

# **BOARD OF EDUCATION RETIREMENT SYSTEM**

## **Board Meeting Agenda**

### **November 15, 2022**

1. Calendar Item 1: Noting of the Minutes of the Meeting of the Board of Education Retirement System held on October 25, 2022 – **FOR CONSIDERATION AND ACTION.**
2. Executive Director’s Update – **FOR DISCUSSION.**
3. Calendar Items 2-17: Ordinary Business – **FOR CONSIDERATION AND ACTION.**
4. Calendar Item 18: Authorization to Enter into an Agreement with Crown Castle Fiber LLC to Provide Internet and Security Services to the Board of Education Retirement System – **FOR CONSIDERATION AND ACTION.**
5. Calendar Item 19: Adoption of Board of Education Retirement System Code of Ethics – **FOR CONSIDERATION AND ACTION.**
6. Calendar Item 20: Written Regulations and Guidance for BERS Executives Concerning Fiduciary Duties and Conflicts of Interest – **FOR DISCUSSION.**
7. Executive Session.
8. Calendar Item 21: Appointment of a Trustee to the Comptroller’s Strategic Accountability and Tactical Review Oversight Committee – **FOR CONSIDERATION AND ACTION.**
9. Calendar Item 22: Appointment of a Disability Committee Member – **FOR CONSIDERATION AND ACTION.**
10. Calendar Item 23: Appointment of an Audit Committee Member – **FOR CONSIDERATION AND ACTION.**

**Board of Education Retirement System**  
**SUMMARY MINUTES**  
**Meeting of the Board of Trustees**  
**October 25, 2022**

**Appearances via WebEx:**

Tazin Azad  
Geneal Chacon  
Marjorie Dienstag  
Gregory Faulkner  
Sheree Gibson  
Angela Green  
Alison Hirsh  
Ruth Maria Kenley  
Kyle Kimball

Anthony Lopez  
John Maderich  
Donald Nesbit  
Alan Ong  
Seritta Scott  
Thomas Sheppard  
Karina Taveras  
Gladys Ward

**Agenda Item 1 - Calendar Item 1:** Noting the Minutes of the Meeting of the Board of Retirement held on October 18, 2022. On a motion by Mr. Kimball and a second by Ms. Azad, this item was unanimously approved.

**Agenda Item 2:** Executive Session. On a motion by Ms. Azad and a second by Ms. Dienstag, the Board moved into Executive session to discuss a disciplinary matter affecting two employees with Mr. Maderich voting to oppose.

On a motion by Ms. Hirsh, and a second by Ms. Chacon, the Board voted unanimously to invite Alexander Kazazis, General Counsel and Sharon Koppula, Deputy General Counsel to the Executive Session.

Mr. Sheppard left the meeting at approximately 6:07PM and returned at approximately 6:09PM

Ms. Taveras left the meeting at approximately 6:10PM

Mr. Sheppard left the meeting at approximately 6:30PM

Mr. Nesbit assumed the role of meeting chair at approximately 6:31PM

Ms. Scott left the meeting at approximately 6:32PM and returned at approximately 6:53PM

On a motion by Ms. Chacon and a second by Mr. Maderich, the Board voted to postpone deliberations until the next meeting of the Board with abstentions from Ms. Scott and Mr. Faulkner and votes to oppose by Ms. Hirsh and Mr. Kimball.

On a motion by Ms. Chacon, and a second by Ms. Azad, the Board voted unanimously to move back into Public Session.

Ms. Gibson left the meeting at approximately 7:02PM

**Agenda Item 3 - Calendar Item 3:** Adoption of a Policy Regarding Compensation for Board of Education Retirement System Managerial Employees. On a motion by Mr. Maderich and a second by Dr. Green, this item was unanimously approved.

**Agenda Item 4 - Calendar Item 4:** Amendment to the Authority and Procedure of the Executive Committee of the Board of Education Retirement System. On a motion by Ms. Azad and a second by Ms. Ward, this item was unanimously approved.

**Agenda Item 5 – Calendar Item 5:** Adoption of Written Regulations and Guidance for BERS Executives Concerning Fiduciary Duties and Conflicts of Interest. On a motion by Ms. Green and a second by Mr. Maderich, the Board discussed this agenda item. On a motion by Mr. Maderich and a second by Ms. Azad, the Board voted unanimously to postpone this item to the next meeting of the Board.

**Agenda Item 6:** Composition of the BERS Board of Trustees. On a motion by Mr. Maderich and a second by Ms. Azad, this item was discussed.

No other items of business were presented. On a motion by Mr. Maderich and a second by Ms. Green, the meeting was adjourned at approximately 7:34 PM.

DRAFT

November 2022

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CROWN CASTLE FIBER LLC TO PROVIDE INTERNET AND SECURITY SERVICES TO THE BOARD OF EDUCATION RETIREMENT SYSTEM**

**WHEREAS,** BERS has determined a need for internet and security services for its daily business operations; and

**WHEREAS,** it is necessary for BERS to relocate the racks that house its circuit connections at 65 Court Street to a data center that provides proper security, access, and cooling; and

**WHEREAS,** BERS' Director of Information Technology has recommended Crown Castle Fiber LLC ("Crown Castle") to relocate the racks that house BERS' circuit connections at 65 Court Street and provide internet and security services to BERS; and

**WHEREAS,** the Board of Trustees accepts the recommendation of the Director of Information Technology; and

**WHEREAS,** it is the desire of the Board of Trustees to contract with Crown Castle for a period of thirty-six months for internet and security services; now therefore be it

**RESOLVED,** that the Board of Trustees declares an emergency condition with regard to BERS internet and security services and authorizes the Executive Director of BERS to enter into a contract not to exceed twelve months with Crown Castle for internet and security services with a cost not to exceed \$110,000, and subject to agreement by Crown Castle. If any of the foregoing terms are not agreed upon by the parties to the contract, the proposed contract will be brought back to the Board for further review and action before such a contract is executed; and be it further

**RESOLVED,** that the Executive Director of BERS be authorized to receive and control funds and to direct the Comptroller of the City of New York to disburse funds in accordance with this agreement.

Respectfully Submitted,

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Sanford R. Rich  
Executive Director

**ADOPTION OF A BOARD OF EDUCATION RETIREMENT SYSTEM CODE OF ETHICS**

**WHEREAS,** the Board of Education Retirement System (“BERS”) has identified a need to adopt a Code of Ethics ( “Code”) to establish a common standard of behavior expected of all employees of the agency; and

**WHEREAS,** the Code places an obligation on each employee to take responsibility for his/her own conduct and work with colleagues cooperatively to establish a collaborative workplace where staff are proud to work; and

**WHEREAS,** violations of this Code may cause reputational damage to the agency as well as result in disciplinary action for the employee; now therefore be it

**RESOLVED,** that the Board hereby adopts the following Board of Education Retirement System Code of Ethics:

1. Employees shall perform their assigned duties properly and efficiently, and may not neglect or refuse to perform their duties.
2. Employees shall comply with BERS and City policies, rules and regulations, and applicable local, state and federal law, including the conflict of interest rules established by [Chapter 68 of the New York City Charter](#)<sup>1</sup>.
3. Employees must notify their supervisor of any potential non-compliance with BERS or City policies and procedures that comes to their attention.
4. Employees shall not use BERS equipment, email, or systems for personal use.
5. Employees shall not conduct personal business or enterprise during work hours.
6. Employees shall not intentionally damage, tamper, or interfere with the property of BERS or any third party.
7. Employees shall not send any communications that are harassing, defamatory, threatening, or contain inappropriate comments or images.
8. Employees shall not give false statements in connection with any BERS operation, employee, policy, or investigation.
9. Employees shall not grant any unauthorized privilege or favor to anyone in connection with any BERS operation or activity.
10. The disclosure of privileged or confidential BERS information is strictly prohibited. Formal requests for the release of information shall be forwarded to the BERS Legal Department for review.

Respectfully Submitted,

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Sanford R. Rich  
Executive Director

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<sup>1</sup> See also [A Plain Language Guide to Chapter 68 of the New York City Charter](#).

## MEMORANDUM

**FROM:** SANFORD RICH, EXECUTIVE DIRECTOR  
**TO:** BERS BOARD OF TRUSTEES  
**SUBJECT:** REQUEST TO UTILIZE EMERGENCY PURCHASE METHODS  
**DATE:** NOVEMBER 10, 2022

This memorandum is being submitted to request authorization to enter into a one-year agreement with Crown Castle for a not-to-exceed amount of \$110,000 using BERS' emergency purchase procedures.

Emergency procurements are permissible only in the event of an emergency condition, such as unforeseen danger to life, safety, property, or a necessary service. The existence of such a condition creates a need for goods, services or construction that cannot be met through standard procurement methods (Request for Proposals, Request for Quotes, etc.).

BERS currently utilizes space for its racks and circuit connections at 65 Court Street that it shares with the DOE offices. This equipment is essential for BERS' IT operations. However, the DOE has recently made the decision to remodel its space. Currently, due to the remodeling and construction, the room at 65 Court Street housing BERS's racks and circuits is now unlocked, without security. Further, the racks are no longer being stored in conditions that allow for proper cooling while the remodeling work is being performed around them. Given the exposure of BERS' equipment, timing is critical. As a result, BERS must relocate the racks that house its circuits to Weehawken, NJ. The new data center in Weehawken, NJ allows the racks proper security and access, in addition to providing the appropriate physical conditions for them (i.e. cooling, etc.).

However, BERS cannot move its racks if circuit connectivity is not first established. Crown Castle currently provides connection services for the DOE and is familiar with the DOE's requirements and the Weehawken data center. Inviting a different company to perform this work would result in a company without any DOE presence having to familiarize itself with where BERS is trying to bring its circuits. Crown Castle would take between approximately 30 and 60 days to complete the work needed to establish and maintain connectivity. The timeline would be even longer for a company without a presence in this new location. BERS cannot afford this security risk to its racks and circuits while its equipment remains exposed in its current location.

In order to maintain the security of BERS' racks and circuits, BERS requests the authority to enter into an agreement with Crown Castle utilizing the emergency purchase process to avoid a significant interruption in BERS' operations. If authorized to enter into this agreement, BERS would limit its term to 1 year. The total estimated not-to-exceed amount would be \$110,000. After the one-year period, BERS will conduct a procurement to ensure long term presence for the vendor providing its circuit connections in the new Weehawken location, allowing appropriate ramp-up time for a potentially new vendor to establish a presence there.