



BOARD OF ADMINISTRATION

Meeting Agenda - Final

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

Thursday, May 16, 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: 969 4873 5202

Passcode: 896583

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)

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 8:30 A.M.

II. CLOSED SESSION NEW BUSINESS-DEFERRED/CONTINUED ITEMS

- A. CLOSED SESSION:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION: Consideration of initiation of litigation pursuant to Government Code section 54956.9(d)(4): One Case.
- B. CLOSED SESSION:** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION: Significant exposure to litigation pursuant to Section 54956.9(d)(2): One Case.
- C. CLOSED SESSION:** CONFERENCE PURSUANT TO GOVERNMENT CODE SECTION 54956.81 TO CONSIDER PURCHASE OR SALE OF PARTICULAR PENSION FUND INVESTMENTS (ONE INVESTMENT).

OPEN SESSION - will reconvene following Closed Session, estimated to be 9:45 a.m.

• ORDERS OF THE DAY

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

1. CONSENT CALENDAR

1.1 Approval of Service Retirements

- a. Veronica M. Andrade**, Division Manager, Police Department, effective June 15, 2024; 30.12* years of service.

1.2 Approval of Deferred Vested

- a. Sharon L. Landers**, Assistant City Manager, City Manager's Office, effective February 3, 2024;

23.38* years of service. (*With Reciprocity - 4.32 CSJ + 19.06 PERS = 23.38 YOS*)

- b. **Barbara Liberty**, Supervisor Public Safety Dispatcher, Police Department, effective June 15, 2024; 24.81* years of service. (*With Reciprocity - 19.86 CSJ + 4.95 PERS = 24.81 YOS*)
- c. **Lena M. Ramos-Gonzales**, Senior Custodian, Airport Department, effective May 24, 2024; 15.19* years of service.
- d. **David C. Schaff**, Instrument and Control Technician I, Environmental Services Department, effective May 18, 2024; 19.62* years of service. (*With Reciprocity - 6.32 CSJ + 13.30 PERS = 19.62 YOS*)

1.3 Approval of Board Minutes

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

Attachments: [1.3a - FED Board 4-18-24 Minutes-Final.pdf](#)

1.4 Approval of Return of Contributions

- a. Voluntary | Involuntary

Attachments: [1.4a - FED ROC Review - April 2024.pdf](#)

1.5 Acceptance of Communication/Information Reports

- a. Report of the Monthly Board Expenses for March 2024. Receive and file.

Attachments: [1.5a - FED March 2024 Monthly Expenses Report.pdf](#)

- b. Q3 FY 2023-2024 Budget to Actual Quarterly Budget Reports.

Attachments: [1.5b - FED Q3 FY 2023-2024 Quarterly Report.pdf](#)

- c. **Educational Travel Reports:**

- Pension Bridge The Annual 2024, Ritz-Carlton, Half Moon Bay, CA, April 15 - 17, 2024 - by Matthew Faulkner.
- Pension Bridge The Annual 2024, Ritz-Carlton, Half Moon Bay, CA, April 15 - 17, 2024 - by Spencer Horowitz.

Attachments: [1.5c\(1\) - Travel Content Report - Matthew Faulkner.pdf](#)

[1.5c\(2\) - Travel Content Report - Spencer Horowitz.pdf](#)

1.6 Report out of Closed Session

- a. Report out of Closed Session from April 18, 2024 Federated Board Meeting regarding Public Employee Performance Evaluation Pursuant to Government Code Section 54957(b)(1): CEO.

Attachments: [1.6a - Report out of Closed Session.pdf](#)

- b. Report out of Closed Session from April 18, 2024 Federated Board Meeting regarding Conference with Legal Counsel-Anticipated Litigation: Consideration of Initiation of Litigation pursuant to 54956.9(d)(4): One Case.

Attachments: [1.6b - Report out of Closed Session.pdf](#)

2. DEATH AND SURVIVORSHIP NOTIFICATIONS (Moment of Silence)

- a. Notification of the death of **Richard H. Moore**, Communications Engineer, retired November 1, 1986, died March 21, 2024. No survivorship benefits.
- b. Notification of the death of **Eugene R. Toschi**, Principal Civil Engineer, retired November 6, 1988, died April 11, 2024. No survivorship benefits.
- c. Notification of the death of **Mary Vreeland**, Principal Account Clerk, retired January 9, 1999, died March 30, 2024. No survivorship benefits.

3. INVESTMENTS

- a. Oral update by CIO, Prabhu Palani.

4. OLD BUSINESS-DEFERRED/CONTINUED ITEMS

- a. Discussion and action on authorizing the secretary to negotiate and execute the second amendment to the agreement with Cortex Consulting for governance consulting services to increase the compensation payable under the agreement by \$25,000 to a not to exceed amount of \$75,000.

Attachments: [4a\(1\) - Memo re Cortex 2nd Amendment for Additional Funds.pdf](#)
 [4a\(2\) - FED Cortex 1st Amendment current agreement-signed.pdf](#)

5. NEW BUSINESS

- a. Oral update by CEO, Roberto L. Peña.
- b. Oral update from the City Council Liaison to the Board.
- c. Discussion and action on renewal of contract agreement with Levi, Ray & Shoup (LRS), with amendment for continued use of pension administration system (Pension Gold V3) and to add hosting services for term of June 30, 2030 and with an increase in NTE amount by \$2,004,000.

Attachments: [5c - Request to Negotiate & Execute Amendment with LRS for Maint & Supt.pdf](#)

- d. Discussion and action on City Policies adopted by City Council after October 27, 2023, which includes City Policies No. 3.1.7 (Revolving Door), 4.2.7 (Paid Parental Leave), 4.2.17 (Reproductive Loss Leave), and 6.1.4 (Open Government Policy).

- Attachments:** [5d\(1\) - Revolving Door final 02-05-24.pdf](#)
[5d\(2\) - CPM 427 City-Paid Parental Leave eff 11-01-23.pdf](#)
[5d\(3\) - CPM 4217 Reproductive Loss Leave rev 02-05-24.pdf](#)
[5d\(4\) - CPM 614 Open Government Policy eff 01-31-24.pdf](#)

- e. Discussion and action on Amended City Policy No. 2.1.3 (Disciplinary Policy) for ORS Operations, adopted by City Council on April 9, 2024.

Attachments: [5e - CPM 213 Discipline Policy rev 04-09-24.pdf](#)

- f. Discussion and action on City Policy No. 1.8.2 for City Employee Travel.

Attachments: [5f - CPM 182 Employee Travel rev 10-23-19.pdf](#)

- g. Discussion and action on non-preapproved travel for Trustee Linder to attend the Publics Fund Forum from September 3-5, 2024.

Attachments: [5g - Public Funds Forum Agenda from September 3-5, 2024.pdf](#)

6. COMMITTEES/REPORTS/RECOMMENDATIONS

6.1 Investment Committee (Chandra, Horowitz, Faulkner)

Last Meeting: April 10, 2024 Next Meeting: August 20, 2024

- a. Oral update from the Chair of the Investment Committee.
b. Minutes of the Federated Investment Committee meeting from February 20, 2024. Receive and file.

Attachments: [6.1b - FED IC -2-20-24 Minutes-Final.pdf](#)

6.2 Audit Committee (Avasthy, Jennings, Abbott)

Last Meeting: May 16, 2024 Next Meeting: August 15, 2024

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

6.3 Governance Committee (Linder, Abbott, Avasthy)

Last Meeting: March 7, 2024 Next Meeting: June 20, 2024

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

6.4 FCERS Disability Committee (Linder, Jennings, Faulkner)

Last Meeting: April 2, 2024 Next Meeting: June 5, 2024

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

6.5 Joint Personnel Committee (Chandra, Horowitz, Linder)

Last Meeting: April 25, 2024 Next Meeting: TBD

- a. Oral update from the Chair of the Joint Personnel Committee.
- b. Minutes of the Joint Personnel Committee meeting from March 19, 2024. Receive and file.

Attachments: [6.5b - JPC 3-19-23 Minutes-Final.pdf](#)

- c. Minutes of the Joint Personnel Committee meeting from April 5, 2024. Receive and file.

Attachments: [6.5c - JPC 4-5-24 Minutes-Final.pdf](#)

7. EDUCATION & TRAINING

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

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

- b. CALAPRS, Principles of Pension Governance for Trustees, The Lodge at Tiburon, Tiburon, CA, August 26 - 29, 2024.

Attachments: [7b - CALAPRS Principles of Pension Governance-August 2024.pdf](#)

• PROPOSED AGENDA ITEMS

• ADJOURNMENT

• Next FCERS Board Meeting: June 20, 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.