

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.
04-2115

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

January 18, 2005

Councilmember Parks
Councilmember Miscikowski
City Administrative Officer
Chief Legislative Analyst
City Attorney
Department of Fire and Police Pension
Board of Fire and Police Pensions Commissioners
City Clerk, Elections Division

(CORRECTED LETTER -
SEE COUNCIL HELD DATE)

RE: PROPOSED REVISIONS TO ELECTION PROCEDURES FOR THE BOARD OF FIRE AND
POLICE PENSIONS ELECTED RETIRED BOARD MEMBERS

At the meeting of the Council held December 17, 2004, the following action
was taken:

Attached report adopted.....	X
Attached motion (Parks - Miscikowski) adopted.....	X
Attached resolution adopted().....	
Motion adopted to approve attached report.....	
Motion adopted to approve attached communication.....	
FORTHWITH.....	
Ordinance adopted.....	X
Ordinance Number.....	176349
Publication date.....	12/27/04
Effective date.....	12/27/04
Mayor vetoed.....	
Mayor approved.....	12/22/04
To the Mayor FORTHWITH.....	X

Frank T. Martinez

City Clerk
SOS

steno/042115b

PLACE IN FILES
JAN 21, 2005
DEPUTY
R

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

BUDGET AND FINANCE Committee

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments:	<u>X</u>	<u> </u>

BUDGET AND FINANCE COMMITTEE REPORT relative to proposed revisions to election procedures for the Board of Fire and Police Pensions elected retired Board members.

Recommendations for Council action:

1. APPROVE revisions to the election procedures for the two elected retired members of the Board of Fire and Police Pensions as identified in the City Clerk's report, dated November 1, 2004, attached to the Council file.
2. REQUEST the City Attorney to prepare and present a draft Ordinance amending the Los Angeles Administrative Code, Division 23, Chapter 5, Article 5.5, to incorporate the proposed revisions to the election procedures for the Board of Fire and Police Pensions retired Board members.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

SUMMARY

At its meeting of December 7, 2004, the Budget and Finance Committee considered Department of Fire and Police Pensions and City Clerk reports relative to proposed revisions to the election procedures for the Board of Fire and Police Pensions retired Board members. The Department of Fire and Police Pensions reports that elected retired members were added to the Board in July, 2000. Based on department and City Clerk experience in conducting four retired member elections since that time, the Board is recommending changes to streamline the election process and reduce election costs. On October 19, 2004, City Clerk staff met with Fire and Police Pensions representatives to discuss further changes to the Board's proposed revisions. The City Clerk's report identifies the proposed revisions agreed upon by both the Board and the City Clerk.

The Budget and Finance Committee recommended approval of the proposed revisions to the election procedures for retired members of the Board of Fire and Police Pensions as identified in the City Clerk report dated November 1, 2004. The Committee additionally recommended that the City Attorney be requested to prepare and present a draft Ordinance amending Division 23, Chapter 5, Article 5.5 of the LAAC, to incorporate the proposed revisions to the election procedures. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,

BUDGET AND FINANCE COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
PARKS:	YES
MISCIKOWSKI:	ABSENT
CARDENAS:	YES
SMITH:	YES
GARCETTI:	ABSENT

LB
#042115
12/9/04

Richard C. Loh
Greg Loh
Tony Cardenas

Rpt
ADOPTED

DEC 15 2004

LOS ANGELES CITY COUNCIL

Ord to be presented - Dec. 17
See Attached Motion

FORTHWITH

ORD.
ADOPTED

DEC 17 2004

LOS ANGELES CITY COUNCIL

TO the MAYOR FORTHWITH

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the recommendations contained in the Budget and Finance Committee report (Item No. 21, CF 04-2115) relative to proposed revisions to election procedures for the Board of Fire and Police Pensions elected retired Board members and CONTINUE consideration of the Ordinance prepared by the City Attorney to FRIDAY, DECEMBER 17, 2004.

PRESENTED BY _____

BERNARD C. PARKS
Councilmember, 8th District

SECONDED BY _____

CINDY MISCIKOWSKI
Councilmember, 11th District

December 15, 2004

CF 04-2115

Motion
ADOPTED

DEC 15 2004

LOS ANGELES CITY COUNCIL

FORTHWITH

ORD
ADOPTED

DEC 17 2004

LOS ANGELES CITY COUNCIL

to the MAYOR FORTHWITH

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

04-2115

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
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HELEN GINSBURG
Chief, Council and Public Services Division

December 16, 2004

PLACE IN FILES

JAN - 6 2005

DEPUTY

Councilmember Parks
Councilmember Miscikowski
City Administrative Officer
Chief Legislative Analyst
City Attorney
Department of Fire and Police Pension
Board of Fire and Police Pensions Commissioners
City Clerk, Elections Division

RE: PROPOSED REVISIONS TO ELECTION PROCEDURES FOR THE BOARD OF FIRE AND
POLICE PENSIONS ELECTED RETIRED BOARD MEMBERS

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Mayor vetoed.....	
Mayor approved.....	12/22/04
To the Mayor FORTHWITH.....	X

Frank T. Martinez

City Clerk
SOS

steno/042115a

11/6/05



36

OFFICE OF THE MAYOR
RECEIVED
Mayor's Time Stamp
2004 DEC 21 PM 12:36
CITY OF LOS ANGELES

TIME LIMIT FILES
ORDINANCES

FORTHWITH

City Clerk's Time Stamp
RECEIVED
CITY CLERK'S OFFICE
2004 DEC 21 PM 12:32
BY _____
CITY CLERK
DEPUTY

COUNCIL FILE NUMBER 04-2115

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE December 17, 2004

LAST DAY FOR MAYOR TO ACT JAN 03 2005

ORDINANCE TYPE: Ord of Intent Zoning Personnel General
 Improvement LAMC X LAAC CU or Var Appeals - CPC No

SUBJECT MATTER: AMENDING THE LOS ANGELES ADMINISTRATIVE CODE (LAAC) TO STREAMLINE THE PROCESS FOR THE ELECTION OF RETIRED ELECTED MEMBERS OF THE BOARD OF FIRE AND POLICE PENSION COMMISSIONERS

RECOMMENDATIONS:

APPROVED DISAPPROVED

PLANNING COMMISSION

DIRECTOR OF PLANNING

CITY ATTORNEY

 X

CITY ADMINISTRATIVE OFFICER

OTHER: _____

CITY CLERK'S OFFICE
2004 DEC 22 PM 3:46
BY _____
CITY CLERK
DEPUTY

DEC 22 2004

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO: _____
*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 29

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR 12-22-04 ORDINANCE NO. 176349

DATE PUBLISHED 12-27-04 DATE POSTED _____ EFFECTIVE DATE 12-27-04

ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: Yes [] No []

ORDINANCE NO. 176349

An Ordinance amending Chapter 5, Article 5.5, of the Los Angeles Administrative Code to streamline the process for the election of retired elected members of the Board of Fire and Police Pension Commissioners and reduce election costs.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Chapter 5, Article 5.5, of the Los Angeles Administrative Code is amended to read in its entirety as follows:

CHAPTER 5, ARTICLE 5.5

RETIRED ELECTED MEMBERS OF THE BOARD

Section

- 23.103.12 Term of Office.
- 23.103.13 Definitions.
- 23.103.14 Elections: General.
- 23.103.15 Nomination of Candidates.
- 23.103.16 Notice of Election.
- 23.103.17 Observers.
- 23.103.18 Voting Procedure.
- 23.103.19 Verification of Identification Envelopes.
- 23.103.20 Ballot Tally.
- 23.103.21 Certification and Report of Results.
- 23.103.22 Unexpired Term.
- 23.103.23 Recall Procedure.
- 23.103.24 Rules and Regulations.
- 23.103.25 Protests.

Sec. 23.103.12. Term of Office. The terms of the two retired elected members of the Board of Fire and Police Pension Commissioners shall be five years beginning on the first day in July of the year of their respective elections. One retired member will be

elected by eligible retired members of the Fire Department, and one by eligible retired members of the Police Department.

Sec. 23.103.13. Definitions. For purposes of this Article the following words and phrases shall have the meaning ascribed to them in this section, unless a different meaning is clearly indicated by the context.

“Board” shall mean the Board of Fire and Police Pension Commissioners.

“Department” shall mean the Department of Fire and Police Pensions.

“Retired Member of Fire Department” shall mean a person who meets the definition contained in Charter Section 1202(f).

“Retired Member of Police Department” shall mean a person who meets the definition contained in Charter Section 1202(f).

Sec. 23.103.14. Elections: General. The City Clerk shall conduct all elections. The Board shall reimburse the City Clerk for all necessary expenses incurred by the City Clerk in the administration of any election of retired members of the Fire and Police Departments to serve on the Board. The election shall be held by the 4th Tuesday in May of any year in which the term of office of a retired elected member of the Board expires. The first election for the Fire and Police Pension Board retired elected members shall be held by May 23, 2000.

Eligible voters shall be only those who are retired members of the Department from which the candidate retired. The General Manager of the Department will provide the City Clerk with a list of all eligible retired members as of 30 days prior to the election. The list shall contain the name, address and other identifying information of each eligible retired member of the Plan, as of the date specified in the Calendar for Election.

The City Clerk will mail to all such members notification that candidates are being sought to run for the position of retired member of the Board. A supplemental list of voters who lost membership after the first list was prepared will be provided to the City Clerk as of the date of the election by the General Manager of the Department. Such lists shall be in electronic format specified by the City Clerk. The General Manager of the Department shall certify the lists and formally transmit the same to the City Clerk.

Sec. 23.103.15. Nomination of Candidates. Retired members interested in becoming a candidate must submit a Notice of Intent to run for office in writing to the City Clerk by the due date contained in the notification in order to have their names placed on the ballot. Along with the submission of the Notice of Intent, interested candidates have the option to include an occupational ballot designation and a typewritten statement of qualifications for office for the provision of information to the electorate. The occupational ballot designation shall be printed immediately under that

candidate's name and shall consist of a three word designation of either (A) the current principal profession, vocation or occupation of the candidate, or (B) the principal profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of the candidate's Notice of Intent to become a candidate. A candidate who is running for the same elective office which that person currently holds shall also have "(Incumbent)" printed on the ballot, immediately after that person's name. The statement of qualifications for office may include information on education, work experience, years of service, date of retirement, and other relevant qualifications and shall not exceed 250 words in length.

Interested candidates may submit their candidate packet composed of the Notice of Intent to run for office, the optional occupational ballot designation and the optional statement of qualifications to the City Clerk by United States mail. Alternatively, interested candidates may personally deliver their candidate packet to the City Clerk during regular hours in the seven business days preceding the specified due date. In either case, the candidate packet must be received by the City Clerk no later than 5:00 p.m. of the specified due date. Should any candidate fail to submit an occupational ballot designation or a statement of qualifications by the specified due date, the appropriate sections for the occupational ballot designation and qualification statement will be blank. The Department will provide a disclaimer stating that neither the Department nor the City Clerk has verified the accuracy of the information contained in the candidates' qualification statements. Qualification statements that are submitted by the due date will be printed by the City Clerk and mailed with the ballot at no expense to the candidate.

Prior to the election, the City Clerk shall conduct a public drawing of the letters of the alphabet. The order in which the letters are drawn shall constitute the random alphabetical order by which the surnames of the candidates shall be arranged on the ballot. Each ballot shall contain the name of each candidate who has qualified in accordance with this section. There shall be a blank space beneath these names in which the voter may write the name of any retired member of the applicable Department not printed on the ballot and for whom the retired member wishes to vote.

Sec. 23.103.16. Notice of Election. Not more than ninety (90) nor less than sixty (60) calendar days prior to the election, the Board shall notify the City Clerk of the fact of such election. Not more than thirty (30) nor less than twenty (20) calendar days prior to the election, the Board will cause to be prepared a Notice of Election specifying the date thereof, a sample ballot containing the name of each candidate who has qualified for a place on the ballot in accordance with Section 23.103.15, rules concerning eligibility to vote, and such additional information and instructions as the City Clerk may determine. A copy of the notice and sample ballot shall be posted in the Office of the City Clerk.

Sec. 23.103.17. Observers. Candidates whose names appear on the ballot may each designate not more than two (2) observers at the tally center to observe that ballots are properly cast and votes are properly counted. Names of observers shall be

presented to the City Clerk not less than three (3) calendar days prior to the election. Observers so designated shall wear identification badges at all times and shall be subject to such regulations as the City Clerk shall prescribe.

Sec. 23.103.18. Voting Procedure. The City Clerk shall have ballots printed and mailed to each eligible member on the mailing list roster provided by the Department. The mailing shall be completed not less than ten (10) calendar days prior to the date of the election. Those members who become eligible through retirement within thirty (30) days prior to an election, who wish to vote in such election, shall present themselves in the office of the City Clerk not earlier than seven business days prior to, and not later than 5:00 p.m. of the day of the election with a certificate from the Department on a form approved by the City Clerk verifying the fact of their eligibility to vote. The City Clerk will allow such members to vote.

Each ballot packet mailed or provided to voters described above shall consist of the following items:

- a. A mailing envelope;
- b. A return envelope;
- c. The official ballot;
- d. An identification envelope for the official ballot with space for the member to affix the member's name, address, last 4 digits of the social security number, signature and date of signing;
- e. A list of instructions to the voter; and
- f. The candidate's statement of qualifications, if any.

Upon voting the ballot, the voter shall enclose the ballot in the identification envelope. The voter shall affix the voter's name, address, last 4 digits of the voter's social security number, signature and date of signing upon the identification envelope containing the ballot and shall enclose it in the return envelope. The voter shall return the voted ballot to the City Clerk by United States mail or personal deposit. During regular hours in the seven business days preceding the election, but no later than 5:00 p.m. on Election Day, voters may personally deposit their ballot in the election box in the Office of the City Clerk. All ballots shall, in order to be counted, be received by the City Clerk no later than 5:00 p.m. on the date of the election.

If a voter inadvertently spoils a ballot, the voter may return the spoiled ballot to the City Clerk, who shall furnish the voter with another ballot. Not more than two such additional ballots may be issued to the same voter. Spoiled ballots will be clearly marked "**spoiled**".

If a voter claims the voter did not receive a ballot, the voter may receive another ballot from the City Clerk upon filing a signed affidavit claiming non-receipt. The

identification envelope of such duplicate ballot shall be prominently marked “**duplicate ballot**” and the original ballot issued to the voter shall be challenged, if received.

Sec. 23.103.19. Verification of Identification Envelopes. Upon receipt of the identification envelope and its contents, the City Clerk shall verify the name, social security number and address appearing thereon with the roster of eligible voters and shall cause the roster to be marked showing that the member has voted. No identification envelope shall be opened prior to the commencement of the tally. The City Clerk may challenge a returned ballot upon the following grounds:

- a. the identification envelope is not properly completed according to the instructions and does not accurately identify the voter;
- b. the voter did not include the correct last four digits of the SSN;
- c. the voter did not properly sign the ballot;
- d. the voter did not include the correct address;
- e. the voter's name does not appear on the roster;
- f. the ballot was received after the last date and time provided herein;
- g. the voter, based on the supplemental list, was reinstated as an active member, has died or otherwise lost status as an eligible retired member as indicated by the General Manager of the Department; or
- h. the voter has already voted a ballot.

Each identification envelope so challenged shall have written on the envelope the word “**Challenge**,” the reason for the challenge, and the signature of the person imposing the challenge. Those challenged envelopes shall not be opened, and the ballots they contain shall not be counted.

Sec. 23.103.20. Ballot Tally. The City Clerk shall count and challenge ballots in accordance with procedures used by the City Clerk to count ballots for other similar elections. An authorized observer or the City Clerk, prior to the time that the identification envelope is opened, may challenge the eligibility of any person to vote in the election. Challenges by observers may be made only upon the following grounds:

- a. the identification envelope was not signed by the person whose name appears on the roster; or
- b. the person's status as an eligible member has changed since the person was so certified.

The City Clerk shall, with substantiating evidence, sustain or overrule the challenge. Without such substantiating evidence being produced within three (3) days of the election, the challenge shall be overruled and the ballot shall be tallied with the other ballots. Identification envelopes whose challenge has been sustained shall not be included in the City Clerk's tally and shall be retained by the City Clerk with all other

election materials for a minimum of ninety (90) calendar days after the election results are certified.

Sec. 23.103.21. Certification and Report of Results. The City Clerk shall, within fourteen (14) calendar days after the date of the election, furnish the Board with the official certified results of the election. The candidate who receives at least 50% plus one of the votes returned to the City Clerk's office shall be elected to the position. In the event that no candidate receives at least 50% plus one of the votes returned, the City Clerk shall conduct a runoff election within thirty (30) days of the date the initial election is certified by the City Clerk. The ballot for the runoff election shall contain the names of the two candidates receiving the highest number of votes in the initial election. The runoff election shall be conducted in the same manner as the primary election. Both candidates' statement of qualifications will be sent with each ballot. The General Manager of the Department will provide the City Clerk with a new certified list of all eligible retired members as of thirty (30) days prior to the runoff election. A supplemental list of voters who lost membership after the runoff list was prepared will be provided to the City Clerk as of the date of the runoff election.

Sec. 23.103.22. Unexpired Term. If for any reason a retired Board member has submitted a letter of resignation or the office becomes vacant by virtue of death, disability or some other reason, the City Clerk shall conduct a special election to fill such unexpired term. However, no election shall be held where the unexpired term of office will be for six (6) months or less from the time the election would be complete. The Board shall designate the date of the election. The day shall be any Tuesday not less than sixty (60) and not more than ninety (90) days after the officeholder has submitted a letter of resignation or notification has been received of the death, disability or other cause for the office to become vacant. Candidates to be voted on at any such special election shall be nominated and elected in the same manner provided above for the regular election for retired Board members. The election notification shall make appropriate reference to the fact that the office for which such election is held is for the balance of the unexpired term.

Sec. 23.103.23. Recall Procedure. A retired member of the Board may be removed from office. The procedure to effect the removal of an incumbent from office shall be known as a Recall and may be accomplished via a recall petition and election. No petition for removal of a retired member shall be so filed until the member has held office for six months.

A recall petition must be signed by ten percent of the number of current retired eligible voters of the Department from which the incumbent was elected. Such petition shall be addressed to the Board and filed with the City Clerk. It shall request that the question of whether the incumbent shall be removed from office by a vote of such members be submitted to the retired members of the appropriate Department. Such petition shall contain a General Statement of the grounds for which such removal is sought, of not more than 300 words in length, and the sufficiency of such statement shall not be subject to review.

Except as otherwise herein provided, the City Clerk shall specify the form and mode of signing, filing, examining, certifying, supplementing and presenting these petitions to the Board. The sponsors of a petition shall be duly responsible for such petitions being completed in every detail and in proper form when filed with the City Clerk. No amendments, changes, alterations or corrections of any kind, clerical or otherwise, shall be permitted to be made in any petition subsequent to it being filed with the City Clerk.

Before circulating the petition for signatures, its proponents shall write a notice of intention to do so. The notice shall be accompanied by a typed statement, not exceeding 300 words in length, of the reasons for the proposed recall. The notice and statement shall be submitted to the City Clerk and shall be posted in the Office of the City Clerk. On the same day that they are submitted to the City Clerk, this notice and statement shall be served upon or sent by registered mail to the retired elected member of the Board sought to be recalled by the proponents of the recall. Proof of this notification shall be submitted by the proponents to the Office of the City Clerk within 5 business days of service.

Within fourteen (14) days after the posting of notice and statement, the retired elected member sought to be recalled, or anyone upon the retired member's behalf, may prepare an Answer to the Statement. The Answer to the Statement shall not exceed 300 words in length, and shall be posted in the Office of the City Clerk. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken under this section.

Twenty-one (21) days after the posting of the notice and statement in the Office of the City Clerk, the petition demanding the recall of the retired elected member may be circulated among the qualified voters for the securing of signatures. The petition shall bear a copy of the posted notice of intention and accompanying statement and the answer, if any. If the retired member of the Board or anyone on that member's behalf has not answered, the petition shall so state. Signatures shall be secured and the petition shall be filed with the City Clerk within six weeks from the first day the petition is authorized to be circulated. The City Clerk shall verify and certify the sufficiency of the petition.

Upon the presentation of such recall petition to the Board by the City Clerk, the Board shall thereupon order the holding of a special election. The election will ask whether such retired elected member shall be recalled. Such special election shall be held not less than sixty (60) days nor more than ninety (90) days after the date of certification by the City Clerk of the sufficiency of the recall petition to the Board.

Any incumbent whose removal is sought under the provisions of this section may file with the City Clerk, at least thirty (30) days prior to the recall election, copies of a typed statement of not more than 750 words in length, justifying the incumbent's course in office. The person filing the recall petition, or the person or organization on whose

behalf a recall petition was filed, shall have the right to present to the City Clerk, within the same limit of time, copies of a typed statement in support of the recall of not exceeding 750 words in length. The City Clerk shall enclose one copy of any statement so filed with the ballot mailed to each voter, provided the City Clerk has been furnished, by the author, copies of the typed statement equal to five percent (5%) in excess of the total number of qualified voters.

The ballots used for the purpose of the recall election shall have printed thereon the following question:

Shall (insert the name of the retired Board member sought to be removed) be removed by recall from the office of elected retired member on the Board of Fire and Police Pension Commissioners?

An elected retired member of the Board for whom the recall and removal from office is sought shall continue to perform the duties of office until such time as the Board shall declare the result of the recall election. In the event that a recall election is successful, the provisions of Section 23.103.22, Unexpired Terms, shall apply.

Sec. 23.103.24. Rules and Regulations. The Board is hereby authorized to adopt such rules and regulations, not inconsistent with the provisions of this Article, as may be necessary to implement the provisions thereof.

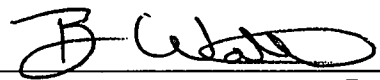
Sec. 23.103.25. Protests. Any interested person may challenge any proceeding, act or omission which may be material to the election, by written notice to the City Clerk not later than 3 business days after the count of the ballots. The City Clerk will review the protests and will submit a report of findings and recommendations to the Board with the certified tally results within 14 days after the election.

Sec. 2. The processes and requirements adopted as part of this ordinance, and as amended from time to time, shall be applied to all elections for retired elected members of the Board of Fire and Police Pension Commissioners held after January 1, 2005.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

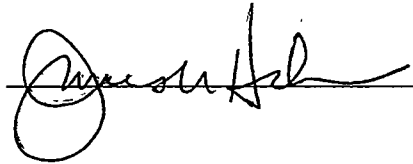
I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles at its meeting of DEC 17 2004.

FRANK T. MARTINEZ, City Clerk

By 
Deputy

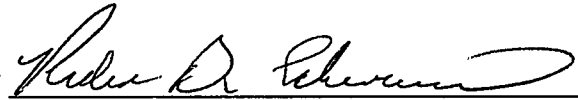
DEC 22 2004

Approved _____


Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

Date December 16, 2004

File No. 04-2115

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

BUDGET AND FINANCE Committee

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments:	<u>X</u>	<u> </u>

BUDGET AND FINANCE COMMITTEE REPORT relative to proposed revisions to election procedures for the Board of Fire and Police Pensions elected retired Board members.

Recommendations for Council action:

1. APPROVE revisions to the election procedures for the two elected retired members of the Board of Fire and Police Pensions as identified in the City Clerk's report, dated November 1, 2004, attached to the Council file.
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Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

SUMMARY

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The Budget and Finance Committee recommended approval of the proposed revisions to the election procedures for retired members of the Board of Fire and Police Pensions as identified in the City Clerk report dated November 1, 2004. The Committee additionally recommended that the City Attorney be requested to prepare and present a draft Ordinance amending Division 23, Chapter 5, Article 5.5 of the LAAC, to incorporate the proposed revisions to the election procedures. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,

BUDGET AND FINANCE COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
PARKS:	YES
MISCIKOWSKI:	ABSENT
CARDENAS:	YES
SMITH:	YES
GARCETTI:	ABSENT

LB
#042115
12/9/04

Reverend C. L. L. L.
Jimmy L.
Tony Cardenas

Rpt
ADOPTED

DEC 15 2004

LOS ANGELES CITY COUNCIL

Ord to be presented - Dec. 17
See Attached Motion

FORTHWITH

ORD.
ADOPTED

DEC 17 2004

LOS ANGELES CITY COUNCIL

TO the MAYOR FORTHWITH

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the recommendations contained in the Budget and Finance Committee report (Item No. 21, CF 04-2115) relative to proposed revisions to election procedures for the Board of Fire and Police Pensions elected retired Board members and CONTINUE consideration of the Ordinance prepared by the City Attorney to FRIDAY, DECEMBER 17, 2004.

PRESENTED BY _____
BERNARD C. PARKS
Councilmember, 8th District

SECONDED BY _____
CINDY MISCIKOWSKI
Councilmember, 11th District

December 15, 2004

CF 04-2115

Motion
ADOPTED

DEC 15 2004

LOS ANGELES CITY COUNCIL

FORTHWITH

ORD
ADOPTED

DEC 17 2004

LOS ANGELES CITY COUNCIL

to the MAYOR FORTHWITH

COUNCIL VOTE

Dec 17, 2004 10:31:28 AM, #3

Items for Which Public Hearings Have Not Been Held - Items 36-37
Voting on Item(s): 36
Roll Call

CARDENAS	Absent
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
LABONGE	Yes
LUDLOW	Yes
MISCIKOWSKI	Yes
PARKS	Yes
PERRY	Yes
REYES	Yes
SMITH	Yes
VILLARAIGOSA	Yes
WEISS	Absent
ZINE	Yes
*PADILLA	Yes

Present: 13, Yes: 13 No: 0

FOR CCL 12-17-04, Continuation agenda:

Thx,

mk

Item for Which Public Hearings Has Not Been Held - Item

ITEM NO. () - Motion Required

04-2115 - COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Administrative Code (LAAC) to streamline the process for the election of retired elected members of the Board of Fire and Police Pension Commissioners.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE amending Chapter 5, Article 5.5, of the LAAC to streamline the process for the election of retired elected members of the Board of Fire and Police Pension Commissioners and reduce election costs.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

(Pursuant to Council action of December 15, 2004)

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

04-2115

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

December 16, 2004

Councilmember Parks
Councilmember Miscikowski
City Administrative Officer
Chief Legislative Analyst
City Attorney
Department of Fire and Police Pension
Board of Fire and Police Pensions Commissioners
City Clerk, Elections Division

RE: REVISIONS TO ELECTION PROCEDURES FOR THE BOARD OF FIRE AND POLICE
PENSIONS ELECTED RETIRED BOARD MEMBERS

At the meeting of the Council held December 15, 2004, the following
action was taken:

Attached report adopted.....	X
Attached motion (Parks - Miscikowski) adopted.....	X
Attached resolution adopted().....	
Motion adopted to approve attached report.....	
Motion adopted to approve attached communication.....	
FORTHWITH.....	X
Ordinance Number.....	
Publication date.....	
Effective date.....	
Mayor vetoed.....	
Mayor approved.....	
Mayor failed to act - deemed approved.....	

Frank T. Martinez

City Clerk
dng

COUNCIL VOTE

Dec 15, 2004 11:08:01 AM, #7

ITEM NO. (21)

Voting on Item(s): 21

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Absent
LABONGE	Absent
LUDLOW	Absent
MISCIKOWSKI	Yes
PARKS	Yes
PERRY	Yes
REYES	Yes
SMITH	Yes
VILLARAIGOSA	Yes
WEISS	Yes
ZINE	Yes
*PADILLA	Yes

Present: 12, Yes: 12 No: 0



OFFICE OF THE CITY ATTORNEY

ROCKARD J. DELGADILLO

CITY ATTORNEY

REPORT NO. R04-0510
DEC 16 2004

REPORT RE:

**DRAFT ORDINANCE AMENDING CHAPTER 5, ARTICLE 5.5, OF THE
LOS ANGELES ADMINISTRATIVE CODE TO STREAMLINE THE PROCESS FOR
THE ELECTION OF RETIRED MEMBERS OF THE BOARD OF FIRE AND POLICE
PENSION COMMISSIONERS AND REDUCE ELECTION COSTS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 N. Spring Street
Los Angeles, California 90012

Council File No. 04-2115

Honorable Members:

Pursuant to your request, we transmit herewith a draft ordinance that would streamline the process for the election of retired elected members of the Board of Fire and Police Pension Commissioners and reduce election costs. Because this ordinance is based on the input received from them, this draft has not been separately transmitted to the Department of Fire and Police Pensions, that Department's Board, or the City Clerk pursuant to Council Rule 38. However, they have each been provided a copy of this report in order that they may present any comments they might have at the time your Honorable Body considers this ordinance.



RECEIVED
CITY CLERK'S OFFICE

2004 DEC 16 AM 11:28

CITY CLERK
BY  DEPUTY

DEC 16 2004

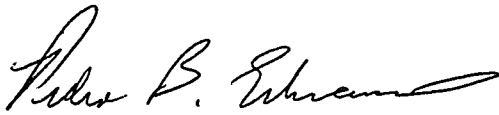
11:28 AM

The Honorable City Council
of the City of Los Angeles
Page 2

If you have any questions, please contact Pedro Echeverria at (213) 978-4488. Either he or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:ac(108551)
transmittal

BUDGET AND FINANCE COMMITTEE
SUGGESTED NOTIFICATION OF COUNCIL ACTION
Council File No. 04-2115

☐ Petitioner/Communicant _____

☐ Councilperson(s) _____

☒ City Administrative Officer

(Mail Stop 130)

☒ Chief Legislative Analyst

(Mail Stop 136)

☒ City Attorney

With Blue Slip

(Mail Stop 140)

☒ ~~Controller~~

Dept of Fire and Police

(Mail Stop 183)

☐ Treasurer

*Pensions and Board of
Fire & Police Pensions*

(Mail Stop 750)

☐ Information Technology Agency

(Mail Stop 232)

☐ Building and Safety

(Mail Stop 115)

☐ Office of Finance-Tax and Permit - Attn: EVA

(Mail Stop 170)

☐ Fire Commission / Department

(Mail Stop 250)

☐ General Services Department

(Mail Stop 508)

☐ Personnel Department

(Mail Stop 391)

☐ Planning

(Mail Stop 395)

☐ Police Commission / Department

(Mail Stop 400)

☐ Public Works (Board)

(Mail Stop 465)

☐ Public Works - Bureau of Engineering

(Mail Stop 490)

☐ Transportation

(Mail Stop 725)

☐ Water and Power

(Mail Stop 800)

☐ Office of Finance

(Mail Stop _____)

☒ City Clerk - Elections

FRANK T. MARTINEZ
CITY CLERK

KAREN E. KALFAYAN
EXECUTIVE OFFICER

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

04-2115
OFFICE OF THE
CITY CLERK
ELECTION DIVISION

ROOM 285
200 N. SPRING STREET
LOS ANGELES CA 90012
(213) 978-0444
FAX: (213) 978-0376

ARLEEN P. TAYLOR
CHIEF OF ELECTIONS

November 1, 2004

Honorable Members
Los Angeles City Council
200 N. Spring Street, Room 395
Los Angeles, CA 90012

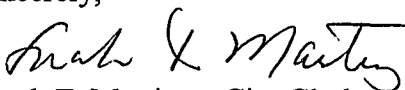
Honorable Members:

The Department of Fire and Police Pensions transmitted to the City Council on October 8, 2004 proposed revisions to the election procedures in the Los Angeles Administrative Code, Division 23; Chapter 5; Article 5.5. On October 19, 2004, the City Clerk Election Division staff met with Department of Fire and Police Pensions representatives to discuss further changes to the proposed revisions. The Office of the City Clerk recommends the following additional changes:

1. Insertion of four additional grounds to challenge returned ballots to clarify the voter qualification and challenge process; and
2. Technical changes to provide for easier understanding and interpretation of the election procedures.

The Office of the City Clerk requests the approval and adoption of the attached revised election procedures for retired members of the Board. Please contact Ben Vargas at (213) 978-0444 if further information is required.

Sincerely,


Frank T. Martinez, City Clerk

Attachment

FTM/BV

BUDGET AND FINANCE

NOV 9 - 2004

RECEIVED
CITY CLERK'S OFFICE

2004 NOV -8 AM 10: 12

CITY CLERK

BY  DEPUTY

2015.12

ARTICLE 5.5

RETIRED ELECTED MEMBERS OF THE BOARD

<u>Section</u>	<u>Title</u>
23.103.12	Term of Office.
23.103.13	Definitions.
23.103.14	Elections: General.
23.103.15	Nomination of Candidates.
23.103.16	Notice of Election.
23.103.17	Observers.
23.103.18	Voting Procedure.
23.103.19	Verification of Identification Envelopes.
23.103.20	Ballot Tally.
23.103.21	Certification and Report of Results.
23.103.22	Unexpired Term.
23.103.23	Recall Procedure.
23.103.24	Rules and Regulations.
23.103.25	Protests.

Sec. 23.103.12. Term of Office.

The terms of the two retired elected members of the Board of Fire and Police Pension Commissioners shall be five years beginning on the first day in July of the year of their respective elections. One retired member will be elected by eligible retired members of the Fire Department, and one by eligible retired members of the Police Department.

SECTION HISTORY

Article and Section Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.13. Definitions.

For purposes of this article the following words and phrases shall have the meaning ascribed to them in this section, unless a different meaning is clearly indicated by the context.

“Retired Member of Police Department” shall mean a person who meets the definition contained in Charter Section 1202(f).

“Retired Member of Fire Department” shall mean a person who meets the definition contained in Charter Section 1202(f).

“Department” shall mean the Department of Fire and Police Pensions.

“Board” shall mean the Board of Fire and Police Pension Commissioners.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.14. Elections: General.

The City Clerk shall conduct all elections

The Board shall reimburse the City Clerk for all necessary expenses incurred by the City Clerk in the administration of any election of retired members of the Fire and Police Departments to serve on the Board.

The election shall be held by the 4th Tuesday in May of any year in which the term of office of a retired elected member of the Board expires.

The first election for the Fire and Police Pension Board retired elected members shall be held by May 23, 2000.

Eligible voters shall be only those who are retired members of the Department from which the candidate retired. The General Manager of the Department will provide the City Clerk with a list of all eligible retired members as of 30 days prior to the election. The list shall contain the

name, address and other identifying information of each eligible retired member of the Plan, as of the date specified in the Calendar for Election.

The City Clerk will mail to all such members notification that candidates are being sought to run for the position of retired member of the Board. A supplemental list of voters who lost membership after the first list was prepared will be provided to the City Clerk as of the date of the election. Such lists shall be in electronic format specified by the City Clerk. The General Manager of the Department shall certify the lists and formally transmit the same to the City Clerk.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.15. Nomination of Candidates.

Retired members interested in becoming a candidate must submit a Notice of Intent to run for office in writing to the City Clerk by the due date contained in the notification in order to have their names placed on the ballot. Along with the submission of the Notice of Intent, interested candidates have the option to include an occupational ballot designation and a typewritten statement of qualifications for office for the provision of information to the electorate. The occupational ballot designation shall be printed immediately under that candidate's name and shall consist of a three word designation of either (A) the current principal profession, vocation or occupation of the candidate, or (B) the principal profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of the candidate's Notice of Intent to become a candidate. A candidate who is running for the same elective office, which that person currently holds, shall also have "(Incumbent)" printed on the ballot, immediately after that person's name. The statement of qualifications for office may include information on education, work experience, years of service, date of retirement, and other relevant qualifications and shall not exceed 250 words in length.

Interested candidates may submit their candidate packet composed of the intent to run for office, the optional occupational ballot designation and the optional statement of qualifications to the City Clerk by United States mail. Alternatively, interested candidates may personally deliver

their candidate packet to the City Clerk during regular hours in the seven business days preceding the specified due date. In either case, the candidate packet must be in the hands of the City Clerk no later than 5:00 p.m. of the specified due date. Should any candidate fail to submit an occupational ballot designation and/or a statement of qualifications by the specified due date, the appropriate sections for the occupational ballot designation and qualification statement will be blank. The Department will provide a disclaimer stating that neither the Department nor the City Clerk has verified the accuracy of the information contained in the candidates' qualification statements. Qualification statements that are submitted by the due date will be printed by the City Clerk and mailed with the ballot at no expense to the candidate.

Prior to the election, the City Clerk shall conduct a public drawing of the letters of the alphabet. The order in which the letters are drawn shall constitute the random alphabetical order by which the surnames of the candidates shall be arranged on the ballot.

Each ballot shall contain the name of each candidate who has qualified in accordance with this section. There shall be a blank space beneath these names in which the voter may write the name of any retired member of the applicable Department not printed on the ballot and for whom the retired member wishes to vote.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.16. Notice of Election.

Not more than ninety (90) nor less than sixty (60) calendar days prior to the election, the Board shall notify the City Clerk of the fact of such election. Not more than thirty (30) nor less than twenty (20) calendar days prior to the election, the Board will cause to be prepared a Notice of Election specifying the date thereof, a sample ballot containing the name of each candidate who has qualified for a place on the ballot in accordance with Section 23.103.15, rules concerning eligibility to vote, and such additional information and instructions as the City Clerk may determine. A copy of the notice and sample ballot shall be posted in the Office of the City Clerk.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.17. Observers.

Candidates whose names appear on the ballot may each designate not more than two (2) observers at the tally center to observe that ballots are properly cast and votes are properly counted. Names of observers shall be presented to the City Clerk not less than three (3) calendar days prior to the election.

Observers so designated shall wear identification badges at all times and shall be subject to such regulations as the City Clerk shall prescribe.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.18. Voting Procedure.

The City Clerk shall have ballots printed and mailed to each eligible member on the mailing list roster provided by the Department. The mailing shall be completed not less than ten (10) calendar days prior to the date of the election.

Those members who become eligible through retirement within thirty (30) days prior to an election, who wish to vote in such election, shall present themselves in the office of the City Clerk not earlier than seven business days prior to, and not later than 5:00 p.m. of the day of the election with a certificate from the Department on a form approved by the City Clerk verifying the fact of their eligibility to vote. The City Clerk will allow such members to vote.

Each ballot packet mailed or provided to voters described above shall consist of the following items:

- a. A mailing envelope;
- b. A return envelope;

- c. The official ballot;
- c. An identification envelope for the official ballot with space for the member to affix the member's name, address, last 4 digits of the social security number, signature and date of signing;
- d. A list of instructions to the voter; and
- e. The candidate's statement of qualifications, if any.

Upon voting the ballot, the voter shall enclose the ballot in the identification envelope. The voter shall affix the voter's name, address, last 4 digits of the voter's social security number, signature and date of signing upon the identification envelope containing the ballot and shall enclose it in the return envelope. The voter shall return the voted ballot to the City Clerk by United States mail or personal deposit. During regular hours in the seven business days preceding the election, but no later than 5:00 p.m. on Election Day, voters may personally deposit their ballot in the election box in the Office of the City Clerk. All ballots shall, in order to be counted, be in the hands of the City Clerk no later than 5:00 p.m. on the date of the election.

If a voter inadvertently spoils a ballot, the voter may return the spoiled ballot to the City Clerk, who shall furnish the voter with another ballot. Not more than two such additional ballots may be issued to the same voter. Spoiled ballots will be clearly marked "**spoiled**".

If a voter claims the voter did not receive a ballot, the voter may receive another ballot from the City Clerk upon filing a signed affidavit claiming non-receipt. The identification envelope of such duplicate ballot shall be prominently marked "**duplicate ballot**" and the original ballot issued to the voter shall be challenged, if received.

Sec. 23.103.19. Verification of the Identification Envelope.

Upon receipt of the identification envelope and its contents, the City Clerk shall verify the name, social security number and address appearing thereon with the roster of eligible voters and shall cause the roster to be marked showing that the member has voted.

No identification envelope shall be opened prior to the commencement of the tally.

The City Clerk may challenge a returned ballot upon the following grounds:

- a. the identification envelope is not properly completed according to the instructions and does not accurately identify the voter;
- b. the voter did not include the correct last four digits of the SSN;
- c. the voter did not properly sign the ballot;
- d. the voter did not include the correct address;
- e. the voter's name does not appear on the roster;
- f. the ballot was received after the last date and time provided herein;
- g. the voter, based on the supplemental list, was reinstated as an active member, has died or otherwise lost status as an eligible retired member as indicated by the General Manager of the Department; or
- h. the voter has already voted a ballot.

Each identification envelope so challenged shall have written on the envelope the word "**Challenge**," the reason for the challenge, and the signature of the person imposing the challenge.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.20. Ballot Tally.

The City Clerk shall count and challenge ballots in accordance with procedures used by the City Clerk to count ballots for other similar elections.

An authorized observer or the City Clerk, prior to the time that the identification envelope is opened, may challenge the eligibility of any person to vote in the election.

Challenges by observers may be made only upon the following grounds:

- a. the identification envelope was not signed by the person whose name appears on the roster; or

- b. the person's status as an eligible member has changed since the person was so certified.

The City Clerk shall, with substantiating evidence, sustain or overrule the challenge. Without such substantiating evidence being produced within three (3) days of the election, the challenge shall be overruled and the ballot shall be tallied with the other ballots. Identification envelopes whose challenge has been sustained shall not be included in the City Clerk's tally and shall be retained by the City Clerk with all other election materials for a minimum of ninety (90) calendar days after the election results are certified.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.21. Certification and Report of Results.

The City Clerk shall, within fourteen (14) calendar days after the date of the election, furnish the Board with the official certified results of the election. The candidate who receives at least 50% plus one of the votes returned to the City Clerk's office shall be elected to the position. In the event that no candidate receives at least 50% plus one of the votes returned, the City Clerk shall conduct a runoff election within thirty (30) days of the date the initial election is certified by the City Clerk. The ballot for the runoff election shall contain the names of the two candidates receiving the highest number of votes in the initial election. The runoff election shall be conducted in the same manner as the primary election. Both candidates' statement of qualifications will be sent with each ballot. The General Manager of the Department will provide the City Clerk with a new certified list of all eligible retired members as of thirty (30) days prior to the runoff election. A supplemental list of voters who lost membership after the runoff list was prepared will be provided to the City Clerk as of the date of the runoff election.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.22. Unexpired Term.

If for any reason a retired Board member has submitted a letter of resignation or the office becomes vacant by virtue of death, disability or some other reason, the City Clerk shall conduct a

special election to fill such unexpired term. However, no election shall be held where the unexpired term of office will be for six (6) months or less from the time the election would be complete.

The Board shall designate the date of the election. The day shall be any Tuesday not less than sixty (60) and not more than ninety (90) days after the officeholder has submitted a letter of resignation or notification has been received of the death, disability or other cause for the office to become vacant. Candidates to be voted on at any such special election shall be nominated and elected in the same manner provided above in the regular election for retired Board members. The election notification shall make appropriate reference to the fact that the office for which such election is made is for the balance of the unexpired term.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.23. Recall Procedure.

A retired member of the Board may be removed from office. The procedure to effect the removal of an incumbent from office shall be known as a Recall and may be accomplished via a recall petition and election. No petition for removal of a retired member shall be so filed until the member has held office for six months.

A recall petition must be signed by ten percent of the number of current members of retired eligible voters of the Department from which the incumbent was elected. Such petition shall be addressed to the Board and filed with the City Clerk. It shall request that the question of whether the incumbent shall be removed from office by a vote of such members be submitted to the retired members of the appropriate Department. Such petition shall contain a General Statement of the grounds for which such removal is sought, of not more than 300 words in length, and the sufficiency of such statement shall not be subject to review.

Except as otherwise herein provided, the City Clerk shall specify the form and mode of signing, filing, examining, certifying, supplementing and presenting these petitions to the Board. The sponsors of a petition shall be duly responsible for such petitions being completed in every detail and in proper form when filed with the City Clerk. No amendments, changes, alterations

or corrections of any kind, clerical or otherwise, shall be permitted to be made in any petition subsequent to it being filed with the City Clerk.

Before submitting the petition for signatures, its proponents shall write a notice of intention to do so. The notice shall be accompanied by a typed statement, not exceeding 300 words in length, of the reasons for the proposed recall. The notice and statement shall be posted in the Office of the City Clerk. This notice and statement shall be served upon or sent by registered mail to the retired elected member of the Board sought to be recalled by the proponents of the recall. Proof of this notification shall be submitted by the proponents to the Office of the City Clerk within 5 business days of service.

Within fourteen (14) days after the posting of notice and statement, the retired elected member sought to be recalled, or anyone upon the retired member's behalf, may prepare an Answer to the Statement. The Answer to the Statement shall not exceed 300 words in length, and shall be posted in the Office of the City Clerk. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken under this section.

Twenty-one (21) days after the posting of the notice and statement in the Office of the City Clerk, the petition demanding the recall of the retired elected member may be circulated among the qualified voters for the securing of signatures. The petition shall bear a copy of the posted notice of intention and accompanying statement and the answer, if any. If the retired member of the Board or anyone on that member's behalf has not answered, the petition shall so state. Signatures shall be secured and the petition shall be filed with the City Clerk within six weeks from the first day of circulation. The City Clerk shall verify and certify the sufficiency of the petition.

Upon the presentation of such recall petition to the Board by the City Clerk, the Board shall thereupon order the holding of a special election. The election will ask whether such retired elected member shall be recalled.

Such special election shall be held not less than sixty (60) days nor more than ninety (90) days after the date of certification by the City Clerk of the sufficiency of the recall petition to the Board.

Any incumbent whose removal is sought under the provisions of this section may file with the City Clerk, at least thirty (30) days prior to the recall election, copies of a typed statement of not more than 750 words in length, justifying the incumbent's course in office. The person filing the recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk, within the same limit of time, copies of a typed statement in support of the recall of not exceeding 750 words in length.

The City Clerk shall enclose one copy of any statement so filed with the ballot mailed to each voter, provided the City Clerk has been furnished, by the author, copies of the typed statement equal to five percent (5%) in excess of the total number of qualified voters.

The ballots used for the purpose of the recall election shall have printed thereon the following question:

Shall (insert the name of the retired Board member sought to be removed) be removed by recall from the office of elected retired member on the Board of Fire and Police Pension Commissioners?

An elected retired member of the Board for whom the recall and removal from office is sought shall continue to perform the duties of office until such time as the Board shall declare the result of the recall election. In the event that a recall election is successful, the provisions of Section 23.103.22, Unexpired Terms, shall apply.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.24. Rules and Regulations.

The Board is hereby authorized to adopt such rules and regulations, not inconsistent with the provisions of this article, as may be necessary to implement the provisions thereof.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.25. (New Section Number from City Attorney's Office) Protests.

Any interested person may challenge any proceeding, act or omission which may be material to the election, by written notice to the City Clerk not later than 3 business days after the count of the ballots. The City Clerk will review the protests and will submit a report of findings and recommendations to the Board with the certified tally results within 14 days after the election.

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

October 8, 2004

**DEPARTMENT OF
FIRE AND POLICE
PENSIONS**

360 EAST SECOND STREET
SUITE 400
LOS ANGELES, CA 90012-4203
(213) 978-4545
FAX (213) 978-4450
TDD (213) 978-4455

PENSIONS@FPPEN.LACITY.ORG

GARY MATTINGLY
GENERAL MANAGER

D. EDWARD GRIFFITHS
MICHAEL A. PEREZ
RHONDA A. PETERSON
ASSISTANT GENERAL MANAGERS

TOM LOPEZ
CHIEF INVESTMENT OFFICER

Hon. Alex Padilla
President, Los Angeles City Council
200 N. Spring Street, Room 465
Los Angeles, CA 90012

Dear President Padilla:

On behalf of the Board of Fire and Police Pension Commissioners I am transmitting to the City Council proposed revisions to the election procedures in the Los Angeles Administrative Code for the two elected retired Board members. Elected retired members were added to the Board in July, 2000. Based on department and City Clerk experience in conducting four retired member elections since that time, the Board is recommending changes to streamline the election process and reduce election costs. The Board recommends the following major changes:

1. The ballot will be based on the "Notice of Intent to Run" forms received in the City Clerk's office, eliminating the nominating election.
2. The candidate with a majority of votes will win the election.
3. A runoff election between the top two candidates will be held in the event no candidate receives a majority of the vote.
4. A proposed new section would establish a deadline for and method of dealing with protests; the current Administrative Code language is silent on protests.

At the October 7, 2004 meeting, the Board authorized me to transmit the attached proposed revised procedures to the City Council to effect the required change in the Administrative Code. Expedited consideration of this proposal could simplify the process for the election scheduled for February, 2005.

Please contact Caroline Dinu at (213) 978-4432 if further information is required.

Very truly yours,


Gary Mattingly

BUDGET AND FINANCE

GM:RAP:CD

Attachment

OCT 19 2004



RECEIVED
CITY CLERK'S OFFICE

2004 OCT 14 AM 7:01

CITY CLERK

BY *JK*
DEPUTY

ARTICLE 5.5

RETIRED ELECTED MEMBERS OF THE BOARD

Section

- 23.103.12 Term of Office.
- 23.103.13 Definitions.
- 23.103.14 Nomination of Candidates.
- 23.103.15 Elections: General.
- 23.103.16 Notice of Election.
- 23.103.17 Observers.
- 23.103.18 Voting Procedure.
- 23.103.19 Challenges.
- 23.103.20 Counting Ballots.
- 23.103.21 Certification and Report of Results.
- 23.103.22 Unexpired Term.
- 23.103.23 Recall Procedure.
- 23.103.24 Rules and Regulations.

(New Section Number from City Attorney's Office) Protests.

Sec. 23.103.12. Term of Office.

The terms of the two retired elected members of the Board of Fire and Police Pension Commissioners shall be five years beginning on the first day in July of the year of their respective elections. One retired member will be elected by eligible retired members of the Fire Department, and one by eligible retired members of the Police Department. However, the Board, in accordance with Charter Section 1104 (d), shall establish the initial terms of office.

PROPOSED - PROPOSED - PROPOSED

The Board shall reimburse the City Clerk's Election Division for all necessary expenses incurred by the City Clerk in the administration of any election of retired members of the Fire and Police Departments to serve on the Board of Fire and Police Pension Commissioners.

SECTION HISTORY

Article and Section Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.13. Definitions.

For purposes of this article the following words and phrases shall have the meaning ascribed to them in this section, unless a different meaning is clearly indicated by the context.

"Retired Member of Police Department" shall mean a retired Police Department member who meets the definition contained in Charter Section 1202(f).

"Retired Member of Fire Department" shall mean a retired Fire Department member who meets the definition contained in Charter Section 1202(f).

"Board" shall mean the Board of Fire and Police Pension Commissioners.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.14. Nomination of Candidates.

Retired members interested in being a candidate must submit their Notice of Intent to run for office in writing to the City Clerk by the due date contained in the notification in order to have their names placed on the ballot. Along with the submission of the Notice of Intent, so as to provide information to the electorate, interested candidates have the option to include an occupational ballot designation and a statement of qualifications for office. The occupational ballot designation shall consist of three words maximum of either (A) the current principal profession, vocation or occupation of the candidate, or (B) the principal profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of the candidate's declaration of intention to become a candidate and shall be printed immediately

PROPOSED - PROPOSED - PROPOSED

under that candidate's name. A candidate who is running for the same elective office, which that person currently holds, shall have "(Incumbent)" printed on the ballot, immediately after that person's name. The statement of qualifications for office may include information on education, work experience, years of service, date of retirement, and other relevant qualifications and shall not exceed 250 words in length. Interested candidates may submit their candidate packet composed of the intent to run for office, the optional occupational ballot designation and the optional statement of qualifications to the City Clerk Election Division by United States mail. Alternatively, interested candidates may personally deliver their candidate packet to the City Clerk Election Division during regular hours in the seven business days preceding the specified due date. In either case, the candidate packet must be in the hands of the City Clerk no later than 5:00 PM of the specified due date. Should any candidate fail to submit an occupational ballot designation and/or a statement of qualifications by the specified due date, the appropriate sections for the occupational ballot designation and qualification statement will be blank. The Department of Fire and Police Pensions will provide a disclaimer stating that neither the Department nor the City Clerk has verified the accuracy of the information contained in the candidates' qualification statements. Qualification statements that are submitted by the due date will be printed by the City Clerk and mailed with the ballot at no expense to the candidate.

Prior to the election, the City Clerk shall conduct a public drawing of the letters of the alphabet. The order in which the letters are drawn shall constitute the random alphabetical order by which the names of the candidates shall be arranged on the ballot. The names of the candidates shall be arranged on the ballot in random alphabetical order of the surnames. The City Clerk shall have the ballots printed and mailed to all qualified voters.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.15. Elections: General.

The City Clerk shall conduct all elections.

The election shall be held by the 4th Tuesday in May of any year in which the term of office of a retired elected member of the Board expires.

PROPOSED - PROPOSED - PROPOSED

The first election for the Fire and Police Pension Board retired elected members shall be held by May 23, 2000.

Eligible voters shall be only those who are retired members of the Department from which the candidate retired. The General Manager of the Department of Fire and Police Pensions will provide the City Clerk with a list of all eligible retired members generated as of 30 days prior to the election. The list shall contain the name, address and other identifying information of each eligible retired member of the Plan as of the date specified in the Calendar for Election. The City Clerk will mail to all such members notification that candidates are being sought to run for the position of Retired Member of the Board. A supplemental list of voters who lost membership after the first list was prepared will be provided to the City Clerk as of the date of the election. Such lists shall be in electronic format specified by the City Clerk. The General Manager of the Department of Fire and Police Pensions shall certify the lists and formally transmit the same to the City Clerk.

Each ballot shall contain the name of each candidate who has qualified in accordance with Section 23.103.14. There shall be a blank space beneath these names in which the voter may write the name of any retired member of the applicable Department not printed on the ballot and for whom the retired member wishes to vote.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.16. Notice of Election.

Not more than ninety (90) nor less than sixty (60) calendar days prior to the election, the Board shall notify the City Clerk of the fact of such election. Not more than thirty (30) nor less than twenty (20) calendar days prior to the election, the Board will cause to be prepared a Notice of Election specifying the date thereof, a sample ballot containing the name of each candidate who has qualified for a place on the election ballot in accordance with Section 23.103.14, rules concerning eligibility to vote, and such additional information and instructions as the City Clerk may determine. A copy of the notice and sample ballot shall be posted in the office of the City Clerk.

PROPOSED - PROPOSED - PROPOSED

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.17. Observers.

Candidates whose names appear on the election ballot may each designate not more than two (2) observers at the tally center to observe that ballots are properly cast and votes properly counted. Names of observers shall be presented to the City Clerk not less than three (3) calendar days prior to the election.

Observers so designated shall wear identification badges at all times and shall be subject to such regulations as the City Clerk shall prescribe.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.18. Voting Procedure.

The City Clerk shall print and mail a ballot to each eligible member on the mailing list roster supplied by the Department of Fire and Police Pensions. The mailing shall be completed not less than ten (10) calendar days prior to the date of the election.

Those members who become eligible through retirement within thirty (30) days prior to an election, who wish to vote in such election, shall present themselves in the office of the City Clerk not earlier than seven days prior to, and not later than 5:00 PM of the day of election with a certificate from the Department of Fire and Police Pensions on a form approved by the City Clerk verifying the fact of their eligibility to vote. The City Clerk will allow such members to vote.

Each ballot packet mailed or provided to voters described above shall consist of the following items:

A mailing envelope;

A return envelope;

PROPOSED - PROPOSED - PROPOSED

The official ballot;

An identification envelope for the official ballot with space for the member to affix the member's name, address, last 4 digits of the social security number, signature and date of signing;

A list of instructions to the voter; and

The candidate's statement of qualifications, if any.

Upon voting the ballot, the voter shall enclose the ballot in the identification envelope. The voter shall affix the voter's name, address, last 4 digits of the social security number, signature and date of signing upon the identification envelope containing the ballot in the return envelope. The voter shall return the voted ballot to the City Clerk by United States mail or by personal deposit as herein provided. During regular hours in the seven business days preceding the election, but no later than 5:00 PM on election day, voters may personally deposit their ballot in the election box in the Office of the City Clerk, Election Division. All ballots shall, in order to be counted, be in the hands of the City Clerk no later than 5:00 PM on the date of the election.

Upon receipt of the identification envelope and its contents, the City Clerk shall verify the name and social security number appearing thereon with the roster of eligible voters and shall cause the roster to be marked showing that the member has voted.

No identification envelope shall be opened prior to the commencement of the tally.

If a voter inadvertently spoils a ballot, the voter may return the spoiled ballot to the City Clerk, who shall furnish the voter with another ballot. Not more than two such additional ballots may be issued to the same voter.

If a voter claims the voter did not receive a ballot, the voter may receive another ballot from the City Clerk upon filing a signed affidavit claiming non-receipt. The identification envelope of such duplicate ballot shall be prominently marked "**duplicate ballot**" and the original ballot issued to the voter shall be challenged if received.

The City Clerk may challenge a returned ballot upon the following grounds:

PROPOSED - PROPOSED - PROPOSED

That the identification envelope is not properly completed or accurately identifies the voter as provided herein;

That the ballot was received after the last date and time provided herein;

That the voter was reinstated as an active member, has died or otherwise lost status as an eligible retired member as indicated by the General Manager of the Department of Fire and Police Pensions;

That the voter has already voted a ballot.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.19. Challenges.

An authorized observer or the City Clerk, prior to the time that the identification envelope is opened, may challenge the eligibility of any person to vote in the election.

Challenges by observers may be made only upon the following grounds:

That the identification envelope was not signed by the person whose name appears on the roster;

That the person's status as an eligible member has changed since the person was so certified by the Department of Fire and Police Pensions;

That the voter's name does not appear on the roster.

Each ballot so challenged shall have written on the identification envelope the word "**Challenge**," the reason for the challenge, and the signature of the person interposing the challenge.

The City Clerk shall, with substantiating evidence, sustain or overrule the challenge. Without such substantiating evidence being produced within three (3) days of the election, the challenge shall be overruled and the ballot shall be tallied with the other ballots. Ballots whose challenge

PROPOSED - PROPOSED - PROPOSED

has been sustained shall not be included in the City Clerk's tally and shall be retained unopened by the City Clerk for a minimum of 90 (ninety) calendar days.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.20. Counting Ballots.

The City Clerk shall count ballots in accordance with procedures used by the City Clerk to count ballots for other similar elections.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.21. Certification and Report of Results.

The City Clerk shall, within fourteen (14) calendar days after the date of the election, furnish the Board with the official certified results of the election. The candidate who receives at least 50% plus one of the votes returned to the City Clerk's office will be elected to the position. In the event that no candidate receives at least 50% plus one of the votes returned, the City Clerk shall conduct a runoff election within 30 days of the date the initial election is certified by the City Clerk. The ballot for the runoff election shall contain the names of the two candidates receiving the highest number of votes in the initial election. The runoff election shall be conducted in the same manner as the primary election. Both candidates' statement of qualification will again be sent with each ballot. The General Manager of the Department of Fire and Police Pensions will provide the City Clerk with a new certified list of all eligible retired members generated as of 30 days of the runoff election. A supplemental list of voters who lost membership after the runoff list was prepared will be provided to the City Clerk as of the date of the runoff election.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

PROPOSED - PROPOSED - PROPOSED

Sec. 23.103.22. Unexpired Term.

If for any reason a retired Board member has submitted a letter of resignation or the office becomes vacant by virtue of death, disability or some other reason, then the City Clerk shall conduct a special election to fill such unexpired term. However, no election shall be held where the unexpired term of office will be for six (6) months or less from the time the election would be complete.

The Board shall designate the date of the election. The day shall be any Tuesday not less than sixty (60) and not more than ninety (90) days after the officeholder has submitted a letter of resignation or notification has been received of the death, disability or other cause for the office to become vacant. Candidates to be voted on at any such special election shall be nominated and elected in the same manner provided above in the regular election for retired Board members. The election notification shall make appropriate reference to the fact that the office for which such election is made is for the balance of the unexpired term.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.23. Recall Procedure.

A retired member of the Board of Fire and Police Pension Commissioners may be removed from office, and the procedure to effect the removal of an incumbent from office shall be known as a Recall.

A recall petition must be signed by ten percent of the current retired eligible voters of the Department from which the incumbent was elected. Such petition shall be addressed to the Board and filed with the City Clerk. It shall request that the question of whether the incumbent shall be removed from office by a vote of such members be submitted to the retired members of the appropriate Department. Such petition shall contain a General Statement of the grounds for which such removal is sought, of not more than 300 words in length, and the sufficiency of such statement shall not be subject to review. However, no petition for removal of a retired member shall be so filed until the member has actually held office for six months.

PROPOSED - PROPOSED - PROPOSED

Except as otherwise herein provided, the City Clerk shall specify the form and mode of signing, filing, examining, certifying, supplementing and presenting these petitions to the Board. The sponsors of a petition shall be duly responsible for such petitions being completed in every detail and in proper form when filed with the City Clerk. No amendments, changes, alterations or corrections of any kind, clerical or otherwise, shall be permitted to be made in any petition subsequent to it being filed with the City Clerk.

Before submitting the petition for signatures, its proponents shall write a notice of intention to do so. The notice shall be accompanied by a typed statement, not exceeding 300 words in length, of the reasons for the proposed recall. The notice and statement shall be posted in the Office of the City Clerk.

The City Clerk shall insure that a copy of the notice of intention be served upon, or sent by registered mail, to the retired elected member of the board sought to be recalled.

Within fourteen days (14) after the posting of notice and statement, the retired elected member sought to be recalled, or anyone upon the retired member's behalf, may prepare an Answer to the Statement. The Answer to the Statement shall not exceed 300 words in length, and shall be posted in the Office of the City Clerk. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken under this section.

Twenty-one (21) days after the posting of the notice and statement in the Office of the City Clerk, the petition demanding the recall of the retired elected member may be circulated among the qualified voters for the securing of signatures. The petition shall bear a copy of the posted notice of intention and accompanying statement and the answer, if any. If the retired member of the Board or anyone on that member's behalf has not answered, the petition shall so state. Signatures shall be secured and the petition filed with the City Clerk within six weeks from the first day of circulation. The City Clerk shall verify the sufficiency of the petition.

Upon the presentation of such recall petition to the Board by the City Clerk, the Board shall thereupon order the holding of a special election. The election will ask whether such retired elected member shall be recalled.

PROPOSED - PROPOSED - PROPOSED

Such special election shall be held not less than sixty (60) days nor more than ninety (90) days after the date of certification by the City Clerk of the sufficiency of the recall petition to the Board.

Any incumbent whose removal is sought under the provisions of this section may file with the City Clerk, at least thirty (30) days prior to the recall election, copies of a typed statement of not more than 750 words in length, justifying the incumbent's course in office. The person filing the recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk, within the same limit of time, copies of a typed statement in support of the recall of not exceeding 750 words in length.

The City Clerk shall enclose one copy of any statement so filed with the ballot mailed to each voter, provided the City Clerk has been furnished copies of the typed statement equal to five percent (5%) in excess of the total number of qualified voters.

The ballots used for the purpose of the recall election shall have printed thereon the following question:

Shall (inserting the name of the retired Board member sought to be removed) be removed by recall from the office of elected retired member on the Board of Fire and Police Pension Commissioners?

An elected retired member of the Board for whose recall and removal from office an election is held, shall continue to perform the duties of office until such time as the Board shall declare the result of the recall election. In the event that a recall election is successful, the provisions of Section 23.103.22, Unexpired Terms, shall apply.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.24. Rules and Regulations.

The Board is hereby authorized to adopt such rules and regulations, not inconsistent with the provisions of this article, as may be necessary to implement the provisions thereof.

PROPOSED - PROPOSED - PROPOSED

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. (New Section Number from City Attorney's Office) Protests.

Any interested person may challenge any proceeding, act or omission which may be material to the election, by written notice to the City Clerk not later than 3 business days after the count of the ballots. The City Clerk will review the protests and will submit a report of findings and recommendations to the Board of Fire and Police Pension Commissioners with the certified tally results within 14 days after the election.

CITY OF LOS ANGELES

CALIFORNIA

DEPARTMENT OF FIRE AND POLICE PENSIONS

360 EAST SECOND STREET
SUITE 400
LOS ANGELES, CA 90012-4203
(213) 978-4545
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GENERAL MANAGER

D. EDWARD GRIFFITHS
MICHAEL A. PEREZ
RHONDA A. PETERSON
ASSISTANT GENERAL MANAGERS

TOM LOPEZ
CHIEF INVESTMENT OFFICER

October 8, 2004

Hon. Alex Padilla
President, Los Angeles City Council
200 N. Spring Street, Room 465
Los Angeles, CA 90012

Dear President Padilla:

On behalf of the Board of Fire and Police Pension Commissioners I am transmitting to the City Council proposed revisions to the election procedures in the Los Angeles Administrative Code for the two elected retired Board members. Elected retired members were added to the Board in July, 2000. Based on department and City Clerk experience in conducting four retired member elections since that time, the Board is recommending changes to streamline the election process and reduce election costs. The Board recommends the following major changes:

1. The ballot will be based on the "Notice of Intent to Run" forms received in the City Clerk's office, eliminating the nominating election.
2. The candidate with a majority of votes will win the election.
3. A runoff election between the top two candidates will be held in the event no candidate receives a majority of the vote.
4. A proposed new section would establish a deadline for and method of dealing with protests; the current Administrative Code language is silent on protests.

At the October 7, 2004 meeting, the Board authorized me to transmit the attached proposed revised procedures to the City Council to effect the required change in the Administrative Code. Expedited consideration of this proposal could simplify the process for the election scheduled for February, 2005.

Please contact Caroline Dinu at (213) 978-4432 if further information is required.

Very truly yours,

Gary Mattingly

GM:RAP:CD

Attachment



10/14/04
CITY CLERK

RECEIVED
CITY CLERK'S OFFICE

14
2004 OCT 22 AM 9:45

CITY CLERK
BY  DEPUTY

TO: [Illegible]
FROM: [Illegible]
SUBJECT: [Illegible]

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ARTICLE 5.5

RETIRED ELECTED MEMBERS OF THE BOARD

Section

23.103.12	Term of Office.
23.103.13	Definitions.
23.103.14	Nomination of Candidates.
23.103.15	Elections: General.
23.103.16	Notice of Election.
23.103.17	Observers.
23.103.18	Voting Procedure.
23.103.19	Challenges.
23.103.20	Counting Ballots.
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<u>(New Section Number from City Attorney's Office) Protests.</u>	

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The terms of the two retired elected members of the Board of Fire and Police Pension Commissioners shall be five years beginning on the first day in July of the year of their respective elections. One retired member will be elected by eligible retired members of the Fire Department, and one by eligible retired members of the Police Department. However, the Board, in accordance with Charter Section 1104 (d), shall establish the initial terms of office.

The Board shall reimburse the City Clerk's Election Division for all necessary expenses incurred by the City Clerk in the administration of any election of retired members of the Fire and Police Departments to serve on the Board of Fire and Police Pension Commissioners.

SECTION HISTORY

Article and Section Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

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"Retired Member of Fire Department" shall mean a retired Fire Department member who meets the definition contained in Charter Section 1202(f).

"Board" shall mean the Board of Fire and Police Pension Commissioners.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.14. Nomination of Candidates.

Retired members interested in being a candidate must submit their Notice of Intent to run for office in writing to the City Clerk by the due date contained in the notification in order to have their names placed on the ballot. Along with the submission of the Notice of Intent, so as to provide information to the electorate, interested candidates have the option to include an occupational ballot designation and a statement of qualifications for office. The occupational ballot designation shall consist of three words maximum of either (A) the current principal profession, vocation or occupation of the candidate, or (B) the principal profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of the candidate's declaration of intention to become a candidate and shall be printed immediately

under that candidate's name. A candidate who is running for the same elective office, which that person currently holds, shall have "(Incumbent)" printed on the ballot, immediately after that person's name. The statement of qualifications for office may include information on education, work experience, years of service, date of retirement, and other relevant qualifications and shall not exceed 250 words in length. Interested candidates may submit their candidate packet composed of the intent to run for office, the optional occupational ballot designation and the optional statement of qualifications to the City Clerk Election Division by United States mail. Alternatively, interested candidates may personally deliver their candidate packet to the City Clerk Election Division during regular hours in the seven business days preceding the specified due date. In either case, the candidate packet must be in the hands of the City Clerk no later than 5:00 PM of the specified due date. Should any candidate fail to submit an occupational ballot designation and/or a statement of qualifications by the specified due date, the appropriate sections for the occupational ballot designation and qualification statement will be blank. The Department of Fire and Police Pensions will provide a disclaimer stating that neither the Department nor the City Clerk has verified the accuracy of the information contained in the candidates' qualification statements. Qualification statements that are submitted by the due date will be printed by the City Clerk and mailed with the ballot at no expense to the candidate.

Prior to the election, the City Clerk shall conduct a public drawing of the letters of the alphabet. The order in which the letters are drawn shall constitute the random alphabetical order by which the names of the candidates shall be arranged on the ballot. The names of the candidates shall be arranged on the ballot in random alphabetical order of the surnames. The City Clerk shall have the ballots printed and mailed to all qualified voters.

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The first election for the Fire and Police Pension Board retired elected members shall be held by May 23, 2000.

Eligible voters shall be only those who are retired members of the Department from which the candidate retired. The General Manager of the Department of Fire and Police Pensions will provide the City Clerk with a list of all eligible retired members generated as of 30 days prior to the election. The list shall contain the name, address and other identifying information of each eligible retired member of the Plan as of the date specified in the Calendar for Election. The City Clerk will mail to all such members notification that candidates are being sought to run for the position of Retired Member of the Board. A supplemental list of voters who lost membership after the first list was prepared will be provided to the City Clerk as of the date of the election. Such lists shall be in electronic format specified by the City Clerk. The General Manager of the Department of Fire and Police Pensions shall certify the lists and formally transmit the same to the City Clerk.

Each ballot shall contain the name of each candidate who has qualified in accordance with Section 23.103.14. There shall be a blank space beneath these names in which the voter may write the name of any retired member of the applicable Department not printed on the ballot and for whom the retired member wishes to vote.

SECTION HISTORY

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Not more than ninety (90) nor less than sixty (60) calendar days prior to the election, the Board shall notify the City Clerk of the fact of such election. Not more than thirty (30) nor less than twenty (20) calendar days prior to the election, the Board will cause to be prepared a Notice of Election specifying the date thereof, a sample ballot containing the name of each candidate who has qualified for a place on the election ballot in accordance with Section 23.103.14, rules concerning eligibility to vote, and such additional information and instructions as the City Clerk may determine. A copy of the notice and sample ballot shall be posted in the office of the City Clerk.

SECTION HISTORY

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Observers so designated shall wear identification badges at all times and shall be subject to such regulations as the City Clerk shall prescribe.

SECTION HISTORY

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Sec. 23.103.18. Voting Procedure.

The City Clerk shall print and mail a ballot to each eligible member on the mailing list roster supplied by the Department of Fire and Police Pensions. The mailing shall be completed not less than ten (10) calendar days prior to the date of the election.

Those members who become eligible through retirement within thirty (30) days prior to an election, who wish to vote in such election, shall present themselves in the office of the City Clerk not earlier than seven days prior to, and not later than 5:00 PM of the day of election with a certificate from the Department of Fire and Police Pensions on a form approved by the City Clerk verifying the fact of their eligibility to vote. The City Clerk will allow such members to vote.

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A return envelope;

PRC. OSED - PROPOSED - PROPOSED

The official ballot;

An identification envelope for the official ballot with space for the member to affix the member's name, address, last 4 digits of the social security number, signature and date of signing;

A list of instructions to the voter; and

The candidate's statement of qualifications, if any.

Upon voting the ballot, the voter shall enclose the ballot in the identification envelope. The voter shall affix the voter's name, address, last 4 digits of the social security number, signature and date of signing upon the identification envelope containing the ballot in the return envelope. The voter shall return the voted ballot to the City Clerk by United States mail or by personal deposit as herein provided. During regular hours in the seven business days preceding the election, but no later than 5:00 PM on election day, voters may personally deposit their ballot in the election box in the Office of the City Clerk, Election Division. All ballots shall, in order to be counted, be in the hands of the City Clerk no later than 5:00 PM on the date of the election.

Upon receipt of the identification envelope and its contents, the City Clerk shall verify the name and social security number appearing thereon with the roster of eligible voters and shall cause the roster to be marked showing that the member has voted.

No identification envelope shall be opened prior to the commencement of the tally.

If a voter inadvertently spoils a ballot, the voter may return the spoiled ballot to the City Clerk, who shall furnish the voter with another ballot. Not more than two such additional ballots may be issued to the same voter.

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The City Clerk may challenge a returned ballot upon the following grounds:

PROPOSED - PROPOSED - PROPOSED

That the identification envelope is not properly completed or accurately identifies the voter as provided herein;

That the ballot was received after the last date and time provided herein;

That the voter was reinstated as an active member, has died or otherwise lost status as an eligible retired member as indicated by the General Manager of the Department of Fire and Police Pensions;

That the voter has already voted a ballot.

SECTION HISTORY

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That the person's status as an eligible member has changed since the person was so certified by the Department of Fire and Police Pensions;

That the voter's name does not appear on the roster.

Each ballot so challenged shall have written on the identification envelope the word "Challenge," the reason for the challenge, and the signature of the person interposing the challenge.

The City Clerk shall, with substantiating evidence, sustain or overrule the challenge. Without such substantiating evidence being produced within three (3) days of the election, the challenge shall be overruled and the ballot shall be tallied with the other ballots. Ballots whose challenge

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has been sustained shall not be included in the City Clerk's tally and shall be retained unopened by the City Clerk for a minimum of 90 (ninety) calendar days.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.20. Counting Ballots.

The City Clerk shall count ballots in accordance with procedures used by the City Clerk to count ballots for other similar elections.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.21. Certification and Report of Results.

The City Clerk shall, within fourteen (14) calendar days after the date of the election, furnish the Board with the official certified results of the election. The candidate who receives at least 50% plus one of the votes returned to the City Clerk's office will be elected to the position. In the event that no candidate receives at least 50% plus one of the votes returned, the City Clerk shall conduct a runoff election within 30 days of the date the initial election is certified by the City Clerk. The ballot for the runoff election shall contain the names of the two candidates receiving the highest number of votes in the initial election. The runoff election shall be conducted in the same manner as the primary election. Both candidates' statement of qualification will again be sent with each ballot. The General Manager of the Department of Fire and Police Pensions will provide the City Clerk with a new certified list of all eligible retired members generated as of 30 days of the runoff election. A supplemental list of voters who lost membership after the runoff list was prepared will be provided to the City Clerk as of the date of the runoff election.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.22. Unexpired Term.

If for any reason a retired Board member has submitted a letter of resignation or the office becomes vacant by virtue of death, disability or some other reason, then the City Clerk shall conduct a special election to fill such unexpired term. However, no election shall be held where the unexpired term of office will be for six (6) months or less from the time the election would be complete.

The Board shall designate the date of the election. The day shall be any Tuesday not less than sixty (60) and not more than ninety (90) days after the officeholder has submitted a letter of resignation or notification has been received of the death, disability or other cause for the office to become vacant. Candidates to be voted on at any such special election shall be nominated and elected in the same manner provided above in the regular election for retired Board members. The election notification shall make appropriate reference to the fact that the office for which such election is made is for the balance of the unexpired term.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.23. Recall Procedure.

A retired member of the Board of Fire and Police Pension Commissioners may be removed from office, and the procedure to effect the removal of an incumbent from office shall be known as a Recall.

A recall petition must be signed by ten percent of the current retired eligible voters of the Department from which the incumbent was elected. Such petition shall be addressed to the Board and filed with the City Clerk. It shall request that the question of whether the incumbent shall be removed from office by a vote of such members be submitted to the retired members of the appropriate Department. Such petition shall contain a General Statement of the grounds for which such removal is sought, of not more than 300 words in length, and the sufficiency of such statement shall not be subject to review. However, no petition for removal of a retired member shall be so filed until the member has actually held office for six months.

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Except as otherwise herein provided, the City Clerk shall specify the form and mode of signing, filing, examining, certifying, supplementing and presenting these petitions to the Board. The sponsors of a petition shall be duly responsible for such petitions being completed in every detail and in proper form when filed with the City Clerk. No amendments, changes, alterations or corrections of any kind, clerical or otherwise, shall be permitted to be made in any petition subsequent to it being filed with the City Clerk.

Before submitting the petition for signatures, its proponents shall write a notice of intention to do so. The notice shall be accompanied by a typed statement, not exceeding 300 words in length, of the reasons for the proposed recall. The notice and statement shall be posted in the Office of the City Clerk.

The City Clerk shall insure that a copy of the notice of intention be served upon, or sent by registered mail, to the retired elected member of the board sought to be recalled.

Within fourteen days (14) after the posting of notice and statement, the retired elected member sought to be recalled, or anyone upon the retired member's behalf, may prepare an Answer to the Statement. The Answer to the Statement shall not exceed 300 words in length, and shall be posted in the Office of the City Clerk. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken under this section.

Twenty-one (21) days after the posting of the notice and statement in the Office of the City Clerk, the petition demanding the recall of the retired elected member may be circulated among the qualified voters for the securing of signatures. The petition shall bear a copy of the posted notice of intention and accompanying statement and the answer, if any. If the retired member of the Board or anyone on that member's behalf has not answered, the petition shall so state. Signatures shall be secured and the petition filed with the City Clerk within six weeks from the first day of circulation. The City Clerk shall verify the sufficiency of the petition.

Upon the presentation of such recall petition to the Board by the City Clerk, the Board shall thereupon order the holding of a special election. The election will ask whether such retired elected member shall be recalled.

Such special election shall be held not less than sixty (60) days nor more than ninety (90) days after the date of certification by the City Clerk of the sufficiency of the recall petition to the Board.

Any incumbent whose removal is sought under the provisions of this section may file with the City Clerk, at least thirty (30) days prior to the recall election, copies of a typed statement of not more than 750 words in length, justifying the incumbent's course in office. The person filing the recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk, within the same limit of time, copies of a typed statement in support of the recall of not exceeding 750 words in length.

The City Clerk shall enclose one copy of any statement so filed with the ballot mailed to each voter, provided the City Clerk has been furnished copies of the typed statement equal to five percent (5%) in excess of the total number of qualified voters.

The ballots used for the purpose of the recall election shall have printed thereon the following question:

Shall (inserting the name of the retired Board member sought to be removed) be removed by recall from the office of elected retired member on the Board of Fire and Police Pension Commissioners?

An elected retired member of the Board for whose recall and removal from office an election is held, shall continue to perform the duties of office until such time as the Board shall declare the result of the recall election. In the event that a recall election is successful, the provisions of Section 23.103.22, Unexpired Terms, shall apply.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. 23.103.24. Rules and Regulations.

The Board is hereby authorized to adopt such rules and regulations, not inconsistent with the provisions of this article, as may be necessary to implement the provisions thereof.

SECTION HISTORY

Added by Ord. No. 173,182, Eff. 4-19-00, Oper. 7-1-00.

Sec. (New Section Number from City Attorney's Office) Protests.

Any interested person may challenge any proceeding, act or omission which may be material to the election, by written notice to the City Clerk not later than 3 business days after the count of the ballots. The City Clerk will review the protests and will submit a report of findings and recommendations to the Board of Fire and Police Pension Commissioners with the certified tally results within 14 days after the election.