

POLICE AND FIRE RETIREMENT PLAN

Minutes of the Board Meeting

THURSDAY

SAN JOSÉ, CALIFORNIA

January 7, 2010

CALL TO ORDER

The Board of Administration of the Police and Fire Department Retirement Plan met at 8:49 a.m., on Thursday, January 7, 2010, in regular session at Department of Retirement Services, 1737 N. First St, Ste 600 - San Jose, CA.

ROLL CALL

Present:

DAVID BACIGALUPI
CONRAD TAYLOR
ROSE HERRERA
SCOTT JOHNSON
KEITH KEESLING

CHAIR

VICE CHAIR

Trustee ~ arrived 8:52 a.m.

Trustee

Trustee

NOT PRESENT:

SAM LICCARDO

Trustee

ALSO PRESENT:

Russell Crosby	-SECRETARY	Donna Busse	-Staff
Mollie Dent	-City Attorney Office	Toni Johnson	-Staff
Russell Richeda	-Saltzman & Johnson	Rajiv Das	-Medical Director
Debbi Warkentin	-Staff	Thomas J. Boyle	-Attorney
Toni 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	Lt. Mark Bustillos	-SJPD
Jim Jeffers	-Attorney	Bruce DeMers	-P&F Retiree
Veronica Niebla	-Staff	Aracely Rodriguez	-OER
Jacob Ferguson	-Retiree	David Hightower	-SJPD
Craig Clifton	-SJPD	Paul Shuman	-SJPD
Amanda Ramos	-Staff	Karin Carmichael	-Staff
Carol Bermillio	-Staff	Sharon Erickson	-City Auditor
Diana Chavez	-Auditor's Office	Jazmin LeBlanc	-Auditor's Office
Mike Moffett	-Retiree	Robert Handa	-KTVU
Ron Kumar	-Staff	M. Edillo-Brown	-SJPD
Linda Dittes	-AFSCME	Kevan Banton	-SJFD
Jim Unland	-SJPOA	Yolanda Cruz	-AFSCME
Randy Sekany	-Local 230	Mark Skeen	-Local 230
Antonio Guerra	- Mayor's Office	Cristin James	-Staff

REGULAR SESSION

ORDERS OF THE DAY

Chair Bacigalupi called the meeting to order at 8:49 p.m. He announced the following changes:

- Item #1cc Lieutenant Robert Miller's new effective date is 1/28/10 with 28.64 years of service.
- Item #1dd Sergeant Donald Moore has withdrawn his retirement application
- Item #1mm Officer Karol Roy's new effective date is 1/31/10 with 26.14 years of service. Also she has a Service-Connected Disability application pending.;

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- Item #1rr Lieutenant Gil Torres' new effective date is 1/24/10 with the same years of service.
- Item #3a Retired Engineer Patrick Carder's disability application has been deferred.
- Item #8 Death of Ernest Walker, the surviving spouse should indicate Doris Walker.

He also stated that Item Nos. 9, 10, 11, 12 and 13, actuarial matters, will be deferred until the February meeting at the request of Trustee Sam Liccardo who was unable to attend this meeting.

RETIREMENTS

All Service Retirements approved in one motion: (M.S.C. Herrera/Taylor) to approve.
Motion carried 5-0-1 (Absent: Liccardo).

1. **Service**

- a. Peter C. Arajuo, Fire Engineer, Fire Department. Request for Service Retirement effective January 23, 2010; 29.41 years of service.
- b. Kevan L. Banton, Fire Captain, Fire Department. Request for Service Retirement effective January 23, 2010; 24.06 years of service. (SCD Pending)
- c. Victor M. Barnett, Sergeant, Police Department. Request for Service Retirement effective January 23, 2010; 24.05 years of service. (SCD Pending)
- d. Michael R. Conroy, Sergeant, Police Department. Request for Service Retirement effective January 9, 2010; 25.07 years of service.
- e. Darrell R. Cortez, Police Officer, Police Department. Request for Service Retirement effective January 23, 2010; 27.92 years of service.
- f. Veronica B. Damon, Police Officer, Police Department. Request for Service Retirement effective January 23, 2010; 26.98 years of service. (SCD Pending)
- g. Tommy G. Diaz, Firefighter, Fire Department. Request for Service Retirement effective January 24, 2010; 25.56 years of service.
- h. Margaret Edillo-Brown, Lieutenant, Police Department. Request for Service Retirement effective January 23, 2010; 29.26 years of service.
- i. John Esparza, Police Officer, Police Department. Request for Service Retirement effective January 9, 2010; 29.26 years of service.
- j. Stephen L. Felder, Fire Captain, Fire Department. Request for Service Retirement effective January 24, 2010; 29.41 years of service.
- k. Michael J. Fernandez, Sergeant, Police Department. Request for Service Retirement effective January 23, 2010; 29.56 years of service.
- l. Robert P. Froese, Police Officer, Police Department. Request for Service Retirement effective January 23, 2010; 27.89 years of service.
- m. Michael J. Hahn, Lieutenant, Police Department. Request for Service Retirement effective January 9, 2010; 27.89 years of service. (SCD Pending)
- n. Robert C. Higginson, Sergeant, Police Department. Request for Service Retirement effective January 23, 2010; 27.59 years of service.
- o. Larry Holmes, Police Officer, Police Department. Request for Service Retirement effective January 9, 2010; 23.47 years of service.

- p. David J. Jimenez, Fire Captain, Fire Department. Request for Service Retirement effective January 23, 2010; 28.73 years of service. (SCD Pending)
- q. Lawrence W. Jones, Sergeant, Police Department. Request for Service Retirement effective January 30, 2010; 28.98 years of service.
- r. Ernest F. Kong, Lieutenant, Police Department. Request for Service Retirement effective January 9, 2010; 23.23 years of service.
- s. Michael J. Leininger, Sergeant, Police Department. Request for Service Retirement effective January 23, 2010; 27.92 years of service.
- t. Gary R. Lynn, Fire Engineer, Fire Department. Request for Service Retirement effective January 24, 2010; 21.50 years of service.
- u. Phillip J. Malvini, Police Officer, Police Department. Request for Service Retirement effective January 23, 2010; 23.69 years of service. (SCD Pending)
- v. Julie D. Marin, Police Officer, Police Department. Request for Service Retirement effective January 23, 2010; 28.73 years of service.
- w. Jeffrey A. Martin, Sergeant, Police Department. Request for Service Retirement effective January 23, 2010; 25.13 years of service.
- x. William L. Mason, Police Officer, Police Department. Request for Service Retirement effective January 23, 2010; 23.84 years of service.
- y. James B. McClure, Jr., Fire Captain, Fire Department. Request for Service Retirement effective January 23, 2010; 28.70 years of service.
- z. Michael K. McElvy, Sergeant, Police Department. Request for Service Retirement effective January 23, 2010; 29.57 years of service.
- aa. Michael T. McLaren, Sergeant, Police Department. Request for Service Retirement effective January 23, 2010; 26.88 years of service.
- bb. Karl R. Micotti, Lieutenant, Police Department. Request for Service Retirement effective January 9, 2010; 26.19 years of service.
- cc. Robert K. Miller, Lieutenant, Police Department. Request for Service Retirement effective January 28, 2010; 28.64 years of service.
- dd. Donald J. Moore, Sergeant, Police Department. **Application pulled.**
- ee. Dale L. Morgan, Lieutenant, Police Department. Request for Service Retirement effective January 30, 2010; 28.75 years of service.
- ff. Robert W. Mueller, Arson Captain, Fire Department. Request for Service Retirement effective January 23, 2010; 25.52 years of service. (SCD Pending)
- gg. Mark A. Muldrow, Police Officer, Police Department. Request for Service Retirement effective January 24, 2010; 26.20 years of service.
- hh. George E. Palma, Fire Engineer, Fire Department. Request for Service Retirement effective January 23, 2010; 20.78 years of service.

- ii. Steve Papenfuhs, Sergeant, Police Department. Request for Service Retirement effective January 23, 2010; 28.96 years of service.
- jj. Donald Parks, Lieutenant, Police Department. Request for Service Retirement effective January 23, 2010; 28.96 years of service.
- kk. Gunther J. Riedel, Police Officer, Police Department. Request for Service Retirement effective January 23, 2010; 26.92 years of service.
- ll. Douglas R. Rock, Police Officer, Police Department. Request for Service Retirement effective January 23, 2010; 24.05 years of service.
- mm. Karol B. Roy, Police Officer, Police Department. Request for Service Retirement effective January 31, 2010; 26.14 years of service.
- nn. Michael H. Shaw, Fire Captain, Fire Department. Request for Service Retirement effective January 30, 2010; 25.03 years of service.
- oo. Paul Shuman, Police Officer, Police Department. Request for Service Retirement effective January 9, 2010; 25.09 years of service. (SCD Pending)
- pp. Michael C. Smith, Sergeant, Police Department. Request for Service Retirement effective January 9, 2010; 28.91 years of service.
- qq. Alfred T. Sutcliffe, Police Officer, Police Department. Request for Service Retirement effective January 29, 2010; 20.01 years of service.
- rr. Gilberto Torres, Jr., Lieutenant, Police Department. Request for Service Retirement effective January 24, 2010; 24.05 years of service.
- ss. Santiago R. Trejo, Lieutenant, Police Department. Request for Service Retirement effective January 23, 2010; 27.02 years of service.
- tt. Anthony H. Weir, Sergeant, Police Department. Request for Service Retirement effective January 24, 2010; 26.85 years of service.
- uu. Richard S. Williams, Sergeant, Police Department. Request for Service Retirement effective January 23, 2010; 29.57 years of service. (SCD Pending)

2. Disabilities

- a. Craig C. Clifton, Police Officer, Police Department. Request for Service-Connected Disability Retirement effective January 7, 2010; 28.69 years of service.

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

MEDICAL REPORTS – DR’S NAME	DATED
1. EMEKA NCHEKWUBE, M.D.	09/11/2009 (TWO REPORTS) , 08/06/2009, 02/05/09, 01/08/09, 10/21/08, 02/27/06, 07/25/05, 03/15/05, 02/07/05, 05/12/04, 10/28/02, 09/30/02, 04/19/02, 02/20/02, 06/18/01, 08/06/97
2. SCOTT WERDEN, M.D.	06/02/2009, 02/02/09,
3. KYLE YU, M.D.	10/13/08,
4. BRAD PIATT, M.D.	07/13/05

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5. ARTHUR HOLMBOE, M.D.	06/01/05
6. DAVID PANG, M.D.	10/22/04
7. RAYMOND HUNG, M.D.	05/14/03
8. RICHARD GRAVINA, M.D.	11/06/02
9. JAMES SAADI, M.D.	02/26/02
10. MARC GARANT, M.D.	01/14/02
11. YVONNE SUN, M.D.	10/16/01, 11/03/97,
12. DAVID ZIEGLER, M.D.	02/27/89
13. JOHN STAHLER, M.D.	12/22/88
14. ANTHONY ALVARADO, M.D.	11/29/88, 08/16/88, 01/28/88, 01/23/87 (2 Rpts.)

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

(M.S.C. Taylor/Herrera) to approve. Motion carried 5-0-1.

- b. Alan J. Damon, Police Officer, Police Department. Request for Service-Connected Disability Retirement effective January 7, 2010; 26.87 years of service.

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

MEDICAL REPORTS - DR'S NAME	DATED
MARK EASTLAND, D.C.	10/01/2009 (4 REPORTS); 11/18/2008; 9/06/2007; 8/07/2003
JOHN COLMAN, M.D.	9/09/2009 (4 REPORTS); 2/03/2009; 4/25/2002
L. NEENA MADIREDDI, M.D.	9/18/2008; 8/18/2008
MARK CULTON, M.D.	8/28/2008
LAWRENCE CHAN, M.D.	5/22/2007
JOEL SAAL, M.D.	11/21/2006; 10/12/2006; 7/20/2006; 4/06/2006
ANDREW DURKIN, M.D.	3/07/2002
ARTHUR FAYGENHOLTZ, D.C.	2/25/1999; 8/20/1998
THOMAS ROBERTS, M.D.	11/24/1998

MEDICAL REPORT FROM BOARD'S DIRECTOR	DATED
RAJIV DAS, M.D.	12/9/2009

(M.S.C. Taylor/Herrera) to approve. Motion carried 5-0-1.

- c. Timothy L. Gall, Police Officer, Police Department. Request for Service-Connected Disability Retirement effective January 7, 2010; 15.33 years of service.

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

MEDICAL REPORTS - DR'S NAME	DATED
RODNEY WONG, M.D.	11/10/2009 (8 REPORTS); 8/11/2009 (5 REPORTS); 8/14/2007 (13 REPORTS); 7/22/2007; 4/24/2007; 12/05/2006; 11/20/2006; 9/05/2006; 12/02/2005; 1/03/2005; 3/30/2004; 12/02/2002; 6/18/2002; 10/02/2001; 6/12/2000; 3/23/2000
EMEKA NCHEKWUBE, M.D.	8/12/2009 (4 RPTS); 9/06/2007; 8/09/2007 (2 RPTS); 2/16/2007; 8/17/2006

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STEPHEN CONRAD, M.D.	11/04/2008; 11/15/2006; 9/18/2006
RENEE OWNBEY, D.C.	9/28/2007 (2 REPORTS); 12/28/2004; 3/12/2004; 9/10/2003
LAWRENCE CHAN, M.D.	7/17/2007
MARIA MATSUMOTO, M.D.	9/23/2006
HARJIT SEKHON, M.D.	9/21/2006
RAYMOND CHYU, M.D.	9/13/2006
LAVANYA KAILAR, M.D.	7/06/2006
MICHAEL ZEPPA, M.D.	4/06/2004
JAMES SCHNEIDER, M.D.	10/04/2002
ROBERT LEVAN, M.D.	7/27/2002
JOSEPH DIXON, M.D.	6/26/2002
JOHN COLMAN, M.D.	11/23/1999
CARLTON WONG, M.D.	3/15/1999

MEDICAL REPORT FROM BOARD'S DIRECTOR		DATED
RAJIV DAS, M.D.	12/20/09	10/17/07

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-1.

- d. David E. Hightower, Police Officer, Police Department. Request for Service-Connected Disability Retirement effective August 23, 2009; 13.05 years of service.

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

MEDICAL REPORTS - DR'S NAME		DATED
1. MICHAEL ALEXANDER, M.D.	9/4/09 (X2)	
2. REVELS CLAYTON, M.D.	4/25/07	

MEDICAL REPORT FROM BOARD'S DIRECTOR		DATED
RAJIV DAS, M.D.	12/8/09	

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-1.

3. Change in Status

- a. Patrick H. Carder, Retired Firefighter. **Application deferred.**
- b. Jacob T. Ferguson, Retired Police Officer. **Heard after Item 4d.**
- c. Paul M. Sprague, Retired Fire Captain. Request for change to Service-Connected Disability Retirement effective November 1, 2008; 25.45 years of service.

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

Medical Reports - Dr's name	Dated
1. LUCY LIN, M.D.	9/4/09 (X6), 12/5/08, 10/24/08, 7/15/08, 6/10/08, 4/29/08,
2. MURRAY SOLOMON, M.D.	5/13/08, 1/16/08
3. D.J. CONLON, M.D.	2/7/04
4. MARK EASTLAND, D.C.	11/15/02
5. J. KIRK ZIMMER, M.D.	9/30/94
6. S.C. HICKEY, D.C.	5/3/91

MEDICAL REPORT FROM BOARD'S DIRECTOR		DATED
RAJIV DAS, M.D.	12/8/09	

(M.S.C. Keesling/Taylor) to approve. Motion carried 5-0-1.

- d. David B. Wysuph, Retired Sergeant. Request for change to Service-Connected Disability Retirement effective January 29, 2005; 31.96 years of service.

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

MEDICAL REPORTS – DR'S NAME	DATED
JONATHAN NG, M.D.	02/16/2007; 02/14/2007 (3 RPTS); 12/19/2006; 03/17/2005; 03/16/2005; 01/05/2005; 09/28/2001; 09/18/2001 (2 RPTS); 08/20/2001
DAVID HIRSCHFELD, M.D.	12/21/2006; 06/27/2006; 03/07/2006; 01/04/2006; 12/17/2005; 02/07/2001
WILLIAM BREALL, M.D.	09/19/2006; 04/23/2001
J. CHUN, M.D.	09/11/2006 (2 RPTS)
JEFFREY HOLMES, M.D.	03/10/2006
ARTHUR HOLMBOE, M.D.	01/10/2006
MICHAEL WOLFE, M.D.	12/17/2005
MARTIN TRIEB, M.D.	05/19/2003; 12/17/2002
MURRAY SOLOMON, M.D.	10/02/2002
GENE LEVITZ, M.D.	09/30/2002
CHARLES BORGIA, M.D.	03/13/1990; 03/23/1989; 01/31/1989; 12/15/1988; 11/17/1988
MEDICAL REPORT FROM BOARD'S DIRECTOR	
	DATED
RAJIV DAS, M.D.	12/09/2009; 08/07/2007

(M.S.C. Herrera/Taylor) to approve. Motion carried 5-0-1.

- b. Jacob T. Ferguson, Police Officer. Request for change to Service-Connected Disability Retirement effective May 30, 2009; 7.07 years of service.

For the record, **Fire Police Officer Ferguson** was present and was represented by *Mr. Jeffers*. **This matter was heard in Closed Session.**

(M.S.C. Herrera/Taylor) to approve. Motion carried 4-1-1. (Keesling-no/Liccardo-absent)

4. **Deferred Vested - None**

DEATH NOTIFICATIONS – All Items Note & File

- 5. Notification of the death of Thomas A. Bergstrom, Retired Fire Captain; retired 7/15/95; died 12/4/09. Survivorship benefits to Marjorie Bergstrom, spouse.
- 6. Notification of the death of Betty J. Keiser, Retired Police Identification Technician; retired 1/2/76; died 11/18/09. No survivorship benefits.

7. Notification of the death of Daniel M. Lopez, Retired Police Officer; retired 6/4/86; died 10/11/09. Survivorship benefits to Edna S. Lopez, spouse.
8. Notification of the death of Ernest R. Walker, Retired Fire Captain; retired 7/3/82; died 10/11/09. Survivorship benefits to Marjorie Bergstrom, spouse.

NEW BUSINESS

9. Discussion and action regarding Segal's non-economic assumptions for the valuation for the period ending 30 June 2009. **Deferred to February meeting**
10. Discussion and action regarding Market Value of Asset Corridor. **Deferred to February meeting.**
11. Discussion and action regarding recommendation for annual Plan valuations. **Deferred to February meeting.**
12. Request for Board discussion and direction to staff re: Alex Gurza's memo dated 9/21/09 re: actuarial valuation issues and Segal's response dated 10/29/09. **Deferred to February meeting.**
13. Approval of Segal recommended assumptions for the 6/30/09 Retiree Health Actuarial Study. **Deferred to February meeting.**
14. Acceptance of City Auditor's report entitled: Audit of Pensionable Earnings and Time Reporting.

Ms Erickson introduced Jazmin LeBlanc and Diana Chavez from her office and stated these were the individuals who actually did the work on this audit. She stated that this report had been presented to the City Council's Public Safety, Finance & Strategic Support Committee, and that this audit was performed at the request of the Retirement Services Director. There was some confusion initially as to who would be doing the audit which resulted in Macias Gini performing part of this audit and her office doing another piece. Due to a delay in Macias proceeding with their portion of audit, her office was requested to continue and report back to the Boards. She summarized there were three findings made as a result of this audit. They were: Finding I – Errors Resulted in Higher Pensions; Finding II – Time Reporting Codes are Unclear and Duplicative; and, Finding III – Some Pensioners Benefit from City's Definitions of Earnable Income and Highest Salary with numerous corrective recommendations for each finding.

There was indepth discussion on these findings between the Board, the attorneys, staff and *Ms. Erickson* touching upon the issue of FLSA. *Ms. Erickson* stated that in February 2009, the City corrected the error of including some FLSA as pensionable, and they have been handling these matters correctly since that time. It is the subject of discussion between the City and the Union as to how to handle the pre-February 2009 FLSA matter. *Ms Erickson* also added that during an audit, the auditor goes in and looks for any mistakes and/or errors made then they make recommendations as to the corrections of those errors/mistakes. When the auditor asks for the audit report to be accepted is when the real work begins. The correction of these errors/mistakes is the real work and that is not done by the auditors. There were a total of 15 audit recommendations, which represent what they feel is their best effort recommending ways in which the City can improve its system. Primarily this was an audit of the City's transmission of data to the Retirement System. She thanked the staff of Retirement Services and the Finance Departments who helped with the completion of this audit.

There were additional questions and answers between the Trustees and *Ms. Erickson*, particularly covering the

scope of work for this audit and the Auditor's Office in general.

(M.S.C. Herrera/Taylor) to accept report and refer to the Board's Audit Committee and coordinate with other departments on any procedural changes to be made. Motion carried 5-0-1.

15. Discussion and action on Council's action at their 12/15/09 meeting directing City Attorney to draft ordinance amending Muni Code to require all Boards and Commissions meet at City Hall.

Chair Bacigalupi started the conversation by indicating he didn't understand Item 3 on page 2 where the Mayor is requesting an amendment to the Municipal Code requiring all decision making Boards and Commissions to meet at City Hall. The Board has strived to have open meetings. It has been the tradition of this Board to meet at their own offices since this building was purchased. He is personally against Recommendation 3 as it impacts this Board. He would request this Board vote against moving meetings to City Hall.

Trustee Keesling added that this was the best location in order for him to perform his duties as trustee most diligently and effectively instead of going to an off-site location.

Mr. Guerro from the Mayor's Office stated this item did come from Mayor Reed. The Mayor's reasoning for this move was that this Board makes quasi-judicial decisions that can't be reviewed by the City Council. The two major reasons for requesting this move is one, there is a great amount of public interest in retirement and, two, if anyone would like to come to these meetings it's easier to find them at City Hall.

There was further discussion among the Board, Plan attorneys and staff concerning any difficulties involved in moving the location of the meetings, including accessing records; any other negative consequences associated with this action and the known results of this action.

Member Herrera stated she felt that the City needed to commit to provide a specific room in the Wing at City Hall on the dates and times of the Board meetings. Without this assurance, the Board should not move their meetings.

Member Keesling asked the attorneys if there were any Prop 162 implications with this new requirement.

Mr. Richeda responded that Proposition 162 accorded plenary authority to the Board to administer the Plan. At this time, the Board needs to determine if plenary authority includes the monthly meeting locations. He advised the Board to coordinate with the City Council as much as possible; in other words, to comply with this action and see how it works. If it turns out that this does not work, if the meetings get bumped, then the Board has documented effort of trying to comply and this action impedes the Board's ability in a significant way to get work done. If the Board does not comply it would push this issue to a constitutional level. If the Council adopts this ordinance they would be ordering the Board to do something. If the Board refuses, you would be saying as a matter of constitutional law you would not comply. That's a significant conflict. Recent case law has not reflected a robust interpretation of Proposition 162. It is not crystal clear at this time what the Board's rights are. The Board will have to be very certain that moving the meetings to City Hall will significantly and negatively impede the Board's ability to perform its duties and administer the plan.

Chair Bacigalupi added that the members of this Plan, the police officers and firefighters, have stated that they prefer to meet in the retirement offices.

There was some additional discussion concerning how to handle this issue, and to avoid making this issue a confrontation with the City Council.

Member Herrera stated that assuming the Council adopts this ordinance it is important for this board to get on the record indicating what things would be needed to have this move work. It is also fair to tell the Mayor this is on a trial basis and if it doesn't work the meetings would move back. This would show that the Board is not taking an adversarial position and is showing good faith.

Retiree Bruce DeMers added that he felt the retirees prefer to have meeting at the Retirement Offices.

Member Herrera added that her motion should include and time-certain start time and a permanent location, and, if that is not done, there will be no change in meeting location. This is not an agreement to move in any fashion. She added that it should be spelled out that first the ordinance should be adopted; if it isn't adopted then the Board should not move. Also add that this is a trial period to see if there are any problems.

Member Johnson stated that there is a big benefit of having the meetings at City Hall either in Council Chambers or one of the committee rooms because they are televised and it's important that they are video streamed. The major benefit to the employees and the members of the Plan is that they will be able to view what's happening 24/7 at these meetings. It makes us much more transparent.

(M.S.C. Herrera/Johnson) a) to support the concept of the Board moving only regularly scheduled monthly Board meetings to City Hall if the ordinance is adopted by City Council; b) City Administration would have to provide a on-going certain meeting room in the Wing of City Hall with no possibility of being bumped and with the provision that if bumping occurs the meetings will be moved back to Retirement Services; c) the Chair to prepare a letter to the Mayor and City Council delineating these requirements; and d) staff to do analysis and report back after six months listing any impact of this move. Motion carried 5-1-1. (Bacigalupi-no/Liccardo-absent)

16. Ratification of Investment Committee delegation of authority to staff to select transition managers and adoption of Resolution No. 3638 memorializing this action.

The Secretary stated this action would only take place when the Investment Committee delegates this authority to staff and this might not happen again.

(M.S.C. Keesling/Herrera) to delegate authority to staff and adopt Resolution No 3638. Motion carried 5-0-1.

17. Election of Board Chair/Vice Chair for 2010.

(M.S.C. Keesling/Herrera) to elect David A. Bacigalupi for Board Chair. Motion approved 5-0-1

(M.S.C. Keesling/Herrera) to elect Conrad Taylor for Vice Chair. Motion approved 5-0-1

18. Discussion and action on Board policy for developing monthly Board meeting agendas.

(M.S.C Herrera/Taylor) to defer this item until all Board members are present. Motion carried 5-0-1

19. Approval of Amendment to Agreement with Saltzman & Johnson Law Corporation, Board's conflicts counsel, to include professional services provided by Brandie M. Barrows, Attorney, effective August 1, 2009 and to allow for addition of personnel subject to approval of City Attorney's Office and Board Secretary.

(M.S.C. Keesling/Herrera) to approve. Motion carried 5-0-1

OLD BUSINESS/CONTINUED-DEFERRED ITEMS

20. Oral update on Travel Audit compliance.

Ms. Niebla stated that staff is attempting to coordinate calendars.

21. Oral update on the FLSA/Payroll issue.

No update given other than discussion with the City Auditor.

STANDING COMMITTEES / REPORTS / RECOMMENDATIONS

Investments Committee (Johnson, Bacigalupi, Keesling – Alternate: Liccardo) – Next 1/21/09

Real Estate Committee (Bacigalupi, Keesling, Taylor – Alternate: Herrera) – Next 1/21/09

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

Investment Committee of the Whole

22. Summary of Quarterly COW held 20 August 2009

(M.S.C. Herrera/Taylor) to accept report. Motion carried 5-0-1.

CONSENT CALENDAR (Items 23-29)

(M.S.C. Herrera/Keesling) to approve Consent Calendar. Motion carried 5-0-1.

PUBLIC COMMENTS

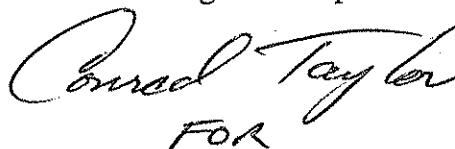
PROPOSED AGENDA ITEMS

Member Keesling proposed Board have an educational workshop where procedural items are discussed.

EDUCATION AND TRAINING

ADJOURNMENT

There being no further business, Chair Bacigalupi adjourned the meeting at 12:30 p.m.


FOR

DAVID BACIGALUPI, CHAIR
BOARD OF ADMINISTRATION

ATTEST:


RUSSELL U. CROSBY, SECRETARY
BOARD OF ADMINISTRATION