



BOARD OF ADMINISTRATION

Meeting Agenda - Final

Federated City Employees' Retirement System and Federated City Employees' Health Care Trust

Thursday, February 15, 2024

8:30 AM

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

HYBRID MEETING

PHYSICAL LOCATION:

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

ZOOM INFORMATION:

zoom.us

Dial In: +1 669-219-2599 US (San Jose)

Meeting ID: 924 2760 2192

Passcode: 537977

BOARD MEMBERS

Spencer Horowitz, Chair (Term Expires 11/30/24)
Julie Jennings, Vice-Chair (Term Expires 11/30/27) -- 855 E. Hilton Dr., Boulder Creek, CA 95006
Deborah Abbott, Trustee (Term Expires 11/30/26)
Prachi Avasthy, Trustee (Term Expires 11/30/25)
Anurag Chandra, Trustee (Term Expires 11/30/26)
Matthew Faulkner, Trustee (Term Expires 11/30/27)
Mark Linder, Trustee (Term Expires 11/30/24) -- 5017 Lawai Rd., Koloa, HI 96756

CITY COUNCIL LIAISON TO THE BOARD

Dev Davis

COUNSEL

Maytak Chin, General and Fiduciary Counsel

Roberto L. Peña, 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.

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

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.

CLOSED SESSION

CLOSED SESSION AGENDA ITEMS WILL BE HEARD AT 10:00 A.M.

II. CLOSED SESSION NEW BUSINESS/CONTINUED-DEFERRED ITEMS

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

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

• ORDERS OF THE DAY

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

1. CONSENT CALENDAR

1.1 Approval for a Service-Connected Disability

- a. Sammy Aguirre**, Water System Operator I, Environmental Services Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 21, 2023; 28.99* years of service. (*Staff Disability Committee Recommendation: Approval*)
- b. Kenneth Jones**, Groundswoker, Parks, Recreation & Neighborhood Services, Request for Change of Status to Service-Connected Disability Retirement, effective May 11, 2013; 24.83* years of service. (*Staff Disability Committee Recommendation: Approval*)

1.2 Approval of Service Retirements

- a. John M. Aitken**, Director of Aviation, Airport Department, effective March 16, 2024; 31.18* years of service.
- b. Joan C. Bowlby**, Senior Librarian, Library Department, effective March 16, 2024; 23.73* years of

service.

- c. **Bonnie L. Cromartie**, Administrative Officer, Airport Department, effective February 24, 2024; 32.98* years of service. (*With Reciprocity - 21.83 CSJ + 11.15 PERS = 32.98 YOS*)
- d. **Brook Dain**, Program Manager I, Police Department, effective February 24, 2024; 18.71* years of service.
- e. **Ruben F. Gonzalez**, Survey Field Supervisor, Public Works Department, effective February 29, 2024; 22.30* years of service.
- f. **Daniel R. Kelley**, Gardener, Parks, Recreation & Neighborhood Services, effective February 17, 2024; 24.18* years of service.
- g. **Patrick S. Lewis**, Building Inspector, Supervisor Certified II, Planning Building and Code Enforcement, effective March 16, 2024; 25.36 years of service.
- h. **Timothy J. Lewis**, Division Manager, Environmental Services Department, effective February 3, 2024; 21.55 years of service.
- i. **George Osuna**, Principal Construction Inspector, Public Works Department, effective March 2, 2024; 28.73 years of service.
- j. **Paul W. Prange**, Senior Environment Inspector, Environmental Services Department, effective March 2, 2024; 27.87* years of service.
- k. **Lily Lim-Tsao**, Assistant Director, Department of Transportation, effective March 1, 2024; 31.83 years of service.
- l. **Ngoc-Diem T. Vu**, Senior Account Clerk, Department of Transportation, effective March 16, 2024; 26.66* years of service.

1.3 Approval of Deferred Vested

- a. **Aurelia Khoshroo Louwers**, Senior Program Performance Auditor, City Auditor, Service, effective March 19, 2024; 12.96* years of service. (*With Reciprocity - 6.36 CSJ + 6.60 PERS = 12.96 YOS*)
- b. **Siu Lam Ng**, Senior Accountant, Airport Department, effective March 6, 2024; 5.13* years of service.

1.4 Approval of Board Minutes

- a. Approval of the Board Minutes of January 18, 2024.

Attachments: [1.4a - FED Board 1-18-24 Minutes-Final.pdf](#)

1.5 Approval of Return of Contributions

- a. Voluntary | Involuntary

Attachments: [1.5a - FED ROC Review - January 2024.pdf](#)

1.6 Acceptance of Communication/Information Reports

- a. Report of the Monthly Board Expenses for December 2023. Receive and file.

Attachments: [1.6a - FED Dec 2023 Monthly Expenses Report.pdf](#)

- b. Q2 FY 23-24 Budget to Actual Quarterly Budget Reports.

Attachments: [1.6b - Q2 FY 23-24 FED Budget Report.pdf](#)

- c. ORS's Quarterly Newsletter - The Retirement Connection: January 2024 Edition.

Attachments: [1.6c - Newsletter January 2024 Edition.pdf](#)

1.7 Approval of Travel / Conference Attendance

- a. Anurag Chandra, Trustee
- Pension Bridge Annual 2024, Half Moon Bay, CA, April 15 - 17, 2024
- b. Spencer Horowitz, Trustee
- CALAPRS, General Assembly 2024, Rancho Mirage, CA, March 2 - 5, 2024
- c. Mark Linder, Trustee
- CALAPRS, General Assembly 2024, Rancho Mirage, CA, March 2 - 5, 2024
- d. Prabhu Palani, CIO
- Milken Global Conference, Beverly Hills, California, May 5 - 8, 2024
- e. Roberto L. Peña, CEO
- CALAPRS Virtual Administrators Round Table online course, February 8, 2024

1.8 Approval of Change in Retirement Date

- a. Approval for a change in effective date for **Laurence G. Brown**, Equipment Mechanic Assistant II, Public Works Department, from January 6, 2024, to March 2, 2024, for a Service Retirement approved at the December 21, 2023 Board meeting.

Attachments: [1.8a - Ret Date Memo-Brown, Laurence G.pdf](#)

1.9 Change of Retirement Application-Name Correction

- a. Approval for a first name correction for **David Leath** from January 6, 2024, for a Service Retirement approved at the December 21, 2023 Board meeting.

Attachments: [1.9a - Correct Name Memo-Leath, David.pdf](#)

2. DEATH AND SURVIVORSHIP NOTIFICATIONS (Moment of Silence)

- a. Notification of the death of **Carol Amador**, Associate Architect, retired August 13, 1998, died December 29, 2023. No survivorship benefits.
- b. Notification of the death of **Roger D. Falkowitz**, Code Enforcement Inspector, retired March 14, 2015, died December 28, 2023. No survivorship benefits.
- c. Notification of the death of **Jose Hernandez**, Maintenance Worker II, active, died August 29, 2023. Survivorship benefits to Alejandrina Gonzalez, spouse.
- d. Notification of the death of **Anthony Robinson**, Senior Supervisor, retired April 6, 2017, died December 22, 2023. No survivorship benefits.
- e. Notification of the death of **Carmencita Valerio**, Senior Analyst, retired March 25, 2007, died January 20, 2024. Survivorship benefits to Dennis Flick, spouse.
- f. Notification of the death of **James Webb**, Assistant to the Director, retired January 13, 2018, died December 1, 2023. Survivorship benefits to Siliani Webb, spouse.
- g. Notification of the death of **Robert Wharton**, Chief Communication Technician, retired April 2, 1989, died January 20, 2024. No survivorship benefits.
- h. Notification of the death of **Valerie J. Zeller**, Senior Analyst, retired February 13, 1992, died January 9, 2024. No survivorship benefits.

3. INVESTMENTS

- a. Oral update from the CIO of Retirement Services, Prabhu Palani.

4. OLD BUSINESS-DEFERRED/CONTINUED ITEMS-NONE

5. NEW BUSINESS

- a. Oral update from the CEO of Retirement Services, Roberto L. Peña.
- b. Oral update from the City Council Liaison to the Board.
- c. Discussion and action to authorize the CEO to negotiate and execute the second amendment to the agreement between the Board of Administration for the Federated Employees' Retirement System and Cheiron, Inc for actuarial services to extend the term to June 30, 2025 with an additional \$375,000, of which \$75,000 is for Fiscal year 2023-2024 and \$300,000 is for fiscal year 2024-2025, for a not to exceed contract amount of \$2,075,000.

Attachments: [5c - Actuarial Services - Extend Cheiron - FED.pdf](#)

- d. Discussion and action on adoption of Resolution No. 9113 Cost of Living Adjustment rate for 415(b) Qualified Participants under the Grandfather Rule for members retired prior to January 1, 1990.

Attachments: [5d - Resolution No. 9113 COLA 415\(b\).pdf](#)

- e. Discussion and action regarding adoption of City Memorandum regarding “Return to In-Person Public Comments in Public Meetings.”

Attachments: [5e - Return to In-Person Public Comments In-Public Mtgs.pdf](#)

6. COMMITTEES/REPORTS/RECOMMENDATIONS

6.1 Investment Committee (Chandra, Horowitz, Faulkner)

Last Meeting: December 13, 2023 Next Meeting: February 20, 2024

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

6.2 Audit Committee (Avasthy, Jennings, Abbott)

Last Meeting: October 19, 2023 Next Meeting: February 15, 2024

- a. Oral update from the Chair of the Audit/Risk Committee.

6.3 Governance Committee (Linder, Abbott, Avasthy)

Last Meeting: January 29, 2024 Next Meeting: March 7, 2024

- a. Oral update from the Chair of the Governance Committee.
- b. Approval of the Minutes of the Governance Committee meeting from November 27, 2023.

Attachments: [6.3b - JGC 11-27-23 Minutes-Final.pdf](#)

- c. Discussion on Board’s policy on travel issues for trustees.
- d. Discussion and action on adoption of City Policies.

Attachments: [6.3d - SJ Plans - Phase 2 re Analysis re Adoption of City Policies.pdf](#)

6.4 FCERS Disability Committee (Linder, Jennings, Faulkner)

Last Meeting: February 6, 2024 Next Meeting: March 5, 2024

- a. Oral update from the Chair of the Disability Committee.
- b. Approval of the Minutes of the Federated Disability Committee meeting from January 16, 2024.

Attachments: [6.4b - FED DC 1-16-24 Minutes-Final.pdf](#)

- c. Federated Quarterly Disability Retirement applications dashboard.

Attachments: [6.4c - Q4 2023 Federated Quarterly Dashboard.pdf](#)

- d. Overview of the Federated Disability Retirement Benefit Calculations.

Attachments: [6.4d - Summary of Disability Retirement Benefits.pdf](#)

6.5 Joint Personnel Committee (Chandra, Horowitz, Linder)

Last Meeting: January 31, 2024 Next Meeting: March 19, 2024

- a. Oral update from the Chair of the Joint Personnel Committee.
- b. Approval of the Minutes from the December 22, 2023 Joint Personnel Committee meeting.

Attachments: [6.5b - JPC 12-22-23 Minutes-Final.pdf](#)

- c. Discussion and action on recommended changes to JPC Charter.

Attachments: [6.5c - Jan 2024 Proposed Redline Changes to SJ JPC Charter-Tie-Breaker Iss.](#)

- d. Presentation by Alliance Resource Consulting, LLC.

Attachments: [6.5d - Anticipated Recruitment Timeline.pdf](#)

7. EDUCATION & TRAINING

- a. The Cortex Report - March 2024, Conferences, Seminars and Educational Programs.

Attachments: [7a - San Jose Cortex Report - March 2024 Edition.pdf](#)

- b. CALAPRS, General Assembly 2024, Omni Rancho Las Palmas Resort, Rancho Mirage, CA, March 2 - 5, 2024.

Attachments: [7b - CALAPRS General Assembly 2024 Program.pdf](#)

- c. CALAPRS, Advanced Principles of Pension Governance for Trustees, UCLA Luskin Conference Center, Los Angeles, CA, March 27 - 29, 2024.

Attachments: [7c - CALAPRS Advanced Principles of Pension Governance for Trustees.pdf](#)

- d. CALAPRS, 2024 Management/Leadership Academy, The Westin Hotel, Pasadena, CA, April 22 - 23, June 10 - 12, and July 22 - 24, 2024.

Attachments: [7d - CALAPRS 2024 Management Leadership Academy.pdf](#)

• PROPOSED AGENDA ITEMS

• ADJOURNMENT

• Next FCERS Board Meeting: March 21, 2024

*Estimated

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of Retirement Services, 1737 N. First Street, Suite 600, San José CA 95112 at the same time that the public records are distributed or made available to the legislative body.

Access the video or audio, the agenda and related reports for this meeting by visiting the Retirement Services website at <http://sjrs.legistar.com/calendar.aspx>. If you have any questions, please contact the Office of Retirement Services at (408) 794 - 1000.

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.