



## Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC

**SUBJECT:** SEE BELOW

**DATE:** August 27, 2010

**SUBJECT: PROCESS TO NOMINATE A FIRE RETIREE REPRESENTATIVE FOR APPOINTMENT BY THE CITY COUNCIL TO THE BOARD OF ADMINISTRATION OF THE POLICE AND FIRE RETIREMENT DEPARTMENT RETIREMENT PLAN**

### **RECOMMENDATION**

1. Ratify the process for the selection of nominees for Council appointment of the Fire Retiree Representative to the Board of Administration of the Police and Fire Department Retirement Plan
2. Forward to the City Council for formal action on September 14, 2010

### **BACKGROUND**

On August 10, 2010, the City Council approved Ordinance 28787, which amended the Section 2.08, Part 12 of the San Jose Municipal Code. The revision of Section 2.08.1210, increased the membership of the Board of Administration of the Police and Fire Department Retirement Plan from seven to nine members, including a Fire Department retiree representative and modified the nomination procedures for the selection of Retiree members.

The Police and Fire Retirement Board currently include a Police Department Retiree Representative, David Bacigalupi, who was appointed to the Board by the City Council on January 30, 2009 for a term expiring November 30, 2012. The Fire retiree will be appointed to a four-year term expiring November 30, 2014. On February 3, 2000, the City Council adopted procedures for the nomination of a retiree for the Police and Fire Retirement Board, which are similar to those used to nominate employee representatives. Under the revised procedures, both Police and Fire retirees will now vote on nominees for either Police or Fire retiree positions, previously the voting was limited to retirees of the affected department.

The procedures establish the election date as the fourth Monday in November. However, due to the effective date of the ordinance and the timelines specified in the procedures, that election date does not work to fill this new position. Therefore, the

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Office of the City Clerk is requesting Council ratification of a revised timeline and election date, which does conform, to steps outlined in Council's approved process.

**Timeline for the Selection of Fire Retiree Representative  
to the Police and Fire Retirement Board**

<b>Day/Date</b>	<b>Task</b>
September 1	Present timeline and process to Rules Committee
September 14	City Council ratification of nomination process and timeline
Wednesday, September 15  (Election – 87 days)	Office of the City Clerk Prepares and Distributes Notice of Election; Information and Nomination Petition Forms Available for Candidates; Notify Police and Fire Retiree Association, SJPOA, and SJFF Local 230. <i>(no more than 87 days or less than 80 days prior to election)</i>
Monday, September 27 (Election – 70 days)	Nomination period opens.
Friday, October 15 (Election – 52 days)	Nomination period closes; Nomination petition signed by 10 eligible voters and a 200-word campaign statement due to the Office of the City Clerk
Friday, November 5 (Election – 31 days)	Ballots mailed to Police & Fire retirees
Friday December 3	Memo from City Clerk places appointment on December 14 Council Agenda
Monday, December 6	Election day – ballots due to Office of the City Clerk by 2:00 pm. Votes counted, Results posted and distributed
Wednesday, December 8	Panel consisting of SJPOA, SJFF Local 230, and City Manager's representatives interview top three candidates receiving the most votes. Panel makes recommendation to City Council
Tuesday, December 14	Council considers appointment of new Fire Retiree representative
Thursday, January 6, 2011	Appointee participates in first Retirement Board meeting

**ANALYSIS**

With the City Council's approval of the recommendations, the process to nominate a Fire retiree for appointment by the City Council will meet the procedural requirements as modified and fill the new position in a timely manner.

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### **EVALUATION AND FOLLOW-UP**

The results of the election conducted among the retired members of the Police and Fire Retirement System 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 December.

### **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 the Police and Fire Department Retirement System 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

### **CEQA**

Not a project.



**Lee Price, MMC**  
**City Clerk**

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