

EXECUTIVE OFFICE



BOARD OF SUPERVISORS

CELIA ZAVALA
EXECUTIVE OFFICER

COUNTY OF LOS ANGELES
EXECUTIVE OFFICE
BOARD OF SUPERVISORS

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BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

April 20, 2021

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

33 April 20, 2021

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**ELECTION OF THE THIRD MEMBER OF THE BOARD OF INVESTMENTS AND THE THIRD
MEMBER OF THE BOARD OF RETIREMENT
(ALL DISTRICTS) (3-VOTES)**

SUBJECT

ADOPTION OF RESOLUTION ESTABLISHING THE GOVERNING PROCEDURES FOR THE 2021
LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION (LACERA) ELECTION.

IT IS RECOMMENDED THAT THE BOARD:

Adopt the attached resolution establishing the procedures to elect the Third Member of the Board of Investments, and Third Member of the Board of Retirement for the Los Angeles County Employees Retirement Association (LACERA), with three-year terms beginning on January 1, 2022, and expiring on December 31, 2024; and instruct the Executive Officer of the Board of Supervisors to send notice of the election and copies of the election resolution to all County departments and agencies that employ General Members of LACERA.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The County Employees Retirement Law of 1937 provides for the membership of the Board of Retirement and the Board of Investments of LACERA. Every year, the Board of Supervisors adopts, by resolution, the election procedures for members of the Board of Retirement and the Board of Investments of LACERA whose terms of office will expire on December 31st of that year.

This year, the terms of office for the Third Member of the Board of Investments, and the Third Member of the Board of Retirement will expire on December 31, 2021.

Implementation of Strategic Plan Goals

Approval of the attached resolution broadly supports the County Strategic Goal of Operational Effectiveness/Fiscal Responsibility and Accountability.

FISCAL IMPACT/FINANCING

The cost of conducting the LACERA election will be absorbed within the Board of Supervisors' and the Registrar-Recorder/County Clerk's budgets.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Government Code Sections 31520.1 and 31520.2 grant the Board of Supervisors the authority to conduct the election for the elected members of the Board of Retirement and the Board of Investments. Your Board has given the Executive Officer of the Board of Supervisors the responsibility for coordinating these elections with the Registrar-Recorder/County Clerk, LACERA and County departments through departmental election coordinators.

The election of the Third Members of the Board of Retirement and Board of Investments is a regular election to fill terms of office that expire on December 31, 2021. Active General Members of LACERA in service on April 15, 2021 are eligible to vote in this election. There are approximately 87,000 General Members eligible to vote in this election.

To minimize costs and increase voter turnout, voters will be able to cast their votes online or by telephone, similar to last year's LACERA election.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Besides the evident need to fill these offices on the Board of Retirement and the Board of Investments, this election provides an opportunity for General Members to participate in selecting board members whose official decisions have a great impact on their own retirement system. Thus, County departments must ensure that any communication from the Executive Officer concerning this election is posted and/or distributed in a timely manner. As always, departments will be called upon to respond immediately to situations that may surface. It is important to emphasize that the integrity of these elections often rests with a department's cooperation and active participation in the election process.

The Honorable Board of Supervisors

4/20/2021

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Celia Zavala".

CELIA ZAVALA

Executive Officer, Board of Supervisors

CZ:pn

Enclosures

c: Chief Executive Officer
County Counsel
Chief Executive Officer, LACERA
Registrar-Recorder/County Clerk
Auditor-Controller
Director, Internal Services Department

RESOLUTION ESTABLISHING THE ELECTION FOR THE THIRD MEMBER OF THE BOARD OF INVESTMENTS AND THIRD MEMBER OF THE BOARD OF RETIREMENT

WHEREAS, under the provisions of the County Employees Retirement Law of 1937, the Board of Retirement shall consist of nine members and two alternate members; the Board of Investments shall consist of nine members; and

WHEREAS, the term of the Third Member of the Board of Retirement, and the Third Member of the Board of Investments, will expire on December 31, 2021; and

WHEREAS, pursuant to the provisions of the County Employees Retirement Law of 1937, Sections 31520.1 and 31520.2 of the Government Code, a successor shall be elected to fill the offices for the term beginning January 1, 2022, at an election conducted in a manner to be determined by the Board of Supervisors:

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that the nomination of candidates and the election of the Third Member of the Board of Investments and the Third Member of the Board of Retirement, Los Angeles County Employees Retirement Association (LACERA), elected by the General Members of LACERA to fill the term beginning January 1, 2022, and expiring December 31, 2024, shall be in accordance with the rules and process herein prescribed:

1. The Executive Officer of the Board of Supervisors shall administer the election for the Third Member of the Board of Investments of LACERA, and the Third Member of the Board of Retirement of LACERA.
2. The Executive Officer of the Board of Supervisors shall, on or before Monday, May 3, 2021, notify department heads and agency heads who employ General Members of the election and shall provide department heads and agency heads with an election notice for use in notifying their respective employees. Similarly, LACERA shall email an election notice regarding the nomination process approved by the Executive Officer of the Board of Supervisors to its eligible General Members who have an email on file with LACERA, on or before Tuesday, May 18, 2021. LACERA will include the

Executive Office (LACERA_Election@bos.lacounty.gov) as a recipient of this email as proof of delivery. These election notices shall provide relevant information on the upcoming election, including the candidate filing deadline.

3. Department heads with General Member employees in their departments shall notify their employees of the election by posting sufficient copies of the election notice in work areas on or before Tuesday, May 18, 2021.
4. The Executive Office of the Board of Supervisors, through a coordinated effort with the Internal Services and Auditor-Controller Departments, shall, on or before Tuesday May 18, 2021, send an email to General Members within the County that have County email addresses, in addition to all of LACERA's active Outside Agency members advising them of the upcoming LACERA election.
5. Each department head with General Members in their department shall appoint at least one employee who will act as the departmental election coordinator, and at least one employee who will act as the alternate departmental election coordinator. Election coordinators and alternate coordinators shall be responsible for communicating election information to the employees of the department, and shall participate in all training sessions, as specified by the Executive Officer of the Board of Supervisors, regarding the administration of the election. Departments with work locations which have more than 100 employees who are eligible to vote are urged to select an on-site election coordinator for each of these locations. It is the responsibility of the department head to notify the Executive Office of the Board of Supervisors at (213) 974-1093 or email to LACERA_ELECTION@bos.lacounty.gov the names, telephone numbers, workplace mailing addresses and/or email addresses for employees appointed on or before Tuesday, May 11, 2021.
6. LACERA General Member candidates shall a) be active General Members of LACERA on April 15, 2021, b) be nominated by a petition signed by at least fifty (50) active General Members of LACERA, who themselves were active General Members on April 15, 2021, except as provided in paragraph 7, below. Candidates must choose between two signature collection options; 1) the traditional wet signature collection, or

2) electronic signature collection. Instructions on how to collect e-signatures will be detailed in the nomination packet made available by the Registrar-Recorder/County Clerk. No member may sign more than one nominating petition for a particular seat. Electronic signatures shall comply with standards set by the Registrar-Recorder/County Clerk as detailed in the nomination packet or they will not be accepted. Candidates shall complete the required documents in the nomination packet which may be obtained from the Registrar-Recorder/County Clerk by contacting the Election Planning Section at (562) 462-2317, or via email at Electionplanning@rrcc.lacounty.gov, on or after Wednesday, May 19, 2021. Nomination packets contain: (1) nomination petitions; (2) Candidate Statement of Qualifications Form; (3) resolution; and (4) candidate information booklet. Completed nomination packets shall be filed with the Registrar-Recorder/County Clerk by mail at 12400 Imperial Highway, Norwalk, 90650, or via email at Electionplanning@rrcc.lacounty.gov no later than 5:00 p.m. on Thursday, June 17, 2021.

7. In the event that LACERA candidates cannot obtain nominating petition signatures in person due to local, state, or federal mandates that directly or indirectly prohibit such activity, the Registrar-Recorder/County Clerk shall accept nominating petitions from qualifying members described in paragraph 6, above, by email in lieu of petition signatures. Detailed instructions regarding candidate nomination petitions will be included in the nomination packet available on or after Wednesday, May 19, 2021.
8. Except in the event that local, state, or Federal mandate prohibits such activity, each department head shall allow nominees to solicit nominating petitions and allow candidates to engage in campaign-related activities during working hours on County property provided such nomination solicitation and campaign activities are conducted during the employees' lunch, break time, or other off-duty time and does not interfere with County operations or the conduct of County business.
9. The Registrar-Recorder/County Clerk shall verify all nominations and notify each nominee of his or her status, no later than Thursday, June 24 2021. If the Registrar-Recorder/County Clerk determines that only one member for a particular seat has

been duly nominated, pursuant to the provisions of the County Employees Retirement Law of 1937, Sections 31523 and 31523.1 of the Government Code, the Registrar-Recorder/County Clerk shall notify the Board of Supervisors and the Board of Supervisors shall order that no election be held and the Executive Officer of the Board of Supervisors shall be directed to cast a unanimous ballot in favor of such nominated member. If more than one member has been duly nominated, The Registrar-Recorder/County Clerk shall certify to the Executive Officer of the Board of Supervisors by Thursday, June 24, 2021, the names of the candidates to be placed on the official ballot.

10. Nominees in this election may file with the Registrar-Recorder/County Clerk a statement of qualifications of not more than 200 words. Words shall be counted as provided in Elections Code Section 9. Any statement of qualifications filed with the Registrar-Recorder/County Clerk shall be limited to a recitation of the nominee's own personal background and qualifications and shall not in any way make reference to other nominees or to another nominee's qualifications. A nominee may file his or her statement of qualifications beginning Wednesday, May 19, 2021 and ending Thursday, June 17, 2021. No statement of qualifications may be withdrawn and/or re-filed after 5:00 p.m., Thursday, June 17, 2021. The statement shall become a part of the official voting material, except as provided in paragraph 11, below.
11. Within 5 days of receipt of a candidate's statement of qualifications, the Registrar-Recorder/County Clerk shall examine the statement of qualifications. Any statement of qualifications which the Registrar-Recorder/County Clerk determines is not limited to a recitation of the nominee's own personal background and qualifications or which includes any reference to other nominees or to another nominee's qualifications shall not be printed or circulated by the Registrar-Recorder/County Clerk. The Registrar-Recorder/County Clerk shall notify each nominee by telephone at his or her telephone number that the nominee has provided, and via U.S. Mail sent to the nominee's mailing address if the nominee's statement of qualifications is rejected pursuant to this provision. The decision of the Registrar-Recorder/County Clerk to accept or reject a nominee's statement of qualifications is final. However, a candidate may re-file a

statement of qualifications for reconsideration prior to 5:00 p.m., Thursday, June 17, 2021. Any judicial proceeding challenging the decision of the Registrar-Recorder/County Clerk to reject or accept a nominee's statement of qualifications shall be governed, to the extent determined applicable by the courts, under the procedures set forth in Elections Code Section 13314.

12. Candidates' statements of qualifications will be available for public inspection upon request by contacting the Registrar-Recorder/County Clerk's Election Planning Section at (562) 462-2317, beginning on Thursday, June 24, 2021, and ending at 5:00 p.m. Wednesday, June 30, 2021. On Thursday, July 1, 2021, candidates' statements of qualifications approved by the Registrar-Recorder/County Clerk may be viewed at: <http://bos.lacounty.gov/Services/Conflict-of-Interest-Lobbyist/LACERA-Election>
13. A drawing will be held to determine the ballot order at 2:00 p.m. on Friday, June 25, 2021, in the Executive Office of the Board of Supervisors, B-1 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles.
14. Any County employee who is a candidate in this election is a candidate in his or her personal capacity and may not use County time or County resources to further his or her campaign or election. Any candidate who violates this provision, or has others violate this provision on behalf of his or her candidacy, is subject to discipline, including discharge from County employment.
15. Each department head shall designate existing departmental bulletin board space for all candidates to display campaign material. Campaign material shall clearly state that employees are prohibited from using County time or County resources to further the campaign or election of the candidate. Any campaign communication transmitted physically or electronically, must include a disclaimer that states, "This is not official election information."
16. Upon request of a candidate, on or after Friday, June 25, 2021, each department head shall provide the address of each department's work locations where employees who are eligible to vote in this election are employed.

17. Except as otherwise prohibited by law, employees may wear campaign badges or buttons during working hours.
18. Active General Members of LACERA on April 15, 2021 are eligible to vote for General Member candidates in this election.
19. On or before Tuesday, June 8, 2021, in coordination with the Auditor-Controller, Internal Services Department, and LACERA, the Executive Officer of the Board of Supervisors shall obtain an electronic file of eligible General Members who were active General Members of LACERA on April 15, 2021.
20. Eligible voters will be able to cast their votes either online or by telephone beginning Thursday, August 5, 2021, through the closing of the election on Tuesday, August 31, 2021. The online voting system will be provided through a secure website and can be accessed using any web enabled device. The telephone voting system will be provided through a dedicated toll-free number for voters using a touch-tone dial pad. The online voting and telephone system shall be available 24 hours per day, seven days a week during the voting period.
21. General Members eligible to vote in this election who have valid email addresses on file will be emailed login credentials on opening voting day Thursday, August 5, 2021. The email will contain: (1) a URL link to the online voting website; (2) toll-free number to the telephonic voting system; (3) username, identified as the employee number; (4) unique pin number; (5) voting instructions; and any other information deemed necessary.

Eligible voters who do not have an email address or are identified as having an invalid email address will receive login credentials by U.S. mail that will be mailed no later than 5:00 p.m. on Tuesday, August 3, 2021. The mailer will also direct the eligible voters to all relevant election information made available online at:

<http://bos.lacounty.gov/Services/Conflict-of-Interest-Lobbyist/LACERA-Election>

22. The online voting system will require voters to enter their login credentials and other identifying information. Once logged in, the online voting website will include the following: (1) a list of the certified candidates and sufficient information to acquaint members with the nature of the election and the proper method of casting an electronic ballot; (2) a link to the statements of qualifications if properly filed by the candidate; and (3) a link to the statement of powers and duties of the Board Members (see Attachment A and B). Voters will be able to mark their selection for each seat and make changes before confirming their final selections.
23. Department heads who employ General Member employees shall allow employees eligible to vote in this election to vote online or by telephone using County property during working hours provided that this is conducted during the employees' lunch, break time, or other off-duty time and does not interfere with County operations or the conduct of County business.
24. The telephone voting system will require voters to enter their login credentials and other identifying information before accessing their telephonic ballot. The telephone system will play a recording of the election seat and the candidates for the seat, along with a corresponding number for the voter to select the candidate of their choosing, or allow the voter to move on to the next election seat if they choose not to cast a vote for any candidate. Once the voter has selected the corresponding number of the candidate they wish to vote for using their touch-tone dial pad, the telephone system will ask the voter to confirm the vote or go back to the menu selection of candidates. If the voter confirms their candidate selection, the telephone system will proceed to the next election seat following the same steps noted in this paragraph. Eligible voters will have the opportunity to review their final selections before casting their online/telephonic vote as final. Once a final ballot is cast by the voter online, a unique receipt code will be displayed online for the voter to print or write down for reference, and receipt codes provided by the telephone voting system will be recited for the voter to write down.

25. No member may vote more than once in this election. The online and telephonic system will include controls to prevent a voter from accessing their online or telephonic ballot if a ballot has been cast.
26. The Executive Office of the Board of Supervisors shall provide eligible voters with the contact information to use if voter assistance is needed. Contact information will be provided with the login information sent to voters, listed on the online voting system, and posted on the Executive Office of the Board of Supervisors' website.
27. The Executive Officer of the Board of Supervisors shall confirm the election results on or before Thursday, September 9, 2021.
28. The Executive Office of the Board of Supervisors shall (a) telephone each candidate receiving more than 20 percent of the total votes cast at his or her telephone number provided as to the results on or after Thursday, September 9, 2021, and (b) send written notice of the results via U.S. Mail to each candidate's mailing address, or send electronic mail to those candidates who prefer electronic communication on or after Thursday, September 9, 2021.
29. In the event any candidate desires to protest the results of the election, he or she must file a written protest with the Executive Office of the Board of Supervisors no later than 5:00 p.m., Wednesday, September 15, 2021. The written protest must specify the grounds for the protest and be accompanied by supporting documentation.
30. In the event that a candidate makes a request for a recount, the requestor shall bear the cost of such recount and shall file a written request with the Executive Officer of the Board of Supervisor no later than 5:00 p.m., Wednesday, September 15, 2021. The requester of the recount shall, before the recount is commenced deposit with the Executive Officer of the Board of Supervisors a sum as required by the Executive Officer of the Board of Supervisors to cover the cost of the recount. The Executive Officer of the Board of Supervisors shall commence a recount no later than

Wednesday, September 22, 2021. In the event the recount results in a determination that the candidate who requested the recount has received a plurality of the votes cast, all money deposited shall be returned to the requester.

31. The Board of Supervisors at its meeting on or before Tuesday, October 19, 2021, or on a date following the completion of any recount and/or investigation of a protest, shall declare the results official. The person receiving the highest number of votes for the Third Member, Board of Investments; and Third Member, Board of Retirement, shall be declared elected. In the event of a tie, such persons shall determine which of them shall be elected by drawing lots before the Board of Supervisors.
32. In lieu of declaring the results official, the Board of Supervisors may order a new election if the Board determines, on the basis of written protest or on its own motion, that any error, omission or neglect occurred attributable to the County in the administration of the election sufficient to change the result. The rejection of a candidate's statement of qualifications by the Registrar-Recorder/County Clerk, or the failure of the Registrar-Recorder/County Clerk to reject a candidate's statement of qualifications shall not constitute grounds for a new election. Allegations of candidate misconduct shall not constitute grounds for a new election, but if later substantiated, may lead to administrative discipline or criminal culpability.
33. Election material/data retained by the Executive Office of the Board of Supervisors and its affiliates; nominating petitions retained by the Registrar-Recorder/County Clerk may be discarded or otherwise disposed of no earlier than sixty (60) days after the date of the final declaration of the election results by the Board of Supervisors.
34. The Executive Officer of the Board of Supervisors may, in the exercise of her discretion, implement additional procedures, as she may deem necessary in order to preserve a fair and equitable election process. The Executive Officer of the Board of Supervisors shall, within ten (10) days, notify the Board of Supervisors, the Boards of Investments and Retirement and all candidates of any additional procedures implemented pursuant to this provision.

The foregoing resolution was adopted on the 20th day of April, 2021, by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.



Celia Zavala, Executive Officer-
Clerk of the Board of Supervisors of the
County of Los Angeles

By: *Maria Oleveda*
Deputy

APPROVED AS TO FORM:
RODRIGO CASTRO-SILVA
County Counsel

By *Gina Eachus*
Gina Eachus
Senior Deputy County Counsel