



# BOARD OF ADMINISTRATION

## Meeting Agenda - Final

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

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Thursday, November 7, 2024

9:00 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:**

**Pass Code:**

*Franco Vado, Chair, Police Retiree Rep (Term Expires 11/30/24)*  
*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 11/30/24)*  
*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)*  
*Vacant, Trustee, Public Member*

*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**

**CLOSED SESSION**

**CLOSED SESSION AGENDA ITEMS WILL BE HEARD AT 10:30 A.M.**

**I. CLOSED SESSION OLD BUSINESS/CONTINUED-DEFERRED ITEMS**

- A. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1). Position: Chief Investment Officer.**
- B. CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6(a). Agency designated representatives: Trustee Eswar Menon; Unrepresented employees: Chief Investment Officer.**

**OPEN SESSION - will reconvene following Closed Session, estimated to be 11:00 a.m.**

**• ORDERS OF THE DAY**

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

**1. CONSENT CALENDAR**

**1.1 Approval Of Minutes**

- a. Approval of the Board Minutes of October 3, 2024.**

**Attachments:**      [1.1a - PF 10.3.24 Meeting Minutes - Final](#)

**1.2 Return of Contributions**

a. Voluntary | Involuntary

**Attachments:**      [1.2a - PF ROC Memo October](#)

### **1.3 Approval Of Travel & Reimbursements**

a. John Flynn, CEO

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

b. Reimbursements

- John Flynn's 'Temporary Lodging Reimbursement' for August 24-October 6, 2024 pursuant to CEO Employment Contract, Paragraph 3(C), Exhibit E.

**Attachments:**      [1.3b\(1\) - John Flynn Final Signed Contract w Exhibit Deck](#)

[1.3b\(2\) - Temporary Housing Aug 24-Sept 25](#)

[1.3b\(3\) - Temporary Lodging Aug 30-Oct 6](#)

### **1.4 Communication/Information**

a. Police and Fire Retirement System Dashboard.

**Attachments:**      [1.4a - P&F 11.7.24 Dashboard](#)

b. Report of the Monthly Board Expenses for July 2024. Receive and file.

**Attachments:**      [1.4b - PF July 2024 Monthly Expense Reports](#)

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

**Attachments:**      [1.4c - PF August 2024 Monthly Expense Reports](#)

d. Report of the Monthly Board Expenses for September 2024. Receive and file.

**Attachments:**      [1.4d - PF September 2024 Monthly Expense Reports](#)

e. Q1 FY24-25 Budget to Actual Quarterly Budget Report.

**Attachments:**      [1.4e - PF Q1 Quarterly Report](#)

### **1.5 Education and Training**

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

**Attachments:**      [1.5a - San Jose Cortex Report - November 2024 Edition](#)

b. CALAPRS 2024 Program Calendar.

**Attachments:**      [1.5b - CALAPRS 2024 Program Calendar](#)

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

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

## **2. INVESTMENTS**

- a. Oral update by CIO, Prabhu Palani.

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

## **4. NEW BUSINESS**

- a. Oral update by CEO, John Flynn.
- b. Oral update from the City Council Liaison to the Board.
- c. Discussion and action on recommendation to City Council for the Public Board Member to fill 9th seat of the Board for full term ending April 30, 2027, following interviews of trustee candidates.

**Time Certain:** 9:10 a.m. or soon thereafter

**Candidates:**

- John Cleveland
- Gretchen Flicker

**Attachments:**      [4c\(1\) - John Cleveland Application](#)  
[4c\(2\) - John Cleveland Resume](#)  
[4c\(3\) - Gretchen Flicker Application](#)  
[4c\(4\) - Gretchen Flicker Resume](#)

- d. Discussion on Preliminary Pension Valuation Results as of June 30, 2024 presented by Cheiron.
- Attachments:**      [4d - SJPF00P 2024 Preliminary Valuation Results](#)
- e. Discussion and action on assumptions for the OPEB June 30, 2024 actuarial valuation to be presented by Cheiron.
- Attachments:**      [4e - CASJPFCW 2024 OPEB Assumptions](#)
- f. Discussion and action on merit and executive days for fiscal year ending June 30, 2025 for the CIO position.
- g. Nominations for the position of Board Chair for calendar year 2025.
- h. Nomination for the position of Board Vice-Chair for calendar year 2025.
- i. Discussion and action to authorize investment and risk consultants to review the Investment Policy Statement (including but not limited to the Investment Committee's May 14, 2024 recommended action) based on consultants' proposed scope of services, timeline, and budget for same.
- j. Discussion and action on establishing a Joint Ad Hoc Committee of two board members from each

board to participate in the procurement process for legal services used by the ORS and the Boards. This Joint Ad Hoc Committee would continue until the selected vendors execute all contracts.

**Attachments:**      [4j - PF - Legal RFP Process - Final](#)

- k. Discussion and action to give authority to the proposed Joint Ad Hoc Committee to work with staff to identify how they would be involved in procuring the legal services and set an appropriate timeline so that all services may be procured and the contract(s) executed no later than June 30, 2025.

**Attachments:**      [4k - PF - Legal RFP Process - Final](#)

- l. Discussion and action to procure separate services for general counsel and fiduciary counsel.

**Attachments:**      [4l - PF - Legal RFP Process - Final](#)

- m. Discussion and action on authorizing the secretary to negotiate and execute the third amendment to the agreement with Cortex Consulting for governance consulting services to extend the term of the agreement to March 31, 2025, and increase the compensation payable under the agreement by \$5,000 to a not to exceed the amount of \$80,000.

**Attachments:**      [4m - Cortex 3rd amendment for additional Funds for calendar year 2024](#)

- n. Discussion and action on creating a Joint Ad hoc Committee (JAHC) with the Federated Board for procuring actuarial and actuarial audit services for the Office of Retirement Services (ORS) and the System / Plan.

**Attachments:**      [4n - PF - Actuarial RFP Process](#)

## **5. RETIREMENTS**

### **5.1 Service Retirements**

- a. **Carlos Acosta**, Police Captain, Police Department, effective November 28, 2024; 25.62\* years of service.

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

- a. Notification of the death of **Robert Crowder**, Fire Captain, retired January 8, 1986, died August 26, 2024. Survivorship benefits to Evelyn Crowder, spouse.
- b. Notification of the death of **Duncan De Mers**, Police Officer, retired January 15, 1998, died October 14, 2024. No survivorship benefits.
- c. Notification of the death of **Mills Ridgway**, Fire Captain, retired July 9, 1989, died September 28, 2024. Survivorship benefits to Cheryl Ridgway, spouse.
- d. Notification of the death of **Paul E. Tomlinson**, Police Sergeant, retired December 16, 1996, died August 24, 2024. Survivorship benefits to Carolyn Louise Tomlinson, spouse.

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

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

**Last Meeting: August 20, 2024**

**Next Meeting: December 17, 2024**

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

### **7.2 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. Minutes of the Audit Committee meeting from August 15, 2024. Receive and file.

**Attachments:**      [7.2b - JAC 8-15-24 Minutes-Final](#)

- c. 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:
  - a. Independent auditor's report on the internal control over financial reporting, compliance and other matters based on an Audit of Financial Statements performed.
  - b. Independent auditor's Management Letter comments and recommendations regarding audit findings.

**Attachments:**      [7.2c\(1\) - FYE 2024 Audit Results Presentation PPT](#)

[7.2c\(2\) - PF IAR Internal Controls and Compliance - FYE 6-30-2024 DRAFT](#)

- d. Discussion and action on the approval of the Police and Fire Department Retirement Plan's Annual Comprehensive Financial Reports for the Fiscal Year 2023-2024.

**Attachments:**      [7.2d\(1\) - PF ACFR Memo](#)

[7.2d\(2\) - 2024 PF ACFR Draft 11-01-24](#)

- e. Discussion of CEO's assessment of ORS staff positions, including but not limited to the Senior Internal Auditor position.

### **7.3 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.

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

**Last Meeting: September 9, 2024**

**Next Meeting: November 15, 2024**

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

**7.5 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: December 5, 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.