

Deferred Compensation Plan BOARD REPORT 12-12

Date: February 9, 2012
To: Board of Deferred Compensation Administration
From: Staff
Subject: 2012 Board Elections

*Board of Deferred
Compensation Administration
Eugene K. Canzano, Chairperson
John R. Mumma, Vice-Chairperson
Cliff Cannon, First Provisional Chair
Tom Moutes, Second Provisional Chair
Sangeeta Bhatia, Third Provisional Chair
Michael Amerian
Michael A. Perez
Robert Schoonover
Margaret M. Whelan*

Recommendation:

That the Board of Deferred Compensation Administration a) receive and file the following information regarding upcoming elections for the Board of Deferred Compensation Administration, and b) approve recommendations to revise the Board's Elections Policies & Procedures for administrative purposes.

Background:

In 2007, the City Council approved governance changes to the Board of Deferred Compensation Administration that included the addition of directly elected participant representatives for the Los Angeles City Employees' Retirement System (LACERS), Fire and Police Pensions, Department of Water and Power (DWP), and retired participants.

Currently, the **terms for both the Active DWP Participant Representative and the Retired Participant Representative will expire on June 30, 2012.** The election to seat these positions will be held on May 11, 2012, with new terms beginning July 1, 2012 and ending June 30, 2015.

For the Board's information, the next election for the Active LACERS and Active Pensions Participant Representatives will be held in May 2014 for terms to begin July 1, 2014.

Discussion:

Staff has been working with the Office of the City Clerk's Election Division to establish and coordinate the schedule for the May 11, 2012 election, which is attached to this report.

Additionally, staff reviewed the Elections Policies & Procedures and discovered areas that required correction if the election was to be administered according to policy. Although general authority for the Board elections is provided in City of Los Angeles Administrative Code Division 4, Chapter 14, the actual election process is outlined by the Elections Policies & Procedures, a document adopted by the Board. Therefore, staff requests the Board to adopt the following administration-related revisions:

- a) Include dates of the document's adoption and revision history, by adding the following (in red) under the document title on page 1:

*“Adopted by the Board of Deferred Compensation Administration on March 20, 2007
Revised January 20, 2009; revised February 17, 2009; revised February 21, 2012”*

- b) Allow flexibility for designating deadline times when petitions, ballots, or other election-related items are due, by revising the following language (changes in red). This allows for instances when offices may close at times other than 5 p.m.

Section D. Nomination of Candidates (page 2)

“The petitions shall be filed in the office of the Plan no later than ~~5 p.m. on a the~~ date and time to be established by the Plan that is within two weeks of the date that petitions are first made available to candidates.”

Section H. Voting Procedures (page 4)

“Employees who become members of the Plan within 30 calendar days prior to an election and who wish to vote in that election shall present themselves in the office of the City Clerk no earlier than seven calendar days prior to and no later than ~~5:00 p.m.~~ the close of business (specific time to be designated by the City Clerk) of the day of the election with a certificate from the Personnel Department on a form approved by the City Clerk verifying the fact of their eligibility to vote.”

“During regular business hours in the seven calendar days preceding the election, but no later than ~~5:00 p.m.~~ the close of business (specific time to be designated by the City Clerk) on election day, voters may personally deposit the return envelope containing their ballot in the ballot box in the Office of the City Clerk, Election Division. All ballots shall, in order to be counted, be received by the City Clerk no later than ~~5:00 p.m.~~ the close of business (specific time to be designated by the City Clerk) on the date of the election.”

In accordance with the Board’s Election Policy and past practice, DWP active employee and retired Plan participants will be advised of the election and their eligibility to run for the seats in early March. Nominating petitions will be made available on or around March 23, 2012, with the deadline for submission being on or around April 6, 2012. Ballots will be mailed on or around April 27th, 2012, with responses due by the Election Day. Staff will next report on the status of the Elections at the Board’s April 17, 2012 meeting.

Submitted by: _____
Esther Chang

Reviewed by: _____
Steven Montagna

Approved by: _____
Alejandrina Basquez

CITY OF LOS ANGELES DEFERRED COMPENSATION PLAN

200 N. Spring Street, Room 867
Los Angeles, CA 90012

2012 ELECTION CALENDAR
Board of Deferred Compensation Administration

FOR THE SEATS OF
Active DWP Participant Representative
&
Retired Participant Representative

Terms Ending June 30, 2015

| | |
|------------------------------|---|
| February 21, 2012 (Tues.) | The General Manager of the Personnel Department will notify the Office of the City Clerk of the pending election. |
| March 23 (Fri.) | Nominating petitions will be available at the Deferred Compensation Plan public counter located at the Employee Benefits Division, 200 N. Spring Street, Room 867. Office hours are 8:00 a.m. to 4:00 p.m. |
| April 6 (Fri.) | <p>The deadline for filing nominating petitions will be 4:00 p.m., to be filed at the public counter for the Deferred Compensation Plan in the Employee Benefits Division, 200 N. Spring Street, Room 867.</p> <p>To qualify, a candidate for the <u>Active DWP Participant Representative</u> seat must be nominated by petition with a minimum of 100 but not more than 200 valid signatures from active participants in the Plan who are also current DWP employees.</p> <p>To qualify, a candidate for the <u>Retired Participant Representative</u> seat must be nominated by petition with no less than 10 but no more than 20 valid signatures from current participants in the Plan who are retired or otherwise separated from City service.</p> <p>Candidates are invited to submit a statement of their qualifications, not to exceed 250 words in length, to be enclosed with their respective ballot and voting instructions. These must be submitted no later than April 6, 2012 at 4:00 p.m. Any candidate not submitting a statement before the deadline will be considered to have declined to file a statement.</p> |
| April 10 (Tue.) | A drawing of names to determine the order of appearance of the candidates' names upon the ballots will be held at 8:30 a.m. by the Election Division of the City Clerk's Office, located at 555 Ramirez Street, Space 300, Los Angeles, CA 90012. |
| April 27 (Fri.) | <p>A ballot containing the names of the Active DWP Participant Representative candidates, voting instructions and candidate statements will be mailed to the home address of each active participant in the Plan who is also a current DWP employee.</p> <p>A ballot containing the names of the Retired Participant Representative candidates, voting instructions and candidate statements will be mailed to the home address of each current participant in the Plan who is retired or otherwise separated from City service.</p> |

**2012 ELECTION CALENDAR
BOARD OF DEFERRED COMPENSATION ADMINISTRATION**

**ACTIVE DWP PARTICIPANT REPRESENTATIVE
RETIRED PARTICIPANT REPRESENTATIVE
TERMS ENDING JUNE 30, 2015**

| | |
|---------------------------------------|---|
| April 28 (Sat.) | Beginning April 28, 2012, ballots marked in accordance with the voting instructions may be deposited in any U.S. mailbox in time to be received at the Election Division of the City Clerk's Office no later than 5:00 p.m. on May 11, 2012 , the day of the election. Any participant with a damaged or spoiled ballot may return it to the Election Division of the City Clerk's Office for a replacement ballot during regular office hours. Any eligible member who did not receive a ballot may receive one from the City Clerk during regular office hours, after signing an affidavit attesting to non-receipt. |
| May 4 (Fri.) – May 11 (Fri.) | <p>New eligible members, having become eligible within thirty (30) days of an election, who wish to vote may present themselves to the Election Division of the City Clerk's Office to obtain a ballot. Ballots may be deposited during regular business hours, but no later than 5:00 p.m. on Election Day, in the election box located in the Election Division of the City Clerk's Office.</p> <p>Any participants who are eligible to vote and who have not cast a ballot by mail may do so in person at the Election Division of the City Clerk's Office between the hours of 8:00 a.m. and 5:00 p.m.</p> |
| May 11 (Fri.) ELECTION DAY | The Deferred Compensation Plan shall send the Election Division of the City Clerk a certified listing of those who are no longer eligible to vote. |
| May 15 (Tues.) | Results will be canvassed by the Election Division of the City Clerk's Office starting at 9:00 a.m. The City Clerk will certify the results to the Board of Deferred Compensation Administration within fourteen (14) calendar days after the election. The Active DWP Participant Representative candidate and the Retired Participant Representative candidate that receives a plurality of all votes cast in their respective elections will be declared elected. |