



# BOARD OF ADMINISTRATION

## Meeting Agenda - Final

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

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Thursday, December 5, 2024

9:00 AM

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

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#### HYBRID MEETING

#### PHYSICAL LOCATION:

1737 North First Street, Suite 580

San Jose, CA 95112

#### ZOOM INFORMATION:

zoom.us

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

Meeting ID: 935 1151 6928

Pass Code: 397250

*Franco Vado, Chair, Police Retiree Rep (Term Expires 11/30/28)*  
*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 11/30/28)*  
*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)*  
*Gretchen Flicker, Trustee, Public Member (Term Expires 04/30/27)*

*Pam Foley, City Council Liaison to the Board*

*Maytak Chin, General and Fiduciary Counsel*

*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.

### **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**

**CEREMONIAL ITEM**

- a. Presentation of a commendation to Trustee Wilson for his service for the Police & Fire Retirement Plan's Board of Administration.

**Attachments:**      [Dave Wilson Commendation 12.5.24](#)

**CLOSED SESSION**

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

**I. CLOSED SESSION NEW BUSINESS**

- A. CLOSED SESSION:** CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(d)(4)). *LACERA v. County of Los Angeles* - Supreme Court of California.
- B. CLOSED SESSION:** CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a). *ROBNETT v. CITY OF SAN JOSE, ET AL*, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA CASE NO. 24-cv-02385-NC.

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

- a. **Juan Cuellar**, Police Officer, Police Department, Request for Service-Connected Disability Retirement, effective November 10, 2024; 14.05\* years of service. (With Reciprocity - 6.40 CSJ YOS + 7.65 PERS YOS). (*Disability Committee Recommendation: Approval*)
- b. **Jonathan Rusteen**, Police Officer, Police Department, Request for Service-Connected Disability Retirement, effective November 23, 2024; 16.07\* years of service. (With Reciprocity - 10.25 CSJ YOS + 3.66 CSF + 2.16 PERS YOS). (*Disability Committee Recommendation: Approval*)

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

- a. **Robert Adams**, Fire Captain, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 23, 2021; 24.45\* years of service. (*Disability Committee Recommendation: Approval*)
- b. **Charles Mathis**, Police Sergeant, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective July 23, 2022; 25.38\* years of service. (*Disability Committee Recommendation: Approval*)
- c. **Scott Rosingana**, Fire Engineer, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective December 22, 2022; 27.26\* years of service. (With Reciprocity - 25.46 CSJ YOS + 1.80 PERS YOS) (*Disability Committee Recommendation: Approval*)
- d. **John Ureta**, Fire Engineer, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective April 29, 2022; 23.40\* years of service. (*Disability Committee Recommendation: Approval*)

### **1.3 Approval Of Minutes**

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

**Attachments:**      [1.3a - PF 11.7.24 Meeting Minutes - Final](#)

- b. Approval of the Board Minutes of November 18, 2024.

**Attachments:**      [1.3b - PF 11.18.24 Meeting Minutes - Final](#)

### **1.4 Return of Contributions**

- a. Voluntary | Involuntary

**Attachments:**      [1.4a - PF ROC November](#)

### **1.5 Communication/Information**

- a. Police and Fire Retirement System Dashboard.

**Attachments:**      [1.5a - P&F 12.5.24 Dashboard](#)

- b. Approval of Police and Fire Department Retirement Plan's Popular Annual Financial Report (PAFR) for year ended June 30, 2024.

**Attachments:**      [1.5b - PF PAFR 11.20.24](#)

- c. Report of the Monthly Board Expenses for October 2024. Receive and file.

**Attachments:**      [1.5c - PF October 2024 Monthly Expense Reports](#)

### **1.6 Education and Training**

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

**Attachments:**      [1.6a - San Jose Cortex Report - November 2024 Edition](#)

- b. CALAPRS 2024 Program Calendar.

**Attachments:**      [1.6b - CALAPRS 2024 Program Calendar](#)

- c. CALAPRS General Assembly 2025, Silverado Resort, Napa, CA, March 2 - 5, 2025.

**Attachments:**      [1.6c - CALAPRS 2025 General Assembly Agenda](#)

- d. Pension Bridge The Annual 2025, Ritz-Carlton, Half Moon Bay, CA, March 24 - 26, 2025.

### **1.7 Approval Of Travel and Reimbursements**

- a. Reimbursements

- SACRS Fall Conference 2024, Hyatt Regency Monterey Hotel and Spa, Monterey, CA, November 12 - 15, 2024 - by Andrew Gardanier.

**Attachments:**      [1.7a - Andrew Gardanier Travel Reimbursement - SACRS Fall 2024](#)

### **2. Change in Status to Service Connected Disability**

- a. **Jose Vargas**, Police Officer, Police Development, Request for Change of Status to Service-Connected Disability Retirement, effective January 23, 2021; 26.18\* years of service. (With Reciprocity - 23.69 CSJ YOS + 2.49 PERS YOS) (*Disability Committee Recommendation: Denial*)

### **3. INVESTMENTS**

- a. Oral update by CIO, Prabhu Palani.

- b. Presentation of Calendar 2nd Quarter 2024 Private Equity report by Neuberger Berman.

**Attachments:**      [3b - Investment Report for San Jose Police & Fire Department Plan](#)

- c. Presentation of Calendar 2nd Quarter 2024 Private markets report by Meketa Investment Group.

**Attachments:**      [3c - Q2 2024 PM Report SJ PF PUBLIC](#)

- d. Presentation of Calendar 3rd Quarter 2024 Performance report for Pension Plan by Meketa Investment Group.

**Attachments:**      [3d - 3Q24 Performance Report SJ PF Pension](#)

- e. Presentation of Calendar 3rd Quarter 2024 Performance report for Health Care Trust by Meketa Investment Group.

**Attachments:**      [3e - 3Q24 Performance Report SJ PF HCT](#)

#### **4. OLD BUSINESS CONTINUED-DEFERRED ITEMS-NONE**

#### **5. NEW BUSINESS**

- a. Oral update by CEO, John Flynn.
- b. Oral update from the City Council Liaison to the Board.
- c. Discussion on preliminary results for the June 30, 2024, OPEB Valuation to be presented by Cheiron.  
**Attachments:**      [5c - CASJPCW Preliminary June 30, 2024 Actuarial Valuation Results](#)
- d. Discussion and action on the final results for the June 30, 2024, Actuarial Valuation to be presented by Cheiron.  
**Attachments:**      [5d\(1\) - SJPF00P 2024 Final Valuation Results](#)  
                                 [5d\(2\) - SJPF 2024 AVR](#)
- e. Discussion and action on election of Chair of Board.
- f. Discussion and action on election of Vice-Chair of Board.
- g. Discussion and action on adoption of updated City Policy Manual #1.8.2 - Employee Travel Policy with Revised Date of November 21, 2024, for ORS Operations, approved by City on November 21, 2024.

**Attachments:**      [5g - CPM 182 Employee Travel 11212024](#)

#### **6. RETIREMENTS**

##### **6.1 Service Retirements**

- a. **Ronald D. Bays**, Police Sergeant, Police Department, effective January 4, 2025; 27.84\* years of

service.

- b. Marc D. Beretta**, Police Officer, Police Department, effective January 3, 2025; 26.74\* years of service. *(With Reciprocity - 23.99 CSJ YOS + 2.75 PERS YOS)*
- c. Guillermo E. Davila Culajay**, Fire Captain, Fire Department, effective January 4, 2025; 24.55\* years of service.
- d. Topui M. Fonua**, Police Officer, Police Department, effective January 5, 2025; 26.21\* years of service.
- e. Michael R. Roberson**, Police Officer, Police Department, effective January 3, 2025; 24.56\* years of service.
- f. Todd L. Trayer**, Police Captain, Police Department, effective January 4, 2025; 28.80\* years of service.
- g. David W. Wilson**, Police Sergeant, Police Department, effective December 21, 2024; 28.30\* years of service.

## **6.2 Deferred Vested**

- a. John T. Prickett**, Firefighter, Fire Department, effective December 31, 2024; 23.37\* years of service. *(With Reciprocity - 0.67 CSJ YOS + 22.70 PERS YOS)*

## **7. DEATH AND SURVIVORSHIP NOTIFICATIONS (Moment of Silence)**

- a.** Notification of the death of **Gary C. Madison**, Police Sergeant, retired August 1, 1998, died October 13, 2024. Survivorship benefits to Lisa Ann Madison, spouse.

## **8. COMMITTEE MINUTES, REPORTS and RECOMMENDATIONS**

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

**Last Meeting: August 20, 2024**

**Next Meeting: December 10, 2024**

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

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

**Last Meeting: October 31, 2024**

**Next Meeting: February 20, 2025**

- a.** Oral update from the Chair of the Audit/Risk Committee.
- b.** Discussion and action regarding communication to the Board of Administration of the City of San Jose Police and Fire Department Retirement Plan and the Federated City Employees' Retirement System from Macias Gini & O'Connell (MGO), the Plan's external auditor:

- Independent auditor's Management Letter comments and recommendations regarding audit findings.

**Attachments:**      [8.2b - Management Letter - YE.06.30.2024 - Final](#)

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

**Last Meeting: June 18, 2024**

**Next Meeting: December 19, 2024**

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

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

**Last Meeting: November 15, 2024**

**Next Meeting: December 9, 2024**

- a. Oral update from the Chair of the Disability Committee.
- b. Minutes of the Disability Committee meeting from September 9, 2024. Receive and file.

**Attachments:**      [8.4b - PF DC 9.9.24 Meeting Minutes - Final](#)

- c. Police & Fire Quarterly Disability Retirement Applications Dashboard.

**Attachments:**      [8.4c - PF Quarterly Disability Dashboard Q1 24-25 Fiscal](#)

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

**Last Meeting: April 25, 2024**

**Next Meeting: January 21, 2025**

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

### **• PROPOSED AGENDA ITEMS**

### **• ADJOURNMENT**

**Next Meeting: January 9, 2025**

\*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.