



Alameda County Employees' Retirement Association
BOARD OF RETIREMENT

GOVERNANCE COMMITTEE/BOARD MEETING
NOTICE and AGENDA

THIS MEETING WILL BE CONDUCTED VIA TELECONFERENCE PER GOV'T CODE § 54953(e)

ACERA MISSION:

To provide ACERA members and employers with flexible, cost-effective, participant-oriented benefits through prudent investment management and superior member services.

April 21, 2022
9:30 a.m.

ZOOM INSTRUCTIONS	COMMITTEE MEMBERS	
The public can view the Teleconference and comment via audio during the meeting. To join this Teleconference, please click on the link below. https://zoom.us/join Webinar ID: 879 6337 8479 Passcode: 699406 Call-In Number: 1 (669) 900-6833 US For help joining a Zoom meeting, see: https://support.zoom.us/hc/en-us/articles/201362193	GEORGE WOOD, CHAIR	ELECTED GENERAL
	KELLIE SIMON, VICE CHAIR	ELECTED GENERAL
	DALE AMARAL	ELECTED SAFETY
	KEITH CARSON	APPOINTED
	LIZ KOPPENHAVER	ELECTED RETIRED

This is a meeting of the Governance Committee if a quorum of the Governance Committee attends, and it is a meeting of the Board if a quorum of the Board attends. This is a joint meeting of the Governance Committee and the Board if a quorum of each attends.

The order of agenda items is subject to change without notice. Board and Committee agendas and minutes, and all documents distributed to the Board or a Committee in connection with a public meeting (unless exempt from disclosure), are available online at www.acera.org.

Note regarding public comments: Public comments are limited to four minutes per person in total.

Note regarding accommodations: The Board of Retirement will provide reasonable accommodations for persons with special needs for accessibility who plan to attend Board or Committee meetings. Please contact ACERA at (510) 628-3000 to arrange for accommodation.

GOVERNANCE COMMITTEE / BOARD MEETING

NOTICE and AGENDA, Page 2 of 2 – April 21, 2022

Call to Order: 9:30 a.m.

Roll Call

Public Input (Time Limit: 4 minutes per speaker)

Action Items: Matters for Discussion and Possible Motion by the Committee

1. Review of the *Board and Committee Operations Policy*.

Staff Recommendation

That the Governance Committee recommend to the Board that the *Board and Committee Operations Policy* continues to be necessary and appropriate and that the Board make the revisions to the *Board and Committee Operations Policy* shown in the redline included with this agenda packet.

– Jeff Rieger, Chief Counsel

2. Review of the *Board Elections Policy*.

Staff Recommendation

That the Governance Committee recommend to the Board that the *Board Elections Policy* continues to be necessary and appropriate and that the Board make the revisions to the *Board Elections Policy* shown in the redline included with this agenda packet

– Jeff Rieger, Chief Counsel

Information Items: These items are not presented for Committee action but consist of status updates and cyclical reports

1. 2022 Governance Committee Work Plan

Trustee Input

Establishment of Next Meeting

Adjournment



Office of the Chief Counsel

To: Governance Committee
From: Jeff Rieger, Chief Counsel
Meeting: April 21, 2022
Subject: **Cyclical Review of the Board and Committee Operations Policy and the Board Elections Policy**

A handwritten signature in dark ink, appearing to be "MR", is placed over the "From:" and "Meeting:" lines of the header.

At this meeting, the Committee will review the Board and Committee Operations Policy and the Board Elections Policy. The proposed revisions to the Policies are shown in the attached redlines. Clean copies of the proposed revised Policies are also included after each redline. The recommended revisions are explained below:

Board and Committee Operations Policy

1. Roberts Rules: Clarifications that it will be assumed that the Chair has run the meeting by unanimous consent unless a Trustee timely raises a procedural objection, and that a Chair's changes to the order of the agenda will require a 2/3 vote if any Trustee objects to the change.
2. Brown Act: Adding statements that Board business cannot be discussed outside of a properly noticed meeting, per the Brown Act.
3. Consent Calendar: Elimination of Deferred Retirements from the Consent Calendar, as there is no Board action necessary for deferred retirements, as well as other changes for clarity and to conform to the Policy to current best practices.
4. Committee Authority: More flexibility for the Committees to make recommendations to the Board on "Informational Items" and more flexibility for the Board to take final action at a Committee/Board meeting.
5. Alternate Members: Clarification of when a member is "absent" for the purpose of determining the voting rights of the Alternate Seventh Member and the Alternate Eighth Member, and clarification of when the Alternate Eighth Member votes.
6. Minutes: Adjustments to the time for minutes to be prepared by the Staff Liaison and the Committee Chair, as the current rules can result in a rush in some cases.
7. Public Comment: Clarification of when Public Comment may be taken, which is either at the beginning of the meeting or during specific items, at the discretion of the Chair.
8. Chair: Clarification that the Chair serves as a member of each Committee when a member of the Committee is absent. The current Policy is somewhat unclear on when the Chair serves as a Committee member.

Board Elections Policy

1. Election Challenges: Item IIE does not seem to line up with the Elections Code section it cites and it goes into more detail than necessary. I recommend stating: "The Chief Executive Officer shall respond to any challenges to the election in compliance with applicable law."
2. Deferred Members: Clarification that ACERA's deferred members vote in the applicable active or safety member elections and not the retired member elections.
3. Original Signatures: Clarification that a candidate must submit an original signature with the candidate's Nomination Documents, but the 25 signatures of members on the Nominating Petition can be copies and need not appear on the same form.
4. Vacancies: Clarification about when the Board will hold an election if there is a vacancy and the term after the vacancy is filled, per Gov't Code § 31523.

Aside from the above, there are numerous proposed line edits for clarity. I will answer any questions at the April 21, 2022 Governance Committee meeting.

Board and Committee Operations Policy

REDLINE VERSION



Board and Committee Operations Policy

I. Purpose

The ACERA Board and Committee Operations Policy (“Policy”) provides ACERA Trustees (“Members”) and Staff with guidelines for ensuring that Board and Committee meetings will be conducted as efficiently and effectively as possible.

II. Policy Guidelines

A. Governing Law and Rules Of Order

1. The noticing and agendas of all Board and Committee meetings shall conform to the requirements of the Ralph M. Brown Act, Government Code Section 54950, et seq. (the “Brown Act”).
2. Board and Committee meetings shall be guided by the principles embodied in the most current edition of Robert’s Rules of Order; (Robert’s Rules-). It will be assumed that the Chair of a meeting has acted with unanimous consent, with all procedural objections waived, unless a Member raises a procedural objection before the Board or Committee takes action on the matter for which the procedural objection could have been raised. When a Member timely raises a procedural objection, ACERA’s Chief Counsel will resolve that objection according to Robert’s Rules.
3. In the event of a conflict between the Brown Act and Robert’s Rules, the Brown Act shall prevail.

B. Agendas – Posting

1. A written agenda conforming to ~~of~~ the Brown Act shall be prepared for all regular Board and Committee meetings and shall normally be distributed to all ~~Trustees~~Members, posted at ACERA’s offices and on -ACERA’s website at least one week ~~in advance of~~before the meeting.
2. When distribution and posting cannot reasonably be accomplished at least one week before the meeting, it will occur ~~The agenda for all regular Board and Committee meetings shall be posted~~ at least 72 hours ~~in advance~~before ~~in a~~

~~location at the ACERA offices that is accessible to the public 24 hours per day and posted on ACERA's website in accordance with the applicable provisions of the Brown Act~~the meeting, per the Brown Act.

3. ~~Agendas for special meetings shall be posted at least 24 hours in advance of~~before the meeting and special notices shall be provided as required by Section 54956 of the Brown Act.

4. ~~The general rule is that substantive matters within the Board or Committee's jurisdiction that are not on the posted agenda may not be discussed at a meeting. Some limited exceptions may apply from time to time and the Chief Counsel will advise the Board as to the applicability of such limited exceptions.~~

~~5.~~ Outside of a properly noticed meeting, a majority of Members of the Board or a Committee shall not use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board or Committee.

C. Board Meetings Agenda Content

The Board Meeting Agenda will generally include the following topics as necessary:

1. Call to Order

2. Roll Call

3. Public ~~Input~~Comment

4. Consent Calendar

a. ~~Application for~~Report on Service Retirements

b. ~~Application for Retirement, Deferred~~

c. ~~Application for Deferred Transfer~~

d. ~~b.~~ List of Deceased Members

e. ~~c.~~ Approve Requests for up to 130 Bi-Weekly Payments to Re-Deposit Contributions and Gain Credit

~~4.d.~~ Approve Uncontested Staff Recommendations on Disability Retirements and Death Benefits, Current, Recommendations

~~5.c.~~ Approve Uncontested Hearing Officer Recommendations for Disability Retirements and Death Benefits Status Report

~~h.f.~~ Approve Minutes of Board and Committee Meetings

~~h.g.~~ Miscellaneous

5. Contested Disability Retirements and Death Benefits

~~a.~~ Disabilities, Current, Recommendations and Motions

~~a.~~ Disabilities, Continuing, Recommendations and Motions

6. Committee Reports, Recommendations and Motions

7. New Business

8. Conference Reports

~~7-9.~~ Announcements

~~8-10.~~ Board Input

~~9-11.~~ Establishment of Next Meeting

~~10-12.~~ Adjournment into Closed Executive Session

~~11-13.~~ Reconvene into Open Session to Announce any Report on Action Taken in Closed Executive Session

~~12-14.~~ Adjournment

The Board Chair may alter the agenda and order of business ~~for Board and Committee meetings~~ to the extent ~~consistent authorized by with~~ the Brown Act. If a Member objects to an alteration of the order of business, a two-thirds vote of the voting Members is required for the Board Chair to alter the order of business.

D. Committee Meetings Agenda Content

Committee Meeting will generally include the following topics:

1. Call to Order
- ~~2.~~ Roll Call
- ~~3.~~ Public ~~Input~~ Comment
- ~~4.~~ Action Items
- ~~5.~~ Information Items. These are items for which Staff does not recommend any particular action, but the Committee is not precluded from making a recommendation to the Board regarding the subject matter that appears on the agenda, if that recommendation otherwise complies with the Brown Act.
6. Trustee ~~Input~~ Remarks
- ~~7.~~ Future Discussion Items
- ~~8.~~ Establishment of a Next Meeting
- ~~9.~~ Adjournment

The Committee Chair may alter the agenda and order of business for Committee meetings to the extent ~~consistent~~ authorized by ~~with~~ the Brown Act. If a Member objects to an alteration of the order of business, a two-thirds vote of the voting Members is required for the Board Chair to alter the order of business.

E. Board And Committee Officers

At the first regular meeting in January, the Board shall elect one of its Members Chair, one of its Members Vice Chair, and one of its Members Second Vice Chair. The term shall be for either one year, or until their successors are duly elected and qualified.

1. The Chief Executive Officer (CEO) shall serve as Secretary to the Board. ~~ex officio.~~
2. The Chair of the Board shall:

- a. Appoint Members to all ACERA standing and ad hoc Board Committees and in making such appointments shall whenever possible, appoint both elected and appointed Members to each Committee. The Chair may consider the need to:
 - 1) Maintain continuity in Committee membership,
 - 2) Rotate the composition of Committees to provide ~~Trustees~~ Members with diversified experience,
 - 3) Reflect a ~~Trustee's~~ Member's area of interest and/or skill set, and
 - 4) Minimize conflicts of interest.
 - b. Remove and replace Committee Members so appointed;
 - c. Appoint a Chair and Vice Chair for each Committee of the Board;
 - d. Coordinate the preparation of the Board agenda with the ~~Board Secretary/Chief Executive Officer~~ CEO;
 - e. Chair meetings of the Board;
 - f. Communicate with external parties in cooperation with the ~~Chief Executive Officer~~ CEO;
 - g. Coordinate the process for annually evaluating the performance of the ~~Chief Executive Officer~~ CEO as prescribed in ~~the Chief Executive Officer Performance Evaluation Process~~ applicable Board policies;
 - h. Coordinate the process in the event that the Board evaluates its own performance;
 - i. Serve as ~~ex-officio~~ an Member of all Committees ~~and serve to if any Committee member is absent satisfy the quorum requirements.~~
3. If the Board Chair is unavailable or unable to carry out his or her duties, the First Vice Chair shall assume duties of Board Chair. If the First Vice Chair is unavailable or unable to carry out his/her duties, the Second Vice Chair shall assume the duties

of the First Vice Chair. ~~These duties include sitting ex officio on Committees for purpose of a quorum as detailed below.~~

4. In the event that an officer of the Board becomes ineligible or unable to complete his or her term, the following action shall be taken:
 - a. If said officer is the Chair, then the Vice Chair shall assume the Chair's position for the balance of the Chair's term, and a new Vice Chair shall be elected at the next regularly scheduled meeting;
 - b. If said officer is the Vice Chair, then the Board shall elect a new Vice Chair at the next regularly scheduled meeting; and
 - c. If said officer is the Second Vice Chair, then the Board shall elect a new Second Vice Chair at the next regularly scheduled meeting.
5. Officers may be removed from the Chair, Vice Chair, and Second Vice Chair positions by a two-thirds ($\frac{2}{3}$) vote of the entire Board (i.e., six members).

F. Committee Procedures

1. Standing Committees exist to assist the Board in fulfilling its charter, ~~to more efficiently use Trustee time,~~ and to apply more concentrated attention to specialized topics that impact the Board's effective management of ACERA. All actions taken by standing and ad hoc Committees are deemed to be advisory and must be approved by the Board before becoming effective, unless the Board determines that expeditious action is required, such that final action should be taken at a Committee meeting.
2. The ~~Chief Executive Officer~~ CEO shall assign a staff member to each standing and ad hoc Committee to serve as Staff Liaison and primary contact for the Committee Chair and Committee Members with respect to the work of the Committee.
3. At their first meetings each year, the Retiree, Investment, and Operations Committees shall establish a schedule of meetings for the ~~balance rest~~ balance of the year.

The ~~Governance, Actuarial, Audit, and Budget~~ other Committees ~~shall~~ will establish meetings as needed.

4. The Committee Chair may cancel or reschedule a meeting if it is apparent that there will not be a quorum or there are insufficient issues to warrant a meeting. Attempts will be made to provide all Committee Members with at least one week's notice of the cancelled or rescheduled meeting.
5. Each Committee (including ad hoc Committees upon creation) shall, in consultation with its Staff Liaison, adopt a charter outlining its purpose, responsibilities and meeting frequency.
6. ~~Annually~~ Each year following the Board Offsite Retreat, staff liaisons shall prepare a draft work plan for the following year containing proposed monthly agenda items for their standing Committees and incorporating ACERA's ongoing cyclical workload requirements and any budget and business plan instructions received ~~during the Offsite Retreat~~. A proposed work plan shall be submitted to each Committee at the first or second scheduled meeting of the New Year for review and modifications. Committee work plans can be modified throughout the year as needed.
7. Each Committee Chair shall be responsible for:
 - a. The efficient operation of the Committee,
 - b. Facilitation of the work outlined in the Committee Charter and prioritized in the Committee work plan,
 - c. Retaining focus primarily on policy and oversight while allowing management to carry out the day-to-day implementation of Board and Committee policy, and
 - d. Coordinate Committee activities with the Staff Liaison.
8. In the event a Committee Chair is absent or the position is vacant, the Committee Vice Chair shall preside over meetings of the designated Committee. In the event the Committee Chair and Vice Chair are both absent the Board Chair, or a Board Vice Chair will preside over the designated Committee. If the Committee Chair

and/or Vice Chair positions are vacant, the Board Chair shall appoint a new permanent Committee Chair and/or Vice Chair.

G. Quorum and Voting

1. The Board is composed of nine (9) Members, plus an Alternate Safety Member, and an Alternate Retired Member¹. A majority of the Members of the Board constitutes a quorum and a quorum of the Board is required to take action.
2. Committees shall be composed of no more than five (5) Members², except the Investment Committee and the CEO Succession Committee which shall be composed of the full Board. A majority of the Members of a Committee constitutes a quorum of that Committee and a quorum is required for the Committee to take action. ~~The Board Chair or, in the Chair's absence, either Vice Chair (First, then Second) may serve as an Ex Officio Member of a Committee to satisfy the quorum requirements.~~
3. Any motion passed or business transacted at a Board or Committee meeting must be approved by a majority of the Members present and voting, except as otherwise provided by law. A Member who abstains is not considered present and voting, but remains present for purposes of a quorum.
- ~~4. For the purposes of determining the voting rights of the Alternate Seventh Member and the Alternate Eighth Member, a Member can be "absent" for a particular agenda item. A Member who leaves the boardroom during an in-person meeting or who disconnects from a video-conference meeting is "absent" for that agenda item. Alternatively, a Member can irrevocably declare themselves "absent" with respect to a particular agenda item for the purpose of allowing the appropriate Alternate to vote in their place.~~

¹ ~~Board Composition: Ex Officio: County Tax Collector; First Trustee; Elected by ACERA's general members; Second and Third Trustees; Elected by ACERA's safety members; Seventh and Alternate Seventh Trustees; Elected by ACERA's retired members; Eighth and Alternate Eighth Trustees; Appointed: Fourth, Fifth, Sixth, and Ninth Trustees.~~

² ~~If a majority of the Board is present at any Committee meeting, the Committee meeting will also constitute a Board meeting and shall be noticed accordingly.~~

~~4~~5. The Alternate Seventh Safety Member shall be counted towards a quorum and may vote only in the event the following Members are absent:

- a. Second Member, or
- b. Third Member; or
- c. Seventh Member; or
- d. Both the Eighth and the Alternate Eighth Members.

~~5~~6. The Alternate Eighth Retired Member shall be counted towards a quorum and may vote only in the event the following members are absent:

- a. Eighth Member; or
- b. Both the Second and Third Members; or
- c. Both the Second and Seventh Members; or
- d. Both the Third and Seventh Members.³

H. Public Comment

- 1. Every agenda for a regular Board or Committee meeting shall provide members of the public an opportunity to address the Board or Committee at each meeting ~~during posted public comment sessions on~~ any item under the subject matter jurisdiction of the body. Public Comment appears on the agenda immediately after Roll Call, but it is within the meeting Chair's discretion to allow or require public comment on particular agenda items when those items are discussed by the Board.
- 2. With respect to any agenda item, the public shall be given the opportunity to comment before or during the Board or Committee's consideration of the item, including closed session items prior to adjournment into closed session.

³ If two of the Second, Third and Seventh Members are absent from a meeting, they are both still considered absent even if the Alternate Seventh Member is present and voting. Thus, if two of those members are absent, the Alternate Seventh Member and the Alternate Eighth Member may vote.

3. Where a member of the public raises an issue not on the agenda, no debate or action may be taken at that meeting. However, Members of the Board or Committee or staff present may
 - a. provide a brief response or ask a question,
 - b. provide a reference to staff or other resources for factual information, or
 - c. direct staff to place the issue on a future agenda.
4. The duration of any public comment shall normally be no longer than four (4) minutes per speaker, but the Chair of the meeting may allow for longer public comment.

I. Attendance And Participation At Board And Committee Meetings

1. ~~Trustees~~ Members agree to make every reasonable effort to attend all meetings of the Board and of Committees on which they serve. All ~~Trustees~~ Members are free, but not obligated, to attend any ~~Board~~ Committee meeting. All ~~Trustees~~ Members may participate in Committee deliberations, but only Committee Members may vote on matters before the Committee, unless a quorum of the Board is present, and then Board voting rules apply.
2. ~~Should~~ If a quorum of the Board attends and participates ~~at-in~~ a Committee meeting as more than observers, the meeting ~~shall become~~ will be a ~~Committee~~ comprised of the full Board meeting. ~~While the Brown Act converts the meeting to a Board meeting, for ACERA's purposes, the following Committee rules will nevertheless continue to operate for those Committee meetings that are converted to Board meetings:~~
 - a. The Committee Chair will continue to run the meeting.
 - b. The actions of the Committee will still be subject to approval by the full Board, unless the Board determines more expeditious action is necessary.
3. Alternate Members
 - a. An Alternate Member shall have the same responsibilities and access to a closed session of the Board or a closed session of a Committee, as a Board Member

whether or not the Second, Third, Seventh or Eighth Board Members are present.

- b. Alternate Members ~~who~~ may replace absent Committee Members, ~~and~~ participate in Committee meetings and vote on ~~resolutions or~~ motions, in accordance with Board rules on replacing absent members.
- c. Alternate Members may not hold office on the Board or Committees. An Alternate Member, who replaces an absent Board Member who is also an officer, does not become an officer as a result.

4. Compensation and Reimbursement

- a. Eligibility for compensation for the Fourth, Fifth, Sixth, Eighth (including Alternate), and Ninth Members (Cal. Gov. Code §§31521, 31520.5) for Committee attendance does not require membership on the Committee.
- b. Reimbursement to employers of Elected Members. (See Voluntary Elected Member Employer Reimbursement Policy.)

J. Minutes

- 1. The Secretary is responsible for preparation of the Board minutes and the Staff Liaison ~~assigned by the CEO to each Committee~~ is responsible for Committee minutes.
- 2. The person responsible for minutes shall record the following in the minutes:
 - a. The time and place of each meeting of the Board or Committee.
 - b. The names of ~~Trustees~~ Members present.
 - c. All official acts taken listing the motion and the first and second (a first and second may, but need not, be listed for actions taken in closed session).
 - d. The individual votes of every ~~Trustee~~ Members present for all actions taken.
 - e. Describe with sufficient detail any actions taken by the board or Committee including pertinent discussions.

f. ~~Limit discussion~~ Brief references to ~~of~~ non-action or information items ~~to brief references;~~ and

g. Include direct instructions to Staff by the Chair.

~~3.~~ Approval of Minutes

~~4.~~ ~~The person responsible for the minutes shall cause the minutes to be written and presented for approval at the next regular meeting of the Board.~~

~~5.~~ ~~The Staff Liaison shall draft the Committee Minutes and provide a copy to the Board or Committee Chair for approval more than one week in advance of the next scheduled Board meeting.~~

~~6.3.~~ ~~The Staff Liaison and the Committee Chair will finalize the Board or Committee minutes no later than one week before the next scheduled Board meeting. If the Board or Committee Chair does not respond in a timely manner, the minutes will be distributed as prepared and presented for approval at the next regular Board meeting.~~

~~h.a.~~ If a Committee meets in at least a week ~~ten days~~ before a Board meeting, the Staff Liaison and Committee Chair will finalize the Committee minutes in sufficient time to be distributed to the Board ~~on no later than the three days of~~ before the next scheduled Board meeting.

~~b.~~ If a Committee meets ~~during the same week~~ less than ten days of before the next Board meeting, the Committee Chair will provide a summary of the Committee meeting to the Board at the Board meeting that week. The minutes will be presented to the Board for review and adoption ~~on the consent calendar~~ at the next scheduled Board meeting.

~~h.c.~~ Staff Liaison will present draft minutes to the Committee Chair at least three days before they must be presented to the Board, according to the deadlines stated above. If the Committee Chair does not respond, the Staff Liaison will distribute the draft minutes to the Board, according to the deadlines above.

K. Pattern And Dates Of Board Meetings

1. Regular meetings of the Board of Retirement shall be held on the third (3rd) Thursday of each month at 2:00 p.m. at ACERA's office in Oakland, California. The Board Chair may approve any revisions to the date, time, or venue.
2. Special meetings of the Board of Retirement may be called at any time by the Chair or a majority of all the Members of the Board subject to the provisions of Government Code Section 54956. Notice of not less than twenty-four (24) hours shall be given to each Board Member, media outlets requesting notice, and provided on the ACERA website.
3. In the fall of each year, ACERA ~~will~~ may hold its Board of Retirement Offsite Retreat which may include an evaluation of the budget and Business Plan for the current and following years, discussion with senior management staff and such educational and informational presentations as deemed appropriate.

L. Standing Committees

The Standing Committees of the Board are as follows:

1. Retirees
2. Investment
3. Governance
4. Operations
5. Actuarial
6. Audit
- ~~7. Budget~~
- ~~8.7. CEO Evaluation~~

M. Ad Hoc Committees

1. The Board may approve the establishment of temporary ad hoc Committees ~~whose responsibilities are unrelated to those of any standing Committee~~ to gather information and make recommendations to the Board or a Committee on specific

~~subject matters.~~ The Board Chair shall appoint the Chair and Members of ad hoc Committees. Ad hoc Committees shall have no more than four (4) Members and, if ~~they~~ are otherwise compliant with the Brown Act, shall not be required to comply with the agenda requirements of this Policy. Board Members not appointed to an ad hoc Committee are not permitted to attend meetings of the ad hoc Committee ~~in order to maintain compliance with the requirement that ad hoc Committees consist of less than a quorum of the Board or discuss any of the issues addressed by the ad hoc committee with any members of the ad hoc committee.~~

2. At the beginning of each calendar year, the Board shall assess the need for all existing ad hoc Committees and formally dissolve any ad hoc Committees deemed unnecessary.

III. Policy Review

The Governance Committee shall review the Board and Committee Operations policy at least every three (3) years to ensure that it remains relevant and appropriate.

IV. Policy History

- A. The Board adopted this policy on February 15, 2018.
- B. The Board reviewed and ~~adopted revised~~ this ~~Policy, without revisions, on~~Policy on ~~August 15~~April 21, 2022~~19~~.⁴

⁴ The Board Operations Policy was adopted on November 18, 1999; and renewed, with revisions, on August 15, 2001; March 8, 2005; November 9, 2006; March 19, 2009; August 18, 2011; April 17, 2014; and November 17, 2016. The Committee Operations Policy was adopted on August 15, 2002; and renewed, with revisions, on November 9, 2006; March 19, 2009; August 18, 2011; and April 17, 2014; and, without revisions, on July 21, 2016. The ACERA Board Officers Policy was renewed, with revisions, on December 6, 2006. The Board Operations Policy, the Committee Operations Policy, and the ACERA Board Officers policy were combined into the Board and Committee Operations Policy, which was adopted by the Board of Retirement on February 15, 2018. The Board reviewed and affirmed this Policy, with revisions, on June 21, 2018. The Board of Retirement renewed the Board and Committee Operations Policy, with revisions, on August 15, 2019.

**Board and Committee Operations
Policy
CLEAN VERSION**



Board and Committee Operations Policy

I. Purpose

The ACERA Board and Committee Operations Policy (“Policy”) provides ACERA Trustees (“Members”) and Staff with guidelines for ensuring that Board and Committee meetings will be conducted as efficiently and effectively as possible.

II. Policy Guidelines

A. Governing Law and Rules Of Order

1. The noticing and agendas of all Board and Committee meetings shall conform to the requirements of the Ralph M. Brown Act, Government Code Section 54950, et seq. (the “Brown Act”).
2. Board and Committee meetings shall be guided by the principles embodied in the most current edition of Robert’s Rules of Order (Robert’s Rules). It will be assumed that the Chair of a meeting has acted with unanimous consent, with all procedural objections waived, unless a Member raises a procedural objection before the Board or Committee takes action on the matter for which the procedural objection could have been raised. When a Member timely raises a procedural objection, ACERA’s Chief Counsel will resolve that objection according to Robert’s Rules.
3. In the event of a conflict between the Brown Act and Robert’s Rules, the Brown Act shall prevail.

B. Agendas – Posting

1. A written agenda conforming to the Brown Act shall be prepared for all regular Board and Committee meetings and shall normally be distributed to all Members, posted at ACERA’s offices and on ACERA’s website at least one week before the meeting.
2. When distribution and posting cannot reasonably be accomplished at least one week before the meeting, it will occur at least 72 hours before the meeting, per the Brown Act.

3. Agendas for special meetings shall be posted at least 24 hours before the meeting and special notices shall be provided as required by Section 54956 of the Brown Act.
4. The general rule is that substantive matters within the Board or Committee's jurisdiction that are not on the posted agenda may not be discussed at a meeting. Some limited exceptions may apply from time to time and the Chief Counsel will advise the Board as to the applicability of such limited exceptions.
5. Outside of a properly noticed meeting, a majority of Members of the Board or a Committee shall not use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board or Committee.

C. Board Meetings Agenda Content

The Board Meeting Agenda will generally include the following topics as necessary:

1. Call to Order
2. Roll Call
3. Public Comment
4. Consent Calendar
 - a. Report on Service Retirements
 - b. List of Deceased Members
 - c. Approve Requests for up to 130 Bi-Weekly Payments to Re-Deposit Contributions and Gain Credit
 - d. Approve Uncontested Staff Recommendations on Disability Retirements and Death Benefits
 - e. Approve Uncontested Hearing Officer Recommendations for Disability Retirements and Death Benefits
 - f. Approve Minutes of Board and Committee Meetings

- g. Miscellaneous
- 5. Contested Disability Retirements and Death Benefits
- 6. Committee Reports, Recommendations and Motions
- 7. New Business
- 8. Conference Reports
- 9. Announcements
- 10. Board Input
- 11. Establishment of Next Meeting
- 12. Closed Session
- 13. Report on Action Taken in Closed Session
- 14. Adjournment

The Board Chair may alter the agenda and order of business to the extent authorized by the Brown Act. If a Member objects to an alteration of the order of business, a two-thirds vote of the voting Members is required for the Board Chair to alter the order of business.

D. Committee Meetings Agenda Content

Committee Meeting will generally include the following topics:

- 1. Call to Order
- 2. Roll Call
- 3. Public Comment
- 4. Action Items
- 5. Information Items. These are items for which Staff does not recommend any particular action, but the Committee is not precluded from making a recommendation to the Board regarding the subject matter that appears on the agenda, if that recommendation otherwise complies with the Brown Act.

6. Trustee Remarks
7. Future Discussion Items
8. Establishment of Next Meeting
9. Adjournment

The Committee Chair may alter the agenda and order of business for Committee meetings to the extent authorized by the Brown Act. If a Member objects to an alteration of the order of business, a two-thirds vote of the voting Members is required for the Board Chair to alter the order of business.

E. Board And Committee Officers

At the first regular meeting in January, the Board shall elect one of its Members Chair, one of its Members Vice Chair, and one of its Members Second Vice Chair. The term shall be for either one year, or until their successors are duly elected and qualified.

1. The Chief Executive Officer (CEO) shall serve as Secretary to the Board.
2. The Chair of the Board shall:
 - a. Appoint Members to all ACERA standing and ad hoc Board Committees and in making such appointments shall whenever possible, appoint both elected and appointed Members to each Committee. The Chair may consider the need to:
 - 1) Maintain continuity in Committee membership,
 - 2) Rotate the composition of Committees to provide Members with diversified experience,
 - 3) Reflect a Member's area of interest and/or skill set, and
 - 4) Minimize conflicts of interest.
 - b. Remove and replace Committee Members so appointed;
 - c. Appoint a Chair and Vice Chair for each Committee of the Board;
 - d. Coordinate the preparation of the Board agenda with the CEO;

- e. Chair meetings of the Board;
 - f. Communicate with external parties in cooperation with the CEO;
 - g. Coordinate the process for annually evaluating the performance of the CEO as prescribed in applicable Board policies;
 - h. Coordinate the process in the event that the Board evaluates its own performance;
 - i. Serve as a member of all Committees if any Committee member is absent.
3. If the Board Chair is unavailable or unable to carry out his or her duties, the First Vice Chair shall assume duties of Board Chair. If the First Vice Chair is unavailable or unable to carry out his/her duties, the Second Vice Chair shall assume the duties of the First Vice Chair.
4. In the event that an officer of the Board becomes ineligible or unable to complete his or her term, the following action shall be taken:
- a. If said officer is the Chair, then the Vice Chair shall assume the Chair's position for the balance of the Chair's term, and a new Vice Chair shall be elected at the next regularly scheduled meeting;
 - b. If said officer is the Vice Chair, then the Board shall elect a new Vice Chair at the next regularly scheduled meeting; and
 - c. If said officer is the Second Vice Chair, then the Board shall elect a new Second Vice Chair at the next regularly scheduled meeting.
5. Officers may be removed from the Chair, Vice Chair, and Second Vice Chair positions by a two-thirds ($\frac{2}{3}$) vote of the entire Board (i.e., six members).

F. Committee Procedures

- i. Standing Committees exist to assist the Board in fulfilling its charter and to apply more concentrated attention to specialized topics that impact the Board's effective management of ACERA. All actions taken by standing and ad hoc Committees are deemed to be advisory and must be approved by the Board before becoming

effective, unless the Board determines that expeditious action is required, such that final action should be taken at a Committee meeting.

2. The CEO shall assign a staff member to each standing and ad hoc Committee to serve as Staff Liaison and primary contact for the Committee Chair and Committee Members with respect to the work of the Committee.
3. At their first meetings each year, the Retiree, Investment, and Operations Committees shall establish a schedule of meetings for the rest of the year. The other Committees will establish meetings as needed.
4. The Committee Chair may cancel or reschedule a meeting if it is apparent that there will not be a quorum or there are insufficient issues to warrant a meeting. Attempts will be made to provide all Committee Members with at least one week's notice of the cancelled or rescheduled meeting.
5. Each Committee (including ad hoc Committees upon creation) shall, in consultation with its Staff Liaison, adopt a charter outlining its purpose, responsibilities and meeting frequency.
6. Each year, staff liaisons shall prepare a draft work plan for the following year containing proposed monthly agenda items for their standing Committees and incorporating ACERA's ongoing cyclical workload requirements and any budget and business plan instructions received. A proposed work plan shall be submitted to each Committee at the first or second scheduled meeting of the New Year for review and modifications. Committee work plans can be modified throughout the year as needed.
7. Each Committee Chair shall be responsible for:
 - a. The efficient operation of the Committee,
 - b. Facilitation of the work outlined in the Committee Charter and prioritized in the Committee work plan,
 - c. Retaining focus primarily on policy and oversight while allowing management to carry out the day-to-day implementation of Board and Committee policy, and

- d. Coordinate Committee activities with the Staff Liaison.
8. In the event a Committee Chair is absent or the position is vacant, the Committee Vice Chair shall preside over meetings of the designated Committee. In the event the Committee Chair and Vice Chair are both absent the Board Chair, or a Board Vice Chair will preside over the designated Committee. If the Committee Chair and/or Vice Chair positions are vacant, the Board Chair shall appoint a new permanent Committee Chair and/or Vice Chair.
- G. Quorum and Voting
- 1. The Board is composed of nine (9) Members, plus an Alternate Safety Member, and an Alternate Retired Member. A majority of the Members of the Board constitutes a quorum and a quorum of the Board is required to take action.
 - 2. Committees shall be composed of no more than five (5) Members, except the Investment Committee and the CEO Succession Committee which shall be composed of the full Board. A majority of the Members of a Committee constitutes a quorum of that Committee and a quorum is required for the Committee to take action.
 - 3. Any motion passed or business transacted at a Board or Committee meeting must be approved by a majority of the Members present and voting, except as otherwise provided by law. A Member who abstains is not considered present and voting, but remains present for purposes of a quorum.
 - 4. For the purposes of determining the voting rights of the Alternate Seventh Member and the Alternate Eighth Member, a Member can be “absent” for a particular agenda item. A Member who leaves the boardroom during an in-person meeting or who disconnects from a video-conference meeting is “absent” for that agenda item. Alternatively, a Member can irrevocably declare themselves “absent” with respect to a particular agenda item for the purpose of allowing the appropriate Alternate to vote in their place.
 - 5. The Alternate Seventh Safety Member shall be counted towards a quorum and may vote only in the event the following Members are absent:
 - a. Second Member, or

- b. Third Member; or
 - c. Seventh Member; or
 - d. Both the Eighth and the Alternate Eighth Members.
6. The Alternate Eighth Retired Member shall be counted towards a quorum and may vote only in the event the following members are absent:
- a. Eighth Member; or
 - b. Both the Second and Third Members; or
 - c. Both the Second and Seventh Members; or
 - d. Both the Third and Seventh Members.¹

H. Public Comment

- 1. Every agenda for a regular Board or Committee meeting shall provide members of the public an opportunity to address the Board or Committee at each meeting on any item under the subject matter jurisdiction of the body. Public Comment appears on the agenda immediately after Roll Call, but it is within the meeting Chair's discretion to allow or require public comment on particular agenda items when those items are discussed by the Board.
- 2. With respect to any agenda item, the public shall be given the opportunity to comment before or during the Board or Committee's consideration of the item, including closed session items prior to adjournment into closed session.
- 3. Where a member of the public raises an issue not on the agenda, no debate or action may be taken at that meeting. However, Members of the Board or Committee or staff present may
 - a. provide a brief response or ask a question,

¹ If two of the Second, Third and Seventh Members are absent from a meeting, they are both still considered absent even if the Alternate Seventh Member is present and voting. Thus, if two of those members are absent, the Alternate Seventh Member and the Alternate Eighth Member may vote.

- b. provide a reference to staff or other resources for factual information, or
 - c. direct staff to place the issue on a future agenda.
 - 4. The duration of any public comment shall normally be no longer than four (4) minutes per speaker, but the Chair of the meeting may allow for longer public comment.
- I. Attendance And Participation At Board And Committee Meetings
 - 1. Members agree to make every reasonable effort to attend all meetings of the Board and of Committees on which they serve. All Members are free, but not obligated, to attend any Committee meeting. All Members may participate in Committee deliberations, but only Committee Members may vote on matters before the Committee, unless a quorum of the Board is present, and then Board voting rules apply.
 - 2. If a quorum of the Board attends and participates in a Committee meeting as more than observers, the meeting will be a full Board meeting. The following Committee rules will nevertheless continue to operate for those meetings:
 - a. The Committee Chair will continue to run the meeting.
 - b. The actions of the Committee will still be subject to approval by the full Board, unless the Board determines more expeditious action is necessary.
 - 3. Alternate Members
 - a. An Alternate Member shall have the same responsibilities and access to a closed session of the Board or a closed session of a Committee, as a Board Member whether or not the Second, Third, Seventh or Eighth Board Members are present.
 - b. Alternate Members may replace absent Committee Members, participate in Committee meetings and vote on motions, in accordance with Board rules on replacing absent members.
 - c. Alternate Members may not hold office on the Board or Committees. An Alternate Member, who replaces an absent Board Member who is also an officer, does not become an officer as a result.

4. Compensation and Reimbursement

- a. Eligibility for compensation for the Fourth, Fifth, Sixth, Eighth (including Alternate), and Ninth Members (Cal. Gov. Code §§31521, 31520.5) for Committee attendance does not require membership on the Committee.
- b. Reimbursement to employers of Elected Members. (See Voluntary Elected Member Employer Reimbursement Policy.)

J. Minutes

1. The Secretary is responsible for preparation of the Board minutes and the Staff Liaison is responsible for Committee minutes.
2. The person responsible for minutes shall record the following in the minutes:
 - a. The time and place of each meeting of the Board or Committee.
 - b. The names of Members present.
 - c. All official acts taken listing the motion and the first and second (a first and second may, but need not, be listed for actions taken in closed session).
 - d. The individual votes of every Members present for all actions taken.
 - e. Describe with sufficient detail any actions taken by the board or Committee including pertinent discussions.
 - f. Brief references to non-action or information items; and
 - g. Include direct instructions to Staff by the Chair.
3. Approval of Minutes
 - a. If a Committee meets in at least ten days before a Board meeting, the Staff Liaison and Committee Chair will finalize the Committee minutes in sufficient time to be distributed to the Board no later than three days before the next scheduled Board meeting.

- b. If a Committee meets less than ten days before the next Board meeting, the Committee Chair will provide a summary of the Committee meeting to the Board at the Board meeting that week. The minutes will be presented to the Board for review and adoption at the next scheduled Board meeting.
- c. Staff Liaison will present draft minutes to the Committee Chair at least three days before they must be presented to the Board, according to the deadlines stated above. If the Committee Chair does not respond, the Staff Liaison will distribute the draft minutes to the Board, according to the deadlines above.

K. Pattern And Dates Of Board Meetings

- 1. Regular meetings of the Board of Retirement shall be held on the third (3rd) Thursday of each month at 2:00 p.m. at ACERA's office in Oakland, California. The Board Chair may approve any revisions to the date, time, or venue.
- 2. Special meetings of the Board of Retirement may be called at any time by the Chair or a majority of all the Members of the Board subject to the provisions of Government Code Section 54956. Notice of not less than twenty-four (24) hours shall be given to each Board Member, media outlets requesting notice, and provided on the ACERA website.
- 3. In the fall of each year, ACERA may hold its Board of Retirement Offsite Retreat which may include an evaluation of the budget and Business Plan for the current and following years, discussion with senior management staff and such educational and informational presentations as deemed appropriate.

L. Standing Committees

The Standing Committees of the Board are as follows:

- 1. Retirees
- 2. Investment
- 3. Governance
- 4. Operations
- 5. Actuarial

6. Audit

7. CEO Evaluation

M. Ad Hoc Committees

1. The Board may approve the establishment of temporary ad hoc Committees to gather information and make recommendations to the Board or a Committee on specific subject matters. The Board Chair shall appoint the Chair and Members of ad hoc Committees. Ad hoc Committees shall have no more than four (4) Members and, if they are otherwise compliant with the Brown Act, shall not be required to comply with the agenda requirements of this Policy. Board Members not appointed to an ad hoc Committee are not permitted to attend meetings of the ad hoc Committee or discuss any of the issues addressed by the ad hoc committee with any members of the ad hoc committee.
2. At the beginning of each calendar year, the Board shall assess the need for all existing ad hoc Committees and formally dissolve any ad hoc Committees deemed unnecessary.

III. Policy Review

The Governance Committee shall review the Board and Committee Operations policy at least every three (3) years to ensure that it remains relevant and appropriate.

IV. Policy History

- A. The Board adopted this policy on February 15, 2018.
- B. The Board reviewed and revised this Policy on April 21, 2022.²

² The Board Operations Policy was adopted on November 18, 1999; and renewed, with revisions, on August 15, 2001; March 8, 2005; November 9, 2006; March 19, 2009; August 18, 2011; April 17, 2014; and November 17, 2016. The Committee Operations Policy was adopted on August 15, 2002; and renewed, with revisions, on November 9, 2006; March 19, 2009; August 18, 2011; and April 17, 2014; and, without revisions, on July 21, 2016. The ACERA Board Officers Policy was renewed, with revisions, on December 6, 2006. The Board Operations Policy, the Committee Operations Policy, and the ACERA Board Officers policy were combined into the Board and Committee Operations Policy, which was adopted by the Board of Retirement on February 15, 2018. The Board reviewed and affirmed this Policy, with revisions, on June 21, 2018. The Board of Retirement renewed the Board and Committee Operations Policy, with revisions, on August 15, 2019.

Board Elections Policy

REDLINE VERSION



Board Elections Policy

I. PURPOSE

To provide for a fair and efficient process for the nomination and election of the Second, Third, Seventh, Eighth, and Alternate Members of the Board of Retirement.

II. ELECTIONS PROCESS

- A. The Chief Executive Officer shall serve as the elections official charged with the duty of conducting all elections. The Chief Executive Officer may delegate powers and duties to other ACERA staff members and/or to consultants, as appropriate. Any reference to the Chief Executive Officer herein shall mean the Chief Executive Officer or his/her Designee.⁺
- B. Election shall be by secret ballot conducted by the Chief Executive Officer, and canvassed by the Registrar of Voters in the manner outlined by this Policy. State and federal law may be used for guidance in resolving any challenges to elections procedures.
- C. The Chief Executive Officer~~;~~ shall develop a written election schedule at the beginning of each year in which an election is held that substantially complies with the timeframes set forth in this Policy, with the elections to be held in December of each election year. The election or publication schedule may deviate from the timelines provided in this Policy when the Chief Executive Officer determines that impossibility, impracticability, improved efficiency, unreasonable expense or other circumstances warrant such a deviation. The Chief Executive Officer shall be responsible for publishing a Notice of Election on or before the first Monday in August of election years, which shall include the election schedule and other relevant information.
- D. The Chief Executive Officer shall be responsible for providing Nomination Petitions to qualified candidates, certifying the candidates, creating a list of eligible voters, preparing and distributing ballots to eligible voters, providing a canvassing site and machines for

⁺ ~~Reference, throughout the Policy, to “the Chief Executive Officer” means “the Chief Executive Officer or his/her Designee”. The Chief Executive Office generally designates a Designee to manage the Election Process.~~

tabulating ballots, storage of election materials, transmitting the election results certification provided by the Registrar of Voters to the Board of Supervisors and swearing-in newly elected members of the Board of Retirement. ACERA contracts with the Registrar of Voters to perform many of the aforementioned functions.

- E. The Chief Executive Officer ~~shall review any written preliminary challenges to election procedures. shall respond to any challenges to the election in compliance with applicable law. If a written contest statement is filed, the Chief Executive Officer shall notify the superior court, assure service of the contest statement is made on the defendant(s) and other all relevant parties, issue subpoenas (if requested) and pay clerical assistants necessary for any recount from the amount advanced by the contestant. (Elec. Code §13313.)~~
- F. The Registrar of Voters shall be responsible for preparing and mailing ballots and voter pamphlets to eligible voters, providing a canvassing site and machines for tabulating ballots, canvassing the election, including receiving voted ballots, comparing voted ballots with the list of eligible voters, setting aside questionable ballots, repairing or transferring damaged ballots, certifying the accuracy of all ballot counting machines and certifying the results of all elections.
- G. The Chief Executive Officer and the Registrar of Voters shall be jointly responsible for determining the disposition of all questionable ballots ~~that are~~ set aside by the Registrar of Voters.

III. ELIGIBILITY TO VOTE

A member is eligible to vote for a candidate designated as a safety, general or retired member, only if the member belongs to the same category of membership during the entire pay period immediately preceding the month in which the election is held. Deferred members are eligible to vote in the applicable safety or general member elections and are not eligible to vote in the retired member elections.

IV. NOTICE OF ELECTION PERIOD

The Notice of Election period is specified in the election schedule and continues for an interval of twenty (20) business day excluding County holidays. The Notice of Election shall include the election schedule and other relevant information. The Notice shall be

posted on ACERA's website, www.ACERA.org, and in the lobby of ACERA's office during this period.

V. NOMINATION PERIOD

The Nomination Period is specified in the election schedule and continues for an interval of twenty (20) business days excluding County holidays. The Nomination Period immediately follows the Notice of Election Period. Qualified applicants may obtain a Board Election Information Packet containing the nomination documents from the ACERA Election Coordinator beginning on the first date of the Nomination Period and through the last date of the Nomination Period.

VI. NOMINATION DOCUMENTS

During the Nomination Period specified in the elections schedule, qualified applicants must submit all the following required nomination documents, with ~~an~~ the applicant's original signature, to the Chief Executive Officer to be considered for certification as a candidate. The last day for filing nomination documents is no later than 5:00 p.m. on the deadline stated in the elections schedule. An applicant cannot submit any required nomination documents s after the deadline.

- Nomination Petition,
- Ballot Designation,
- Candidate's Statement of Qualifications,
- Statement of Intent to Serve, and
- California Form 700 Statement of Economic Interests

A. Nomination Petition

Each Nomination Petition filed by or on behalf of an eligible candidate shall contain:

1. The name and address of the candidate;
2. The designation of the seat on the Board of Retirement to which the candidate seeks election;
3. Nomination Petitions shall be signed by not less than twenty-five (25) members of the Association. Only signatures of members eligible to vote for the seat designated in the Nomination Petition at the time of signing said petition shall be counted.

Signatures may be originals or copies of originals and may appear on multiple copies of the approved form (e.g., 12 signatures on one copy of the form and 13 signatures on another copy of the form).

4. Candidates shall file Nomination Petitions with the Chief Executive Officer no later than 5:00 p.m. on the deadline stated in the elections schedule. Candidates who file Nomination Petitions after the deadline will be disqualified.
5. If a candidate is nominated for more than one seat on the Board of Retirement, the candidate must designate the seat to which the candidate seeks election when filing nomination papers. Elections for the Seventh Member and the Alternate Seventh Member are considered elections for the same seat. Elections for the Eighth Member and the Alternate Eighth Member are considered elections for separate seats. A candidate may not be certified for more than one seat on the Board of Retirement.

B. Ballot Designation

A Ballot Designation shall include the candidate's name as it is to appear on the ballot, and, at the option of the candidate, one of the following designations to be printed immediately after or below his/her name on the ballot:

1. Words designating the elected government office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people;
2. The word "incumbent" or "incumbent alternate" if the candidate is a candidate for the same office which his/her holds at the time of filing the nomination papers, and was elected to that office by a vote of the people;
3. No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.
4. The phrase "appointed incumbent" if the candidate holds an office by virtue of appointment, and the candidate is a candidate for election to the same office.

The Chief Executive Officer shall not accept a Ballot Designation that violates the restrictions set forth above. If the Chief Executive Officer finds the designation to be in violation, the Chief Executive Officer shall notify the candidate by email or registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's nomination petition. The candidate shall be notified within three (3) working days from the date of submission of any violations. The candidate shall, within three (3) working days from the date of notice of the violation, provide a designation that complies with the above requirements. However, if the violation is discovered less than six (6) days from the end of the nomination period, the candidate shall have only the time from the date of notice through the end of the nomination period to remedy the violations. In the event the candidate fails to provide a Ballot Designation that complies with the above requirements within the three-day period or before the end of the nomination period if the violation was discovered with less than six days to the end of the period, no designation shall appear after the candidate's name.

C. Candidate's Statement of Qualifications

A Candidate's Statement of Qualifications ("Candidate Statement") shall be included in the voter pamphlet that is distributed with the ballot. (Elec. Code §13307.) The Candidate Statement shall be submitted in an appropriate format provided by the Chief Executive Officer as follows:

1. The Candidate Statement shall include no more than 400 words starting with the candidate's name. For purposes of counting the 400 words, ACERA uses the word count as calculated by Microsoft Word.
2. The Candidate Statement may also include the age and occupation of the candidate and a brief description of the candidate's education and qualifications.
3. The Candidate Statement shall not include the party affiliation of the candidate, or membership or activity in partisan political organizations.
4. The Candidate Statement shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities.

5. The Chief Executive Officer shall not cause to be printed or circulated any Candidate Statement that the Chief Executive Officer determines is not so limited or that includes any prohibited reference.
6. Such statement of qualifications shall be included in a voter's pamphlet, in type of uniform size, font and darkness and with uniform spacing, and distributed with ballots at no charge to the candidate.
7. Information contained in the Candidate Statement is the responsibility of the candidate and ACERA accepts no responsibility for the validity of the statement or the contents thereof.
8. The voter's pamphlet shall contain the following statement: "This handout may not contain a complete list of candidates. A complete list of candidates appears on the ballot. Each candidate's statement is volunteered by the candidate and is printed as submitted."
9. The candidate must provide a hard copy of the Candidate Statement with the candidate's signature and an electronic copy in a format compatible with Microsoft Word to the ACERA Election Coordinator.
10. Candidate statements may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period, as specified in the election schedule. Candidate statements shall remain confidential until the expiration of the filing deadline.

D. Statement of Intent to Serve

The Statement of Intent to Serve ("The Statement") sets out the oath of office. The Statement states that if elected to the position for which the candidate was nominated, the candidate intends to serve on the Board of Retirement. The Statement shall be signed and dated by the candidate.

E. California Form 700 Statement of Economic Interests

California Government Code §§87200 and 87201 requires that candidates for an elected office who manage public investments file a Form 700, unless a candidate is a current

trustee and has already filed a Statement of Economic Interests with ACERA for the election year. If the candidate cannot be certified by the last date of eligibility, ACERA will return the Form 700 to the candidate unfilled.

VII. CERTIFICATION

- A. In order for a candidate to be certified the following documents must be submitted and must meet the requirements as outlined in the Board of Retirement Election Information Packet and Board Elections Policy:

- Nomination Petition
- Ballot Designation
- Candidate's Statement of Qualifications
- Statement of Intent to Serve
- California Form 700 Statement of Economic Interests

The documents are due no later than the last date of the Nomination Period at 5:00 p.m. as stated in the election schedule, and there is no opportunity to amend the documents after that time.

- B. With respect to the nomination petition, within five (5) working days after the filing of a nomination petition (or as revised pursuant to the election schedule), the Chief Executive Officer shall validate that the petition is complete and bears at least twenty-five (25) valid signatures.

Candidates may resubmit their nomination petitions, if necessary, until the last date of the Nomination Period at 5:00 p.m. Candidates are encouraged to obtain more than the minimum number of required signatures, or file petitions early so that they have ample opportunity to obtain additional signatures, in the event a petition is insufficient.

- C. If only one candidate is certified for any designated seat, the Board of Supervisors shall order that no election be held and shall direct the Clerk of the Board of Supervisors to cast a unanimous ballot in favor of such nominated member. (Gov. Code §31523.)
- D. If no candidate is certified, the Chief Executive Officer shall notify the Board of Retirement, which shall reschedule the election.

VIII. PUBLIC REVIEW PERIOD OF CANDIDATE STATEMENTS

After all nomination documents are received and eligible candidates are certified, the Chief Executive Officer shall make a copy of the Candidate Statements available for public examination in the Retirement Association's Office for a period of ten (10) calendar days. The Chief Executive Officer shall also distribute all Candidate Statements to each candidate in the respective contest. During the ten (10) day public examination period, any voter or the Chief Executive Officer may seek a writ of mandate or an injunction requiring any or all of the material in the Candidate Statements to be amended or deleted.

IX. CAMPAIGNING

A. Campaign Guidelines

1. Candidates shall comply with all Participating Employer rules and regulations concerning the use of equipment and resources (i.e., e-mail, inter-office mail, etc.) in the course of their campaign. Violations of this section may result in disqualification.
2. The provisions of the Civil Code relating to libel and slander are fully applicable to any campaign advertising or communication.
3. Candidates may voluntarily subscribe to the Code of Fair Campaign Practices found at Elections Code §20440. A copy of the Code of Fair Campaign Practices shall be distributed by ACERA to all persons requesting an Election Information Packet for each election. In no event shall any candidate be required to subscribe to or endorse the Code of Fair Campaign Practices.

B. *What's Up Newsletter*

1. ACERA will produce and distribute a *What's Up Newsletter – Election Edition* as close in time as possible to the distribution of the ballots. The purpose of this special *What's Up Newsletter – Election Edition* is to provide an opportunity to a candidate for an elected position on the Board of Retirement to communicate with his/her constituency, free of charge.
2. ACERA will inform each candidate that he/she may submit campaign materials to ACERA and that ACERA will include the material in the *What's Up Newsletter –*

Election Edition publication. The Election Information Packet and the election schedule will include the deadline for submission of campaign material for the *What's Up Newsletter*. A candidate shall not make any changes to campaign material after the deadline nor submit campaign material after the deadline.

3. All submissions will be limited to no more than 500 words starting with the candidate's name. For purposes of counting the 500 words, ACERA uses the word count as calculated by Microsoft Word. Candidates will be informed that ACERA will assume no liability for the contents of the submitted materials and candidates will be required to sign a waiver of liability and indemnification agreement prior to acceptance of any materials.
4. While ACERA does not intend to censor the contents of the submitted materials, at no time will ACERA include materials that it deems to be inappropriate for distribution to ACERA members. Any dispute that arises regarding the content of submitted materials will be decided by the Elections Official and his/her decision will be final. Any additional communications, other than the information included in this publication, by the candidates to their constituency will be the responsibility of the candidates.
5. The *What's Up Newsletter – Election Edition* shall include the following disclaimer with respect to the campaign material: "This statement solely presents the views of the Candidate and does not represent an official statement of ACERA or its Board of Trustees. ACERA has neither approved nor confirmed the accuracy or the contents of this statement."

X. BALLOTS

- A. The Registrar of Voters with guidance from the Chief Executive Officer shall prepare the ballots for the election. Ballots shall state that it is illegal to reproduce the ballot in any manner whatsoever. Any reproduction or distribution of ballots other than as allowed for by this Policy is expressly forbidden and shall render the ballots void.
- B. The ballot for the Retiree Board Member position shall also contain the names of candidates certified for the Retiree Alternate Board Member position under a separate heading.

- C. Except as expressly authorized herein, no other designation may be printed on the ballot.
- D. The Chief Executive Officer shall determine the order in which the names of the candidates are printed on the ballot by drawing lots after the deadline for filing Nomination Petitions.
- E. The Registrar of Voters shall mail a ballot, voter's pamphlet and self-addressed identification/return envelope first class to each eligible member no less than thirty-five (35) calendar days prior to the date established in the election schedule as the end of the election (or as revised pursuant to the elections schedule) to his/her last-known mailing address as it appears on the retirement record or other official record.
- F. The Registrar of Voters shall make replacement ballots (stamped with the word "reissue") available on an individual basis to members claiming under penalty of perjury the loss or non-receipt of a ballot.
- G. Each voter shall sign the identification/return envelope and place his/her voted ballot in the secrecy envelope and then into the identification/return envelope, which shall be mailed or delivered to the Registrar of Voters.
- H. The Registrar of Voters must receive all ballots no later than 5:00 p.m. on the third Wednesday in December (or as revised pursuant to the elections schedule), except as otherwise provided by law, or this Policy.
- I. Ballots shall be void if:
 - 1. Received after Election Day;
 - 2. A duplicate ballot is cast;
 - 3. The signature of the voter is not on the return envelope underneath the pull tab.
 - 4. The signature or initials of the voter is on the ballot itself;
 - 5. It is not possible to determine who submitted the ballot;
 - 6. It was submitted in the same envelope with other ballots; and/or
 - 7. The voter's intent cannot be determined.

- J. Ballots determined to be void under section X.I., above, shall be marked as such and shall not be counted by the Registrar of Voters in the canvassing process. The Registrar of Voters will deliver ballots marked as void to the Chief Executive Officer on the day designated for counting ballots.

XI. COUNTING OF BALLOTS

- A. Upon receipt of the voted ballots, the Registrar of Voters or his/her designated representative(s) shall verify the names on the identification/return envelopes by checking the names against the Association's list of eligible members.
- B. The Registrar of Voters shall count the ballots substantially in accordance with applicable statutes and procedures. The Registrar of Voters shall certify the results of the election no later than the day following the canvassing of the ballots (or as revised pursuant to the elections schedule) and deliver the certified results to the Chief Executive Officer who shall transmit said certification to the Board of Supervisors.
- C. The candidate receiving the highest number of votes for the seat designated on the ballot shall be declared elected to that seat, except for the seat of the Alternate Seventh (Safety) Member.

The Alternate Seventh Member must be a safety member from a group other than a group represented by the Seventh Member. The Alternate Safety shall be that candidate, if any, from the group as described in §§31740.2 and 31740.4, and any other eligible safety member if there is no eligible candidate from the groups under §§31470.2 and 31470.4. If there is no eligible candidate there may not be an alternate member. (Gov. Code §31520.1(b).)

The duly elected candidate shall serve for a term of three (3) years from and after January 1st of the year following the election.

XII. RECOUNT

Within five (5) calendar days of certification of the election results by the Registrar of Voters (or as revised pursuant to the elections schedule), a candidate may upon written application to ACERA, which ACERA will submit to the Registrar of Voters, request a recount of all ballots to be conducted by the Registrar of Voters. Prior to the requested

recount, the Registrar of Voters shall determine the cost for conducting such a recount. The candidate requesting the recount shall deposit this amount with the Registrar of Voters prior to the recount. Money so deposited shall only be returned to the depositor if, upon the completion of the recount, the candidate requesting the recount is found to have received a plurality of all votes cast. The recount shall be conducted in the same manner as the original count.

XIII. OATH OF ALLEGIANCE AND SWEARING IN ELECTED MEMBERS

- A. Newly elected members of the Board of Retirement shall sign the Oath or Affirmation of Allegiance in the presence of a notary public at ACERA's office prior to serving on any Committee and/or Board meeting in January. Alternatively, the Oath can be signed at the Alameda County Clerk of the Board of Supervisors office.
- B. Newly elected members of the Board of Retirement shall be sworn in by the Alameda County Clerk of the Board of Supervisors or his/her representative, a notary public, Judge or Commissioner no sooner than January 1 and no later than the first regularly scheduled Board meeting in January ~~or at a Special Session duly noticed for the purpose of swearing in new members and conducting such other business as the Board of Retirement determines.~~

XIV. FILLING VACANCIES

If a vacancy in an elective seat on the Board of Retirement occurs, a successor shall be elected in the same manner as his/her predecessor at the earliest possible date. Upon official notification of a vacancy, the Board of Retirement shall adopt a resolution calling for an election, unless the Board determines that holding an election before the next regularly scheduled election for the vacant seat is not reasonably possible. The vacancy shall be filled for the duration of the current term except that, if the remaining portion of the current term is six months or less on the date of the election, a single election may be held to fill the vacancy for the remainder of the current term and to fill the position for the succeeding term. (Gov't Code §31523). Nominations and voting shall be substantially in the manner prescribed for a regular election. The candidate receiving the highest number of votes for the vacated seat shall be declared elected to that seat. Such candidate shall serve for the remainder of the unexpired term from and after the first day of the first month following the declaration of his/her election.

XV. POLICY REVIEW

The Governance Committee, or other committee designated by the Board, shall review this Policy at least every three (3) years. The Committee shall make recommendations to the Board concerning any improvements or modifications it deems necessary.

XVI. POLICY HISTORY

- A. The Board reviewed and ~~adopted~~ revised this Policy, ~~without revisions,~~ on ~~August 15~~ April 21, 2022~~19~~.²

² The Board adopted this Policy on July 17, 2003. Amendment dates ~~with revisions~~ were October 19, 2006; August 16, 2007; August 21, 2008; August 20, 2009; December 15, 2011; March 21, 2013; April 17, 2014; June 18, 2015; July 20, 2017. Amendment Review date without revisions was August 15, 2019.

Board Elections Policy CLEAN VERSION



Board Elections Policy

I. PURPOSE

To provide for a fair and efficient process for the nomination and election of the Second, Third, Seventh, Eighth, and Alternate Members of the Board of Retirement.

II. ELECTIONS PROCESS

- A. The Chief Executive Officer shall serve as the elections official charged with the duty of conducting all elections. The Chief Executive Officer may delegate powers and duties to other ACERA staff members and/or to consultants, as appropriate. Any reference to the Chief Executive Officer herein shall mean the Chief Executive Officer or his/her Designee.
- B. Election shall be by secret ballot conducted by the Chief Executive Officer, and canvassed by the Registrar of Voters in the manner outlined by this Policy. State and federal law may be used for guidance in resolving any challenges to elections procedures.
- C. The Chief Executive Officer shall develop a written election schedule at the beginning of each year in which an election is held that substantially complies with the timeframes set forth in this Policy, with the elections to be held in December of each election year. The election or publication schedule may deviate from the timelines provided in this Policy when the Chief Executive Officer determines that impossibility, impracticability, improved efficiency, unreasonable expense or other circumstances warrant such a deviation. The Chief Executive Officer shall be responsible for publishing a Notice of Election on or before the first Monday in August of election years, which shall include the election schedule and other relevant information.
- D. The Chief Executive Officer shall be responsible for providing Nomination Petitions to qualified candidates, certifying the candidates, creating a list of eligible voters, preparing and distributing ballots to eligible voters, providing a canvassing site and machines for tabulating ballots, storage of election materials, transmitting the election results certification provided by the Registrar of Voters to the Board of Supervisors and

swearing-in newly elected members of the Board of Retirement. ACERA contracts with the Registrar of Voters to perform many of the aforementioned functions.

- E. The Chief Executive Officer shall respond to any challenges to the election in compliance with applicable law.
- F. The Registrar of Voters shall be responsible for preparing and mailing ballots and voter pamphlets to eligible voters, providing a canvassing site and machines for tabulating ballots, canvassing the election, including receiving voted ballots, comparing voted ballots with the list of eligible voters, setting aside questionable ballots, repairing or transferring damaged ballots, certifying the accuracy of all ballot counting machines and certifying the results of all elections.
- G. The Chief Executive Officer and the Registrar of Voters shall be jointly responsible for determining the disposition of all questionable ballots set aside by the Registrar of Voters.

III. ELIGIBILITY TO VOTE

A member is eligible to vote for a candidate designated as a safety, general or retired member, only if the member belongs to the same category of membership during the entire pay period immediately preceding the month in which the election is held. Deferred members are eligible to vote in the applicable safety or general member elections and are not eligible to vote in the retired member elections.

IV. NOTICE OF ELECTION PERIOD

The Notice of Election period is specified in the election schedule and continues for an interval of twenty (20) business day excluding County holidays. The Notice of Election shall include the election schedule and other relevant information. The Notice shall be posted on ACERA's website, www.ACERA.org, and in the lobby of ACERA's office during this period.

V. NOMINATION PERIOD

The Nomination Period is specified in the election schedule and continues for an interval of twenty (20) business days excluding County holidays. The Nomination Period immediately follows the Notice of Election Period. Qualified applicants may obtain a Board Election Information Packet containing the nomination documents from the ACERA Election Coordinator beginning on the first date of the Nomination Period and through the last date of the Nomination Period.

VI. NOMINATION DOCUMENTS

During the Nomination Period specified in the elections schedule, qualified applicants must submit all the following required nomination documents, with the applicant's original signature, to the Chief Executive Officer to be considered for certification as a candidate. The last day for filing nomination documents is no later than 5:00 p.m. on the deadline stated in the elections schedule. An applicant cannot submit any required nomination documents after the deadline.

- Nomination Petition,
- Ballot Designation,
- Candidate's Statement of Qualifications,
- Statement of Intent to Serve, and
- California Form 700 Statement of Economic Interests

A. Nomination Petition

Each Nomination Petition filed by or on behalf of an eligible candidate shall contain:

1. The name and address of the candidate;
2. The designation of the seat on the Board of Retirement to which the candidate seeks election;
3. Nomination Petitions shall be signed by not less than twenty-five (25) members of the Association. Only signatures of members eligible to vote for the seat designated in the Nomination Petition at the time of signing said petition shall be counted. Signatures may be originals or copies of originals and may appear on multiple copies of the approved form (e.g., 12 signatures on one copy of the form and 13 signatures on another copy of the form).
4. Candidates shall file Nomination Petitions with the Chief Executive Officer no later than 5:00 p.m. on the deadline stated in the elections schedule. Candidates who file Nomination Petitions after the deadline will be disqualified.
5. If a candidate is nominated for more than one seat on the Board of Retirement, the candidate must designate the seat to which the candidate seeks election when filing nomination papers. Elections for the Seventh Member and the Alternate Seventh Member are considered elections for the same seat. Elections for the Eighth

Member and the Alternate Eighth Member are considered elections for separate seats. A candidate may not be certified for more than one seat on the Board of Retirement.

B. Ballot Designation

A Ballot Designation shall include the candidate's name as it is to appear on the ballot, and, at the option of the candidate, one of the following designations to be printed immediately after or below his/her name on the ballot:

1. Words designating the elected government office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people;
2. The word "incumbent" or "incumbent alternate" if the candidate is a candidate for the same office which his/her holds at the time of filing the nomination papers, and was elected to that office by a vote of the people;
3. No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.
4. The phrase "appointed incumbent" if the candidate holds an office by virtue of appointment, and the candidate is a candidate for election to the same office.

The Chief Executive Officer shall not accept a Ballot Designation that violates the restrictions set forth above. If the Chief Executive Officer finds the designation to be in violation, the Chief Executive Officer shall notify the candidate by email or registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's nomination petition. The candidate shall be notified within three (3) working days from the date of submission of any violations. The candidate shall, within three (3) working days from the date of notice of the violation, provide a designation that complies with the above requirements. However, if the violation is discovered less than six (6) days from the end of the nomination period, the candidate shall have only the time from the date of notice through the end of the nomination period to remedy the violations. In the event the candidate fails to provide a Ballot Designation that complies with the above requirements within the three-day period or before the end of the nomination period if

the violation was discovered with less than six days to the end of the period, no designation shall appear after the candidate's name.

C. Candidate's Statement of Qualifications

A Candidate's Statement of Qualifications ("Candidate Statement") shall be included in the voter pamphlet that is distributed with the ballot. (Elec. Code §13307.) The Candidate Statement shall be submitted in an appropriate format provided by the Chief Executive Officer as follows:

1. The Candidate Statement shall include no more than 400 words starting with the candidate's name. For purposes of counting the 400 words, ACERA uses the word count as calculated by Microsoft Word.
2. The Candidate Statement may also include the age and occupation of the candidate and a brief description of the candidate's education and qualifications.
3. The Candidate Statement shall not include the party affiliation of the candidate, or membership or activity in partisan political organizations.
4. The Candidate Statement shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities.
5. The Chief Executive Officer shall not cause to be printed or circulated any Candidate Statement that the Chief Executive Officer determines is not so limited or that includes any prohibited reference.
6. Such statement of qualifications shall be included in a voter's pamphlet, in type of uniform size, font and darkness and with uniform spacing, and distributed with ballots at no charge to the candidate.
7. Information contained in the Candidate Statement is the responsibility of the candidate and ACERA accepts no responsibility for the validity of the statement or the contents thereof.
8. The voter's pamphlet shall contain the following statement: "This handout may not contain a complete list of candidates. A complete list of candidates appears on

the ballot. Each candidate's statement is volunteered by the candidate and is printed as submitted."

9. The candidate must provide a hard copy of the Candidate Statement with the candidate's signature and an electronic copy in a format compatible with Microsoft Word to the ACERA Election Coordinator.
10. Candidate statements may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period, as specified in the election schedule. Candidate statements shall remain confidential until the expiration of the filing deadline.

D. Statement of Intent to Serve

The Statement of Intent to Serve ("The Statement") sets out the oath of office. The Statement states that if elected to the position for which the candidate was nominated, the candidate intends to serve on the Board of Retirement. The Statement shall be signed and dated by the candidate.

E. California Form 700 Statement of Economic Interests

California Government Code §§87200 and 87201 requires that candidates for an elected office who manage public investments file a Form 700, unless a candidate is a current trustee and has already filed a Statement of Economic Interests with ACERA for the election year. If the candidate cannot be certified by the last date of eligibility, ACERA will return the Form 700 to the candidate unfilled.

VII. CERTIFICATION

- A. In order for a candidate to be certified the following documents must be submitted and must meet the requirements as outlined in the Board of Retirement Election Information Packet and Board Elections Policy:

- Nomination Petition
- Ballot Designation
- Candidate's Statement of Qualifications
- Statement of Intent to Serve
- California Form 700 Statement of Economic Interests

The documents are due no later than the last date of the Nomination Period at 5:00 p.m. as stated in the election schedule, and there is no opportunity to amend the documents after that time.

- B. With respect to the nomination petition, within five (5) working days after the filing of a nomination petition (or as revised pursuant to the election schedule), the Chief Executive Officer shall validate that the petition is complete and bears at least twenty-five (25) valid signatures.

Candidates may resubmit their nomination petitions, if necessary, until the last date of the Nomination Period at 5:00 p.m. Candidates are encouraged to obtain more than the minimum number of required signatures, or file petitions early so that they have ample opportunity to obtain additional signatures, in the event a petition is insufficient.

- C. If only one candidate is certified for any designated seat, the Board of Supervisors shall order that no election be held and shall direct the Clerk of the Board of Supervisors to cast a unanimous ballot in favor of such nominated member. (Gov. Code §31523.)
- D. If no candidate is certified, the Chief Executive Officer shall notify the Board of Retirement, which shall reschedule the election.

VIII. PUBLIC REVIEW PERIOD OF CANDIDATE STATEMENTS

After all nomination documents are received and eligible candidates are certified, the Chief Executive Officer shall make a copy of the Candidate Statements available for public examination in the Retirement Association's Office for a period of ten (10) calendar days. The Chief Executive Officer shall also distribute all Candidate Statements to each candidate in the respective contest. During the ten (10) day public examination period, any voter or the Chief Executive Officer may seek a writ of mandate or an injunction requiring any or all of the material in the Candidate Statements to be amended or deleted.

IX. CAMPAIGNING

A. Campaign Guidelines

- I. Candidates shall comply with all Participating Employer rules and regulations concerning the use of equipment and resources (i.e., e-mail, inter-office mail, etc.) in the course of their campaign. Violations of this section may result in disqualification.

2. The provisions of the Civil Code relating to libel and slander are fully applicable to any campaign advertising or communication.
3. Candidates may voluntarily subscribe to the Code of Fair Campaign Practices found at Elections Code §20440. A copy of the Code of Fair Campaign Practices shall be distributed by ACERA to all persons requesting an Election Information Packet for each election. In no event shall any candidate be required to subscribe to or endorse the Code of Fair Campaign Practices.

B. *What's Up Newsletter*

1. ACERA will produce and distribute a *What's Up Newsletter – Election Edition* as close in time as possible to the distribution of the ballots. The purpose of this special *What's Up Newsletter – Election Edition* is to provide an opportunity to a candidate for an elected position on the Board of Retirement to communicate with his/her constituency, free of charge.
2. ACERA will inform each candidate that he/she may submit campaign materials to ACERA and that ACERA will include the material in the *What's Up Newsletter – Election Edition* publication. The Election Information Packet and the election schedule will include the deadline for submission of campaign material for the *What's Up Newsletter*. A candidate shall not make any changes to campaign material after the deadline nor submit campaign material after the deadline.
3. All submissions will be limited to no more than 500 words starting with the candidate's name. For purposes of counting the 500 words, ACERA uses the word count as calculated by Microsoft Word. Candidates will be informed that ACERA will assume no liability for the contents of the submitted materials and candidates will be required to sign a waiver of liability and indemnification agreement prior to acceptance of any materials.
4. While ACERA does not intend to censor the contents of the submitted materials, at no time will ACERA include materials that it deems to be inappropriate for distribution to ACERA members. Any dispute that arises regarding the content of submitted materials will be decided by the Elections Official and his/her decision will be final. Any additional communications, other than the information included in this publication, by the candidates to their constituency will be the responsibility of the candidates.

5. The *What's Up Newsletter – Election Edition* shall include the following disclaimer with respect to the campaign material: “This statement solely presents the views of the Candidate and does not represent an official statement of ACERA or its Board of Trustees. ACERA has neither approved nor confirmed the accuracy or the contents of this statement.”

X. BALLOTS

- A. The Registrar of Voters with guidance from the Chief Executive Officer shall prepare the ballots for the election. Ballots shall state that it is illegal to reproduce the ballot in any manner whatsoever. Any reproduction or distribution of ballots other than as allowed for by this Policy is expressly forbidden and shall render the ballots void.
- B. The ballot for the Retiree Board Member position shall also contain the names of candidates certified for the Retiree Alternate Board Member position under a separate heading.
- C. Except as expressly authorized herein, no other designation may be printed on the ballot.
- D. The Chief Executive Officer shall determine the order in which the names of the candidates are printed on the ballot by drawing lots after the deadline for filing Nomination Petitions.
- E. The Registrar of Voters shall mail a ballot, voter's pamphlet and self-addressed identification/return envelope first class to each eligible member no less than thirty-five (35) calendar days prior to the date established in the election schedule as the end of the election (or as revised pursuant to the elections schedule) to his/her last-known mailing address as it appears on the retirement record or other official record.
- F. The Registrar of Voters shall make replacement ballots (stamped with the word “reissue”) available on an individual basis to members claiming under penalty of perjury the loss or non-receipt of a ballot.
- G. Each voter shall sign the identification/return envelope and place his/her voted ballot in the secrecy envelope and then into the identification/return envelope, which shall be mailed or delivered to the Registrar of Voters.

- H. The Registrar of Voters must receive all ballots no later than 5:00 p.m. on the third Wednesday in December (or as revised pursuant to the elections schedule), except as otherwise provided by law, or this Policy.
- I. Ballots shall be void if:
 - 1. Received after Election Day;
 - 2. A duplicate ballot is cast;
 - 3. The signature of the voter is not on the return envelope underneath the pull tab.
 - 4. The signature or initials of the voter is on the ballot itself;
 - 5. It is not possible to determine who submitted the ballot;
 - 6. It was submitted in the same envelope with other ballots; and/or
 - 7. The voter's intent cannot be determined.
- J. Ballots determined to be void under section X.I., above, shall be marked as such and shall not be counted by the Registrar of Voters in the canvassing process. The Registrar of Voters will deliver ballots marked as void to the Chief Executive Officer on the day designated for counting ballots.

XI. COUNTING OF BALLOTS

- A. Upon receipt of the voted ballots, the Registrar of Voters or his/her designated representative(s) shall verify the names on the identification/return envelopes by checking the names against the Association's list of eligible members.
- B. The Registrar of Voters shall count the ballots substantially in accordance with applicable statutes and procedures. The Registrar of Voters shall certify the results of the election no later than the day following the canvassing of the ballots (or as revised pursuant to the elections schedule) and deliver the certified results to the Chief Executive Officer who shall transmit said certification to the Board of Supervisors.

- C. The candidate receiving the highest number of votes for the seat designated on the ballot shall be declared elected to that seat, except for the seat of the Alternate Seventh (Safety) Member.

The Alternate Seventh Member must be a safety member from a group other than a group represented by the Seventh Member. The Alternate Safety shall be that candidate, if any, from the group as described in §§31740.2 and 31740.4, and any other eligible safety member if there is no eligible candidate from the groups under §§31470.2 and 31470.4. If there is no eligible candidate there may not be an alternate member. (Gov. Code §31520.1(b).)

The duly elected candidate shall serve for a term of three (3) years from and after January 1st of the year following the election.

XII. RECOUNT

Within five (5) calendar days of certification of the election results by the Registrar of Voters (or as revised pursuant to the elections schedule), a candidate may upon written application to ACERA, which ACERA will submit to the Registrar of Voters, request a recount of all ballots to be conducted by the Registrar of Voters. Prior to the requested recount, the Registrar of Voters shall determine the cost for conducting such a recount. The candidate requesting the recount shall deposit this amount with the Registrar of Voters prior to the recount. Money so deposited shall only be returned to the depositor if, upon the completion of the recount, the candidate requesting the recount is found to have received a plurality of all votes cast. The recount shall be conducted in the same manner as the original count.

XIII. OATH OF ALLEGIANCE AND SWEARING IN ELECTED MEMBERS

- A. Newly elected members of the Board of Retirement shall sign the Oath or Affirmation of Allegiance in the presence of a notary public at ACERA's office prior to serving on any Committee and/or Board meeting in January. Alternatively, the Oath can be signed at the Alameda County Clerk of the Board of Supervisors office.
- B. Newly elected members of the Board of Retirement shall be sworn in by the Alameda County Clerk of the Board of Supervisors or his/her representative, a notary public, Judge or Commissioner no sooner than January 1 and no later than the first regularly scheduled Board meeting in January.

XIV. FILLING VACANCIES

If a vacancy in an elective seat on the Board of Retirement occurs, a successor shall be elected in the same manner as his/her predecessor at the earliest possible date. Upon official notification of a vacancy, the Board of Retirement shall adopt a resolution calling for an election, unless the Board determines that holding an election before the next regularly scheduled election for the vacant seat is not reasonably possible. The vacancy shall be filled for the duration of the current term except that, if the remaining portion of the current term is six months or less on the date of the election, a single election may be held to fill the vacancy for the remainder of the current term and to fill the position for the succeeding term. (Gov't Code §31523). Nominations and voting shall be substantially in the manner prescribed for a regular election. The candidate receiving the highest number of votes for the vacated seat shall be declared elected to that seat. Such candidate shall serve for the remainder of the unexpired term from and after the first day of the first month following the declaration of his/her election.

XV. POLICY REVIEW

The Governance Committee, or other committee designated by the Board, shall review this Policy at least every three (3) years. The Committee shall make recommendations to the Board concerning any improvements or modifications it deems necessary.

XVI. POLICY HISTORY

- A. The Board reviewed and revised this Policy on April 21, 2022.¹

¹ The Board adopted this Policy on July 17, 2003. Amendment dates were October 19, 2006; August 16, 2007; August 21, 2008; August 20, 2009; December 15, 2011; March 21, 2013; April 17, 2014; June 18, 2015; July 20, 2017. Review date without revisions was August 15, 2019.

2022 Governance Committee Work Plan

Meeting Month	Policies To Review	Last Reviewed
April 2022	<ul style="list-style-type: none">◦ Board and Committee Operations Policy◦ Board Elections Policy	August 15, 2019 August 15, 2019
June 2022	<ul style="list-style-type: none">◦ Board Policy Development Process◦ Board of Retirement Charter	August 15, 2019 September 10, 2014
September 2022	<ul style="list-style-type: none">◦ Conflict of Interest Policy◦ Conflict of Interest Code◦ Remote Access to Meeting Policy	November 21, 2019 November 21, 2019 November 21, 2019