



# BOARD OF ADMINISTRATION

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

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Thursday, August 3, 2023

8:30 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

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

Meeting ID: 915 3502 7070

Pass Code: 761017

*Drew Lanza, Chair, Public Member (Term Expires 4/30/27)*  
*Franco Vado, Vice-Chair, Police Retiree Rep (Term Expires 11/30/24)*  
*Sunita Ganapati, Trustee, Public Member (Term Expires 11/30/26)*  
*Andrew Gardanier, Trustee, Fire Active Rep (Term Expires 11/30/23)*  
*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)*

*Pam Foley, City Council Liaison to the Board*

*Harvey Leiderman & 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)

### **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.”

Drew Lanza, Chair, Public Member (Term Expires 4/30/27)

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 8:30 A.M.**

**II. CLOSED SESSION NEW BUSINESS**

- A. CLOSED SESSION: THREAT TO PUBLIC SERVICES OR FACILITIES**  
Consultation with: Legal Counsel pursuant to Government Code section 54957(a)
- B. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1). Position: Chief Executive Officer**
- C. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1). Position: Chief Investment Officer**

**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. David Goldfinger**, Police Officer, Police Department, Request for Service-Connected Disability Retirement, effective January 31, 2017; 21.31\* years of service. (*Disability Committee Recommendation: Approval*)
- b. Steve Papenfuhs**, Police Sergeant, Police Department, Request for Service-Connected Disability Retirement, effective January 23, 2010; 28.97\* years of service. (*Disability Committee Recommendation: Approval*)
- c. John R. Rohrbaugh**, Fire Engineer, Fire Department, Request for Service-Connected Disability Retirement, effective September 12, 2015; 20.12\* years of service. (*Disability Committee Recommendation: Approval*)
- d. Jeffrey Smith**, Police Captain, Police Department, Request for Service-Connected Disability Retirement, effective June 25, 2011; 27.29\* years of service. (*Disability Committee Recommendation: Approval*)

## **1.2 Approval Of Minutes**

- a. Approval of the Board Minutes of June 1, 2023.

**Attachments:**      [1.2a - PF 6.1.23 Minutes - Final.pdf](#)

## **1.3 Return of Contributions-NONE**

- a. Voluntary | Involuntary

## **1.4 Communication/Information**

- a. Police and Fire Retirement System Dashboard.

**Attachments:**      [1.4a - PF Dashboard for 8.3.23.pdf](#)

- b. Report of the Monthly Board Expenses for May 2023. Receive and file.

**Attachments:**      [1.4b - PF May 2023 Monthly Expenses Report.pdf](#)

### **c. Educational Travel Reports:**

- Pension Bridge Annual 2023, Fairmont Hotel, San Francisco, CA - April 17 - 19, 2023 - by Sunita Ganapati.
- CALAPRS Virtual Trustee Round Table, Virtual Online Learning, May 5, 2023 - by Sunita Ganapati.
- CALAPRS Advanced Principles for Trustees 2023, UCLA Luskin Conference Center, Los Angeles, CA - March 29 - 31, 2023 - by Howard Lee.
- CALAPRS Advanced Principles for Trustees 2023, UCLA Luskin Conference Center, Los Angeles, CA - March 29 - 31, 2023 - by Eswar Menon.
- Pension Bridge Annual 2023, Fairmont Hotel, San Francisco, CA - April 17 - 19, 2023 - by Eswar Menon.

**Attachments:**      [1.4c\(1\) - Sunita Ganapati Pension Bridge 2023 Travel Cont. Reprt.pdf](#)  
[1.4c\(2\) - Sunita Ganapati CALAPRS Virtual 2023 Travel Cont. Rprt.pdf](#)  
[1.4c\(3\) - Howard Lee CALAPRS 2023 Travel Cont. Reprt.pdf](#)  
[1.4c\(4\) - Eswar Menon CALAPRS 2023 Travel Cont. Reprt.pdf](#)  
[1.4c\(5\) - Eswar Menon Pension Bridge 2023 Travel Cont. Reprt.pdf](#)

## **1.5 Education and Training**

- a. The Cortex Report - July 2023, Conferences, Seminars and Educational Programs.

**Attachments:**      [1.5a - The Cortex Report - July 2023 Edition.pdf](#)

- b. CALAPRS 2023 Program Calendar.

**Attachments:**      [1.5b - CALAPRS Program 2023 Calendar.pdf](#)

- c. CALAPRS Summer 2023 Newsletter.

**Attachments:**      [1.5c - CALAPRS Summer 2023 Newsletter.pdf](#)

- d. CALAPRS Principles of Pension Governance for Trustees 2023, Pepperdine University, Malibu, CA, August 28 - 31, 2023.

**Attachments:**      [1.5d - CALAPRS PPG for Trustees-August 2023.pdf](#)

### **1.6 Rescission Of Retirement Application**

- a. Approval of request to rescind the Service Retirement application of **Christopher M. Sciba**, Police Sergeant, approved at the June 1, 2023 Board meeting for the effective date of July 8, 2023.

**Attachments:**      [1.6a - Sciba, Christopher Rescind Application Memo.pdf](#)

### **1.7 Notice of Alternate Payee Benefit Election**

- a. Approval of Alternate Payee Benefit election of Reduced Lifetime Monthly Payment Option to be paid to Gina Grammatico-Favorito, ex-spouse of Fire Captain, **Joe Favorito** to be effective August 31, 2023 under Part 17, Section 3.36.3600 of the San Jose Municipal Code.

**Attachments:**      [1.7a - DRS430 Grammatico-Favorito, Gina.pdf](#)

- b. Approval of Alternate Payee Benefit election of Unreduced Retirement Option to be paid to Christina Wise, ex-spouse of Fire Engineer, **Charles Wise** to be effective September 12, 2023 under Part 17, Section 3.36.3600 of the San Jose Municipal Code.

**Attachments:**      [1.7b - DRS430 Wise, Christina.pdf](#)

## **2. INVESTMENTS**

- a. Oral update by CIO, Prabhu Palani.

## **3. OLD BUSINESS CONTINUED-DEFERRED ITEMS**

- a. Report out of Closed Session for May 4, 2023, Police and Fire Board meeting.

## **4. 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 of an Ordinance to Amend San Jose Municipal Code Section 3.36.1468 to Extend the Deadline for Naming a New Spouse as a Beneficiary.

**Attachments:**      [4c\(1\) - Board Memo-New Spouse Benefit Election Deadline Extension.pdf](#)  
[4c\(2\) - Ordinance Extending Beneficiary Election for New Spouse.pdf](#)

## **5. RETIREMENTS**

### **5.1 Service Retirements**

- a. **Mark R. Barbour**, Fire Captain, Fire Department, effective July 6, 2023; 25.15\* years of service.
- b. **Pedro Corona**, Fire Captain, Fire Department, effective August 3, 2023; 27.85\* years of service.  
(*With Reciprocity - 23.50 CSJ YOS + 4.35 PERS YOS*)
- c. **Bryan P. Marks**, Fire Captain, Fire Department, effective August 6, 2023; 30.56\* years of service.  
(*With Reciprocity - 28.27 CSJ YOS + 2.29 PERS YOS*)
- d. **Jeremy A. Martinez**, Police Officer, Police Department, effective August 5, 2023; 25.35\* years of service.
- e. **Ray Ro**, Fire Captain, Fire Department, effective August 19, 2023; 26.14\* years of service.
- f. **David J. Scocca**, Fire Engineer, Fire Department, effective August 17, 2023; 25.31\* years of service.

### **5.2 Early Retirement**

- a. **Sundance Scardino**, Fire Prevention Inspector, Fire Department, effective June 1, 2023; 23.35\* years of service. (*With Reciprocity - 15.60 CSJ YOS + LACERA 7.75*)

### **5.3 Deferred Vested**

- a. **Edward Lee Conover III**, Police Sergeant, Police Department, effective August 14, 2023; 29.33\* years of service. (*With Reciprocity - 16.03 CSJ YOS + 13.24 PERS YOS*)
- b. **Tim R. Wright**, Police Officer, Police Department, effective June 28, 2023; 20.01\* years of service.

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

- a. Notification of the death of **Charles Castillo**, Police Sergeant, active, died July 21, 2022. Survivorship benefits to Stephanie Castillo, spouse and Benjamin Castillo and Samuel Castillo, sons.
- b. Notification of the death of **Scott M. Fey**, Fire Engineer, active, died July 21, 2022. Survivorship benefits to Ashley Fey, spouse and Kaison Fey, son.
- c. Notification of the death of **William L. Leavy**, Firefighter, retired April 5, 1997, died March 28, 2023. No survivorship benefits.
- d. Notification of the death of **Robert C. Moir**, Police Lieutenant, retired February 9, 1985, died May 18, 2023. Survivorship benefits to Jerrie L. Moir, spouse.

- e. Notification of the death of **Manoah Robinson**, Police Lieutenant, retired June 1, 1988, died May 5, 2023. Survivorship benefits to Linda Robinson, spouse.
- f. Notification of the death of **Daniel Wagener**, Police Officer, retired January 2, 1991, died March 30, 2023. No survivorship benefits.

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

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

**Last Meeting: April 27, 2023**                      **Next Meeting: August 22, 2023**

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

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

**Last Meeting: May 18, 2023**                      **Next Meeting: August 17, 2023**

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

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

**Last Meeting: December 1, 2022 (Special)**      **Next Meeting: September 7, 2023**

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

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

**Last Meeting: June 5, 2023**                      **Next Meeting: August 7, 2023**

- a. Oral update from the Chair of the Disability Committee.
- b. Minutes of the P&F Disability Committee meeting from May 8, 2023. Receive and file.

**Attachments:**                      [7.4b - PF DC 5.8.23 Minutes-Final.pdf](#)

### **7.5 Joint Personnel Committee (Gardanier/Lanza/Menon)**

**Last Meeting: May 11, 2023**                      **Next Meeting: TBD**

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

## **• PROPOSED AGENDA ITEMS**

## **• ADJOURNMENT**

• **Next Meeting: September 7, 2023**

\*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.