

VENTURA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

APPOINTMENT AND ELECTION OF TRUSTEES POLICY

I. Purpose and Objectives

- 1) The purpose of this policy is to establish a procedure for the Ventura County Employees' Retirement Association ("VCERA") to provide notice to the Board of Supervisors when the term of a Public Member appointee is about to expire, as well as a procedure for the election of employee and retiree representatives to the Board of Retirement ("Board").

II. Background

- 2) The Board of Retirement (Board) shall consist of nine members and three alternates as provided for under Government Code sections 31520.1, 31520.13 and 31520.5. One member shall be the County Treasurer, whose membership on the Board shall run concurrent with his/her term as County Treasurer. The second and third members shall be general members of the Association and shall be elected by the general members of the Association in active service. The fourth, fifth, sixth and ninth members shall be qualified electors of the County of Ventura who are not connected with county government in any capacity, except that one may be a County Supervisor, and shall be appointed by the Ventura County Board of Supervisors. The seventh member shall be a safety member of the Association who is elected by the safety members of the Association in active service. The eighth member shall be a retired member elected by the retired members of the Association. The alternate member shall be that candidate, if any, from the group under section 31470.2 (law enforcement) or 31470.4 (fire suppression), which is not represented by a board member, who receives the highest number of votes of the candidates in the group that is not represented. For purposes of this policy, law enforcement personnel shall include Welfare Fraud Investigators and Probation Officers, and fire suppression personnel shall include Airport Operations Officers and Harbor Patrol Officers, who have been granted safety membership. There shall be an alternate retired member who shall be elected at the same time and in the same manner as the eighth member. At the option of the County Board of Supervisors, there shall also be an alternate member for the fourth, fifth, sixth and ninth members.

III. Appointed Members

- 3) Not less than 90 days before the expiration of the term of a member, including the alternate member, appointed by the Board of Supervisors, the Administrator shall provide written notice to the Chair of the Board of Supervisors, with a copy to the member of the Board of Supervisors who sits on the Board of Retirement, if any, and the County Chief Executive Officer, advising him/her that the term of a public member is set to expire. The notice shall provide the name of the individual and date on which his/her term on the Board will expire. An appointed board member whose term has expired is considered a holdover and continues as an appointed member until he/she resigns or until the Board of Supervisors reappoints the sitting appointee or appoints a new member for the remainder of the term.

IV. Elected Members

- 4) The County Elections Division shall conduct all elections on behalf of VCERA.
- 5) Not less than 120 days prior to the expiration of the term of a member elected to the Board of Retirement, the Administrator shall contact the Ventura County Elections Division to request an election be conducted. The Elections Division shall be primarily responsible for preparation of the nomination petition, preparation of ballots, mailing and receipt of ballots, counting of ballots and certification of the election. The Administrator shall prepare, for approval by the Elections Division, a calendar which sets forth all relevant dates in the election process.
- 6) Not less than 90, nor more than 120, days before the expiration of the term of a member elected to the Board, the Administrator shall provide written notice to all members of the Association who are eligible to be a candidate for such position, that an election will be held to fill a position on the Board. The obligation to provide such notice to current employee members shall be satisfied by providing to each county department a sufficient number of election notices and requesting it be distributed to their employees. In the case of the retired (eighth) member position and the alternate retired member position, notice of an election shall be provided to all retired members by mail. The written notice provided shall include, but not be limited to, an introduction section describing the Board of Retirement, the process for obtaining and filing a nomination petition, and all relevant dates in the election process.
- 7) A candidate for the second or third member position shall be a general member of the Retirement Association. Only general members of the Retirement Association shall be eligible to vote for the second or third member position. A candidate for the seventh member position shall be a safety member of the Retirement Association. Only safety members of the Retirement Association shall be eligible to vote for the seventh member position. To be a candidate, or voter, for the second, third or seventh member positions, the employee must be an active member in the Retirement Association. A candidate for the eighth member position shall be a retired member of the Retirement Association. A candidate for the alternate retired member position shall be a retired member of the Retirement Association. Only retired members of the Retirement Association shall be eligible to vote for the eighth member position and alternate retired member position.
- 8) Any qualified member of the Retirement Association who wishes to be a candidate for a position on the Board may request a nomination petition from the County Elections Division. The nomination petition shall be signed by not less than 20 or more than 30 members of the Retirement Association who are eligible to vote in the election. Signatures on the nomination petition shall be verified against County Registrar of Voter records, or, if necessary, the member's County Appointment form or Sworn Statement form on file with VCERA. At the time the nomination petition is filed with the Elections Division, the candidate may file a statement of qualifications, goals and objectives, of not more than 200 words. The statement of qualifications shall be limited to describing the candidate's own qualifications and shall refrain, from in any way, making any reference to any other candidate. The counting of words shall be in accordance with the California Elections Code. Candidate statements shall remain confidential until after the filing deadline and may not be changed for any reason after the

filing deadline. The statement of qualifications shall be distributed to all voting members with their ballots and instructions for voting. The nomination petition shall list the date on which it is to be filed and any nomination petition filed after such deadline shall be disqualified.

- 9) The election of the retired (eighth) member and the alternate retired member shall be conducted simultaneously. An eligible retired member of the Retirement Association may be a candidate for both positions. A retired member who chooses to be a candidate for both positions must file separate nomination petitions. If a retired member files as a candidate for both positions, and receives the highest number of votes for both positions, such candidate shall be certified as the retired (eighth) member on the Board of Retirement. In such a case, the candidate for the alternate retired member position, if any, that received the second highest number of votes for that position shall be certified as the alternate retired member.
- 10) If the Elections Division determines that there is only one qualified candidate, the Board of Supervisors shall, as provided for by Government Code section 31523, order that no election be held and that a unanimous ballot be cast in favor of such candidate.
- 11) The Administrator shall provide to the Elections Division a list of all eligible voters for each election, along with a set of mailing labels. The Administrator shall be responsible for ensuring a sufficient number of envelopes, copies of the instructions for voting, and copies of the statements of qualifications are provided to the Elections Division for distribution to all eligible voters.
- 12) The Elections Division shall prepare the official ballot. The official ballot, statement of qualifications and instructions for voting shall be sent to each eligible voter by the Elections Division through the U.S. mail. Ballots must be returned to the Elections Division prior 5:00 p.m. on the date noted in the instructions for voting by personal delivery, County Brown Mail, or U.S. Mail. The Elections Division shall void duplicate ballots cast, ballots which bear the signature or initials of the voter, ballots which do not bear the printed name and signature of the voter on the outer envelope, envelopes containing more than one ballot, or any other ballots where the Elections Division is unable to determine the voter's intent. Write-in candidates are not acceptable and such votes shall not be reported in the certification of election results.
- 13) The Elections Division shall be responsible for the receipt and safekeeping of voted ballots. Ballots shall be counted under the supervision of personnel assigned by the Elections Division. The Elections Division shall retain voted ballots for 180 days following the date of the counting of ballots.
- 14) The Elections Division shall certify the results of the election as soon as practicable after the ballots have been counted for receiving and filing by the Board.
- 15) Upon application to the Elections Division made within five business days of the Board's receipt of the certified results of the election, any candidate may request a recount of the ballots. The candidate shall be responsible for depositing with the Elections Division, prior to the recount, an amount sufficient to cover the actual cost of having the ballots recounted.

- 16) Newly elected and appointed members shall be sworn in at their first Board of Retirement meeting, if not sworn in by the County Clerk and Recorder prior to such meeting.
- 17) Decisions of the Elections Division and Administrator regarding the conduct of the election may be appealed to the Board in writing within 15 days of notice of the decision. The decision of the Board shall be final, subject to judicial review.
- 18) In the event of a vacancy in the second, third, seventh, eighth, or alternate seventh member position on the Board, the Board shall cause an election to fill the vacancy to be held at the earliest possible date in a manner consistent with the provisions of this policy and Government Code section 31523. If there is a vacancy with respect to the alternate retired member (alternate eighth), the Board shall, by majority vote, appoint a replacement alternate member in the same manner as prescribed in Government Code section 31523.
- 19) All costs of the election shall be an expense of administration of the Retirement Association, and the Retirement Association shall reimburse the Elections Division for any costs associated with conducting an election.

V. Terms of Office

- 20) The following schedule outlines the terms of office for the appointed and elected members.

Office	Position	Term	Start of Term	Sample Years	Ref.
Treasurer (Ex Officio)	1 st	4 years	1 st Mon. in Jan. at noon Following election	2015, 2019, 2023	GC 24200
General Member 1	2 nd	3 years	January 1	2015, 2018, 2021	GC 31520.1 Ord. 401
General Member 2	3 rd	3 years	January 1	2016, 2019, 2022	GC 31520.1 Ord. 401
Appointed Member 1	4 th	3 years	January 1	2016, 2019, 2022	GC 31520.1 Ord. 401
Appointed Member 2	5 th	3 years	January 1	2016, 2019, 2022	GC 31520.1 Ord. 401
Appointed Member 3	6 th	3 years	January 1	2014, 2017, 2020	GC 31520.1 Res. 208.210
Safety Member	7 th	3 years	January 1	2015, 2018, 2021	GC 31520.1 Res. 208.210
Retiree Member	8 th	3 years	January 1	2015, 2018, 2021	GC 31520.1 Ord. 401
Appointed Member 4	9 th	3 years	January 1	2014, 2017, 2020	GC 31520.1 Ord. 401
Alternate Safety	7 th Alt.	3 years	January 1	2015, 2018, 2021	GC 31520.1 Res. 208.210
Alternate Retiree	8 th Alt.	3 years	January 1	2015, 2018, 2021	GC 31520.5
Alternate Appointed	4 th , 5 th , 6 th , 9 th Alt	3 years*	January 1*	2016, 2017, 2020*	GC 31520.13

*consistent with 9th member

VI. Process Review

- 21) The Board will review the Appointment and Election of Trustees Policy at least once every three (3) years to ensure that it remains relevant and appropriate.

VII. Process History

- 22) The Board last reviewed and approved this policy on February 27, 2017. The Board originally adopted this policy on December 2, 1985 and revised the policy on October 20, 2003 and October 17, 2005, and December 17, 2012.