

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC

SUBJECT: SEE BELOW

DATE: September 19, 2008

**SUBJECT: RATIFICATION OF ELECTION PROCESS FOR RETIREE
REPRESENTATIVES TO THE FEDERATED AND POLICE AND FIRE RETIREMENT
BOARDS**

RECOMMENDATION

1. Ratify the process for the selection of nominees for Council appointment for the Boards of the Federated Retirement System and the Police and Fire Retirement System
2. Direct staff to develop a Council Policy for procedures to select Retirement Board representatives voted upon by employees and retirees.
3. The Committee provide a one-week turn around for Mayor and City Council review.

BACKGROUND

On January 25, 2000, the City Council approved Ordinance 26033, which amended the San Jose Municipal Code, Section 2.08.130 and Part 10 of Chapter 2.08 that increased the membership of the Police and Fire Department Retirement Plan from five to seven members, including a retiree representative. On February 3, 2000, the City Council adopted procedures for the nomination of a retiree for the Police and Fire Retirement Board. The procedures are similar to those used to select employee representatives.

On May 1, 2001, the City Council approved Ordinance 26354, which amended the San Jose Municipal Code, Section 2.08.130 and Part 10 of Chapter 2.08 to increase the membership of the Board of Administration for the Federated City Employees Retirement System from five to seven members, including a retiree representative, and approved the selection procedures, which are the same as those of the Police and Fire Board.

The two current retiree representatives: Ken Heredia of the Police and Fire Board and William Thomas of the Federated Board are not eligible for reappointment; each has served two terms. In addition, the procedures specify that a Police retiree must fill the position on the Police and Fire Board in the upcoming term since the current representative is a retiree from the Fire Department.

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The procedures approved by the City Council govern the conduct of the elections held to recommend to the City Council a person to serve as the retiree representative on each Board as follows:

- A Notice of Election is sent to each person eligible for the office not more than eighty-seven (87) nor less than eighty (80) days before the election. The notice contains information on the date of the election; the process to nominate candidates, the procedures for candidates to submit statements for the ballot, and voter eligibility.
- The nomination period is not more than seventy (70) days nor less than fifty-two (52) days before the election. Candidates are required to submit a nomination petition containing the signatures of ten (10) eligible voters to be valid and no person may sign more than one nomination petition.
- Each candidate may submit a statement, not exceeding 200 words, to the City Clerk relative to their qualifications for office.
- The election is scheduled for the fourth Monday in November every four years. Ballots are distributed not later than thirty-one (31) days before the election. The City Clerk is responsible to count the ballots submitted by 2:00 on the date of the election.
- The three retirees who receive the most votes in the election, or less if there are fewer than three candidates, are considered for appointment. A panel interviews the three candidates; the purpose of the interviews is to ensure that the candidates are viable in that they will be able to attend meetings and fulfill the time commitment of a member of the Board. The panels recommend to the City Council one of the interviewed retired members for appointment to the respective Retirement Board.
 - The panel for the Police and Fire Retirement Board consists of 1) a representative from the San Jose Police Officers' Association; 2) a representative from the International Association of Fire Fighters, Local 230; 3) a representative of the City Manager's Office.
 - The panel for the Federated Board is composed of 1) a representative of employee organizations affiliated with the American Federation of State, County and Municipal Employees (AFSCME, Local 101); 2) a representative from the employee organizations other than the organizations affiliated with AFSCME, Local 101; 3) a representative from the City Manager's Office

ANALYSIS

The Office of the City Clerk, in coordination with the City Attorney's Office, Office of Employee Relations, and Retirement Services developed a timeline to fill the seats and has notified all retirees from both systems of the impending vacancies. The notifications were mailed to all retirees on August 15, 2008. Nominations were accepted from August 27 through September 16 with the voting to begin October 3 through November 4. All of the appropriate timelines have been adhered to in the current process.

At the time the process was developed and implemented, staff was not aware that a prescribed election date, the fourth Monday in November, existed. In order to ensure compliance with the

mandated timelines and to assure that retiree representatives are appointed in a timely manner, it is recommended that the Council ratify the current process.

As a follow-up, Staff is recommending that the procedures for the selection of employee and retiree members be codified into a new Council Policy to avoid any future oversight of the established procedures. Currently, the procedures must be located through extensive research into City Council minutes and the memoranda submitted as a part of the agenda to obtain the details of each procedure. Codification as a Council Policy will ensure that the procedures are known to and accessible by the public, employees, and retirees.

EVALUATION AND FOLLOW-UP

The results of the election by retired members of the Police and Fire and Federated Retirement Systems will be reported to the City Council and appropriate employee and retiree organizations. The results of the retiree advisory vote and the recommendations by the interview panels will be submitted to the Council for action in November.

PUBLIC OUTREACH/INTEREST

This memo has been posted on the City Clerk's website as a part of the regular Rules and Open Government Committee agenda and, if approved, the subsequent City Council agenda. In addition, this information has been posted on the websites for both the Federated and Police and Fire Retirement Systems and copies of the memorandum have been distributed to appropriate employee and retiree organizations.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**

- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, , or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

The recommendation has been coordinated with the City Attorney's Office, City Manager's Office of Employee Relations, and Retirement Services

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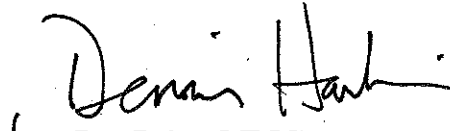
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CEQA

Not a project.


Lee Price, MMC
City Clerk

For questions, please contact Dennis Hawkins, Assistant City Clerk, at (408) 535-1275.