

CAPE CORAL FIREFIGHTERS' PENSION FUND

RULES AND REGULATIONS FOR SELECTION OF TRUSTEES

A. **Board Composition.** The Board of Trustees consists of five Trustees:

1. Two Firefighters elected by a majority of the Firefighter members in the Plan;
2. Two City residents appointed by the City of Cape Coral Council; and
3. A fifth Trustee elected by the other four.

All Trustees have four year terms. Both Firefighters shall have staggered terms and both City Residents shall have staggered terms. The fifth (5th) appointed position of the Pension Board shall be filled at the Pension Board Meeting following the September election in the year that the term expires, unless a vacancy occurs.

B. Elections for Employee Trustees

1. Setting Date for Election of Employee-Trustees. All elections will be held in September of the year in which the term expires.
2. Notice of Candidacy. In August of the election year, the Pension Plan Administrator will send out a notice of nominations to all members of the Plan which will provide for a nomination period. Members can be nominated by another member or a member may nominate themselves. If nominated by another member, the member will confirm their intention to run for the Trustee position by submitting a (signed/dated) letter of interest to the

Pension Plan Administrator no later than two (2) weeks prior to the elections. Members failing to submit a letter of interest within the proper time period shall not be qualified to be placed on the election ballot by the Pension Plan Administrator.

3. List of Eligible Candidates. The names of the qualified nominees shall be verified and sent out by the Pension Plan Administrator to be posted in all fire stations, the Fire Chief's Office and faxed to the Union Office one (1) week prior to the election, along with the date, time, and location of elections. If only one candidate is certified, the election will not be held and the certified candidate will be deemed elected.
4. Election Judges. The Pension Plan Administrator shall act as the election judge to monitor the ballot box, to maintain the ballots, and to count the ballots.
5. Election Procedure.
 - a) Election for Employee-Trustees shall be by secret ballot. As soon as the polls have closed on the election date, the ballots shall be counted in public. As each ballot is counted, the judge(s) shall verify that each ballot is an official ballot. Ballots not clearly marked, any ballots with more than one vote, and any ballots that were not official shall not be counted, but shall be kept separately. All ballots shall be turned over to the Board of Trustees by the judge(s) with a tally of the election results.
 - b) Run-off Election. If no candidate receives a majority of the vote as

determined by the judge(s), a run-off election shall be held. Only the top two (2) vote getters shall be candidates for the run-off election. In the event of a tie vote among the top two (2) vote getters, the candidates who are tied shall be on the run-off ballot.

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

d) Certification of Election Results.

(1) The Board of Trustees shall certify the election results.

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

C. Selection of City Resident Trustees. Notice shall be given in writing to the Mayor and City Clerk regarding the need for the appointment of the City Resident Trustees. The Notice shall include:

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

D. Election of Fifth Trustee.

1. Nominations. At least sixty (60) days before the end of the term of the Fifth Trustee, the Board of Trustees should accept nominations from the Employee-Trustees and the City-Trustees for a Fifth Trustee.
2. Election Procedure. At the first meeting following the September election of

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

E. Mid-Term Vacancy.

1. Declaring Vacancy. If a Trustees resigns, is removed or becomes ineligible to serve, the office of that Trustee is considered vacated.
2. Notice of Vacancy. If a vacancy occurs for any of the Pension Board positions, members shall be notified by the Pension Plan Administrator no later than five (5) working days (Monday-Friday) after the Pension Plan Administrator has been notified of such vacancy. The City and the Union agree to fill such vacant position(s) at the earliest convenience. Vacancies shall be filled in accordance with Article 29.
3. Filling of Vacancies. If the vacancy occurs less than ninety (90) days before the Trustee's term was due to expire, the vacancy shall be filled at the next regular election as provided in these Rules and Regulations. Otherwise, the vacancy shall be filled for the unexpired portion of the term by a new election as provided in these Rules and Regulations. The Board of Trustees may reduce the time required for notice of the election, notice of candidacy, or any other time limits to expedite a new election.

These RULES AND REGULATIONS FOR THE SELECTION OF TRUSTEES are
amended and readopted by the Board of Trustees of the FUND NAME Pension Fund, this
_____ day of _____, 20__.

TRUSTEES

Witnessed by: _____

BSJ