



**Board of Supervisors  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** September 1, 2009

Public Hearing Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

CONTACT PERSON: Michelle Baldwin PHONE: 636-5000

**SUBJECT:** Election of the Seventh Member and the Alternate Seventh Member of the Tulare County Employees' Retirement Board

**REQUEST(S):**

That the Board of Supervisors:

1. Approve the Resolution to call an election to fill the position of the Seventh Member and the Alternate Seventh Member on the Tulare County Employees' Retirement Board for the three (3) year term commencing on January 1, 2010; and
2. Adopt the Resolution regarding the election procedures for the Seventh Member and the Alternate Seventh Member.

**SUMMARY:**

Government Code Section 31520.1 states that the Seventh Member of the Tulare County Employees' Retirement Board shall be an active safety member of the Retirement Association, elected by the safety members representing qualified Law Enforcement and Fire Suppression members of the Retirement Association.

The Alternate Seventh Member as defined by Government Code Section 31520.1 shall be that candidate from the groups under Government Code Sections 31470.2 and 31470.4 who receives the second highest number of votes in the election for the Seventh Member, and who is not part of the same group of safety employees as the person elected as the Seventh Member.

Since the term of the present Seventh Member and Alternate Seventh Member on the Retirement Board will expire on December 31, 2009, it is necessary to call an

**SUBJECT:** Election of the Seventh Member and the Alternate Seventh Member of  
the Tulare County Employees' Retirement Board  
**DATE:** September 1, 2009

election to fill those positions for the three (3) year term commencing on January 1,  
2010.

**FISCAL IMPACT/FINANCING:**

All costs associated with the Election will be paid for by the Tulare County  
Employees' Retirement Association.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year Strategic Business Plan includes the Organizational  
Performance Initiative to continuously improve organizational effectiveness and  
fiscal stability. This Election helps fulfill this initiative by providing the Retirement  
Board with a quorum to help in the effective communication, collaboration and  
decision-making process of their Board.

**ALTERNATIVES:**

The Board could chose not to hold the Election for the terms ending December 31,  
2009; however, this could potentially result in the Retirement Board having to cancel  
a meeting due to the lack of a quorum.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

Retirement.

**ADMINISTRATIVE SIGN-OFF:**



Michelle Baldwin  
Chief Clerk

Cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)  
Retirement

Attachment(s)

1                   **BEFORE THE BOARD OF SUPERVISORS**  
2                   **COUNTY OF TULARE, STATE OF CALIFORNIA**

3   **IN THE MATTER OF ELECTION OF            )**  
4   **THE SEVENTH MEMBER AND THE            )**  
5   **ALTERNATE SEVENTH MEMBER            )**  
6   **OF THE RETIREMENT BOARD            )**

Resolution No. \_\_\_\_\_

7           **WHEREAS**, members of the Board of Retirement are elected or appointed in  
8 accordance with section 31520.1 of the Government Code and Section 31520.1 states that  
9 the Seventh Member and the Alternate Seventh Member of the Board shall be safety  
10 members of the Retirement Association, elected by the safety members representing  
11 qualified Law Enforcement and Fire Suppression members of the Retirement Association;  
12 and

13           **WHEREAS**, under Section 31520.1 it will be necessary to elect a Second, Seventh  
14 and Alternate Member of the Board of Retirement; and

15           **WHEREAS**, for convenience, this Resolution only pertains to the election of the  
16 Seventh Member and Alternate Seventh Member of the Board, and the procedure for  
17 election of the Second Member is covered by another Resolution adopted this same date;

18           **NOW, THEREFORE, BE IT RESOLVED** as follows:

19           1. This Board hereby calls an election to be held to fill the office of the Seventh  
20 Member and Alternate Seventh Member of the Board of Retirement for a three (3) year term  
21 commencing on January 1, 2010.

22           2. The Alternate Seventh Member as defined by Section 31520.1 shall be that  
23 candidate from the groups under Sections 31470.2 and 31470.4 who receives the second  
24 highest number of votes in the election for the Seventh Member, and who is not part of the  
25 same group of Safety employees as the person elected as the Seventh Member.

26           3. Notice of said election shall be sent to all eligible members of the Retirement  
27 Association by the Clerk of this Board as soon as possible after the adoption of this  
28 resolution, and shall be in the form which is attached hereto as Exhibit "A" and incorporated  
herein by reference.

          4. Any safety member of the Retirement Association who will be a safety member  
on and after September 10, 2009 is eligible for nomination to fill said vacancy. Nominations  
shall be made by Nomination Papers which may be obtained from the Clerk of the Board at  
the Administration Building, 2800 West Burrel, Visalia. The Nomination Papers shall be in

1 the form attached hereto as Exhibit "B" and incorporated herein by reference. Each  
2 candidate shall be nominated by at least ten (10) persons who are safety members of the  
3 Retirement Association at the time the Nomination Papers are filed.

4 5. Nominations of candidates shall be filed with the Clerk of the Board of  
5 Supervisors. Nominations may be filed from and after the adoption of this Resolution but not  
6 later than 5:00 p.m. on September 25, 2009.

7 6. Candidates may file with their nomination papers a statement of 200 words or  
8 less setting forth their qualifications for the Retirement Board, their reasons for desiring to sit  
9 on the Board and any other information pertinent to the person and his or her candidacy.  
10 Notification of the right to submit such statements shall be included in the notice described in  
11 Paragraph 3.

12 7. No candidate may withdraw his or her Nomination Papers after they have been  
13 filed with the Clerk as provided in paragraph 5 above.

14 8. If only one qualified person has been nominated for the position of Seventh  
15 Member as of the close of nominations on September 25, 2009, the Board of Supervisors  
16 shall order that no election be held and shall direct the Clerk to cast a unanimous ballot in  
17 favor of said candidate. In such case, there shall be no Alternate Seventh Member elected.

18 9. If the election has been, or is to be, canceled in accordance with the provisions of  
19 paragraph 8 above, the provisions of this paragraph shall be of no effect, and the provisions  
20 of this paragraph shall not be deemed to require that the election be held. If the election has  
21 not been, and is not to be, canceled in accordance with paragraph 8 above, any safety  
22 member of the Retirement Association who has not been nominated prior to the deadline set  
23 forth in paragraph 5 above who desires to have his or her name written in by voters on ballots  
24 for the election shall file a statement with the Clerk of Board of Supervisors stating that  
25 he/she is a write-in candidate for election to the position. Said statement shall be filed with  
26 the Clerk of the Board of Supervisors no later than 5:00 p.m. on October 2, 2009. No name  
27 written in on a ballot shall be counted unless said statement has been filed with the Clerk.

28 10. After the close of the nomination period on October 2, 2009, the Clerk of the  
Board shall cause official ballots to be printed for use in said election. The form of the ballot  
shall be substantially as set forth in Exhibit "C" which is attached hereto and incorporated  
herein by reference. The names of the candidates shall be listed on the ballot in the  
alphabetical order of their last names. The person who prints the official ballots for the Clerk  
shall certify to this Board the total number of ballots printed.

1           11. The Clerk shall also prepare a notice which shall be submitted to each voter with  
2 the ballot. The candidates' statements submitted pursuant to paragraph 6 shall be attached  
3 to said notice. The form of the notice shall be substantially in the form designated as Exhibit  
4 "D" which is attached hereto and incorporated herein by reference.

5           12. Except under the circumstances mentioned in paragraph 9 above, the required  
6 election shall be held during the period beginning on the date that the Clerk mails or  
7 otherwise sends the ballots and ending at 1:00 p.m. on November 13, 2009. Said election  
8 shall be conducted by secret ballot with each person who is a safety member of the  
9 Retirement Association on September 10, 2009, being eligible to cast a vote for this office.

10           13. No later than October 15, 2009, the Clerk of the Board shall send to each person  
11 eligible to vote in the election a ballot and notice in the form attached hereto as Exhibits "C"  
12 and "D". The Clerk shall determine the names of the persons entitled to vote for the Seventh  
13 Member of the Board from the files of the Human Resources & Development Department  
14 with the advice and assistance of the Retirement Administrator. The Clerk shall enclose with  
15 said ballot and notice a self-addressed envelope for return of the ballot, or the ballot may be  
16 returned by inter-office mail.

17           14. When the mailing of ballots to all eligible voters has been completed, the Clerk of  
18 the Board shall destroy all extra ballots which were printed and the Clerk shall file a certificate  
19 with this Board stating the total number of ballots mailed and stating the number of surplus  
20 ballots which have been destroyed.

21           15. As the Clerk receives envelopes with ballots enclosed from the voters, the  
22 envelopes shall be stored, unopened, in a safe place until the time for opening ballots set  
23 forth in paragraph 16 below.

24           16. On November 13, 2009, commencing at 1:00 p.m., the Clerk of the Board shall  
25 open all of the sealed envelopes and count the votes cast for the respective candidates. The  
26 opening of the envelopes and counting of ballots shall be done in the Administration Building,  
27 2800 West Burrel, Visalia, and any interested person is entitled to view the entire proceed-  
28 ings.

          17. If any ballot contains distinguishing marks or erasures, as those terms have been  
defined under State law, such ballot shall be declared void and not counted. If any envelope  
contains any distinguishing marks or a return address, the envelope shall be opened and  
discarded and the ballot placed with other uncounted ballots in such a manner that the  
identity of the person casting the ballot cannot be ascertained.

1           18. Any ballot received by the Clerk after the hour of 1:00 p.m. on November 13,  
2 2009, regardless of the date when it was mailed, shall not be opened nor counted, and the  
3 unopened envelope shall be placed with the void ballots. The Clerk shall also accept ballots  
4 delivered other than by mail as long as they are received by 1:00 p.m. on November 13,  
5 2009.

6           19. As soon as the counting of ballots is completed, the Clerk shall make public the  
7 number of votes received by each candidate.

8           20. The Clerk of this Board shall certify the results of the election to the Board of  
9 Supervisors at their regular meeting on December 1, 2009. The candidate with the largest  
10 number of votes for the office shall be declared elected Seventh Member by the Board of  
11 Supervisors and the Clerk of the Board of Supervisors shall thereafter issue a certificate of  
12 election to the person elected for the term of office established under section 31520.1 of the  
13 Government Code. However, if the votes are tied, the winner will be selected by lot.

14           21. The candidate from the groups under Sections 31470.2 and 31470.4 who is the  
15 person that receives the second highest number of votes and who is part of the group of  
16 Safety employees not represented by the Seventh Member shall be declared the Alternate  
17 Safety Member.

18           22. If any interested party wishes to challenge the validity of any ballot, or the results  
19 of the election as certified by the Clerk of the Board, the objecting party shall present his or  
20 her contentions to the Board of Supervisors, in writing, prior to 9:00 a.m. on December 1,  
21 2009. The Board of Supervisors shall take such action as necessary in order to resolve the  
22 dispute and the decision of the Board of Supervisors shall be final.

23           23. The Clerk shall store all ballots received, including void ballots and unopened  
24 envelopes, in a safe place for a period of four (4) months after the date of the election, at  
25 which time the Clerk may cause them to be destroyed.

26           24. If the winning candidate dies, resigns, or is otherwise incapacitated before his or  
27 her term of office commences, a new election will be called.

28           25. If a vacancy occurs after the term of office commences for the Seventh Member,  
the Alternate Seventh Member shall become the Seventh Member until the term for the  
Seventh Member expires.

          26. If a vacancy occurs in the position of the Alternate Seventh Member because the  
member becomes the Seventh Member or the member dies, resigns, or is otherwise  
incapacitated before his or her term of office, the Board of Retirement may leave the position

1 of the Alternate Safety Member vacant until the next election or request a special election.  
2 27. This Board may adopt further Resolutions, from time to time, to clarify or cover  
3 additional matters pertaining to said election.

4 **THE FOREGOING RESOLUTION WAS ADOPTED** upon motion of Supervisor  
5 , seconded by Supervisor , at a regular meeting on this 1<sup>st</sup> day of  
6 September 2009, by the following vote:

7 AYES:  
8 NOES:  
9 ABSTAIN:  
10 ABSENT:

11 ATTEST: JEAN M. ROUSSEAU  
12 COUNTY ADMINISTRATIVE OFFICER/CLERK  
13 BOARD OF SUPERVISORS

14 BY: \_\_\_\_\_  
15 Deputy Clerk  
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28

**TO ALL ACTIVE MEMBERS OF THE TULARE COUNTY EMPLOYEES'  
RETIREMENT ASSOCIATION WHO ARE SAFETY MEMBERS**

**NOTICE OF ELECTION**

Since the term of office for the Seventh Member and the Alternate Seventh Member of the Board of Retirement will expire on December 31, 2009, an election has been called by the Tulare County Board of Supervisors to fill those positions for the 3-year term commencing on January 1, 2010. The Alternate Seventh Member shall that person who receives the next highest number of votes for election of the Seventh Member and who is not part of the same group of Safety employees as the person elected as Seventh Member.

**RULES OF PROCEDURE FOR CANDIDATES**

1. Ten (10) valid signatures of safety members of the Tulare County Employees' Retirement Association are required to nominate a candidate, including the incumbent if the incumbent intends to become a candidate for re-election. Nominating Papers may be obtained from the Clerk of the Board of Supervisors at the Administration Building, 2800 West Burrel, Visalia. The Nominating Papers must be returned to the Clerk of the Board of Supervisors by 5:00 p.m. on September 25, 2009. Candidates may submit with their Nominating Papers a candidate's statement of 200 words or less relating to their candidacy for the Board of Retirement. Only safety members of the Association are entitled to be candidates, or vote, for the office of Seventh Member and Alternate Seventh Member of the Retirement Board.
2. A declaration of Candidacy cannot be withdrawn once it has been filed with the Clerk of the Board of Supervisors.
3. If only one (1) person files Nomination Papers, including but not limited to the incumbent, no election will be held and that person will be declared elected.
4. If two (2) or more persons file Nomination Papers, the election will be held. In addition there will be a seven (7) day period from September 28, 2009 to October 2, 2009 at 5:00 p.m. to allow persons who want to be write-in candidates to file a statement with the Clerk of the Board of Supervisors that they are "write-in" candidates. No name written in on a ballot will be counted unless this statement has been filed with the Clerk. This statement may be filed by mail or in person.
5. Any safety member who wishes a copy of the Resolution calling the election which sets out the complete details and rules of procedure for conducting the election may obtain one, without cost, by contacting the Clerk of the Board of Supervisors, Administration Building, 2800 West Burrel, Visalia, California 93291, and asking for said Resolution.
6. The election period will be from the date the Clerk mails or otherwise sends the ballots until November 13, 2009 at 1:00 p.m. Ballots will be sent out on or before October 15, 2009 to all eligible voters.
7. Please report any change in address and/or workstation, or correction in writing to the Board of Retirement, 136 N. Akers Street, Visalia, California 93291, so that you can exercise your right to vote. Ballots will be mailed to the address on this envelope unless you notify the Board of a change or correction. There will not be any duplicate or extra ballots available for persons who do not receive their ballots.

CLERK OF THE BOARD OF SUPERVISORS



**NOMINATION PAPERS - SAFETY MEMBER**  
Tulare County Board of Retirement

Deliver to: Clerk of the Board of Supervisors  
Administration Building  
2800 West Burrel  
Visalia, California 93291

We, the undersigned safety members of the Tulare County Employees' Retirement Association, hereby nominate \_\_\_\_\_ for the office of Seventh Member of the Board of Retirement for a 3-year term commencing on January 1, 2010. At least ten (10) valid signatures are required to nominate a candidate.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

**10.** \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

13. \_\_\_\_\_

14. \_\_\_\_\_

15. \_\_\_\_\_

## DECLARATION OF NOMINEE

The undersigned says:

I am the above named nominee for the office of Seventh Member of the Board of Retirement for a 3-year term commencing on January 1, 2010, and will accept the office in the event of election. I certify that I was a safety member of the Retirement Association on and after September 10, 2009. I desire my name to appear on the ballot as follows:

\_\_\_\_\_  
(Print Name)

I declare under penalty of perjury that the foregoing is true and correct.

Executed at \_\_\_\_\_ on \_\_\_\_\_  
(Place) (Date)

\_\_\_\_\_  
(Signature of candidate)

\_\_\_\_\_  
(Residence address)

**EXHIBIT "C"**

## SAFETY MEMBER

**TULARE COUNTY BOARD OF RETIREMENT**

# OFFICIAL BALLOT

Election for the office of Seventh Member and Alternate Seventh Member of the Board of Retirement conducted in accordance with Section 31520.1 of the Government Code for a 3-year term commencing on January 1, 2010.

**INSTRUCTIONS TO VOTERS:** To vote for a candidate of your selection, mark a (+) on the ballot with pen and ink or pencil in the voting square after the name of the candidate. To vote for a person not on the ballot, write his/her name in the blank space left for that purpose. All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

[illegible]

**EXHIBIT "D"**

**TO ALL SAFETY MEMBERS OF THE TULARE COUNTY  
EMPLOYEES' RETIREMENT ASSOCIATION**

Since the term of office for the Seventh Member and Alternate Seventh Member of the Board of Retirement will expire on December 31, 2009, an election has been called by the Tulare County Board of Supervisors to fill those positions for the 3-year term commencing on January 1, 2010. Your ballot is on the reverse. Only those safety members of the Association who were safety members on and after September 10, 2009 are entitled to cast ballots for candidates for the office of Seventh Member of the Retirement Board.

Votes for write-in candidates for the office will not be counted, under the rules adopted by the Board of Supervisors, unless the person desiring to have his/her name written in by voters filed a statement with the Clerk of the Board of Supervisors stating that he or she was a write-in candidate for election to the office no later than October 2, 2009. A self-addressed envelope is enclosed for you to return your ballot by mail, or in inter-office mail. You may, if you wish, personally deliver your ballot in the ballot envelope to the Clerk of the Board of Supervisors. Ballots must be received by the Clerk of the Board of Supervisors, Administration Building, 2800 West Burrel, Visalia, no later than 1:00 p.m. on November 13, 2009 in order to be valid.

CLERK OF THE BOARD OF SUPERVISORS