



BOARD OF ADMINISTRATION

Meeting Minutes - Final Joint Governance Committee

Tuesday, June 18, 2024

10:00 AM

1737 N. First St. Suite 580, San Jose, CA
95112

HYBRID MEETING

PHYSICAL LOCATION:

1737 North First Street, Suite 580
San Jose, CA 95112

ZOOM INFORMATION:

zoom.us
Dial In: +1 669-219-2599 US (San Jose)
Meeting ID: 912 7584 8146
Pass Code: 039877

POLICE & FIRE COMMITTEE MEMBERS

Franco Vado, Chair
David Kwan, Trustee
Richard Santos, Trustee

FEDERATED COMMITTEE MEMBERS

Mark Linder, Chair
Debbie Abbott, Trustee
Prachi Avasthy, Trustee

COUNSEL

Maytak Chin, General and Fiduciary Counsel

Roberto L. Peña, CEO, Office of Retirement Services

Present 6 - Richard Santos, Franco Vado, David Kwan, Mark Linder, Debbie Abbott,
and Prachi Avasthy

The Joint Governance Committee met in person at 1737 N. First St., Suite 580, San Jose, CA 95112 and via Zoom on Tuesday, June 18, 2024. The Police and Fire Governance Committee meeting was called to order at 10:04 a.m. by Chair Vado. The Federated Governance Committee meeting was called to order at 10:04 a.m. by Chair Linder.

Board Members Present: Franco Vado, David Kwan, Richard Santos, Mark Linder, and Prachi Avasthy.

Board Members Present via Zoom utilizing AB 2449 due to an "Emergency Circumstance": Deborah Abbott.

Retirement Staff Present: Roberto L. Peña, Ron Kumar, Jay Kwon, David Torres, Edith Aldama, Sherrell Aledo, Shilipi Dwivedi and Chris Ha.

Retirement Staff Present via Zoom: Barbara Hayman and Linda Alexander.

Also Present: Maytak Chin, General and Fiduciary Counsel.

Also Present via Zoom: Valter Viola, Cortex Consulting, Inc.

I. 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

Trustee Deborah Abbott.

- 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.

Counsel Chin questioned Trustee Abbott on whether she met the qualifications to teleconference under the AB 2449, and Trustee Abbott responded in the affirmative.

A motion was made to approve Trustee Abbott's remote appearance of this meeting via teleconference due to an "Emergency Circumstance."

FCERS Committee Approved. (M.S.C. Avasthy/Linder 2-1-0). The motion passed by roll call vote. Aye: Avasthy, Linder. Abstain: Abbott.

- **Call to Order and Roll Call**

- **Orders of the Day**

ORDERS OF THE DAY:

- None.

WAIVE SUNSHINE:

A motion was made to waive sunshine on attachment 2a(2) - Trustee Educational Travel Policy Memo.

Police and Fire Committee Approved. (M.S.C. Santos/Kwan 3-0-0).

FCERS Committee Approved. (M.S.C. Avasthy/Abbott 3-0-0). The motion passed by roll call vote.

Joint Agenda

1. Consent Calendar

A motion was made to approve the Consent Calendar.

Police and Fire Committee Approved. (M.S.C. Santos/Kwan 3-0-0).

FCERS Committee Approved. (M.S.C. Avasthy/Abbott 3-0-0). The motion passed by roll call vote.

- a. Approval of the Minutes of the Governance Committee meeting from March 7, 2024.

2. New Business

- a. Discussion and action regarding City Finance Department's requested changes to retirement boards' adopted Trustee Educational Travel Policy.

CEO Peña spoke to the item and answered questions from the Committee. Counsel Chin added comments and assisted with answering questions from the Committee. Trustee Avasthy also added comments.

After a lengthy discussion, a motion was made to make the following amendments to the Board's Trustee Educational Travel Policy: Adding a travel limit of up to five conferences per Trustee per year (including conferences that are on both the pre-approved and not

pre-approved list in the Policy) and to accept the other recommendations from the City Finance Director as stated in Attachment 2(a)(2) – Trustee Educational Travel Policy Memo.

Police and Fire Committee Approved. (M.S.C. Vado/Santos 3-0-0).

FCERS Committee Approved. (M.S.C. Avasthy/Abbott 3-0-0). The motion passed by roll call vote.

Both the Police and Fire Committee and the FCERS Committee Approved directed Counsel to implement these changes in redline to be brought before the full respective Boards for their August meetings.

- b. Discussion and action regarding adoption of City Policy “Chapter 5.1- Purchasing: Procurement” for goods and non-professional services for ORS operations.

Counsel Chin spoke to the item and answered questions from the Committee. Ron Kumar, Investments Operations Supervisor, added comments and assisted with answering questions from the Committee. CEO Peña and Jay Kwon, Senior Investment Officer, also added comments.

After discussion, a motion was made to adopt City Policy Chapter 5.1- Purchasing: Procurement for non-professional services for ORS operations.

Police and Fire Committee Approved. (M.S.C. Kwan/Santos 3-0-0).

FCERS Committee Approved. (M.S.C. Avasthy/Abbott 3-0-0). The motion passed by roll call vote.

- c. Discussion and action regarding adoption of proposed internal ORS Policy for procurement and contracting for professional and critical plan administrative services/goods for ORS operations.

Valter Viola from Cortex Consulting presented this item and answered questions from the Committee. Barbara Hayman, Deputy Director, added comments. CEO Peña, Counsel Chin and Ron Kumar, Investments Operations Supervisor, assisted with answering questions from the Committee.

A motion was made to direct CEO Peña to bring the proposed internal ORS Policy for procurement of professional services for Plan administration to the City Finance Director for feedback.

Police and Fire Committee Approved. (M.S.C. Vado/Kwan 3-0-0).

FCERS Committee Approved. (M.S.C. Avasthy/Abbott 3-0-0). The motion passed by roll call vote.

• **Proposed Agenda Items**

None.

Adjournment

The meeting adjourned at 11:33 a.m.

Minutes Recorded, Prepared and Respectfully submitted by,

John Flynn, CEO, Office of Retirement Services

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.

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.