



BOARD OF ADMINISTRATION

Action Minutes

Police & Fire Department Retirement Plan and Health Care Trust

Thursday, May 2, 2024

9:00 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: +1 669 900 9128 US (San Jose)

Meeting ID: 992 3724 9484

Pass Code: 413353

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

Roberto L. Peña, CEO, Office of Retirement Services

The Board of Administration of the Police and Fire Department Retirement Plan and Health Care Trust met in person at City Hall Wing Rooms 118-120 and via Zoom on Thursday, May 2, 2024 at 9:00 a.m. Chair Vado called the Pension Plan and Health Care Trust meeting to order at 9:05 a.m. followed by roll call.

Board Members Present: Franco Vado, Sunita Ganapati, Richard Santos, Dave Wilson, David Kwan, Howard Lee, and Andrew Gardanier.

Trustee Eswar Menon arrived at 9:07 a.m.

Retirement Staff Present: Barbara Hayman, Jay Kwon, Eric Tsang, Harrison Pearce, Christina Wang, Dhinesh Ganapathiappan, Ron Kumar, Chris Ha, Edith Aldama, David Torres, Sherrell Aledo, and Cynthia Ayala.

Retirement Staff Present via Zoom: Roberto L. Peña, Prabhu Palani, Ellen Lee, Julie He, Sandra Castellano, Deborah Sattler, Shilpi Dwivedi, David Aung, Arun Nallasivan, and Chris Reyes.

Also Present: Pam Foley, Council Liaison; Cheryl Parkman, OER; Maytak Chin and Mariah Fairley, General and Fiduciary Counsel; Harvey Leiderman, Public Attendee; and Gretchen Flicker, Public Attendee.

Also Present via Zoom: Laura Wirick and Ian Schirato, Meketa Investment Group; Eileen Neil and Marc Gesell, Verus; and Kevin Baload, Journalist.

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 9:00 A.M.

I. CLOSED SESSION NEW BUSINESS

The Board entered into Closed Session at 9:06 a.m. Closed session was heard immediately after the Board voted to waive sunshine.

- A. CLOSED SESSION:** CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to Section 54956.9(d)(2): One Case

There was no reportable action for this item from Closed Session.

The Board came out of Closed Session at 9:22 a.m.

OPEN SESSION - will reconvene following Closed Session, estimated to be 9:30 a.m.

Open Session re-convened at 9:24 a.m.

• ORDERS OF THE DAY

ORDERS OF THE DAY:

This item was heard immediately after roll call attendance.

- Time Certain – To be heard at 10:30 a.m. or soon thereafter
- Item 4f: Trustee Interviews to Recommend to Council a Public Board Member to 9th seat of the Board for a full term ending April 30, 2027.

WAIVE SUNSHINE:

A motion was made to waive sunshine on the attachments 4c(2), 4f(3), and 4f(4).

Approved. (M.S.C. Gardanier/Santos 7-0-0). Trustee Menon was absent.

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

None.

1. CONSENT CALENDAR

The Consent Calendar was heard after Closed Session.

A motion was made to approve the Consent Calendar.

Approved. (M.S.C. Santos/Menon 8-0-0).

1.1 Approval for a Service-Connected Disability Retirement

- a. **Scott Fey**, Fire Engineer, Fire Department, Request for Service-Connected Disability Retirement, effective 06/04/21; 23.84* years of service. (*Disability Committee Recommendation: Approval*)
- b. **Casilia Loessberg**, Firefighter, Fire Department, Request for Service-Connected Disability Retirement, effective 05/30/23; 7.01* years of service. (*Disability Committee Recommendation: Approval*)

1.2 Approval for a Change in Status to Service-Connected Disability Retirement

- a. **Matthew Archer**, Police Sergeant, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective 05/16/20; 26.19* years of service. (*Disability Committee Recommendation: Approval*)
- b. **Charlotte Endicott**, Fire Division Chief, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective 01/31/19; 25.12* years of service. (*Disability Committee Recommendation: Approval*)
- c. **Robert Gutierrez**, Battalion Chief, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective 01/26/20; 27.62* years of

service. (*Disability Committee Recommendation: Approval*)

- d. **Robert Magdaleno**, Police Officer, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective 04/09/20; 21.18* years of service. (*Disability Committee Recommendation: Approval*)
- e. **Howard Morton**, Fire Captain, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective 03/27/20; 21.25* years of service. (*Disability Committee Recommendation: Approval*)
- f. **Rafael Nieves**, Police Sergeant, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective 05/16/20; 25.77* years of service. (*Disability Committee Recommendation: Approval*)

1.3 Approval Of Minutes

- a. Approval of the Board Minutes of April 4, 2024.

1.4 Approval Of Travel for Conferences and Due Diligence

- a. Prabhu Palani, CIO
 - Antler Venture Capital Conference - Speaker; and Due Diligence, London, UK, June 20, 2024

1.5 Return of Contributions - NONE

- a. Voluntary | Involuntary

1.6 Communication/Information

- a. Police and Fire Retirement System Dashboard.
- b. Report of the Monthly Board Expenses for March 2024. Receive and file.
- c. Q3 FY23-24 Budget to Actual Quarterly Budget Report.
- d. Report out of Closed Session from April 4, 2024 Police and Fire Board Meeting regarding Public Employee Performance Evaluation Pursuant to Government Code Section 54957(b)(1): CEO.

1.7 Education and Training

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- a. The Cortex Report - May 2024, Conferences, Seminars and Educational Programs.
 - b. CALAPRS, 2024 Management/Leadership Academy, The Westin Hotel, Pasadena, CA, June 10 - 12, and July 22 - 24, 2024.

1.8 Notice of Alternate Payee Benefit Election

- a. Approval of Alternate Payee Benefit election of Unreduced Retirement Option to be paid to Nohemi Sanchez, ex-spouse of Police Officer, **Daniel Navarro** to be effective May 3, 2024 under Part 17, Section 3.36.3600 of the San Jose Municipal Code.
- b. Approval of Alternate Payee Benefit election of Unreduced Retirement Option to be paid to Tracey C. Oliver, ex-spouse of Fire Captain, **David R. Moore** to be effective June 27, 2024 under Part 17, Section 3.36.3600 of the San Jose Municipal Code.

2. INVESTMENTS

- a. Oral update by CIO, Prabhu Palani.

CIO Palani updated the Board.
- b. Discussion and action on the Plan's Strategic Asset Allocation by Meketa Investment Group.

This item was presented.

A motion was made to approve option 1 on the Plan's Strategic Asset Allocation.

Approved. (M.S.C. Santos/Lee 8-0-0).
- c. Discussion and action on fiscal year 2024-2025 private markets pacing plan by Dhinesh Ganapathiappan, Senior Investment Officer.

This item was presented.

A motion was made to approve fiscal year 2024-2025 private markets pacing plan.

Approved. (M.S.C. Ganapati/Kwan 8-0-0).
- d. Discussion and action to hire Meketa Investment Group for general investment consulting services and authorizing the Secretary to negotiate and execute a five-year contract not-to-exceed \$700,400/year (shared 50/50 with Federated

Plan).

This item was heard together with items 2e & 2f, but voted on separately.

This item was presented.

A motion was made to hire Meketa Investment Group for general investment consulting services and authorizing the Secretary to negotiate and execute a five-year contract not-to-exceed \$700,400/year (shared 50/50 with Federated Plan).

Approved. (M.S.C. Kwan/Santos 8-0-0).

- e. Discussion and action to hire Verus Advisory, Inc. for risk consulting services and authorizing the Secretary to negotiate and execute a five-year contract not-to-exceed \$200,000/year (shared 50/50 with Federated Plan).

This item was heard together with items 2d & 2f, but voted on separately.

A motion was made to hire Verus Advisory, Inc. for risk consulting services and authorizing the Secretary to negotiate and execute a five-year contract not-to-exceed \$200,000/year (shared 50/50 with Federated Plan).

Approved. (M.S.C. Kwan/Santos 8-0-0).

- f. Discussion and action to hire Albourne America, LLC for alternative investments consulting services and authorizing the Secretary to negotiate and execute a five-year contract not-to-exceed \$258,000/year (shared 50/50 with Federated Plan).

This item was heard together with items 2d & 2e, but voted on separately.

A motion was made to hire Albourne America, LLC for alternative investments consulting services and authorizing the Secretary to negotiate and execute a five-year contract not-to-exceed \$258,000/year (shared 50/50 with Federated Plan).

Approved. (M.S.C. Ganapati/Kwan 8-0-0).

3. OLD BUSINESS CONTINUED-DEFERRED ITEMS-NONE

4. NEW BUSINESS

- a. Oral update by CEO, Roberto L. Peña.

This item was heard after item 4f.

CEO Peña updated the Board.

- b. Oral update from the City Council Liaison to the Board.

This item was heard after item 2f.

City Council Liaison updated the Board.

The Board took a break from 10:27 a.m. to 10:37 a.m.

- c.** Discussion and action on authorizing the CEO to negotiate and execute a second amendment with Cortex Consulting Inc., for a total NTE amount of \$75,000.

This item was heard after item 4a.

This item was discussed.

A motion was made to authorize the CEO to negotiate and execute a second amendment with Cortex Consulting Inc., for a total NTE amount of \$75,000.

Approved. (M.S.C. Santos/Wilson 8-0-0).

- d.** 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.

This item was discussed.

A motion was made to approve the 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.

Approved. (M.S.C. Wilson/Lee 8-0-0).

- e.** Discussion and action on authorizing the CEO to negotiate and execute a fifth amendment to the agreement with Marty Boyer, Communications Advantage, to extend the term of the Agreement through June 30, 2025.

This item was discussed.

A motion was made to authorize the CEO to negotiate and execute a fifth amendment to the agreement with Marty Boyer, Communications Advantage, to extend the term of the Agreement through June 30, 2025.

Approved. (M.S.C. Wilson/Santos 8-0-0).

- f.** Trustee Interviews to Recommend to Council a Public Board Member to 9th seat of the Board for a full term ending April 30, 2027;

Time Certain: 10:30 a.m. or soon thereafter

Candidates:

- Gretchen Flicker
- Harvey Leiderman

This item was heard after item 4b.

The Board interviewed applicants Gretchen Flicker and Harvey Leiderman.

The Board took a break from 11:52 a.m. to 12:00 p.m.

After discussion, a motion was made to recommend Harvey Leiderman to Council a Public Board Member to 9th seat of the Board for a full term ending April 30, 2027.

Approved. (M.S.C. Wilson/Ganapati 8-0-0).

5. RETIREMENTS

5.1 Service Retirements

Chair Vado read the Service Retirements into the record.

A motion was made to approve the Service Retirements.

Approved. (M.S.C. Santos/Wilson 8-0-0).

- a. **Erik C. Hove**, Police Sergeant, Police Department, effective May 11, 2024; 26.65* years of service.

6. DEATH AND SURVIVORSHIP NOTIFICATIONS (Moment of Silence)

Chair Vado read the Death Notifications into the record and asked for a moment of silence for those who have served and passed away.

- a. Notification of the death of **Richard K. Saito**, Police Lieutenant, retired December 30, 2006, died March 14, 2024. Survivorship benefits to Dian Saito, spouse.
- b. Notification of the death of **Ralph J. Dillon**, Fire Engineer, retired January 29, 2003, died March 7, 2024. Survivorship benefits to Susan Dillon, spouse.
- c. Notification of the death of **Warren F. Schuller**, Fire Fighter, retired July 1, 1995, died March 11, 2024. No survivorship benefits.
- d. Notification of the death of **Winsford Wheatley**, Fire Engineer, retired December 3, 1986, died March 25, 2024. Survivorship benefits to Maria Wheatley, spouse.

7. COMMITTEE MINUTES, REPORTS and RECOMMENDATIONS

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

Last Meeting: April 15, 2024

Next Meeting: June 25, 2024

- a. Oral update from the Chair of the Investment Committee.
Chair Menon updated the Board.
- b. Minutes of the Police and Fire Investment Committee meeting from March 1, 2024.
Receive and file.
The Minutes were received and filed.

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

Last Meeting: April 11, 2024

Next Meeting: May 16, 2024

- a. Oral update from the Chair of the Audit/Risk Committee.
Chair Lee updated the Board.
- b. Minutes of the Joint Audit Committee meeting from March 1, 2024. Receive and file.
The Minutes were received and filed.
- c. Discussion regarding City Auditor's Report regarding audit of ORS compliance with City policies and procedures for purchasing and contracting.
This item was discussed.
- d. Discussion and action on revised Internal Auditor Charter to reflect changes discussed on March 1, 2024 Joint Audit Committee Meeting.
This item was discussed.
A motion was made to approve the revised Internal Auditor Charter to reflect changes discussed on March 1, 2024 Joint Audit Committee Meeting.
Approved. (M.S.C. Santos/Ganapati 8-0-0).
- e. Update on status of request to custodian bank (Bank of New York Mellon) to correct fiscal years 2016-2023 Pension Plans' returns based on the results of the Agreed Upon Procedures work completed by Macias Gini & O'Connell LLP audit firm.
This item was discussed.
- f. Discussion and action for process for hiring a new Internal Auditor for Office of Retirement Services.
This item was discussed.

A motion was made to approve the process for hiring a new Internal Auditor for Office of Retirement Services.

Approved. (M.S.C. Santos/Wilson 8-0-0).

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

Last Meeting: March 7, 2024

Next Meeting: June 20, 2024

- a. Oral update from the Chair of the Governance Committee.
- There was no update.

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

Last Meeting: April 8, 2024

Next Meeting: May 6, 2024

- a. Oral update from the Chair of the Disability Committee.
- Chair Santos updated the Board.
- b. Minutes of the P&F Disability Committee meeting from March 11, 2024. Receive and file.
- The Minutes were received and filed.

7.5 Joint Personnel Committee (Menon - CH/Gardanier/Vado)

Last Meeting: April 25, 2024

Next Meeting: TBD

- a. Oral update from the Chair of the Joint Personnel Committee.
- Chair Menon and Trustee Gardanier updated the Board.
- b. Minutes of the Joint Personnel Committee meeting from March 19, 2024. Receive and file.
- The Minutes were received and filed.
- c. Minutes of the Joint Personnel Committee meeting from April 5, 2024. Receive and file.
- The Minutes were received and filed.

• PROPOSED AGENDA ITEMS

Trustee Wilson and Vice-Chair Ganapati proposed an agenda item.

- **ADJOURNMENT**

Next Meeting: June 6, 2024

The meeting adjourned at 1:14 p.m.

*Estimated

Minutes Recorded, Prepared and Respectfully Submitted by,

FRANCO VADO, CHAIR
BOARD OF ADMINISTRATION
ATTEST:

ROBERTO L. PEÑA, CEO
OFFICE OF RETIREMENT SERVICES

The Code of Conduct

(<https://www.sanjoseca.gov/home/showpublisheddocument/12901/636670004966630000>) 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.