



BOARD OF ADMINISTRATION

Meeting Minutes - Final Police & Fire Department Retirement Plan and Health Care Trust

Thursday, January 9, 2025

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: 982 1346 3498

Franco Vado, Chair, Police Retiree Rep (Term Expires 11/30/28)
Eswar Menon, Vice-Chair, Public Member (Term Expires 11/30/26) -- 1162 Briarwood Way, Walnut Creek; CA 94597

Sunita Ganapati, Trustee, 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 11/30/28)
Howard Lee, Trustee, Public Member (Term Expires 11/30/26)
Richard Santos, Trustee, Fire Retiree Rep (Term Expires 11/30/26)
David Woolsey, Trustee, Police Active Rep (Term Expires 11/30/28)
Gretchen Flicker, Trustee, Public Member (Term Expires 04/30/27)

Pam Foley, City Council Liaison to the Board

Maytak Chin, General and Fiduciary Counsel

John Flynn, CEO, Office of Retirement Services

Present: 6 - Sunita Ganapati, Howard Lee, Eswar Menon, Richard Santos, Andrew Gardanier and Franco Vado

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, January 9, 2025 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, David Woolsey, Richard Santos, David Kwan, Howard Lee, Andrew Gardanier, and Gretchen Flicker.

Board Members Present via Zoom utilizing the Traditional Brown Act teleconferencing rules: Eswar Menon. Counsel Maldonado questioned Vice-Chair Menon on whether he met the qualifications to teleconference under the Brown Act, and Vice-Chair Menon responded in the affirmative.

Retirement Staff Present: John Flynn, Prabhu Palani, Barbara Hayman, David Aung, Harrison Pearce, Christina Wang, Ron Kumar, Dhinesh Ganapathiappan, Jay Kwon, Arun Nallasivan, Chris Ha, Edith Aldama, Sherrell Aledo, Gabriela Romero-Castrejon, and Cynthia Ayala.

Retirement Staff Present via Zoom: Benjie Chua-Foy, Shilpi Dwivedi, Ellen Lee, Julie He, and Sandra Castellano.

Also Present: Bill Gold, OER; Christopher Maldonado, General and Fiduciary Counsel; and Pam Foley, Council Liaison.

Also Present via Zoom: Colin Kowalski, Ian Schirato and Laura Wirick, Meketa Investment Group; Joe Ebisa, Journalist; Valter Viola, Cortex Consulting; Maytak Chin, General and Fiduciary Counsel; Spencer Horowitz, Public Attendee; Cesar Martinez, Public Attendee; Lily Tu, Public Attendee; and Adam Hutson, Public Attendee.

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

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$500 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution on the form located on the Levine Act webpage.

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

• **ORDERS OF THE DAY**

Orders of the Day was heard after roll call attendance. Chair Vado stated that Item 4g was being deferred to the Board’s February 2025 meeting.

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

None.

1. **CONSENT CALENDAR**

The Consent Calendar was heard after Orders of the Day.

A motion was made to approve the Consent Calendar.

Approved. (M.S.C. Santos/Flicker 9-0-0). The motion passed by roll call vote.

1.1 **Approval for a Service-Connected Disability Retirement**

- a. **Michael Jennings**, Fire Engineer, Fire Department, Request for Service-Connected Disability Retirement, effective December 1, 2024; 21.61* years of service. (With Reciprocity - 11.20 CSJ YOS + 10.41 PERS YOS). (*Disability Committee Recommendation: Approval*)
- b. **Tina Latendresse**, Police Sergeant, Police Department, Request for Service-Connected Disability Retirement, effective January 9, 2025; 23.67* years of service. (*Disability Committee Recommendation: Approval*)

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

- a. **Greg Connolly**, Police Sergeant, Police Department, Request for Change of Status to

Service-Connected Disability Retirement, effective October 1, 2022; 25.04* years of service.
(Disability Committee Recommendation: Approval)

- b. **Russell Davis**, Fire Engineer, Fire Department, Request for Change of Status to Service-Connected Disability Retirement, effective September 18, 2021; 25.17* years of service.
(Disability Committee Recommendation: Approval)
- c. **Jan Males**, Police Sergeant, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective January 24, 2009; 27.23* years of service.
(Disability Committee Recommendation: Approval)
- d. **Shawn Rocha**, Police Officer, Police Department, Request for Change of Status to Service-Connected Disability Retirement, effective October 15, 2022; 22.41* years of service.
(Disability Committee Recommendation: Approval)

1.3 Approval Of Minutes

- a. Approval of the Board Minutes of December 5, 2024.

1.4 Return of Contributions - NONE

- a. Voluntary | Involuntary

1.5 Communication/Information

- a. Police and Fire Retirement System Dashboard.
- b. Report of the Monthly Board Expenses for November 2024. Receive and file.
- c. Notification to Board pursuant to Paragraph 37 of CEO Charter:
 - First Amendment to Retiree Services Agreement with P&A Administrative Services, Inc. entered into by CEO on behalf of Federated with NTE of \$50,000 for term of 5 years expiring on February 26, 2029.

1.6 Education and Training

- a. The Cortex Report - January 2025, Conferences, Seminars and Educational Programs.

- b. CALAPRS 2025 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.

1.7 Change of Retirement Application

- a. Approval for a change in effective date for **Marc Beretta**, Police Officer, Police Department, from January 3, 2025, to January 31, 2025, for a service retirement approved at the December 5, 2024 Board meeting.

2. INVESTMENTS

- a. Oral update by CIO, Prabhu Palani.

CIO Palani updated the Board and reported on the following unaudited estimated performance by Meketa Investment Group:

- For FYTD as of January 7, 2025, the Pension Plan was up 3.6%.
- For FYTD as of January 7, 2025, the Health Care Trust was up 3.18%.

Interim Vice-Chair Menon asked a question and CIO Palani answered.

3. OLD BUSINESS CONTINUED-DEFERRED ITEMS - NONE

4. NEW BUSINESS

- a. Oral update by CEO, John Flynn.

CEO updated the board on the following topics:

- ORS recruitment activities
- ORS Procurement Policy
- Office Lease update
- Request for Proposal activities
- Retiree 1099-R's will be mailed by the end of January.
- GPP (Guaranteed purchasing power) for 2024 will be paid to those who qualify in February (for PF and FED).
- Retirees impacted by 415 limits (IRS 415(b) limit for 2025 is \$280,000 (an increase of \$5,000 from 2024 limit)) will see their 2025 adjustments in their March 2025 retirement payment.
- Updated Board on the timing of the next newsletter and the move to digital distribution as the default starting in summer 2025
- Upcoming ORS Holidays – Office Closed:
 - o January 20, 2025 for Martin Luther King Jr. Day
 - o January 29, 2025 for the Lunar New Year

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

City Council Liaison updated the Board on matters before the City Council and relevant to the Board. City Council Liaison announced that this will be her last meeting with the Police and Fire Retirement Board, and she will now be the City Council Liaison for the Federated Retirement Board. Trustees Santos, Gardanier, Lee, Ganapati, Kwan, Interim Vice-Chair Menon, Chair Vado and CEO Flynn said a few kind words.

- c. Discussion and action on election of Vice-Chair of Board.

Chair Vado introduced the item. Interim Vice-Chair Menon suggested deferring this item. Trustee Gardanier and Chair Vado added comments. CEO Flynn read out Paragraph 2 and 3 of the Election of Board Officers Policy. Trustee Lee made a comment and agreed to deferring the item.

This item was deferred to the February 6, 2025 Board Meeting.

- d. Discussion and action of standing committee assignments.

Chair Vado introduced this item and explained his standing committee assignment recommendations and welcomed a discussion from Trustees. CEO Flynn made a few comments. Trustee Flicker asked a question and Chair Vado responded.

After a robust discussion, a motion was made to accept Chair Vado's recommendations for the Disability Committee assignments.

Approved. (M.S.C. Santos/Gardanier 9-0-0). The motion passed unanimously by roll call vote.

The Board then discussed the Investment Committee Assignments. After an extensive discussion, a motion was made to accept Chair Vado's recommendations for the Investment Committee assignments. Chair Vado entertained further Trustee comments after the motion was made and pending on the floor. Counsel Maldonado read out Paragraphs 3 and 9 from the Board Operations Policy that requires the Board to appoint members of each standing committee on the recommendation of the Board Chair. Thereafter, the Board voted on the motion.

Approved. (M.S.C. Santos/Woolsey 6-2-1). The motion passed by roll call vote.

Ayes: Trustee Santos, Trustee Woolsey, Trustee Gardanier, Trustee Flicker, Interim Vice-Chair Menon and Chair Vado

Abstain: Trustee Kwan and Trustee Ganapati

Nays: Trustee Lee

Following the discussion on the Investment Committee Assignments, a motion was made to accept Chair Vado's remaining recommendations for the Governance Committee, Audit/Risk Committee, and Joint Personnel Committee assignments.

Approved. (M.S.C. Santos/Gardanier 9-0-0). The motion passed unanimously by roll call vote.

- e. Discussion and action on adoption of updated City Policy Manual #4.1.4 Employee Appreciation

and Recognition with Revised Date of December 4, 2024, for ORS Operations, approved by City on December 4, 2024.

CEO Flynn spoke to this item.

A motion was made to adopt the updated City Policy Manual #4.1.4 Employee Appreciation and Recognition with Revised Date of December 4, 2024, for ORS Operations.

Approved. (M.S.C. Santos/Flicker 9-0-0). The motion passed unanimously by roll call vote.

- f.** Discussion and action to authorize the CEO to negotiate and execute the second amendment to the agreement ending on June 30, 2025, for legal services between the Board of Administration for the Police and Fire Department Retirement Plan (the Board) and Reed Smith to increase the not-to-exceed (NTE) by \$180,000 from \$1.6 million to \$1.78 million for the contract period July 1, 2019, through June 30, 2024.

CEO Flynn spoke to this item and answered questions from the Board. Trustee Gardanier added comments. Benjie Chua-Foy, Division Manager, also answered questions from the Board.

A motion was made to authorize the CEO to negotiate and execute the second amendment to the agreement ending on June 30, 2025, for legal services between the Board of Administration for the Police and Fire Department Retirement Plan (the Board) and Reed Smith to increase the not-to-exceed (NTE) by \$180,000 from \$1.6 million to \$1.78 million for the contract period July 1, 2019, through June 30, 2024.

Approved. (M.S.C. Santos/Gardanier 9-0-0). The motion passed unanimously by roll call vote.

- g.** Discussion and action regarding performance evaluation of City Council Liaison pursuant to Paragraph 4 of the “Council Representative to the Board - Charter.”

This item was deferred to the February 6, 2025 Board meeting.

5. RETIREMENTS

5.1 Service Retirements

Chair Vado read the Service Retirements into the record. Trustees Santos and Gardanier said a few kind words.

A motion was made to approve the Service Retirements.

Approved. (M.S.C. Santos/Menon 9-0-0). The motion passed unanimously by roll call vote.

- a.** **Bryan De Mare**, Fire Engineer, Fire Department, effective January 16, 2025; 26.10* years of service.
- b.** **Maximillian Dueñas**, Fire Captain, Fire Department, effective January 18, 2025; 31.01* years of service. *(With Reciprocity - 24.62 CSJ YOS + 6.39 PERS YOS)*

- c. **Randon L. Hagerman**, Fire Engineer, Fire Department, effective January 19, 2025; 25.45* years of service. *(With Reciprocity - 24.11 CSJ YOS + 1.33 SMCERS YOS)*
- d. **John H. Hoge**, Police Officer, Police Department, effective January 17, 2025; 26.24* years of service.
- e. **Adam R. Hutson**, Police Sergeant, Police Department, effective January 18, 2025; 25.90* years of service. *(With Reciprocity - 21.18 CSJ YOS + 4.72 PERS YOS)*
- f. **Stephen D. Lagorio**, Deputy Chief of Police, Police Department, effective January 31, 2025; 28.87* years of service.
- g. **Cesar A. Martinez**, Battalion Chief, Fire Department, effective January 18, 2025; 28.49* years of service.
- h. **William M. Murphy**, Police Lieutenant, Police Department, effective January 18, 2025; 28.34* years of service.
- i. **Heather Randol**, Deputy Chief of Police, Police Department, effective January 18, 2025; 25.82* years of service.
- j. **Mario Recinos**, Police Officer, Police Department, effective January 18, 2025; 25.75* years of service.
- k. **Neal E. Reynolds**, Fire Fighter, Fire Department, effective January 16, 2025; 20.04* years of service.
- l. **Carie K. Shigemasa**, Police Officer, Police Department, effective January 31, 2025; 30.46* years of service.
- m. **Benjamin A. Tolentino**, Fire Fighter, Fire Department, effective January 18, 2025; 23.53* 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. Trustee Santos and Chair Vado said a few kind words.

- a. Notification of the death of **Douglas Q. Bergtholdt**, Police Sergeant, retired January 9, 1999, died November 18, 2024. No survivorship benefits.

- b. Notification of the death of **Keith J. Cottrell**, Police Sergeant, retired November 7, 2015, died October 31, 2024. Survivorship benefits to Leslie Cottrell, spouse.
- c. Notification of the death of **Jack Haff**, Police Officer, retired February 4, 1993, died November 17, 2024. No survivorship benefits.
- d. Notification of the death of **Rick M. Sain**, Police Officer, retired September 4, 1991, died November 24, 2024. Survivorship benefits to Susan Sain, spouse.

7. COMMITTEE MINUTES, REPORTS and RECOMMENDATIONS

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

Last Meeting: August 20, 2024

Next Meeting: TBD

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

There was no update.

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

Last Meeting: October 31, 2024

Next Meeting: February 20, 2025

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

There was no update.

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

Last Meeting: December 19, 2024

Next Meeting: March 6, 2025

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

Chair Vado updated the Board.
- b. Minutes of the Governance Committee meeting from June 18, 2024. Receive and file.

The Minutes were received and filed.

- c. Discussion and action to recommend to the Board the approval of ORS Policy Regarding the Procurement and Contracting of Goods and Services that incorporates City Finance Department's feedback.

CEO Flynn spoke to this item.

A motion was made to approve the ORS Policy Regarding the Procurement and Contracting of Goods and Services that incorporates City Finance Department's feedback.

Approved. (M.S.C. Ganapati/Santos 9-0-0). The motion passed unanimously by roll call vote.

- d. Discussion and action to adopt the 2025 Workplan for reviewing Board charters and policies.

CEO Flynn and Chair Vado spoke to this item. Valter Viola, Cortex Consulting, added comments and answered questions from the Board.

A motion was made to adopt the 2025 Workplan for reviewing Board charters and policies.

Approved. (M.S.C. Santos/Flicker 9-0-0). The motion passed unanimously by roll call vote.

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

Last Meeting: December 9, 2024

Next Meeting: January 13, 2025

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

Chair Santos announced that the next meeting on January 13, 2025 will take place at 8:00 a.m.

- b. Minutes of the Disability Committee meeting from November 15, 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: January 21, 2025

- a. Oral update from the Chair of the Joint Personnel Committee.

There was no update.

7.6 Legal Services Joint Adhoc Committee (Vado, Ganapati)

Last Meeting: December 13, 2024

Next Meeting: TBD

- a. Oral update from the Legal Service Joint Adhoc Committee.

CEO Flynn updated the Board. Trustee Ganapati added comments.

7.7 Actuarial Services Joint Adhoc Committee (Kwan)

Last Meeting: December 9, 2024

Next Meeting: TBD

- a. Oral update from the Actuarial Services Joint Adhoc Committee.

Trustee Kwan updated the Board. CEO Flynn added comments.

- **PROPOSED AGENDA ITEMS**

None.

- **ADJOURNMENT**

Next Meeting: February 6, 2025

The meeting adjourned at 10:30 a.m.

*Estimated

Minutes Recorded, Prepared and Respectfully Submitted by,

FRANCO VADO, CHAIR
BOARD OF ADMINISTRATION
ATTEST:

JOHN FLYNN, CEO
OFFICE OF RETIREMENT SERVICES

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.