, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective December 14, 2019; 25.42\* years of service. (*With Reciprocity - 23.87 CSJ YOS + 1.55 PERS YOS*) (*Disability Committee Recommendation: Approval*)

- 1.2 **Approval Of Minutes**

- a. Approval of the Board Minutes of March 7, 2024.

### **1.3 Approval Of Travel for Conferences and Due Diligence**

- a. Andrew Gardanier, Trustee
  - SACRS Spring Conference 2024, Hilton Santa Barbara Beachfront Resort, Santa Barbara, CA, May 7-10, 2024.
- b. Sunita Ganapati, Vice-Chair
  - Pension Bridge The Annual 2024, Ritz-Carlton, Half Moon Bay, CA, April 15 - 17, 2024.

### **1.4 Return of Contributions**

- a. Voluntary | Involuntary

### **1.5 Communication/Information**

- a. Police and Fire Retirement System Dashboard.
- b. Report of the Monthly Board Expenses for February 2024. Receive and file.
- c. Mayor's March Budget Message for Fiscal Year 2024-2025.
- d. Educational Travel Reports:
  - CALAPRS General Assembly 2024, Omni Rancho Las Palmas Resort, Rancho Mirage, CA, March 2 - 5, 2024 - by Andrew Gardanier.

### **1.6 Education and Training**

- a. The Cortex Report - March 2024, Conferences, Seminars and Educational Programs.
- b. CALAPRS, 2024 Management/Leadership Academy, The Westin Hotel, Pasadena, CA, April 22 - 23, June 10 - 12, and July 22 - 24, 2024.
- c. Pension Bridge The Annual 2024, Ritz-Carlton, Half Moon Bay, CA, April 15 - 17, 2024.
- d. SACRS Spring Conference 2024, Hilton Santa Barbara Beachfront Resort, Santa Barbara, CA, May 7-10, 2024.

### **1.7 Notice of Alternate Payee Benefit Election**

- a. Approval of Alternate Payee Benefit election of Unreduced Retirement Option to be paid to Monica Sandoval, ex-spouse of Fire Engineer, **Hector Sandoval** to be effective February 29, 2024 under Part 17, Section 3.36.3600 of the San Jose Municipal Code.

## 1.8 **Approval of Administrative Matters**

- a. Fiduciary Insurance and Waiver of Resource Fees for Policy Year March 2024-2025.

## 2. **INVESTMENTS**

- a. Oral update by CIO, Prabhu Palani.

**CIO Palani updated the Board.**

- b. Discussion and action on the Plan's Strategic Asset Allocation by Meketa Investment Group.

**This item was presented.**

**A motion was made to defer this item to the Investment Committee for a recommendation to the Board.**

**Approved. (M.S.C. Menon/Santos 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.**

- c. Discussion and action to add funds for additional services to the following investment related subscription agreements and for the CEO to negotiate and execute amendments with the following firms (\*cost shared 50/50 with Federated plan):

- \*Bloomberg Index Services (Term 8/1/2024 - 7/31/2025; NTE \$15,000)
- \*Frank Russell Company (Term 1/3/2024 - 6/30/2025; NTE \$1,600)
- \*JP Morgan (Term 8/20/2024 - 6/30/2025; NTE \$9,000)
- \*Bloomberg Finance, L.P. (Term 8/27/2024 - 8/28/2025; NTE \$165,000)
- \*Burgiss Group, LLC (Term 7/1/2024 - 6/30/2026; NTE \$44,000)
- \*eVestment (Term 7/1/2024 - 6/30/2025; NTE \$27,500)
- \*Institutional Limited Partners Association (Term 3/1/2024 - 6/30/2025; NTE \$7,500)
- \*Pitchbook Data, Inc. (Term 7/1/2024 - 6/30/2025; NTE \$29,000)
- Klarify Fx (Term 7/1/2024 - 6/30/2025; NTE \$22,500)
- Zeno (Abel Noser) Solutions (Term 7/1/2024 - 6/30/2025; NTE \$16,500)

**This item was presented.**

A motion was made to add funds for additional services to the investment related subscription agreements and to authorize the CEO to negotiate and execute amendments with the firms listed.

Approved. (M.S.C. Santos/Menon 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.

### **3. OLD BUSINESS CONTINUED/DEFERRED ITEMS**

- a. Discussion and action on proposed City Ordinance to amend San Jose Municipal Code Part 4.12 and Sections 3.36.385 and amendments to Section 7 of the City's Sunshine Resolution.

This item was discussed.

A motion was made to direct Counsel and tax counsel to meet and confer with the City Attorney regarding the proposed amendments.

Approved. (M.S.C. Wilson/Santos 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.

- b. Discussion and action to authorize the CEO to negotiate and execute the third amendment to the agreement between the Board of Administration for the Police and Fire Department Retirement Plan and Cheiron, Inc. to add \$100,000 for a not to exceed contract amount of \$2,400,000.

This item was discussed.

A motion was made to authorize the CEO to negotiate and execute the third amendment to the agreement between the Board of Administration for the Police and Fire Department Retirement Plan and Cheiron, Inc.

Approved. (M.S.C. Santos/Menon 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.

- c. Discussion and action on the proposed administrative budget for fiscal year 2024-2025.

This item was presented.

A motion was made to approve the revised administrative budget for fiscal year 2024-2025.

Approved. (M.S.C. Santos/Wilson 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.

### **4. NEW BUSINESS**

- a. Oral update by CEO, Roberto L. Peña.

CEO Peña updated the Board.



The Board took a break from 11:27 a.m. to 11:34 a.m.

- b. Oral update from the City Council Liaison to the Board.

City Council Liaison updated the Board.

- c. Discussion and action on Lump Sum Employer Contribution towards Police and Fire Retirement Plan (Pension and OPEB) for FY 2024-2025.

This item was discussed. No action was needed for this item.

- d. Discussion and action regarding Resolution No. 4838 Police Tier 1, Resolution No. 4839 Police Tier 2, Resolution No. 4840 Fire Tier 1, and Resolution No. 4841 Fire Tier 2 Contribution Rates/Amounts for FY24-25.

This item was discussed.

A motion was made to approve the contribution rates for FY24-25.

Approved. (M.S.C. Santos/Wilson 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.

## 5. RETIREMENTS

### 5.1 Early Retirement

This item and item 5.2 were heard together.

Chair Vado read the Service Retirements into the record.

A motion was made to approve the Service Retirements.

Approved. (M.S.C. Santos/Wilson 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.

- a. David Betancourt, Fire Engineer, Fire Department, effective May 1, 2024; 22.97\* years of service.

### 5.2 Deferred Vested

This item was heard together with item 5.1.

Chair Vado read the Deferred Vested Retirements into the record.

A motion was made to approve the Deferred Vested Retirements.

Approved. (M.S.C. Santos/Wilson 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.

- a. **Christopher E. Hardin**, Police Officer, Police Department, effective April 28, 2024; 15.04\* years of service. *(With Reciprocity - 11.99 CSJ YOS + 3.04 PERS YOS)*
- b. **Michael H. Rose**, Police Officer, Police Department, effective April 3, 2024; 15.02\* years of service.

**6. DEATH AND SURVIVORSHIP NOTIFICATIONS (Moment of Silence)**

**Chair Vado read the Death Notifications into the record and asked for a moment of silence for those who have served and passed away.**

- a. Notification of the death of **James M. Overstreet**, Police Sergeant, retired October 31, 2009, died February 12, 2024. No survivorship benefits.
- b. Notification of the death of **Ralph Padilla**, Fire Captain, retired January 29, 2015, died February 8, 2024. Survivorship benefits to Rosa Padilla, spouse.
- c. Notification of the death of **Laurence M. Russell**, Police Officer, retired October 31, 2001, died December 29, 2023. Survivorship benefits to Rosa Martha Martinez-Russell, spouse.
- d. Notification of the death of **Robert Walls**, Fire Fighter, retired May 1, 1990, died March 8, 2024. No survivorship benefits.

**7. COMMITTEE MINUTES, REPORTS and RECOMMENDATIONS**

**7.1 Investment Committee (Menon - CH/Gardanier/Ganapati/Lee)**

**Last Meeting: March 19, 2024**

**Next Meeting: April 15, 2024**

- a. Oral update from the Chair of the Investment Committee.  
**Chair Menon updated the Board.**

**7.2 Audit/Risk Committee (Lee - CH/Ganapati/Wilson)**

**Last Meeting: March 1, 2024**

**Next Meeting: April 11, 2024**

- a. Oral update from the Chair of the Audit/Risk Committee.  
**Chair Lee updated the Board.**

**7.3 Governance Committee (Vado - CH/Kwan/Santos)**

**Last Meeting: March 7, 2024**

**Next Meeting: June 20, 2024**

- a. Oral update from the Chair of the Governance Committee.  
**There was no update.**
- b. Approval of the Minutes of the Governance Committee meeting from January 29, 2024. Receive and file.  
**The Minutes were received and filed.**
- c. Discussion and action on proposed Board's Trustee Educational Travel Policy.  
**This item was presented.**  
  
**A motion was made to approve the proposed Board's Trustee Educational Travel Policy.**  
  
**Approved. (M.S.C. Wilson/Santos 6-0-0). Vice-Chair Ganapati and Trustee Kwan were absent.**

**7.4 Disability Committee (Santos - CH/Wilson - Alts: Menon/Vado/Lee)**

**Last Meeting: March 11, 2024**

**Next Meeting: April 8, 2024**

- a. Oral update from the Chair of the Disability Committee.  
**Chair Santos updated the Board.**
- b. Minutes of the P&F Disability Committee meeting from February 5, 2024. Receive and file.  
**The Minutes were received and filed.**

**7.5 Joint Personnel Committee (Menon - CH/Gardanier/Vado)**

**Last Meeting: March 19, 2024**

**Next Meeting: April 5, 2024**

- a. Oral update from the Chair of the Joint Personnel Committee.  
**Chair Menon and Trustee Gardanier updated the Board.**
- b. Minutes of the Joint Personnel Committee meeting from January 31, 2024. Receive and file.  
**The Minutes were received and filed.**

---

- **PROPOSED AGENDA ITEMS**

None.

- **ADJOURNMENT**

**Next Meeting: May 2, 2024**

The meeting adjourned at 12:03 p.m.

\*Estimated

Minutes Recorded, Prepared and Respectfully Submitted by,

---

FRANCO VADO, CHAIR  
BOARD OF ADMINISTRATION  
ATTEST:

---

ROBERTO L. PEÑA, CEO  
OFFICE OF RETIREMENT SERVICES

---

**The Code of Conduct**

(<https://www.sanjoseca.gov/home/showpublisheddocument/12901/636670004966630000>) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

**1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

**2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: §  
No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists

---

or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**3. Addressing the Council, Committee, Board or Commission:**

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
  - c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.
- Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.