

COUNCIL AGENDA: 11-08-11

ITEM: 2.13

## *Memorandum*

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Dennis Hawkins, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** 10-27-11

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**SUBJECT: EXTENSION OF THE TERM AND INTERIM REAPPOINTMENT OF  
THE FIRE DEPARTMENT EMPLOYEE REPRESENTATIVE TO THE  
BOARD OF ADMINISTRATION OF THE POLICE AND FIRE  
DEPARTMENT RETIREMENT PLAN**

### RECOMMENDATION

As recommended by the Rules and Open Government Committee on November 2, 2011 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, extend the term of office and reappoint Sean Kaldor, Fire Department employee member of the Board of Administration of the Police and Fire Department Retirement Plan, until such time as the City Council makes the appointment of an employee member to a new term of office expiring November 30, 2015.



## *Memorandum*

**TO: HONORABLE MAYOR AND  
CITY COUNCIL**

**FROM: DENNIS HAWKINS, CMC**

**SUBJECT: SEE BELOW**

**DATE: October 28, 2011**

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**SUBJECT: EXTENSION OF TERM AND INTERIM RE-APPOINTMENT OF THE  
FIRE DEPARTMENT EMPLOYEE REPRESENTATIVE TO THE BOARD OF  
ADMINISTRATION OF THE POLICE AND FIRE DEPARTMENT RETIREMENT  
PLAN**

**RECOMMENDATION:**

Extend the term of office and reappoint Sean Kaldor, Fire Department employee member of the Board of Administration of Police and Fire Department Retirement Plan until such time as the City Council makes the appointment of an employee member to a new term of office expiring November 30, 2015.

**BACKGROUND:**

The current terms of the Fire Department employee member of the Police and Fire Retirement Board and one employee representative on the Federated City Employees Retirement Board expire on November 30, 2011. An election among active employees is currently underway for these positions. Mr. Kaldor is running unopposed for the Fire employee position. Under the current Council adopted procedures for the conduct of elections for the purpose of nominating employee and retiree representatives to the Retirement Boards, the election date is established as the 4<sup>th</sup> Monday of November, which is November 28. The results of the election and the interview and appointment of the employee representatives will be on the December 6 City Council meeting agenda. The Police and Fire Retirement Board is scheduled to meet on December 1 and the Federated Board is scheduled to meet on December 15.

This results in a situation in which the Fire Department employee member position on the Police and Fire Board will be vacant for its December meeting because the term has expired.

HONORABLE MAYOR AND CITY COUNCIL

Subject: Extension of Term of Police and Fire Retirement Board Member

October 28, 2011

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**ANALYSIS:**

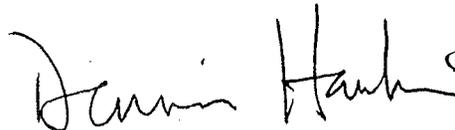
The Retirement Boards are dealing with a number of very important issues. Robert Sapien, President of the International Association of Fire Fighters, Local 230 has expressed concern (see attached letter) regarding the potential lack of representation for Fire Department employees because of the service gap on the Board. In November 2010, the Council extended the term of office of Jeffrey Perkins, a public member of the Federated Retirement Board, when his term was expiring and the Council was considering the appointment of new public members to both Retirement Boards. It is recommended that the Council approve similar action in this situation so that the Police and Fire Board may have its full membership for its December meeting.

A long-term solution may be to modify the procedures so that the election date is earlier. Changes to the Council adopted procedures would require engagement with employee bargaining units and retiree associations. A group was established in 2009 to discuss procedural improvements, but its work was delayed as larger issues involving the governance structure of the Retirement Boards took precedence. I will reconvene the group, which included all employee bargaining units, retiree associations, as well as Employee Relations, Retirement Services, and the City Attorney, to review and make recommendations for revised procedures.

It is not recommended that the Council consider an extension of the term of the Federated Retirement Board employee member at this time. An election for the position is also underway and two candidates are running. In addition, because the Federated Board meeting is scheduled for December 15, there should be sufficient time for the Council to consider action on the appointment to the Federated Board prior to their December meeting.

**COORDINATION:**

This memorandum has been coordinated with the Offices of the City Manager and City Attorney and the Department of Retirement Services.



DENNIS D. HAWKINS, CMC  
City Clerk

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

Attachment





# San Jose Fire Fighters • Local 230

425 E. Santa Clara Street, Suite 300, San Jose, CA 95113 • (408) 286-8718 • FAX (408) 286-2577



October 5, 2011

Dennis Hawkins, City Clerk  
City of San Jose - Office of the City Clerk  
200 East Santa Clara Street  
San Jose, CA 95113

I am writing in response to a situation of which I was made aware of regarding the election process for members of the San José Police & Fire Retirement Plan Board of Administration.

My understanding is that the election timeline, even with a single candidate who is the current incumbent on the Board, will mean that the active firefighter representative's term will expire before the City Council can approve the nomination of a replacement. As such, over 600 active firefighters will not be represented during the Board meeting of December 2011.

As President of IAFF Local 230, and speaking on behalf of all active San José Firefighters, I wish to express that this position should not remain vacant and that these Plan members should not remain unrepresented due to a flaw in the election timeline. San José Fire Fighters would strongly support either lengthening the term of the incumbent position by one month, seating an approved replacement prior to the Board meeting, or rescheduling the December Board meeting such that all stakeholders can be adequately represented. Clearly, the least disruptive of these choices would be to establish a future policy whereby the incumbent remains in the position until such time as an approved replacement can be sworn into office.

Thank you in advance for your consideration of this matter.

Respectfully,

  
Robert Sapient, Jr., President  
San José Fire Fighters - IAFF Local 230

CC: Sean Kaldor, Trustee – San Jose Police and Fire Retirement Board  
Christopher E. Platten – Legal Counsel for San Jose Fighters, IAFF Local 230