

# **CITY OF ORLANDO**

## **FIREFIGHTERS' PENSION BOARD**

### **POLICY AND PROCEDURES**

#### **POLICY #XXX**

#### **PENSION TRUSTEE ELECTIONS PROCEDURE**

1. The Orlando Firefighters Pension Board of Trustees (the "Board") is made up of two individuals appointed by the City Council and two members elected by a majority of the firefighters who are members of the Orlando Firefighters Pension Fund (the "Plan"). The four Board members vote on the fifth member. Trustee elections will be conducted in accordance with Florida State Statutes and the Plan contained in Chapter 12, Articles II and III of the Orlando City Charter. The trustees elected under these procedures shall serve a term of two years. The trustees may succeed themselves in office if they are reelected by the membership in subsequent years. Elections shall be held every two years with the goal of having the trustees take office prior to October 1st in the year in which the election is held. The Board will oversee the trustee election and by this Policy delegates the responsibility for running the election to the Fire Department in accordance with the Policy. Only active City of Orlando firefighters may vote in the elections. This includes probationary firefighters. Retired firefighters are excluded from voting, including active firefighters who are participating in the DROP.
2. At the June meeting in the year when an election is held, the Board should set the date range for an election to be held before September 1 (30 days before term end date). At the same time, the Board shall set the date range for a run-off election to be held before September 15 (at least 15 days before term end date).
3. As soon as practical after the June meeting in the year when an election is held (at least ninety (90) days before the end of the term), the Fire Department shall take the following actions:
  - a. Notice of the election and run-off election should be given by posting a Notice on all bulletin boards in the Fire Department where notices to employees are posted, and by requesting the Department to publish the Notice in any newsletter delivered to firefighters. The Notice shall include:

- i. The date the Trustee's term expires – October 1;
  - ii. A request for candidates to submit a written notice of their candidacy to the Board of Trustees by August 1; and
  - iii. The date range for the election and, if necessary, the run-off election.
- 4. The voting period for the election shall last at least seven (7) days. The voting period for the run-off election shall last at least three (3) days.
- 5. Each prospective candidate must submit his or her name to the Plan Administrator in writing no later than August 1 before the date of the election, and no earlier than May 1, or by such other time as set by the Board. Candidates shall submit their written submissions for the ballot using their proper legal names. If desired, they may also include nicknames that will appear on the ballot in parentheses between the first and last names (example: William (Bill) Jones).
- 6. By August 15, the Fire Department shall certify those prospective candidates who are full-time firefighters and eligible to be elected as a trustee. These are the only candidates eligible for election; there shall be no write-in candidates. If no more than two candidates are certified by the Fire Department, an election will not be necessary, and the Fire Department shall notify the Board and Plan members accordingly.
- 7. At least five (5) days prior to the start of the voting period, the Fire Department shall communicate to all Plan members the names of the candidates who will appear on the ballot as well as information necessary to vote during the voting period, including the dates of the voting period and the method of sending and receiving electronic ballots.
- 8. Candidates may issue election campaign information to members of the Plan.
- 9. All ballots will be sent to Plan members in an electronic format at the start of the voting period using the application Survey Monkey, Google Form, or other application chosen by the Fire Department. All candidates will be listed in alphabetical order on the ballot according to their last name. All members shall receive their ballots through their city issued email. Members shall submit their ballots electronically through the format established by the Fire Department. Absentee ballots will not be accepted since the voting period will be open for at least seven (7) days and the electronic voting process does not require physical presence at a polling location.

10. Each member of the plan may vote for no more than two (2) candidates. A plurality of votes cast during the voting period shall determine the election of the trustees to the Board.
11. At the end of the election period, the ballots shall be tabulated in public. The Fire Department shall verify that each ballot was received from an eligible voter. Any irregular ballots, including those from an ineligible email address shall not be counted, but shall be kept separately. The results of the election shall be turned over to the Board by the Fire Department with a tally of the election results.
12. The two candidates with the most votes win the election. In the event of a tie (except in the case of a tie between the two (2) candidates receiving the most votes), a run-off election shall be conducted. The Fire Department shall communicate all necessary instructions for the run-off election to all Plan members as soon as reasonably possible prior to the date of the run-off election. In the case of a tie where the tie exists between the two (2) candidates receiving the highest number of votes, a run-off election will not be necessary and both candidates will win the election.
13. The Fire Department shall certify the results of the election and notify the plan members of the results no later than five (5) days after the end of the voting period. The outcome of the election shall be presented to the Board at the next meeting.
14. Any candidate who wishes to challenge the voting results or the election process must do so in writing within five (5) days of the notification of the election results. All challenges must be in writing and shall be submitted to the Plan Administrator. The written challenge shall indicate the specific grounds for the challenge and relief requested. The Plan Administrator shall prepare a report to the Board in the event of a challenge, detailing the basis for the challenge. A challenge shall not stop a run-off election from being held.
15. If any challenges have been submitted, the Board shall conduct a special meeting to review the challenges. At the conclusion of the special meeting the Board shall either vote to approve the election results and seat the newly elected members, or vote to uphold the challenge request. If the challenge is upheld, the Board shall issue the appropriate remedial action up to and including the holding of another election. If a new election is needed, the Fire Department will conduct the new election within thirty (30) days of the Board's decision and will do so in accordance with all procedures established in this policy. Any candidate may seek review of the pension board decision by filing a timely writ of certiorari with the Clerk of the Ninth Judicial Circuit in and for Orange County, Florida.
16. A report of the results of the electronic voting process shall be filed in the records of the Plan Administrator.

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

- a. If the vacancy is for a trustee who was elected by a majority of the firefighters who are members of the Plan, and the vacancy occurs less than ninety (90) days before the Trustee's term was due to expire, the vacancy shall be filled at the next regular election as provided by this Policy. Otherwise, the vacancy shall be filled for the unexpired portion of the term by a new election as provided in this Policy. The Board may reduce the time required for notice of the election, notice of candidacy, or other time limits to expedite a new election.

18. All days mentioned in this Policy are calendar days.

The preceding pension trustee electronic election procedures are hereby adopted by the Board of Trustees on this \_\_\_\_ day of \_\_\_\_\_, 2022. This policy replaces and supersedes any prior Board policies or procedures governing the electronic election process for trustees.

REVIEWED with changes at a regular meeting of and by the Orlando Firefighter Pension Board of Trustees at Orlando, Florida the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Chairman