

BEFORE THE BOARD OF SUPERVISORS
OF THE
COUNTY OF FRESNO, STATE OF CALIFORNIA

IN THE MATTER OF: ADOPTING UPDATES TO THE ELECTION PROCEDURES FOR THE BOARD OF RETIREMENT OF THE FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION)))))))))	RESOLUTION 15- <u>586</u>
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WHEREAS, the Fresno County Employees' Association (FCERA) is the retirement system for the County of Fresno (County); and

WHEREAS, the Board of Retirement of FCERA is the governing board of FCERA; and

WHEREAS, the Board of Supervisors of the County adopted the Retirement Board Election Procedure on November 25, 1969; and

WHEREAS, the Board of Supervisors amended the Retirement Board Election Procedure on October 30, 2001, March 1, 2005 (at which time such election procedure was renamed as the Board of Retirement Election Procedures), September 11, 2007, and August 11, 2009; and

WHEREAS, the Board of Supervisors has been informed that, on June 17, 2015 and October 7, 2015, the Board of Retirement proposed certain further amendments to the Board of Retirement Election Procedures including setting forth an election schedule through 2029 (Appendix A, attached hereto), all of which are substantially in the form set forth below, and on October 7, 2015, the Board of Retirement authorized the Retirement Administrator to approve any minor clarifying revisions to the proposed further amendments to the Board of Retirement Election Procedures as required for adoption by the Board of Supervisors, and such revisions are included in the proposed further amendments set forth below; and

WHEREAS, all such proposed further amendments taken together are as set forth below;

1 WHEREAS, considering all such proposed further amendments, the Board of
2 Supervisors desires to further amend the Board of Retirement Election Procedures, as set forth
3 below.

4 NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors adopts the
5 further amended Board of Retirement Election Procedures, as set forth below, and the further
6 amended Board of Retirement Election Procedures shall read as follows:

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1 BOARD OF RETIREMENT ELECTION PROCEDURES

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3 I. Date of Election/Reimbursement of Election Costs: Elections shall be held on

4 the third Thursday in November for odd election years, and the third Thursday in

5 August for even election years, except for special elections to fill midterm

6 vacancies, which shall be set by the Fresno County Board of Supervisors.

7 Please see Appendix A for a schedule of elections. Pursuant to an agreement

8 entered into by Fresno County Employees' Retirement Association (FCERA) and

9 the County, the Fresno County Clerk/Registrar of Voters shall be reimbursed for

10 all of its election costs by FCERA within forty-five (45) calendar days after any

11 election referred to herein.

12 II. Type of Election: The Board of Retirement shall have two types of elections

13 with separate but comparable procedures for both. One type of election will be

14 for the active member trustees (General and Safety) on the Board of Retirement

15 (Active Member Elections). The second type of election will be for the Retired

16 and Alternate Retired member trustees on the Board of Retirement (Retired

17 Member Elections).

18 A. Active Member Elections: There will be two categories of Active Member

19 Elections, General and Safety.

20 1. Active, deferred and inactive General members will be eligible to

21 participate in the election of the second and third trustees (General).

22 2. Active, deferred and inactive Safety members will be eligible to

23 participate in the election of the seventh trustee (Safety).

24 3. An Alternate Safety trustee (seventh trustee) may be elected and

25 seated if there is an eligible candidate (see section V (I) below).

26 B. Retired Member Elections: Simultaneous elections will occur for the

27 Retired trustee (eighth trustee) and the Alternate Retired trustee (eighth trustee).

28 Members may not run for both seats in the same election cycle.

1 III. Notice of Election - Active Member (General and Safety) Election: FCERA shall
2 send a Notice of Election to each County Department, Special District and
3 recognized employee representation organization with active FCERA members,
4 and to each eligible deferred and inactive FCERA member at the address on file
5 with FCERA, no later than seventy (70) calendar days prior to election day (E –
6 70 or election day minus 70). Said notice shall contain the following information:

7 A. Qualifications: The nominee must be an active, deferred or inactive
8 member of FCERA (General Member for the General Member seat and
9 Safety Member for the Safety member seat).

10 B. Method of Nomination: A petition signed by fifteen (15) active, deferred or
11 inactive FCERA members (signed by General Members for General Seat
12 and signed by Safety Members for Safety seat) must be delivered to the
13 Retirement Administrator together with a certification from the nominee of
14 said petition certifying his or her willingness and qualification to serve on
15 the Board of Retirement and giving the name of the department or district
16 in which he or she is (or was) employed. The nominee may also submit a
17 statement of 200 words or less giving his or her qualifications and
18 platform, which will be distributed with the ballots. Said statement must be
19 submitted with the petition, or it will not be published. Said statement will
20 be published as presented by the candidate, subject to the 200 word
21 limitation; neither the FCERA nor the Fresno County Clerk/Registrar of
22 Voters will make changes to correct grammar, punctuation, or spelling.

23 C. Close of Nominations: The nomination period shall close twenty (20) (E –
24 50) calendar days after the date FCERA sends the Notice of Election, as
25 described above. If the nomination period ends on a weekend or holiday,
26 it shall be extended to the end of the next business day. The County
27 Clerk will be provided candidate names by E – 49.
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1 D. If any duly nominated candidate is unopposed for election at the close of
2 nominations, the Board of Retirement shall so certify to the Board of
3 Supervisors, who shall declare the election cancelled and appoint said
4 candidate to the Board of Retirement.
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6 IV. Notice of Election - Retired and Alternate Retired Member Elections: Separate
7 elections are held simultaneously for the Retired trustee and Alternate Retired
8 trustee of the Board of Retirement. The FCERA shall send a Notice of Election to
9 each organization recognized by the Board of Retirement as representing the
10 Retired members of the FCERA no later than seventy (70) calendar days prior to
11 Election Day (E – 70). In addition, prior to sending the Notice, the FCERA will
12 notify each Retired member of the upcoming election by mailing a flyer (or
13 including a flyer in the monthly benefit statement mailed to each retiree) that
14 provides basic information about the scheduled elections.

15 Said Notice of Election shall contain the following information:

16 A. Qualifications: The nominee must be a Retired FCERA member.

17 B. Method of Nomination: A petition signed by fifteen (15) Retired FCERA
18 members must be delivered to the Retirement Administrator together with a
19 certification from the nominee of said petition certifying his or her willingness
20 and qualification to serve on the Board of Retirement. The nominee may also
21 submit a statement of 200 words or less giving his or her qualifications and
22 platform, which will be distributed with the ballots. Said statement must be
23 submitted with the petition, or it will not be published. Said statement will be
24 published as presented by the candidate, subject to the 200 word limitation;
25 neither the FCERA nor the Fresno County Clerk/Registrar of Voters will make
26 changes to correct grammar, punctuation, or spelling.

27 C. Close of Nominations: The nomination period shall close twenty (20) (E – 50)
28 calendar days after the date the FCERA sends the Notice of Election, as

1 described above. If the nomination period ends on a weekend or holiday, it
2 shall be extended to the end of the next business day. The County Clerk will
3 be provided candidate names by E – 49.

4 D. If any duly nominated candidate is unopposed for election at the close of
5 nominations, the Board of Retirement shall so certify to the Board of
6 Supervisors, who shall declare the election cancelled and appoint said
7 candidate to the Board of Retirement.

8 V. Election Procedure:

9 A. On the first working day following the close of nominations, the Retirement
10 Administrator or his or her designee shall determine the order of
11 placement of nominees' names on the ballot by drawing of lots. All
12 nominees will be extended an invitation to view the drawing of lots.

13 B. Each nominee or prospective nominee, or his/her designated
14 representative, shall be allowed a reasonable amount of County or Special
15 District time for witnessing the drawing of lots and the ballot count.
16 County and Special District time shall not be used for obtaining
17 nominations or campaigning.

18 C. At the most recent payroll period ending before E-35, FCERA's
19 Retirement Administrator, or his or her designee, shall deliver to the
20 Fresno County Clerk/Registrar of Voters the following together in one
21 transmittal: FCERA's then-current electronic data file, in a computer
22 program that is acceptable to the to the Fresno County Clerk/Registrar of
23 Voters, of all eligible voters for the Active Member Election (based on their
24 respective categories of General Members and Safety Members) and for
25 the Retired Member Election, including their names and mailing addresses
26 for their receipt of ballots (which mailing address is his or her mailing
27 address as filed with his or her employer for active members or as filed
28 with the FCERA for deferred, inactive and Retired members) accompanied

1 by FCERA's Retirement Administrator's, or his or her designee's,
2 certification, which shall be signed and dated as of the delivery date, and
3 shall state the following: [__insert name__], [__insert title__] of the Fresno
4 County Employees Retirement Association (FCERA) certifies to the
5 Fresno County Clerk/Registrar of Voters that each accompanying
6 electronic data file of eligible voters for the [__insert date__] FCERA
7 Active Member Election (based on their respective categories of General
8 Members and Safety Members) and for the [__insert date__] FCERA
9 Retired Member Election correctly identifies all current, eligible voters for
10 each such election (and for the [__insert date__] FCERA Active Member
11 Election, further correctly identifies all current, eligible voters within their
12 respective categories of General Members and Safety Members), and that
13 the information in each such electronic data file of eligible voters is
14 complete and accurate for all such eligible voters in each such election, as
15 of the date that each such electronic data file of eligible voters and this
16 certification is delivered to the Fresno County Clerk/Registrar of Voters.
17 [__insert signature block/date__]. Twenty-four (24) calendar days
18 preceding the election (E – 24), the Fresno County Clerk/Registrar of
19 Voters shall mail a ballot packet to each eligible voter for the Active
20 Member Elections (based on their respective categories of General
21 Members and Safety Members) and for the Retired Member Elections at
22 the mailing address for such voter, based on the information set forth in
23 the applicable FCERA certified electronic data file of eligible voters,
24 above. Said packet shall consist of:

- 25 1. Appropriate ballot(s) (General, Safety, or Retired and Alternate
26 Retired),
- 27 2. Voting instructions,
- 28 3. Candidates' statements of qualifications,

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- 4. A non-postage paid ballot return envelope bearing the address of the Fresno County Clerk/Registrar of Voters Office, and
- 5. A sealed envelope bearing the member's name and address containing items 1 through 4.

D. The Fresno County Clerk/Registrar of Voters shall administer the election as follows:

- 1. The Fresno County Clerk/Registrar of Voters shall receive the following from the Retirement Administrator or designee:
 - a. Date of the Election,
 - b. Sample of the ballot with appropriate candidates' names and order of placement on the ballot,
 - c. Candidates' Statements (if applicable),
 - d. Calendar of events for the election,
 - e. Written request for the Fresno County Clerk to conduct the election, and County-FCERA cost reimbursement agreement (See Section I, above).
 - f. Electronic data files of eligible voters for the Active Member Election and for the Retired Member Election, including Member names and address data (which shall remain confidential) for mailing purposes and the accompanying FCERA certification of such eligible voter electronic data files (See section V.C, above),
 - g. Voting instructions and other requested inserts/letters when applicable.
- 2. The Fresno County Clerk or designee shall order the official ballots and candidate statements. (Note: Ballots and candidate statements are ordered as per the amount requested by the Retirement Administrator or designee plus additional ballots to accommodate voters who might

1 "spoil" their ballot and for voters who did not receive their ballot in the
2 mail.)

3 3. The Fresno County Clerk or designee shall order the official outgoing
4 mailer and reply envelopes for the election. The quantity is determined
5 by the number of members voting in the election.

6 4. The Fresno County Clerk or designee shall receive the ballot and
7 candidate statement proofs. The Retirement Administrator or designee
8 shall review all proofs and give the final verification that the ballot and
9 candidate statements are ready to print.

10 5. The ballot packets shall be inserted and mailed by the Fresno County
11 Clerk or designee. The Fresno County Clerk or designee shall
12 observe all inserting processes.

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14 6. The Fresno County Clerk or designee shall use non-profit postage for
15 mailing of ballot packets, if such method of mailing is available.

16 7. Procedures for 'Spoiled or Reissued Ballots and Official Return
17 Envelopes' are as follows:

18 a. If a voter has spoiled or marked his or her ballot or official return
19 envelope in error and needs a replacement, the Fresno County
20 Clerk or designee must receive the spoiled or marked ballot or
21 official return envelope back from the voter and a signed
22 declaration under penalty of perjury that, "My spoiled/marked
23 ballot/envelope has been surrendered to the Fresno County
24 Clerk" before a new ballot or envelope is issued.

25 b. If a voter did not receive or has lost or destroyed his or her
26 ballot or official return envelope in the mail, the Fresno County
27 Clerk or designee must receive a signed declaration under
28 penalty of perjury that, "If received or found, the original

1 ballot/official return envelope will be destroyed" before a new
2 ballot or official return envelope is issued.

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- 4 E. Voted ballots shall be returned, each in its official return envelope, by
5 United States Postal Service, over the counter, or by County messenger,
6 to the Fresno County Clerk/Registrar of Voters Office not later than 5:00
7 p.m. on the date of the election. A postmark date, or the date that the
8 voted ballot was given to the County messenger, shall not be considered.
9 A voted ballot that is not in its official return envelope, and multiple voted
10 ballots that are in one official return envelope, shall be rejected. Bulk
11 delivery of voted ballots, defined here as over the counter delivery of more
12 than one ballot by a single individual, will not be accepted by the Fresno
13 County Clerk/Registrar of Voters office.
- 14 F. Members who reside outside of the continental United States may return
15 their voted ballot by mail or overnight delivery to be received in the County
16 Clerk's office not later than 5:00 pm on the date of the election. A
17 postmark date or other countries' marks indicating mailing date, or date
18 that the voted ballot was given to the overnight carrier, shall not be
19 considered.
- 20 G. At 9:00 AM on the next business day following the election, the Fresno
21 County Clerk or designee shall count the ballots and certify the results of
22 the count in writing. Any member of the public may witness the counting
23 of the ballots.
- 24 H. Prior to opening the official envelopes containing voted ballots, the Fresno
25 County Clerk or designee shall compare FCERA's electronic data files
26 (See section V.C, above) to the name of the voter on each official
27 envelope, and create a roster of voters who voted in each election. If the
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Fresno County Clerk determines that multiple ballots have been received from any voter, none of their ballots will be opened and counted.

I. Prior to opening the official envelopes containing voted ballots, any candidate may challenge the validity of any ballot based on good cause, and in the event of any such challenge, the Fresno County Clerk/Registrar of Voters shall, consistent with these procedures, decide the validity of such ballot so challenged.

J. Any candidate receiving a plurality of all votes cast for his or her respective election (General, Safety, Retired or Alternate Retired) shall be deemed elected.

K. The Alternate Safety member shall be that Safety candidate from the group under Government Code section 31470.2 or 31470.4, or any other eligible Safety member in the FCERA if there is no eligible candidate from the groups under Sections 31470.2 and 31470.4, which is not represented by a Board of Retirement trustee who received the highest number of votes of all candidates in that group. If there is no eligible candidate from the other Safety groups, there may not be an Alternate Safety member.

L. Official results of ballots shall be tallied and canvass results shall be forwarded to the Retirement Administrator or designee. The ballots shall be canvassed and accounted for by the Fresno County Clerk as to:

1. Ballots issued;
2. Ballots returned,
3. Rejected ballots,
4. Votes cast,
5. Over votes,
6. Blank votes,

7. Spoiled/Reissued ballots,

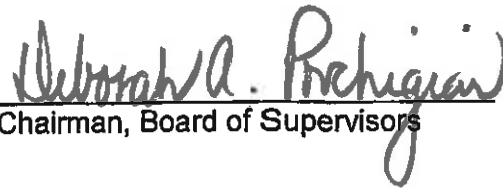
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8. Undeliverable Ballots

- M. Upon certification of the election results, the Fresno County Clerk or designee shall post the results on its Department website.
- N. Within three business days following receipt of the election results, the Retirement Administrator or designee shall post the results on the FCERA's website (www.FCERA.org) and deliver a copy to each County Department and Special District with active members, to each organization recognized by the Board of Retirement as representing the Retired members of FCERA and to each employee representation unit with active members in the classification for which the election was held (Safety or General).
- O. Except for the date of the election, the preceding sections shall govern such special elections as the Board of Supervisors may call to fill midterm vacancies.
- P. The Fresno County Clerk shall retain tallied ballots for a period of six months following the certification of the election results.

THE FOREGOING was passed and ADOPTED by the following vote of the Board of Supervisors of the County of Fresno this 8th day of December 2015, to-wit:

AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian
 NOES: None
 ABSENT: None


 Chairman, Board of Supervisors

ATTEST:
 Clerk to the Board of Supervisors

By Susan Bishop, Deputy

Appendix A – Election Schedule

Category	Member No.	Term Expires	Election	
			Month	Year
General	2	12/13/2015	November	2015
Retired	8	12/31/2016	August	2016
Retired Alt.	8 Alt.	12/31/2016	August	2016
Safety	7	12/31/2017	November	2017
General	3	12/31/2017	November	2017
General	2	12/31/2018	August	2018
Retired	8	12/31/2019	November	2019
Retired Alt.	8 Alt.	12/31/2019	November	2019
Safety	7	12/31/2020	August	2020
General	3	12/31/2020	August	2020
General	2	12/31/2021	November	2021
Retired	8	12/31/2022	August	2022
Retired Alt.	8 Alt.	12/31/2022	August	2022
Safety	7	12/31/2023	November	2023
General	3	12/31/2023	November	2023
General	2	12/31/2024	August	2024
Retired	8	12/31/2025	November	2025
Retired Alt.	8 Alt.	12/31/2025	November	2025
Safety	7	12/31/2026	August	2026
General	3	12/31/2026	August	2026
General	2	12/31/2027	November	2027
Retired	8	12/31/2028	August	2028
Retired Alt.	8 Alt.	12/31/2028	August	2028
Safety	7	12/31/2029	November	2029
General	3	12/31/2029	November	2029

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