

WEST PALM BEACH FIREFIGHTERS PENSION FUND

RULES AND REGULATIONS FOR SELECTION OF TRUSTEES

1. Setting Date for Election of Employee- Trustees. At least ninety (90) days before the end of the term of each Employee-Trustee, the Board of Trustees should set the date, for an election to be held, if possible, thirty (30) days before the term expires. At the same time, the Board of Trustees should set the date, for a run-off election to be held, if possible, ten (10) days before the term expires. All elections will be conducted electronically, by mail ballot, or by a combination of these methods. The selected date will be the date that the ballots will be due to the Board of Trustees and counted by the election judges.

2. Ninety (90) Day Notice of Vacancy. At least ninety (90) days before the end of each Trustee's term, the administrative manager/pension coordinator ("Manager") for the fund should take the following action:

(a) Employee-Trustees. Notice of the election and run-off election should be given through the Fire Department email or communication. The Notice shall include:

1. The date the Employee-Trustee's term expires;
2. A request for candidates to submit a written notice of their candidacy to the Board of Trustees by a date certain (no later than thirty (30) days before the Employee-Trustee's term expires); and

3. The date, of the election and, if necessary, the run-off election.

(b) City Trustees. Notice shall be given in writing to the Mayor and City Clerk. The Notice shall include:

1. The date the City Trustee's term expires;
2. A request for the City to appoint a Trustee before the City Trustee's term expires.

(c) Fifth Trustee. Notice shall be given to all Trustees advising the date the Fifth Trustee's term expires.

3. Election of Employee Trustees

(a) Notice of Candidacy. Each prospective candidate must submit his or her name to the Board of Trustees or Manager in writing no later than thirty (30) days before the date of the election, or by such other time as set by the Board of Trustees.

(b) Certified List of Eligible Candidates. Before the election, the Board of Trustees or Manager shall certify those candidates who are full-time firefighters who are eligible to be elected as an Employee-Trustee. These are the only candidates eligible for election, there shall be no write-in candidates.

If only one candidate is certified, the election will not be held and the certified candidate will be deemed elected.

(c) Election Judges. At the same time as the list of eligible candidates

has been certified, the Board of Trustees shall appoint two (2) non-candidates or Manager to be election judges to count the ballots returned.

(d) Election Procedure. Election for Employee-Trustees shall be conducted electronically, by secret mail ballot, or a combination of these methods. Each official ballot shall be sequentially numbered or bar coded to ensure that eligible members cast only unique ballots and do not duplicate ballots. Electronic ballots shall include a physical ballot paper trail. At the end of the ballot period, the election judges or Manager shall tally the ballots in public. As each ballot is counted, the judges shall verify that each ballot is an official ballot. Ballots not clearly marked and any ballots with more than one vote shall not be counted, but shall be kept separately. All ballots shall be turned over to the Board of Trustees by the judges or Manager with a tally of the election results.

(e) Run-off Election. If no candidate receives a majority of the vote as determined by the judges, a run-off election shall be held. Only the top two (2) vote getters shall be candidates for the run-off election. In the event of a tie vote among the top two (2) vote getters, the candidates who are tied shall be on the run-off ballot.

(f) Election Challenges. Any challenge to an election must be given in writing to the Board of Trustees within five (5) days of the date of the election, or run-off election, as applicable. A challenge shall not stop a run-off election

from being held.

(g) Certification of Election Results.

- (1) The Board of Trustees shall certify the election results.
- (2) The Board of Trustees shall resolve all challenges to an election and may schedule a new election, if deemed appropriate, or take other action to resolve any challenges.

4. Election of Fifth Trustee.

a. Nominations. At least sixty (60) days before the end of the term of the Fifth Trustee, the Board of Trustees should accept nominations from the Employee-Trustees and the City-Trustees for a Fifth Trustee.

b. Election Procedure. At the next meeting of the Board of Trustees, an election shall be conducted in public (not by secret ballot) from those nominees. Three (3) votes are required to elect the Fifth Trustee. If no Trustee gets three (3) votes, nominations and election may be held at any meeting of the Board of Trustees. In the event of a deadlock, the out-going Fifth Trustee may participate in the election of the new Fifth Trustee.

5. Mid-Term Vacancies.

a. Declaring Vacancy. If a Trustees resigns, is removed or becomes ineligible to serve, the Board of Trustees shall declare, by resolution, the office of the Trustee vacated.

b. Filling of Vacancies.

- (1) Employee-Trustee. If the vacancy occurs less than

ninety (90) days before the Trustee's term was due to expire, the vacancy shall be filled at the next regular election as provided in these Rules and Regulations. Otherwise, the vacancy shall be filled for the unexpired portion of the term by a new election as provided in these Rules and Regulations. The Board of Trustees may reduce the time required for notice of the election, notice of candidacy, or any other time limits to expedite a new election.

- (2) City-Trustees. The Board of Trustees shall notify the Mayor and City Clerk in writing of the vacancy and request the appointment of a Successor Trustee.
- (3) Fifth Trustee. Nominations shall be accepted for the Fifth Trustee. An election shall be held by the following meeting of the Board of Trustees.
- (4) Elected or appointed Trustees shall serve new four (4) year terms.

6. Calendar Days. All days are calendar days.

These RULES AND REGULATIONS FOR THE SELECTION OF TRUSTEES are amended and readopted by the Board of Trustees of the West Palm Beach Firefighters Pension Fund, this ____ day of ____, 2021.

TRUSTEES:

Witnessed by: _____