

Memorandum

TO: Police and Fire Department Retirement Plan FROM: John Flynn

SUBJECT: Board Meeting Location Informational Memo Date: August 7, 2025

APPROVED:

DATE:

RECOMMENDATION

Consideration of information stated herein related to the discussion and action on the Board's designation of 1737 N. First St, Suite 580, San Jose, CA 95112, as its meeting location for the Regular Board and Standing Committee Meetings.

BACKGROUND

At the April 2025 board meeting, Chair Vado proposed an agenda item for the May 2025 board meeting on the Police and Fire Board's consideration of moving the regular board and committee meetings from City Hall to the Office of Retirement Services ("ORS") boardroom.

At the May 2025 board meeting, the Police and Fire Board discussed relocating the regular board and committee meetings to the ORS boardroom. The discussion centered on the efficiency of staff preparation and attendance at board meetings, the utilization of the existing ORS facility without scheduling conflicts with City facilities, and some inconvenience to trustees and consultants. The ORS CEO was directed to schedule an agenda item for discussion and action at the next board meeting. The CEO was also asked to start a technology evaluation for long-term support to broadcast meetings from the ORS Boardroom.

At the June 2025 board meeting, several trustees of the Police and Fire Board were absent, though the Police and Fire Board had a quorum. Due to the absence of a number of trustees, this agenda item was tabled at the June Police and Fire Board meeting.

COMMUNICATIONS WITH THE CITY

On June 2, 2025, the CEO was contacted by the City Clerk stating that there was a December 15, 2009 approved memo from the then Mayor Chuck Reed stating in relevant part that: "Decision-Making Boards and Commissions", "Due to their importance, the meeting of these bodies" (including board Retirement Boards) "can generate a great amount of public interest and their meetings should take place at City Hall."

The City Clerk also stated that, "Based on this Council action, in order to move the location of Retirement Board meetings from City Hall, after the board approves moving the location, you need to submit a memo to the CMO Agenda Services for Council to approve the move from City Hall to 1737 N. 1st."

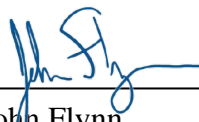
It is ORS's understanding that this guidance from the City Clerk was based on input from the City Attorney's Office ("CAO"). Following the communication with the City Clerk, the CEO and the CAO had a follow-up discussion on the matter. In follow-up discussions with the CAO, the CEO raised several points of clarification with the CAO regarding the process for the Board to change its meeting location based on the following materials and language considered:

- December 2009 - Approved Council Memo from Chuck Reed – stating that “meetings should take place at City Hall”
- August 2010 – Municipal Code section 3.36.330 was passed – providing that “the retirement board shall hold regular meetings monthly at a time and place to be determined by the board.”
- October 2010 –the CAO identified an email dated October 2010 and discussed the process that the City Clerk communicated to the CEO on or around June 2, 2025, but the email was not shared as the CAO deemed it as attorney work product and did not otherwise provide any document memorializing the process articulated by the City Clerk

Communication Timelines:

- June 2, 2025 – City Clerk notified CEO of the Mayor's 2009 memo and the need for Council approval if the Board opts to move meetings.
- June 2, 2025 – CEO discussed Municipal Code 3.36.330 with the City Clerk and was referred to CAO for clarification. A copy of the 2009 memo was requested.
- June 3, 2025 – CEO conversation with attorney at CAO concerning the memo language (shall vs should), timing of the memo in reference to the updated municipal code section 3.36.330 (2009 vs 2010), and the origin of the above reference procedure.
- June 23, 2025 – CEO emailed a request to CAO and Clerk for a copy of the written procedures referenced during the call with CAO, and if any other boards or commissions have followed the process.
- June 24, 2025 – CEO's June 23, 2025 Email was processed as a public records request R008811-062425
- As of July 18, 2025, PRA was closed with no procedure identified or reference to other boards that have previously followed this procedure

Submitted for your information in consideration of this agenda item.



John Flynn
CEO, Office of Retirement Services