

# POLICE AND FIRE RETIREMENT PLAN

## Minutes of the Board Meeting

**THURSDAY**

**SAN JOSÉ, CALIFORNIA**

**December 3, 2009**

### CALL TO ORDER

The Board of Administration of the Police and Fire Department Retirement Plan met at 1:12 p.m., on Thursday, December 3, 2009, in regular session at Department of Retirement Services, 1737 N. First St, Suite 600 - San Jose, CA.

### ROLL CALL

#### Present:

DAVID BACIGALUPI  
CONRAD TAYLOR  
ROSE HERRERA  
SAM LICCARDO  
SCOTT JOHNSON

CHAIR  
VICE CHAIR  
Trustee  
Trustee  
Trustee

### NOT PRESENT:

KEITH KEESLING

Trustee (Excused)

### ALSO PRESENT:

Russell Crosby	-SECRETARY	Donna Busse	-Staff
Mollie Dent	-City Attorney Office	Toni Johnson	-Staff
Russell Richeda	-Saltzman & Johnson	Jay Wendling	-SJPOA
Debbi Warkentin	-Staff	Thomas J. Boyle	-Attorney
Tamasha Johnson	-Staff	Linda Charfauros	-SJFD
Jesselle Holcomb	-Staff	Sam Swift	-Attorney
Ceara O'Fallon	-Staff	Maria Loera	-Staff
Rhonda Snyder	-Staff	V. Simpson	-SJPD
Sandra Hollaway	-SJPD	William Thomas	-Retiree
Jim Jeffers	-Attorney	Bruce DeMers	-P&F Retiree
Veronica Niebla	-Staff	Aracely Rodriguez	-OER
Dan Stapp	-SJFD	Pete Lovecchio	-SJPD
Mike Moffett	-SJFD	Robert Petitjean	-SJPD
Amanda Ramos	-Staff	Alan Belluomini	-SJFD

## REGULAR SESSION

### ORDERS OF THE DAY

Chair Bacigalupi called the meeting to order at 1:12 p.m. Items 3b will be deferred at the request of the applicant's attorney.

### RETIREMENTS

#### 1. Service

- a. Alan J. Belluomini, Fire Captain, Fire Department. Request for Service Retirement effective December 12, 2009; 28.64 years of service.

(M.S.C. Taylor/Herrera) to approve. Motion carried 5-0-2. (Absent: Brill, Keesling).

- b. Michael C. Carroll. Police Officer, Police Department. Request for Service Retirement effective December 12, 2009; 27.85 years of service.

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-2.

- c. Robert A. Chavez, Police Officer, Police Department. Request for Service Retirement effective December 12, 2009; 28.88 years of service.

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-2.

- d. Ronald T. Daly, Jr., Police Officer, Police Department. Request for Service Retirement effective December 26, 2009; 28.62 years of service.

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-2.

- e. Dennis J. Dolezal, Police Officer, Police Department. Request for Service Retirement effective December 12, 2009; 30.18 years of service.

(M.S.C. Taylor/Herrera) to approve. Motion carried 5-0-2.

- f. Rick Martinez, Lieutenant, Police Department. Request for Service Retirement effective December 12, 2009; 28.62 years of service. (SCD Pending)

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-2.

- g. James Overstreet, Sergeant, Police Department. Request for Service Retirement effective October 31, 2009; 28.52 years of service. (SCD Pending)

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-2.

**2. Disabilities**

- a. Robert C. Petitjean, Police Officer, Police Department. Request for Service-Connected Disability Retirement effective December 3, 2009; 17.42 years of service.

For the record **Police Officer Petitjean** was present and was represented by *Mr. Jeffers*. The following reports have been received:

<b>MEDICAL REPORTS – DR’S NAME</b>	<b>DATED</b>
1. KENNETH BATTAGLIA, M.D.	07/29/09 (TWO REPORTS)
2. JOHN ROLLINS, M.D.	07/23/09 (SIX REPORTS), 06/17/09, 07/12/07, 03/15/07, 01/16/07, 12/07/06, 03/01/05, 07/31/03, 07/14/03
3. MARK CULTON, M.D.	06/10/09, 07/15/03
4. KULVEEN SACHDEVA, M.D.	06/04/09
5. OSCAR ABELIUK, M.D.	09/20/08, 04/05/08, 09/30/06, 10/01/02
6. SERGIO BELLO, M.D.	05/17/08
7. ANDREW DURKIN, M.D.	08/22/07, 12/13/06
8. JACOB BENFORD, M.D.	12/05/06
9. JAMES BRANSCOM, M.D.	12/05/06

<b>MEDICAL REPORT FROM BOARD’S DIRECTOR</b>	<b>DATED</b>
RAJIV DAS, M.D.	10/18/09

**The Board** discussed the applicant’s mechanism of injury and the degenerative finding in the knees.

(M.S.C. Taylor/Herrera) to approve. Motion carried 5-0-2.

- b. Valerie Simpson, Police Officer, Police Department. Request for Service-Connected Disability Retirement effective December 3, 2009; 18.94 years of service.

For the record **Police Officer Simpson** was present and was represented by *Mr. Boyle*. The following reports have been received:

MEDICAL REPORTS - DR'S NAME	DATED
RAY HSIEH, M.D.	8/3/09 (2 REPORTS); 7/8/09;6/18/09;6/11/09; 5/7/09; 4/9/09; 3/4/09; 2/4/09; 1/29/09; 12/11/08; 11/26/08; 7/14/08;
S. CRAIG MEYER, M.D.	6/5/08; 5/6/08
STUART MASS, M.D.	6/2/08
MARK EASTLAND, D.C.	8/2/07; 4/20/05; 2/4/02
ROBERT GAMBURD, M.D.	5/1/02; 3/28/02; 1/6/99; 12/16/98; 11/25/98; 10/28/98; 2/5/97; 2/28/96; 11/29/95; 7/31/95; 2/15/95
THOMAS ATKIN, M.D.	4/23/02
GLENN O'SULLIVAN, M.D.	3/19/97
CHARLES HO, M.D.	7/8/96
STEVEN FEINBERG, M.D.	4/18/96
JOHN PLETZ, M.D.	11/22/94; 5/31/94
GARRETT KINE, M.D.	11/4/94
ARTHUR WHITE, M.D.	5/31/94
P. ESTACIO, M.D.	4/1/94

MEDICAL REPORT FROM BOARD'S DIRECTOR	DATED
RAJIV DAS, M.D.	11/8/09

(M.S.C. Liccardo/Herrera) to approve. Motion carried 5-0-2.

**3. Change in Status**

- a. Danny N. Eaton, Retired Firefighter. Request for change to Service-Connected Disability Retirement effective January 24, 2009; 28.84 years of service.

For the record **retired Firefighter Eaton** was not present and was represented by *Mr. Jeffers*. The following reports have been received:

MEDICAL REPORTS - DR'S NAME	DATED
1. JOHN COLMAN, M.D.	5/18/09 (X2), 5/5/09, 12/5/08, 11/4/08,
2. PATRICK MCCREESH, M.D.	5/2/09, 4/30/09, 3/11/09 (X4), 2/25/08, 9/24/07, 6/22/06
3. ROY WONG, M.D.	10/28/08, 10/27/08, 9/11/08, 8/26/08
4. BRAD PIATT, M.D.	10/14/08
5. LAWRENCE CHAN, M.D.	12/24/07
6. D.D. HAMMONS, M.D.	6/13/06
7. BRIAN KREVALAS, M.D.	3/26/04
8. JEROME CHESTER, D.C.	11/25/1997

MEDICAL REPORT FROM BOARD'S DIRECTOR	DATED
RAJIV DAS, M.D.	11/9/09

(M.S.C. Taylor/Bacigalupi) to approve. Motion carried 5-0-2.

- b. Jorge I. Gonzalez, Retired Sergeant. Request for change to Service-Connected Disability Retirement effective January 27, 2008; 28.52 years of service.

For the record **retired Sergeant Gonzalez** was present and was represented by *Mr. Jeffers*. The following reports have been received:

MEDICAL REPORTS – DR’S NAME	DATED
1. ARTHUR TING, M.D.	4/30/09, 4/29/09, 10/1/08, 8/14/06, 4/7/05, 2/28/05, 2/15/05, 6/29/04, 12/21/01
2. MICHAEL SOMMER, M.D.	3/11/09
3. DARYL CHIN, M.D.	2/18/09
4. DAMON SACCO, M.D.	10/11/07
5. DAVID STOLLER, M.D.	7/14/04
6. KARL NGUYEN, M.D.	6/6/01
7. ROBERT CARSON, M.D.	3/25/92
8. REGINALD MCCOY, M.D.	4/8/91, 5/31/89
9. WILLIAM STEARNS, M.D.	1/29/91
10. ROBERT LAROQUE, M.D.	11/26/90
11. DAVID GROSS, M.D.	6/2/89
12. ALFREDO RAMIREZ, M.D.	4/11/88

MEDICAL REPORT FROM BOARD’S DIRECTOR	DATED
RAJIV DAS, M.D.	11/12/09

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-2.

- c. David E. Moore, Retired Fire Captain. Request for change to Service-Connected Disability Retirement effective July 12, 2008; 33.42 years of service.

For the record **retired Fire Captain Moore** was not present and was represented by *Mr. Swift*. The following reports have been received:

MEDICAL REPORTS – DR’S NAME	DATED
1. PATRICK MCCREESH, M.D.	8/3/09, 5/28/09, 6/19/09 (X2), 6/16/09(X2), 8/10/06, 12/15/05
2. LUCY LIN, M.D.	5/18/09, 7/8/08, 11/13/07
3. EUGENE DELLMAGGIORE, M.D.	2/21/07
4. LAWRENCE CHAN, M.D.	1/24/07, 2/23/06
5. MURRAY SOLOMON, M.D.	11/6/06
6. DAVID KRAMER, M.D.	8/15/06
7. P. SOORIPAHMOREN, M.D.	11/17/02
8. DALE COOPER, D.C.	12/21/92
9. MARTIN LIPP, M.D.	2/12/90
10. KEN GORANSON, M.D.	10/14/88

MEDICAL REPORT FROM BOARD’S DIRECTOR	DATED
RAJIV DAS, M.D.	11/11/09

(M.S.C. Taylor/Liccardo) to approve. Motion carried 5-0-2.

- d. Steve Padilla, Fire Captain. Request for change to Service-Connected Disability Retirement effective August 11, 2007; 31.27 years of service.

**POLICE & FIRE RETIREMENT PLAN**  
**Minutes of 3 December 2009**

For the record **Fire Captain Padilla** was present and was represented by *Mr. Swift*. The following reports have been received:

MEDICAL REPORTS – DR’S NAME	DATED
PATRICK MCCREESH, M.D.	7/22/09 (10 REPORTS); 7/13/09; 7/25/07 (2 REPORTS); 3/07/07; 1/03/07; 12/7/06
JOHN RENNICK, M.D.	4/22/09
KENNETH BLUMENFELD, M.D.	2/26/09
LAWRENCE CHAN, M.D.	11/17/08; 1/31/07
EDWARD DAMORE, M.D.	7/11/08
BABAK JAMASBI, M.D.	4/28/08; 3/10/08
MARK CULTON, M.D.	4/18/08; 3/21/08
THEODORE MILLON, PH.D.	3/10/08
WILLIAM SOULE, M.D.	2/09/07
CHARLES ARING, M.D.	1/03/07
TED ROBINSON, M.D.	12/14/04; 12/12/03; 4/30/03; 8/21/02; 5/15/02; 10/23/01
CONOR O’NEILL, M.D.	4/18/03; 8/01/02
KLAUSE FECHNER, M.D.	6/06/02
DONNA HICKOX, M.D.	8/07/01
JEFFREY COE, M.D.	5/05/99; 10/26/98
THYNN LYNN, M.D.	6/30/97
L. BUTCHER, M.D.	10/06/92
HARLEY GOLDBERG, D.O.	3/13/90

MEDICAL REPORT FROM BOARD’S DIRECTOR	DATED
RAJIV DAS, M.D.	OCTOBER 16, 2009

(M.S.C. Liccardo/Taylor) to approve. Motion carried 5-0-2.

- e. Dan Stapp, Retired Fire Captain. Request for change to Service-Connected Disability Retirement effective January 24, 2009; 27.75 years of service.

For the record **retired Fire Captain Stapp** was present and was represented by *Mr. Swift*. The following reports have been received:

MEDICAL REPORTS – DR’S NAME	DATED
RONALD FUJIMOTO	7/24/09, 5/5/09
DOUGLAS BLATZ	5/22/09 (6 RPTS), 2/24/09 (6 RPTS), 9/18/08, 9/11/08, 5/29/08, 5/1/08, 3/5/08 (2 RPTS), 11/1/07, 2/6/07, 7/20/06, 4/21/06, 1/19/06, 3/16/05 (2 RPTS), 3/3/05, 2/24/05, 5/13/04, 12/10/03, 6/3/02, 11/5/02, 8/15/02, 7/10/02, 7/9/02, 7/4/02, 7/9/98, 6/22/98, 6/16/98, 7/31/90, 7/29/90
PATRICK MCCREESH	10/6/08, 9/19/07, 7/2/07
MARK CULTON	10/26/08, 9/19/07, 7/2/07
HARJIT SEKHON	9/20/07
DAVID KRAMER	7/2/07
STEPHEN IMRIE	9/6/04
PRENTICE TOM	7/4/02
GOOD SAM HOSP. EMERG.	7/4/02
GEOFFREY MILLER	4/7/99
ARON JDKIEWICZ	6/10/98
JULIA KAHAN	6/4/98
EMMA WATSON	6/3/98
JOHN RASHKIS	3/25/93
ANDREW KOO	7/31/90

JAMES O'DONOHUE	7/29/90
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MEDICAL REPORT FROM BOARD'S DIRECTOR	DATED
RAJIV DAS, M.D.	10/14/09

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-2.

- f. Joseph P. Weggeland, Retired Battalion Chief. Request for change to Service-Connected Disability Retirement effective November 4, 2006; 25.44 years of service

For the record **retired Battalion Chief Weggeland** was not present and was represented by *Mr. Swift*. The following reports have been received:

MEDICAL REPORTS – DR'S NAME	DATED
1. PATRICK MCCREESH, M.D.	4/23/09
2. BRIAN KREVELAS M.D.	4/23/09
3. SOAR	6/6/08
4. ROBERT MILLARD, M.D.	5/14/08, 8/18/06, 1/19/05, 10/20/01
5. SCOTT WACHHORST, M.D.	2/28/07, 7/14/06, 3/31/05, 3/16/05
6. MURRAY SOLOMON, M.D.	6/13/06, 7/28/04
7. SEAN PERINI, M.D.	2/10/06
8. GEORGE CHU, M.D.	12/6/05
9. MARK CULTON, M.D.	11/23/05, 2/28/05
10. MARK EASTLAND, D.C.	6/1/04
11. MARIA MATSUMOTO, M.D.	11/5/01
12. MARTHA KOISOVICH, M.D.	10/15/01

MEDICAL REPORT FROM BOARD'S DIRECTOR	DATED
RAJIV DAS, M.D.	11/11/09

*Mrs. Busse* stated a correction to one of the medical providers listed.

*Mr. Swift* stated his client was not on full duty at the time that of his retirement, as indicated in the memorandum, but was taken off duty prior to retirement.

(M.S.C. Taylor/Liccardo) to approve. Motion carried 5-0-2.

**4. Deferred Vested**

- a. Gregory M. Wagstaff, Former Police Officer. Request for Deferred Vested Benefits effective December 22, 2009; 20.07 years of service.

(M.S.C. Taylor/Liccardo) to approve. Motion carried 5-0-2.

**DEATH NOTIFICATIONS**

- 5. Notification of the death of Allan B. Rogers, Retired Fire Captain; retired 1/20/01; died 10/15/09. Survivorship benefits to Debbie Rogers, spouse.

*Note and file*

- 6. Notification of the death of Ernest R. Walker, Retired Fire Captain; retired 3/23/85; died 10/11/09. No survivorship benefits.

*Note and file*

## **NEW BUSINESS**

7. Approval to change the effective date of retirement of Jessica Mullen from September 30, 2009 to new effective date of September 6, 2009.

(M.S.C. Taylor/Herrera) to approve. Motion carried 5-0-2.

8. Approval of the purchase and implementation of Granicus solutions software at an initial cost of \$10,678.12 for the setup and installation, and monthly expenditure for service of \$274.70. (Costs to be shared 50/50 with FCERS).

*Mrs. Niebla* stated this item is a non-budgeted item, so it would need to be added in.

(M.S.C. Taylor/Herrera) to approve purchase/implementation of Granicus, and to add the item to the annual budget. Motion carried 5-0-2.

## **OLD BUSINESS/CONTINUED-DEFERRED ITEMS**

9. **Oral update on Travel Audit compliance.**

*Mrs. Niebla* stated staff has met with the members of the Due Diligence Committee and there was a lot of information discussed. She is compiling data on the supplemental travel policies used by other plans.

10. **Oral update on the FLSA/Payroll issue.**

*Mrs. Niebla* stated Macias, Gini & O'Connell are in their initial stages of performing the pensionable earnings audit. The City Auditor's Office is concluding their audit on FLSA and should be finalizing a report, which will be brought to the Board.

## **STANDING COMMITTEES / REPORTS / RECOMMENDATIONS**

**Investments Committee (Johnson, Bacigalupi, Keesling – Alternate: Liccardo) – Next 12/17/09**

**Real Estate Committee (Bacigalupi, Keesling, Taylor – Alternate: Herrera) – Next 12/17/09**

**Audit Committee (Taylor, Brill, Johnson – Alternate: Bacigalupi) - TBD**

## **CONSENT CALENDAR (Items 11-18)**

(M.S.C. Herrera/Taylor) to approve Consent Calendar with the exception of Items 11, 17, and 18e. Motion carried 5-0-2.

11. Approval of Minutes Monthly meeting held 5 November 2009

**Member Johnson** noted that the minutes reflect the Board deferred certain Items to be heard at the next meeting, observed those items are no longer on the agenda for this month and have been continued to the January agenda, and inquired about the process on continuance of a matter?

**Chair Bacigalupi** stated a majority of the Board was not expected to attend today and he had requests from those members to continue the discussion to January. He apologized for the amended agenda, but wanted to ensure everyone had an opportunity to address the deferred items.

*Ms. Dent* stated the items removed from the agenda should have remained for the Board to collectively decide to defer the items; however the Chair does have discretion in terms of the agenda. This is not a violation though.

*Mr. Richeda* stated there needs to be a policy to clarify the agendaing process which allows flexibility.

(M.S.C. Johnson/Taylor) to approve. Motion carried 5-0-2.

17. Investments Adoption of Resolution No. 3634 for the period September 1 through 31, 2009

**Chair Bacigalupi** stated he noticed there is an influx of investment managers buying and selling the same stocks and would like staff to ensure our portfolio managers are trading according to policy.

(M.S.C. Bacigalupi/Herrera) to approve. Motion carried 5-0-2.

18e. Sample generic letter sent to Plan vendors re: holiday gifts

**Chair Bacigalupi** stated providing a form letter is a good idea; and requested that staff modify the language in the letter to ensure that any donation made by a vendor is of their choosing.

**The Secretary** stated the letter can be modified as requested. The intent was to stop vendors from sending gifts to anyone associated with the Plans.

**Member Johnson** stated his office is working with the City Manager to create a citywide letter that provides the City's gift policy and will also reference the state gift laws, and the letter would also be online.

(M.S.C. Bacigalupi/Herrera) to approve. Motion carried 5-0-2.

**PUBLIC COMMENTS**

**PROPOSED AGENDA ITEMS**

The following items were requested:

1. Agenda process (Herrera)
2. Investment Manager churning (Bacigalupi)

**EDUCATION AND TRAINING**

**ADJOURNMENT**

**Chair Bacigalupi** adjourned the meeting into Closed Session at 2:20 p.m.

**CLOSED SESSION**

28. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):**

Case Name: State of California ex rel Associates against FX Insider Trading v. State Street Corporation et al

Name(s) of Parties (s) Involved: State Street Corporation, State Street California, Inc., State Street Bank and Trust, State Street Global Markets People of the State of California ex rel Edmund G. Brown, Jr. Associates against FX Inside Trading ex rel City of San Jose and 12 other public entities

Court: Superior Court of California, County of Sacramento

Case No.: 34-2008-00008457-CU-MC-GDS

Amount of Money Or other Relief Sought: Damages according to proof





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**DAVID BACIGALUPI, CHAIR**  
**BOARD OF ADMINISTRATION**

**ATTEST:**



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**RUSSELL U. CROSBY, SECRETARY**  
**BOARD OF ADMINISTRATION**