

# 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 VCERA in active service and shall be elected by the General members of VCERA 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 VCERA in active service who is elected by the Safety members of VCERA in active service. The eighth member shall be a retired member elected by the retired members of VCERA. Any candidate receiving a plurality of all votes cast in his/her respective election, as certified by the Ventura County Elections Division ("Elections Division"), shall be deemed elected. The alternate seventh (Safety) 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 eighth (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 may 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 an appointed 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 Elections Division shall conduct all elections on behalf of VCERA. The Board may approve an alternate method of conducting an election to fill a vacancy if deemed necessary to comply with its duty under Government Code section 31523 to conduct an election at the earliest possible date, as set forth in section 19 below, or for any other reason if deemed prudent.
- 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 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 VCERA 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 may be satisfied by arranging for notices to be sent via electronic mail to all members eligible to vote in the election, or 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 (unless individual retired members agree to having communications sent via electronic 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 VCERA. Only General members of the VCERA 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 VCERA. Only Safety members of VCERA shall be eligible to vote for the seventh member position. To be a candidate, or voter, for the second, third or alternate seventh member positions, the employee must be an active member in VCERA. A candidate for the eighth

member position shall be a retired member of VCERA. A candidate for the alternate eighth member position shall be a retired member of VCERA. Only retired members of VCERA shall be eligible to vote for the eighth member position and alternate eighth member position.

- 8) Any qualified member of VCERA who wishes to be a candidate for a position on the Board may request a nomination petition from the Elections Division. The nomination petition shall be signed by not less than 20 or more than 30 members of VCERA 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 Sworn Statement form on file with VCERA. Nomination petitions can be filed with the Elections Division in person, via U.S. mail, or via electronic mail. At the time the nomination petition is filed with the Elections Division, the candidate may also 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 false or misleading statements, or from any reference to any other candidate. Candidates may include endorsements if written documentation is provided from the endorser with consent to use the endorser's name. Candidates must declare under penalty of perjury that their candidate statement is true and correct. VCERA reserves the right to prevent publishing of any portion of a statement that contains a prohibited reference. 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 by mail 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. All candidates and, if applicable, labor organizations, must abide by the County of Ventura's policies and guidelines.
- 9) Any candidate who has filed a nomination petition may withdraw such petition up to one business day after the close of the nominations filing deadline. Any candidate who has filed a candidate statement may change such statement up to one business day after the close of the nominations filing deadline.
- 10) The election of the eighth (retired) member and the alternate eighth member shall be conducted simultaneously. An eligible retired member of VCERA 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 eighth member on the Board of Retirement. In such a case, the candidate for the alternate eighth member position, if any, that received the second highest number of votes for that position shall be certified as the alternate eighth member.
- 11) 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.
- 12) The Administrator shall provide to the Elections Division a list of all eligible voters for each election. The Elections Division shall prepare the official ballot. 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 generated for distribution to all eligible voters. The official ballot, statement of qualifications and instructions for voting shall be sent to each eligible voter through the U.S. mail. Printing and mailing may be performed by the Elections Division, or contracted by VCERA through General Services or an outside vendor if agreed upon by the Administrator and the Elections Division.

- 13) 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 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.
- 14) 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.
- 15) The Elections Division shall certify the results of the election as soon as practicable after the ballots have been counted for the Board to receive and file.
- 16) 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.
- 17) 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 or the Retirement Board Clerk prior to such meeting.
- 18) 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.
- 19) 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 eighth member, the Board shall, by majority vote, appoint a replacement alternate member in the same manner as prescribed in Government Code section 31523.
- 20) All costs of the election shall be an expense of administration of VCERA, and VCERA shall reimburse the Elections Division for any costs associated with conducting an election.

**V. Terms of Office**

21) 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 <sup>st</sup>	4 years	1 <sup>st</sup> Mon. in Jan. at noon Following election	2023, 2027, 2031	GC 24200
General Member 1	2 <sup>nd</sup>	3 years	January 1	2021, 2024, 2027	GC 31520.1 Ord. 401
General Member 2	3 <sup>rd</sup>	3 years	January 1	2022, 2025, 2028	GC 31520.1 Ord. 401
Appointed Member 1	4 <sup>th</sup>	3 years	January 1	2021, 2024, 2027	GC 31520.1 Ord. 401
Appointed Member 2	5 <sup>th</sup>	3 years	January 1	2022, 2025, 2028	GC 31520.1 Ord. 401
Appointed Member 3	6 <sup>th</sup>	3 years	January 1	2020, 2023, 2026	GC 31520.1 Res. 208.210
Safety Member	7 <sup>th</sup>	3 years	January 1	2021, 2024, 2027	GC 31520.1 Res. 208.210
Retiree Member	8 <sup>th</sup>	3 years	January 1	2021, 2024, 2027	GC 31520.1 Ord. 401
Appointed Member 4	9 <sup>th</sup>	3 years	January 1	2020, 2023, 2026	GC 31520.1 Ord. 401
Alternate Safety	7 <sup>th</sup> Alt.	3 years	January 1	2021, 2024, 2027	GC 31520.1 Res. 208.210
Alternate Retiree	8 <sup>th</sup> Alt.	3 years	January 1	2021, 2024, 2027	GC 31520.5
Alternate Appointed	4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> , 9 <sup>th</sup> Alt	3 years*	January 1*	2020, 2023, 2026*	GC 31520.13

\*consistent with 9<sup>th</sup> member

**VI. Process Review**

22) 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**

23) The Board last reviewed and approved this policy on October 28, 2024. The Board originally adopted this policy on December 2, 1985 and revised the policy on October 20, 2003 and October 17, 2005, December 17, 2012, February 27, 2017, February 24, 2020, and February 26, 2024.