



BOARD OF ADMINISTRATION

Meeting Minutes - Final Police & Fire Department Retirement Plan and Health Care Trust

Monday, November 18, 2024

2:30 PM

1737 N. First St. Suite 580, San Jose, CA

95112

SPECIAL MEETING

HYBRID MEETING

PHYSICAL LOCATION:
1737 North First Street, Suite 580

ZOOM INFORMATION:
zoom.us
Dial In: +1 669 900 9128 US (San Jose)
Meeting ID: 984 7623 7105

Franco Vado, Chair, Police Retiree Rep (Term Expires 11/30/24) -- 74-855 Country Club Drive, Palm Desert, California, USA, 92260

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) -- 1162 Briarwood Way, Walnut Creek CA 94597

Richard Santos, Trustee, Fire Retiree Rep (Term Expires 11/30/26)

Dave Wilson, Trustee, Police Active Rep (Term Expires 11/30/25) -- 74-855 Country Club Drive, Palm Desert, California, USA, 92260

Vacant, Trustee, Public Member

Pam Foley, City Council Liaison to the Board

Maytak Chin, General and Fiduciary Counsel

John Flynn, CEO, Office of Retirement Services

Present: 8 - David Kwan, Sunita Ganapati, Dave Wilson, Franco Vado, Howard Lee, Eswar Menon, Richard Santos and Andrew Gardanier

The Board of Administration of the Police and Fire Department Retirement Plan and Health Care Trust met in person at 1737 N. First St., Suite 580, San Jose, CA 95112 and via Zoom and via Zoom on Thursday, November 18, 2024 at 2:30 p.m. Chair Vado called the Special Pension Plan and Health Care Trust meeting to order at 2:38 p.m. followed by roll call.

Board Members Present: Sunita Ganapati, Richard Santos, David Kwan, Howard Lee, and Andrew Gardanier.

Board Members Present via Zoom utilizing the Traditional Brown Act teleconferencing rules: Franco Vado, Dave Wilson and Eswar Menon. Counsel Chin questioned Chair Vado on whether he met the qualifications to teleconference under the Brown Act, and Chair Vado responded in the affirmative. Counsel Chin also questioned Trustees Wilson and Menon on whether they met the qualifications to teleconference under the Brown Act, and Trustees Wilson and Menon responded in the affirmative.

Retirement Staff Present: John Flynn, Jay Kwon, Dhinesh Ganapathiappan, Christina Wang, Chris Ha, Edith Aldama, Sherrell Aledo, Gabriela Romero-Castrejon, and Cynthia Ayala.

Retirement Staff Present via Zoom: Barbara Hayman and Harrison Pearce.

Also Present: David Woolsey; Public Attendee.

Also Present via Zoom: Maytak Chin; General and Fiduciary Counsel.

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

• ORDERS OF THE DAY

Orders of the Day was heard immediately after roll call attendance.

ORDERS OF THE DAY:

- None.

WAIVE SUNSHINE:

A motion was made to waive sunshine on the attachment 1a(2).

Approved. (M.S.C. Santos/Gardanier 8-0-0). This motion passed by roll call vote.

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

None.

1. NEW BUSINESS

- a. Discussion and action on recommendation to City Council regarding appointment of candidate to fill Active Police Member's seat on the Board due to unscheduled vacancy following interview of candidate.

Candidates:

- David Woolsey

Chair Vado spoke to this item. Trustee Wilson added comments. Candidate David Woolsey added comments and was present in person to answer any questions from the Board. Chair Vado and CEO Flynn answered questions from Trustee Menon.

A motion was made to recommend David Woolsey to the City Council to serve as Active Police Member's seat on the Board due to unscheduled vacancy.

Approved. (M.S.C. Wilson/Santos 8-0-0). This motion passed by roll call vote.

- b. Discussion and action to create ad hoc committee to work with investment and risk consultants on review of Investment Policy Statement and on recommended changes until Board takes action on same.

Chair Vado spoke to this item. Trustees Wilson and Menon added comments. Counsel Chin also added comments.

After discussion, a motion was made to create ad hoc committee with Trustees Menon and Kwan to work with investment and risk consultants on review of Investment Policy Statement and on recommended changes until Board takes action on same.

Approved. (M.S.C. Vado/Ganapati 8-0-0). This motion passed by roll call vote.

- **PROPOSED AGENDA ITEMS**

None.

- **ADJOURNMENT**

The meeting adjourned at 2:56 p.m.

*Estimated

Minutes Recorded, Prepared and Respectfully Submitted by,

FRANCO VADO, CHAIR
BOARD OF ADMINISTRATION
ATTEST:

JOHN FLYNN, CEO
OFFICE OF RETIREMENT SERVICES

The Code of Conduct

(<https://www.sanjoseca.gov/home/showpublisheddocument/12901/63667000496663000>

0) 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.