



AGENDA REPORT

TO: Oakland Police and Fire
Retirement System Board
(PFRS)

FROM: David F. Jones
Secretary and Plan
Administrator

SUBJECT: Election of 5-Year Police
Department Representative
Board Position

DATE: May 31, 2023

SUMMARY

The 5-year police representative board seat currently held by Robert W. Nichelini is set to expire on August 31, 2023. Pursuant to the PFRS election guidelines outlined in **Article 11** of the PFRS Rules and Regulations, an election for this board seat will be conducted by the Staff of the PFRS board with the assistance of the City Clerk's office.

BACKGROUND

Robert W. Nichelini, a retired PFRS Police Member, was elected to the 5-year elected term as the PFRS 5-year member. Member Nichelini's board seat is set to expire on August 31, 2023, and a 5-year police member will need to be elected to this seat from the retired police membership.

Following the PFRS rules & regulations section 11.2, the PFRS staff will inform the Retired Oakland Police Officers Association (ROPOA) of the upcoming board vacancy and deliver to them the election schedules and nomination forms.

Should no more than one (1) nomination form be received by the nomination form submission deadline of 5 pm, July 19, 2023, then the single nominee will be automatically elected to the nominated position; an election would otherwise follow on August 23, 2023. The elected board member will begin the new term at the September 2023 Board Meeting.

Attachment (1): *Rules & Regulations - Excerpt of Election*
Attachment (2): *Nomination Form - 5-Year Position (Police)*

Agenda Item C2
PFRS Board Meeting
May 31, 2023

The following timeline shows the due dates for nominees and PFRS staff during this election cycle:

- Last day for furnishing the ROPOA a notice stating that nominating papers may be obtained from the Retirement Systems office..... June 1, 2023
- Last day for filing nominees to submit nominating papers to the City Clerk's Office..... July 19, 2023
- Last day for City Clerk to certify to Office of the PFRS Board the names of members nominated..... July 19, 2023
- Last day for mailing of ballots to members..... August 14, 2023
- Last day for delivering to City Clerk the Roster of Police Department..... August 14, 2023
- Ballots due to City Clerk no later than 10 am..... August 23, 2023
- Day for counting of ballots by City Clerk..... August 23, 2023

Respectfully submitted,



David F. Jones
Secretary and Plan Administrator
Oakland Police and Fire Retirement System

Attachment (1): Rules & Regulations - Excerpt of Election
Attachment (2): Nomination Form - 5-Year Position (Police)

ATTACHMENT 1

*Rules & Regulations
Excerpt of Election
Article 11*

OAKLAND POLICE AND FIRE RETIREMENT SYSTEM

RULES AND REGULATIONS

Article 11: ELECTION OF MEMBERS OF THE BOARD REPRESENTING RETIRED MEMBERS OF THE RETIREMENT SYSTEM

Section 11.1: Day for Counting of Ballots

The fourth Wednesday in August of the year in which such election is required to be held is hereby the day for counting of ballots.

In the event of a vacancy of one or more of the elected PFRS Retirement Board seats before the completion of the full term, the day for counting ballots for the election to fill the vacant PFRS Retirement Board seat shall be the fourth Wednesday of the month that follows 90 days after the date of being informed of the vacancy.

Section 11.2: Notice of Nomination

On or before the first business day in June of each year in which an election is required, the office of the Police and Fire Retirement Board shall send a notice stating that nomination papers may be obtained at the office of said Police and Fire Retirement Board, the place where nomination papers shall be filed and the final date of filing thereof, the date when ballots will be counted and such other information as may be appropriate to the following organizations:

- Retired Oakland Police Officers' Association (ROPOA)
- International Association of Fire Fighters, Local 55 (IAFF Local 55)

In the event of a vacancy of one of the elected PFRS Retirement Board seats before the completion of the full term, the office of the Police and Fire Retirement Board shall send notice as stated above no later than ten (10) calendar days after the date of being informed of the vacancy.

Section 11.3: Nomination for Membership

Nomination for membership on the Police and Fire Retirement Board from the retired membership of the Police and Fire Department shall be in writing on forms supplied by the office of said Police and Fire Retirement Board upon request. Nomination papers shall be substantially in the form shown in Appendix A. Nomination papers shall be signed by at least ten retired members of the Police or Fire Department, as the case may be, who are members of the POLICE AND FIRE RETIREMENT SYSTEM, other than the person nominated. Each signatory of a nominating paper shall write the date of his/her signature at the end of the line opposite his/her signature. Beneficiaries of deceased members are not eligible to vote in elections.

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Section 11.4: Date of Filing Nomination Papers

Nominating papers shall be filed in the Office of the Oakland City Clerk, Room 306 of the Oakland City Hall, not less than thirty-five days before the day of counting ballots. If said date falls on a non-business day for the City of Oakland, it shall be filed on the next business day.

Section 11.5: Determination of Sufficiency of Nominating Papers

The City Clerk of the City of Oakland will determine when a member is nominated and for this purpose shall have access to the records of the Police and Fire Retirement Board the names of those retired members of the respective departments determined by him to have been nominated.

Section 11.6: Winner by Default

In the event that only one person is nominated in accordance with this Article 11 as a member of the Board, that person shall be declared a winner.

Section 11.7: Mailing of Ballots

Not less than fifteen days before the day for the counting of the ballots that shall be prepared by and mailed for the office of the Police and Fire Retirement Board to each retired member of the Police Department of Fire Department who is a member of the Police and Fire Retirement System a ballot addressed to his or her address as shown by the records of the Police and Fire Retirement Board. The Ballots shall contain the names in alphabetical order of the candidates certified by the City Clerk as nominated. Such ballot, sealed in a blank envelope provided for this purpose, which shall be enclosed in another envelope, also provided for such purpose, upon which the voter shall place his or her name, may be returned to the City Clerk not later than 10:00 a.m. of the day for the counting of ballots.

Section 11.8: Roster of Eligible Voters

There shall be prepared in the office of the Police and Fire Retirement Board a roster of eligible voters which shall contain the names of the retired members of the Police or Fire Department who are members of the Police and Fire Retirement System, excluding beneficiaries of deceased members. Such roster of eligible voters shall be delivered to the City Clerk not less than fifteen days before the day for the counting of ballots and shall be in such form as to permit appropriate asking thereon by the City Clerk to indicate that an eligible member has voted.

Section 11.9: Counting of Ballots

On the day for the counting of ballots at the hour of 10:00 A.M. thereof, the ballot box shall be opened and no ballot received after said hour shall be counted. The ballots will be counted under the

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supervision and control of the City Clerk in such manner that the identity of the individual casting any ballot will not be disclosed. No ballot shall be counted unless it is enclosed in an envelope bearing the name of the voter. No ballot shall be counted which contains a vote for a person not nominated in accordance with Article 12. Upon the conclusion of the counting of the ballots, the City Clerk will certify the count and the candidate elected and notify each candidate thereof by mail.

Section 11.10: Vote Necessary for Election

The candidate receiving the highest number of eligible votes shall be declared elected.

Section 11.11: Disposition of Ballots after Counting

Upon conclusion of the counting of the ballots they shall be kept by the City Clerk in the manner and for the period the ballots of municipal elections are kept.

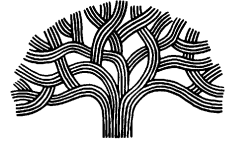
Section 11.12: Procedure to Fill Vacancy of Elected Members

In the event a vacancy occurs before the end of a full term in any of the three (3) elected offices of the Board which are filled by retired members of the Retirement System, a successor shall be elected for the unexpired portion of the term vacated. The successor shall be elected from the same department of the member who is vacating the seat for the remainder of said unexpired three (3) year, or five (5) year, term. The election shall be governed by Article 11.

ATTACHMENT 2

Nomination Form Police Department Representative 5-Year Position

CITY OF OAKLAND



150 FRANK H. OGAWA PLAZA, SUITE 3349 • OAKLAND, CALIFORNIA 94612-2021

Finance Department
Treasury Bureau
Retirement Unit

PHONE (510) 238-7295
FAX (510) 238-7129
CA RELAY 711

OAKLAND POLICE AND FIRE RETIREMENT BOARD NOMINATION FORM

I/We, the undersigned, am/are a retired member(s) of the Oakland Police Department, and a member(s) of the Oakland Police and Fire Retirement Systems. I/we hereby nominate _____, a
PRINT NOMINEE NAME HERE
retired member of the Oakland Police and Fire Retirement Systems, as a candidate for membership on the Police and Fire Retirement Board from the retired membership of the Oakland Police Department for the term expiring August 31, 2023.

	<u>Name</u> (please print clearly)	<u>Signature</u>	<u>Date</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

I accept the nomination and consent to serve, if elected.

Signature of Nominee

Date

NOTE: This nomination paper must be signed by 10 retired members of the Oakland Fire Department who are **also members** of the Police and Fire Retirement System. The person nominated must also be a retired member of the Oakland Fire Department and a member of the Oakland Police and Fire Retirement System. Before filing, the person nominated must sign the above statement accepting the nomination and consenting to serve if elected. Nomination papers must be filed in the Office of the City Clerk, One Frank Ogawa Plaza, 2nd floor, Oakland, CA, no later than 5:00 p.m., Wednesday, July 19, 2023