

# WEST PALM BEACH RESTATED EMPLOYEES DEFINED BENEFIT RETIREMENT SYSTEM

## ADMINISTRATIVE RULE

### ESTABLISHING ELECTION PROCEDURE FOR ELECTED TRUSTEES

1. **Application Procedure.** When a vacancy of the Board of Trustees needs to be filled or the term of an elected Trustee shall soon expire, the Pension Administrator shall mail written notice to all system members of the Trustee seats to be up for election.

The notice shall:

- Identify the seats up for election, whether employee or retired member seats.
- Explain that only retired members may be elected to the retired member seat(s) and only employees may be elected to the employee seat(s).
- State that all retired members are eligible to run as a candidate for election to the retired member seat(s).
- State that all employee members are eligible to run as a candidate for election to the employee member seat(s); however, only one trustee may be elected from any City department.
- Explain that if elected, the member would be expected to attend all monthly pension meetings throughout the year and to comply with all applicable laws governing public office holders in Florida.
- Establish the deadline for candidates to submit their names.

Members desiring to become a candidate for election shall be required to submit their name in writing to the Pension Administrator on or before the date established in the notice, and indicate whether the candidate is running for the employee or retiree seat(s). The deadline for submittal of a candidate's name shall not be less than two weeks from the date of the notice. After the deadline, the Pension Administrator shall prepare a list with the names of all members who have submitted their name as candidates and indicate the seat for which the member is qualified.

2. **Election Procedure.** If more than one member submits their name as a candidate for a vacant seat for which they are eligible, an election shall be held. Ballots shall be mailed by the Pension Administrator to eligible members not less than fifteen (15) days prior to the date such ballots must be voted and received back by the Pension Administrator. Ballots shall indicate the date they must be received by the Pension Administrator. Employee members shall be eligible to vote for employee trustee seat(s). Retired members shall be eligible to vote for retiree trustee seat(s). The Pension Administrator may utilize separate ballots for the election for the employee trustee seat(s) and the election for the retiree trustee seat(s).

Executed ballots must be received by the Pension Administrator no later than the date indicated on the ballot. The Pension Administrator and its staff shall be responsible for the opening, counting and safeguarding of all ballots. The Pension Administrator shall prepare a list of all members eligible to vote for the employee seat(s) and a list of all members eligible to vote for the retiree seat(s). As ballots are received, the Pension Administrator shall place a check after the name of each member who voted and confirm that the member is eligible to vote for the candidate(s) indicated. The Pension Administrator shall also keep a list of the votes cast for each candidate. The Pension Administrator may disqualify illegible ballots.

3. **Ballots.** All voting shall be by secret ballot and each member shall be entitled to one vote. A double envelope procedure shall be used for the return of all executed ballots. An external envelope shall identify the name of the eligible voter. The internal envelope shall contain the executed ballot which shall not specify the identity of the voter.
4. **Replacement Ballots.** Replacement ballots may be obtained from the Pension Administrator in cases where a member is away from home during the voting period or where a ballot has not been received at the member's home. Should more than one ballot be submitted by any member, the Pension Administrator shall disallow all ballots cast by that member.
5. **Election by Default.** In the event that only one member submits their name as a candidate for any seat, an election shall not be necessary and the single candidate shall be certified as the new trustee.
6. **Certification.** Upon certifying the validity of all ballots received, the Pension Administrator shall present the election results to the Board of Trustees at the November board meeting, or next board meeting. The candidate receiving the highest number of votes shall be certified as elected to the seat. If two seats in the same category (employee/retiree) are being filled, the top two vote-getters shall be certified as elected. All certification decisions by the Board of Trustees shall be final, binding, conclusive and not appeal-able. By submitting their names a candidate, a member consents to abide by all election determinations made by the Board of Trustees. The elected trustee shall be sworn in by the City Clerk within the time indicated by the governing Ordinance.
7. **Legal Authority; Amendment.** Sec. 61-178 of the City Code / Plan provides that elections for the Board of Trustees shall be held under such rules and regulations as the Board shall from time to time adopt. The Board of Trustees reserves the right to amend this Administrative Rule as it deems appropriate. The Board retains the right to exercise its discretion in interpreting this Rule and in resolving any disputes that may arise hereunder.

THIS RULE was considered by the Board of Trustees at a public meeting and adopted by vote of the Board of Trustees on March 27, 2012.

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DEFINED BENEFIT RETIREMENT SYSTEM**

ATTEST:

Benny Rodger  
Secretary

By: [Signature]  
Chairperson

Dated: March 27, 2012.