



# BOARD OF ADMINISTRATION

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

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Thursday, March 7, 2024

9:00 AM

City Hall, Wing Rooms 118-120  
200 E. Santa Clara St. San Jose, CA 95113

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### HYBRID MEETING

#### PHYSICAL LOCATION:

City Hall, Wing Rooms 118-120, 200 E. Santa Clara St. San Jose, Ca 95113

#### ZOOM INFORMATION:

[zoom.us](https://zoom.us)

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

Meeting ID: 919 8797 4783

Pass Code: 212734

*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*

**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 City Hall Wing Rooms 118-120 and via Zoom on Thursday, March 7, 2024, at 9:00 a.m. Chair Vado called the Pension Plan and Health Care Trust meeting to order at 9:01 a.m. followed by roll call.

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

Trustee Howard Lee arrived at 9:02 a.m.

Trustee Gardanier departed at 12:11 p.m.

Retirement Staff Present: Roberto L. Peña, Barbara Hayman, Sandra Castellano, Jay Kwon, Eric Tsang, Harrison Pearce, Christina Wang, Dhinesh Ganapathiappan, Benjie Chua-Foy, Chris Ha, Edith Aldama, David Torres, Sherrell Aledo, and Cynthia Ayala.

Retirement Staff Present via Zoom: Prabhu Palani, Ron Kumar, Ellen Lee, Julie He, Deborah Sattler, Amy Dickinson, Shilpi Dwivedi, Houman Boussina, David Aung, Arun Nallasivan, Linda Alexander, Chris Reyes, Veronica Solorio, and Trang Vo.

Also Present: Pam Foley, Council Liaison; Cheryl Parkman, OER; Kevin Fisher, Assistant City Attorney; Jared Pratt, Meketa Investment Group; and Maytak Chin, General and Fiduciary Counsel.

Also Present via Zoom: Laura Wirick, Frank Benham and Ian Schirato, Meketa Investment Group; Kaci Boyer, Neuberger Berman; and Cyril Espanol, Journalist.

**ADA ALERT**

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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 9:03 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 and counsel.**

Counsel Chin of Reed Smith LLP recused herself from this agenda item prior to the Board taking action to adopt the findings from the independent investigation. Following the Board's action as such, Counsel Chin joined the Board in Closed Session at 9:30 a.m.

Chair Vado announced the following report out of Closed Session for this item: The findings in the report for the investigation were accepted by the Board and the allegations against Counsel Reed Smith were unfounded. On that basis, the Board has re-engaged Reed Smith to advise the Board because there is no conflict of interest given the investigation's findings.

- B. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED  
LITIGATION: Significant exposure to litigation pursuant to Section 54956.9(d)(2): One Case.**

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

The Board came out of Closed Session at 10:21 a.m.

**OPEN SESSION - will reconvene following Closed Session, estimated to be 10:00 a.m.**

Open Session re-convened at 10:26 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 4d(1), 4d(2), 4f(1), 4f(2), 4f(3), 4f(4), 4f(5).

Approved. (M.S.C. Santos/Wilson 7-0-0). Trustee Lee was 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. Wilson/Santos 8-0-0).

- 1.1 **Approval for a Service-Connected Disability Retirement**

- a. **Valtrim Brahimaj**, Police Officer, Police Department, Request for Service-Connected Disability Retirement, effective September 27, 2023; 2.26\* years of service. (*Disability Committee Recommendation: Approval*)
- b. **Robert Paul**, Police Officer, Police Department, Request for Service-Connected Disability Retirement, effective March 7, 2024; 8.73\* years of service. (*Disability Committee Recommendation: Approval*)

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

- a. **Christopher Murphy**, Fire Captain, Fire Department, Request for Change in Status to Service-Connected Disability Retirement, effective January 31, 2020; 24.57\* years of service. (*Disability Committee Recommendation: Approval*)
- b. **Aurelio Rodriguez**, Police Officer, Police Department, Request for Change in Status to

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Service-Connected Disability Retirement, effective September 21, 2019; 27.23\* years of service.  
(Disability Committee Recommendation: Approval)

- c. **Ted Trujillo**, Police Officer, Police Department, Request for Change in Status to Service-Connected Disability Retirement, effective January 31, 2019; 29.05\* years of service.  
(Disability Committee Recommendation: Approval)
- d. **Alberto Valdes**, Police Officer, Police Department, Request for Change in Status to Service-Connected Disability Retirement, effective December 14, 2019; 25.14\* years of service.  
(With Reciprocity - 21.16 CSJ YOS + 3.98 PERS YOS). (Disability Committee Recommendation: Approval)

### 1.3 Approval Of Minutes

- a. Approval of the Board Minutes of February 1, 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 January 2024. Receive and file.

### 1.6 Education and Training

- a. The Cortex Report - March 2024, Conferences, Seminars and Educational Programs.
- b. CALAPRS, Advanced Principles of Pension Governance for Trustees, UCLA Luskin Conference Center, Los Angeles, CA, March 27 - 29, 2024.
- c. CALAPRS, 2024 Management/Leadership Academy, The Westin Hotel, Pasadena, CA, April 22 - 23, June 10 - 12, and July 22 - 24, 2024.
- d. Pension Bridge The Annual 2024, Ritz-Carlton, Half Moon Bay, CA, April 15 - 17, 2024.

## 1.7 Change of Retirement Application

- a. Approval for a change in effective date for **Robert Lang**, Police Lieutenant, Police Department, from February 17, 2024, to March 2, 2024, for a service retirement approved at the February 1, 2024 Board meeting.
- b. Approval for a correction in effective date for **Aneez Raghavan**, Police Officer, Police Department, from active, to January 4, 2024, for a Service-Connected Disability Retirement approved at the January 4, 2024 Board meeting.

## 1.8 Notice of Alternate Payee Benefit Election

- a. Approval of Alternate Payee Benefit election of Unreduced Retirement Option to be paid to Stephanie Forman, ex-spouse of Battalion Chief, **Steven Forman** to be effective February 6, 2024 under Part 17, Section 3.36.3600 of the San Jose Municipal Code.

## 2. INVESTMENTS

- a. Oral update by CIO, Prabhu Palani.

CIO Palani introduced the investment items for the meeting and updated the Board on the following unaudited estimated performance by Meketa Investment Group:

- For FYTD as of March 5, 2024, the Pension Plan was up 6.58%.
- For FYTD as of March 5, 2024, the Health Care Trust was up 6.45%.

- b. Presentation of Calendar 3rd Quarter 2023 Private Equity report by Neuberger Berman.

Kaci Boyer, Neuberger Berman, presented the 3rd Quarter 2023 private equity report and answered questions from the Board. Dhinesh Ganapathiappan, Senior Investment Officer, and CIO Palani assisted with answering questions.

- c. Presentation of Calendar 3rd Quarter 2023 Private markets report by Meketa Investment Group.

Jared Pratt, Meketa Investment Group, presented the 3rd Quarter 2023 private markets report. Dhinesh Ganapathiappan, Senior Investment Officer, answered questions from the Board and City Council Liaison.

- d. Presentation of Calendar 4th Quarter 2023 Performance report for Pension Plan by Meketa Investment Group.

Jared Pratt, Meketa Investment Group, presented the 4th Quarter 2023 Performance report for Pension Plan and answered questions from the Board. Jay Kwon, Senior Investment Officer, Dhinesh Ganapathiappan, Senior Investment Officer, Christina Wang, Investment Officer, and Laura Wirick, Meketa Investment Group, assisted with answering questions.

- e. Presentation of Calendar 4th Quarter 2023 Performance report for Health Care Trust by Meketa Investment Group.

**Jared Pratt, Meketa Investment Group, presented the 4th Quarter 2023 Performance report for Health Care Trust.**

- f. Discussion and action on Capital Market Assumptions by Meketa Investment Group.

**CIO Palani introduced the item. Laura Wirick and Frank Benham, Meketa Investment Group, presented the Capital Market Assumptions. No action was taken.**

- g. Discussion and action on the recommended discount rate for the City's option to prefund their retirement contributions for fiscal year 2024-25.

**Jay Kwon, Senior Investment Officer, presented the recommended discount rate for the City's option to prefund their retirement contributions for fiscal year 2024-25.**

**A motion was made to approve the recommended discount rate.**

**Approved. (M.S.C. Menon/Santos 8-0-0).**

**The Board took a break from 11:37 a.m. to 11:47 a.m.**

### **3. OLD BUSINESS-CONTINUED/DEFERRED ITEMS-NONE**

### **4. NEW BUSINESS**

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

**This item was heard after item 4b.**

**CEO Peña updated the Board on the following:**

- Retirees who are impacted by 415(b) limits, the adjustment will show on their March 2024 payment.**
- The ORS Quarterly Newsletter will be sent out in April 2024.**
- ORS will be closed on April 1, 2024 for Cesar Chavez holiday.**

**Barbara Hayman, Deputy Director, updated the Board on the annual Medicare part B reimbursement.**

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

**This item was heard after item 2g.**

**City Council Liaison updated the Board on pending matters.**

- c. Discussion and action regarding approval to increase the FY23-24 administrative budget for 1) personnel services by \$200,000 to a total of \$4,992,000 and 2) professional services by



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\$500,000 to a total of \$1,403,000.

This item was heard after item 4f.

CEO Peña introduced this item. Benjie Chua-Foy, Division Manager, presented the increase of the FY23-24 administrative budget and answered questions from the Board. CEO Peña assisted with answering questions. Trustee Santos also added a few comments.

A motion was made to approve the increase of the FY23-24 administrative budget.

Approved. (M.S.C. Santos/Wilson 7-0-0). Trustee Gardanier was absent.

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

Barbara Hayman, Deputy Director, presented the proposed administrative budget for fiscal year 2024-2025 and answered questions from the Board and CEO Peña. Benjie Chua-Foy, Division Manager, added a few comments and assisted with answering questions.

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

Approved. (M.S.C. Santos/Ganapati 7-0-0). Trustee Gardanier was absent.

- e. Discussion 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 heard after item 4a.

Chair Vado and CEO Peña introduced this item. Cheryl Parkman, CMO, and Kevin Fisher, Assistant City Attorney, addressed the Board and answered questions from the Board, CEO Peña and Counsel Chin.

Mr. Fisher, Assistant City Attorney, informed the Board that the City had not vetted the proposed City Ordinance and Municipal Code changes by tax counsel for tax compliance.

Counsel Chin added a few comments and recommended to engage tax counsel on this matter. Trustee Santos also added a few comments.

- f. Discussion and action on recommendations to City Council for changes to City Policies for ORS operations.

Counsel Chin presented the proposed changes to City Policies for ORS operations for the Board to recommend to City Council for adoption and answered questions from the Board. Benjie Chua-Foy assisted with answering questions.

A motion was made to approve the recommendations to City Council for changes to City Policies for ORS operations.

Approved. (M.S.C. Wilson/Santos 7-0-0). Trustee Gardanier was absent.

- g. Discussion and action regarding adoption of City Memorandum regarding "Return to In-Person Public Comments in Public Meetings."

This item was heard after item 4d.

CEO Peña spoke to this item. Counsel Chin, Trustee Wilson and Trustee Santos added a few comments.

A motion was made to not adopt the City Memorandum regarding "Return to In-Person Public Comments in Public Meetings."

Approved. (M.S.C. Wilson/Santos 7-0-0). Trustee Gardanier was absent.

- h. Discussion and action on amendments to Police and Fire Board Charter to reflect changes from Joint Personnel Committee re CEO and CIO employment issues.

Counsel Chin presented the proposed amendments to Police and Fire Board Charter based on the process adopted between the two retirement boards on areas of disagreement already adopted in the Joint Personnel Committee Charter.

A motion was made to approve the amendments to Police and Fire Board Charter to reflect changes from Joint Personnel Committee issues on areas of disagreement between the two retirement boards.

Approved. (M.S.C. Menon/Santos 7-0-0). Trustee Gardanier was absent.

## **5. RETIREMENTS**

### **5.1 Service Retirements**

Chair Vado read the Service Retirements into the record. Trustee Wilson and Trustee Santos said a few kind words.

A motion was made to approve the Service Retirements.

Approved. (M.S.C. Santos/Wilson 7-0-0). Trustee Gardanier was absent.

- a. **Amalio Gonzalez**, Fire Fighter, Fire Department, effective January 28, 2024; 21.97\* years of service.
- b. **Anthony J. Mata**, Chief of Police, Police Department, effective March 30, 2024; 27.57\* years of service.

### **5.2 Deferred Vested**

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 7-0-0). Trustee Gardanier was absent.

- a. **Cristobal R. Dominguez**, Police Lieutenant, Police Department, effective March 11, 2024;

26.88\* 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 **Anthony E. Beckwith**, Police Officer, retired September 15, 2000, died December 11, 2023. Survivorship benefits to Cheryl Beckwith, spouse.
- b. Notification of the death of **Merlin W. Dyball**, Fire Engineer, retired February 7, 2005, died December 1, 2023. No survivorship benefits.
- c. Notification of the death of **Lawrence Linden**, Police Officer, retired March 4, 1987, died January 22, 2024. Survivorship benefits to Ruth Linden, spouse.
- d. Notification of the death of **Bill Tate**, Police Officer, retired January 28, 2004, died January 14, 2024. Survivorship benefits to Judith Tate, spouse.

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

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

**Last Meeting: March 1, 2024**

**Next Meeting: April 23, 2024**

- a. Oral update from the Chair of the Investment Committee.  
**Chair Menon updated the Board on matters regarding the last meeting.**
- b. Minutes of the December 7, 2023 Police and Fire Investment Committee meeting.  
**The Minutes were received and filed.**

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

**Last Meeting: March 1, 2024**

**Next Meeting: May 16, 2024**

- a. Oral update from the Chair of the Audit/Risk Committee.  
**Chair Ganapati updated the Board on matters regarding last meeting.**

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- b. Minutes of the Joint Audit Committee meeting from October 19, 2023. Receive and file.
- The Minutes were received and filed.**
- c. Discussion and action on ORS Management's Amended Response on Finding 1 in "Audit: Procurement and Contract Oversight" Report by ORS Senior Internal Auditor, dated May 18, 2023, regarding Granicus contract.
- Vice-Chair Ganapati spoke to this item.**
- A motion was made to accept the ORS Management's Amended Response on Finding 1.**
- Approved. (M.S.C. Wilson/Santos 7-0-0). Trustee Gardanier was absent.**
- d. Discussion and action on ORS Management's Amended Response on Finding 3 in "Audit: Procurement and Contract Oversight" Report by ORS Senior Internal Auditor, dated May 18, 2023, regarding laptop purchase during COVID 19.
- Vice-Chair Ganapati spoke to this item.**
- A motion was made to accept the ORS Management's Amended Response on Finding 3.**
- Approved. (M.S.C. Wilson/Santos 7-0-0). Trustee Gardanier was absent.**
- e. Discussion and action on request to custodial bank (Bank of New York Mellon) to correct fiscal years 2016-2023 Pension Plans returns based on the results of the Agreed Upon Procedures work completed by Macias Gini & O'Connell LLP audit firm.
- Vice-Chair Ganapati spoke to this item.**
- A motion was made to approve the request to have the two Board Chairs and CEO send a letter to the custodial bank (Bank of New York Mellon) to correct fiscal years 2016-2023 Pension Plans returns.**
- Approved. (M.S.C. Wilson/Santos 7-0-0). Trustee Gardanier was absent.**
- f. Discussion and action on Annual Audit Plan following discussion from October 2023 Joint Audit Committee meeting.
- Vice-Chair Ganapati spoke to this item.**
- A motion was made to approve the request to the Senior Internal Auditor to prepare an Annual Audit Plan in coordination with ORS management to present to the Joint Audit Committee for approval.**
- Approved. (M.S.C. Santos/Menon 7-0-0). Trustee Gardanier was absent.**
- g. Update from the City Auditor, Joseph Rois.
- Vice-Chair Ganapati spoke to this item and announced the new special Audit Committee**
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meeting date of April 11, 2024.

- h. Transition comments by exiting Audit Chair for Police and Fire Department Retirement Plan.

Vice-Chair Ganapati announced that Trustee Lee is the new Audit Committee Chair.

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

**Last Meeting: January 29, 2024**

**Next Meeting: March 7, 2024**

- a. Oral update from the Chair of the Governance Committee.

There was no update.

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

**Last Meeting: February 5, 2024**

**Next Meeting: March 11, 2024**

- a. Oral update from the Chair of the Disability Committee.

Chair Santos updated the Board on matters regarding the last meeting.

- b. Minutes of the P&F Disability Committee meeting from January 8, 2024. Receive and file.

The Minutes were received and filed.

- c. Discussion and action for approval of disability retirement application rules and procedures.

Counsel Chin spoke to this item.

A motion was made to approve the disability retirement application rules and procedures.

Approved. (M.S.C. Santos/Wilson 7-0-0). Trustee Gardanier was absent.

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

**Last Meeting: January 31, 2024**

**Next Meeting: March 19, 2024**

- a. Oral update from the Chair of the Joint Personnel Committee.

Chair Menon updated the Board on matters regarding the last meeting.

- **PROPOSED AGENDA ITEMS**

None.

- **ADJOURNMENT**

**Next Meeting: April 4, 2024**

The meeting adjourned at 1:22 p.m.

\*Estimated

Minutes Recorded, Prepared and Respectfully Submitted by,

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FRANCO VADO, CHAIR  
BOARD OF ADMINISTRATION  
ATTEST:

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ROBERTO L. PEÑA, 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.