



BOARD OF ADMINISTRATION

Meeting Minutes - Final Joint - Personnel Committee

Wednesday, April 2, 2025

10:00 AM

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

HYBRID MEETING

PHYSICAL LOCATION:

1737 North First Street, Suite 580
San Jose, CA 95112

ZOOM INFORMATION:

zoom.us

Dial In: +1 669-219-2599 US (San Jose)

Meeting ID: 993 9759 0750

Police & Fire Committee Members

Eswar Menon, Chair (Term Expires 11/30/26)

Andrew Gardanier, Trustee (Term Expires 11/30/27)

Franco Vado, Trustee (Term Expires 11/30/28)

Federated Committee Members

Anurag Chandra, Vice Chair (Term Expires 11/30/26)

Spencer Horowitz, Trustee (Term Expires 11/30/28)

Mark Linder, Trustee (Term Expires 11/30/28)

John Flynn, CEO, Office of Retirement Services

Maytak Chin, General & Fiduciary Counsel

Present 6 - Anurag Chandra, Spencer Horowitz, Mark Linder, Eswar Menon, Franco Vado, and Andrew Gardanier

The Joint Personnel Committee met in person at 1737 N. First St., Suite 580 on Friday, April 2nd, 2024. The meeting was called to order at 10:04 a.m. by Chair Menon followed by roll call.

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) requesting the Board approve their attendance of this meeting via teleconference due to an "Emergency Circumstance".

b. Emergency 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) 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.

• **Call to Order and Roll Call**

Chair Menon called the meeting to order at 10:04 A.M. and took roll call attendance.

Committee members present in person: Eswar Menon, Andrew Gardanier, Mark Linder, Franco Vado, Spencer Horowitz, and Anurag Chandra.

Retirement Staff Present in person: John Flynn, Cynthia Ayala, Edith Aldama, Sherrell Aledo, Gabriela Romero Castrejon and Chris Ha.

Also Present via Zoom: Maytak Chin, General and Fiduciary Counsel and Bill Gold, Office of Employee Relations

• **Orders of the Day**

Chair Menon read the following ground rules into the record:

A FEW GROUND RULES FOR THIS MEETING

We are holding this meeting as a hybrid meeting, and so those who are attending virtually, please mute yourself unless you are speaking and if you wish to speak, please raise your hand and staff will alert the Chair.

ORDERS OF THE DAY:

None

WAIVED SUNSHINE:

A motion was made to waive sunshine on attachments, 1a, 2c3, 2c4 and 2d4. Approved. (M.S.C. CHANDRA/GARDANIER 6-0-0).

Counsel Chin stated that these materials were provided to the Committee for the first time at the meeting, and pursuant to Government Code § 54957.5(b), copies of these materials were made available to members of the public at the meeting location and are publicly available upon request.

AGENDA

1. Consent Calendar

- a. Approval of the Minutes from the April 25th, 2024 Joint Personnel Committee meeting.

This item was heard immediately after the motion on Sunshine. A motion was made to approve the Consent Calendar.

Approved. (M.S.C. HOROWITZ/LINDER 6-0-0).

Trustee Vado asked a question and Counsel Chin responded.

2. NEW BUSINESS

- a. Nomination and election of Chair of Joint Personnel Committee.

CEO John Flynn introduced this item. Counsel Chin read out relevant provisions of the Joint Personnel Committee Charter. A nomination was made by Trustee Horowitz for Trustee Chandra to be Chair of the Joint Personnel Committee.

A motion was made to elect Trustee Chandra as chair of the Joint Personnel Committee.

Approved. (M.S.C. HOROWITZ/LINDER 6-0-0).

- b. Nomination and election of Vice-Chair of Joint Personnel Committee.

Chair Chandra nominated Trustee Menon to be the Vice Chair of the Joint Personnel Committee.

A motion was made to elect Trustee Menon to be the Vice Chair of the Joint Personnel Committee.

Approved. (M.S.C. CHANDRA/LINDER 6-0-0).

- c. Discussion and action on CEO Performance Evaluation, including process, evaluation criteria and associated weights to be used to evaluate performance for the Board's approval.

CEO John Flynn introduced this item and answered questions from the Committee. Chair Chandra and Trustees Gardanier, Horowitz, and Vado made a few comments. After discussion, a motion was made to continue with the same processes for CEO performance evaluation for this year. Approved. (M.S.C. MENON/HOROWITZ 6-0-0).

- d. Discussion and action on CIO Performance Evaluation, including process, evaluation criteria and associated weights to be used to evaluate performance for the Board's approval.

CEO John Flynn introduced this item and answered questions from the Committee. After discussion, a motion was made to continue with the same processes for CIO performance evaluation for this year. Approved. (M.S.C. MENON/LINDER 6-0-0).

- e. Discussion and action on Investment Staff compensation, including the discussion of timing and commencement of a compensation study.

John Flynn introduced this item and answered questions from the committee. Chair Chandra and Trustees Gardanier and Horowitz made a few comments.

After discussion, a motion was made to make a recommendation to both boards for the

commencement of a compensation study.

Approved. (M.S.C. HOROWITZ/LINDER 6-0-0).

Trustee Linder, Chair Chandra and CEO Flynn made a few additional comments.

- f. Discussion and action on the recommendation to the boards to request the creation of a new ORS-specific classification for Deputy Director/Deputy CIO.

CEO John Flynn introduced this item and answered questions from the Committee. Trustee Vado made a few comments.

After discussion, a motion was made to recommend to both boards to create a Deputy CIO position for negotiation with the City.

Approved. (M.S.C. VADO/GARDANIER 6-0-0).

- **PROPOSED AGENDA ITEMS**

Trustee Linder asked a question and CEO Flynn responded.

The Committee discussed adding the following as proposed future agenda items:

- The use of the City Auditor for ORS, internal or external auditor and how to address the internal audit function for ORS.

- The potential ballot measure issue on pay raised in the Mayor's budget message.

- Staff performance metrics an impact on CEO/CIO performance evaluations.

- **PUBLIC COMMENTS**

- **ADJOURNMENT**

The meeting adjourned at 10:54 A.M.

ADA ALERT

Minutes Recorded, Prepared and Respectfully submitted by,

John Flynn, CEO, Office of Retirement Services

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.

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.

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.