



## Board Report 24-06

Date: January 16, 2024

To: Board of Deferred Compensation Administration

From: Staff

Subject: 2024 Deferred Compensation Plan Board Election: Active Participant WPERP Representative and Retired/Separated Participant Representative

Board of Deferred Compensation Administration
Thomas Moutes <i>Chair</i>
Neil Guglielmo <i>Vice-Chair</i>
Robert Schoonover <i>First Provisional Chair</i>
Jeremy Wolfson <i>Second Provisional Chair</i>
Joseph Salazar <i>Third Provisional Chair</i>
Matthew Benham
Dana H. Brown
Linda P. Le
Carl Lurvey

### **Recommendation:**

That the Board:

- a) Allow candidate nominating materials to be provided and submitted in-person, by mail, or via email and allow any required nominating petition signatures to be collected as original or electronic signatures for the 2024 Active Participant Water and Power Employees' Retirement Plan Representative and Retired/Separated Participant Representative Election; and
- b) Instruct staff to return with revisions to the Board Election Policies and Procedures to incorporate changes as outlined in this report.

### **Discussion:**

#### **A. Background**

Per the [City of Los Angeles Administrative Code \(LAAC\) Section 4.1407](#)<sup>1</sup>, Board members include directly elected employee participant representatives from the Los Angeles City Employees' Retirement System (LACERS), Los Angeles Fire and Police Pensions (LAFPP), and the Water and Power Employees' Retirement Plan (WPERP), and a Retired/Separated Participant Representative. DCP elections adhere to the Board's Election Policies and Procedures ([Election Policies](#))<sup>2</sup>.

The following table details the incumbent representatives and their Board terms:

<sup>1</sup> LAAC § 4.1407(e): [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/laac/0-0-0-17138](https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-17138)

<sup>2</sup> Election Policies & Procedures: [LA457.com/s/BDCA-Election-Policies-Procedures-revised-February-9-2023.pdf](https://www.la457.com/s/BDCA-Election-Policies-Procedures-revised-February-9-2023.pdf)

Board Position	Incumbent	Term
Active Participant LACERS Representative	Matthew Benham	July 1, 2023 – June 30, 2026
Active Participant LAFPP Representative	Carl Lurvey	July 1, 2023 – June 30, 2026
Active Participant WPERP Representative	Jeremy Wolfson	July 1, 2021 – June 30, 2024
Retired/Separated Participant Representative	Thomas Moutes	July 1, 2021 – June 30, 2024

- Mr. Lurvey assumed his position at the August 29, 2024 meeting following a special election in 2023 to fill the position.
- Mr. Wolfson assumed his position at the October 19, 2021 meeting following a special election in 2021 to fill the vacant position part-way through the term.

### **B. 2024 Board Election - Active Participant WPERP Representative and Retired/Separated Participant Representative**

The terms for both the Active Participant WPERP Representative and the Retired/Separated Participant Representative expire June 30, 2024. The election to fill these positions will be held on May 10, 2024 in accordance with [Section D](#) of the Election Policies, with new terms beginning July 1, 2024, and ending on June 30, 2027. Other key dates for this election are provided below:

Election Calendar	
<b>Early March 2024</b>	Active WPERP and Retired/Separated participants will be advised via general mailing of the election and their eligibility to run for the seats.
<b>Late March 2024</b>	Deadline for submission of candidate forms and nominating petitions from participants interested in running for the seats.
<b>Mid April 2024</b>	Ballots and voting packets will be mailed to eligible voters.
<b>May 10, 2024</b>	Election Day; all ballots must be received by this date.

The Office of the City Clerk - Election Division (City Clerk) will administer this election on behalf of the Board. DCP staff works closely with the City Clerk on coordinating the election process, including establishing timelines and drafting and disseminating communications. The finalized calendar will be provided to the Board at a subsequent meeting.

For the 2024 Election, a minimum of 50 and a maximum of 100 eligible nominating petition signatures will be required to be certified as a candidate for the Active Participant WPERP Representative and no petition signatures will be required for the Retired/Separated Participant Representative seat, in accordance with Election Policies, [Section E\(4\)](#).

Staff additionally recommends that prospective candidates be allowed to pick up and submit their candidate nominating materials in-person, by mail, or via email. Additionally, to remove any barriers due to hybrid telecommute work schedules, staff recommends that the nominating signatures required for the Active Participant WPERP Representative be allowed as original or “wet” signature and by electronic signature, as outlined in Appendix A of the Election Policies.

Staff will also develop a communications plan that distinguishes the DCP's Board election from other pension system elections. Notably, WPERP released an [Election Notification bulletin](#) on November 20, 2023 indicating that it is also hosting a Board election for its active employee members on March 1, 2024, with the term beginning on May 1, 2024. Additional information and election updates will be available at [LA457.com/elections2024](http://LA457.com/elections2024).

### C. Revisions to Board Election Policies & Procedures

During initial planning stages for this election, the City Clerk and DCP staff discussed the following items that would require a change to current processes and policy:

- Creation of a Notice of Intent Form: City Clerk indicated that other City Board elections include this form so candidates may indicate their desire to be placed on the official ballot, particularly in situations where no nominating petitions are required. As that would be the case for the Retired/Separated Participant Representative seat, staff reviewed a sample form from the City Clerk and agreed that incorporating it into existing DCP nominating documents would help standardize the required documents needed to file for candidacy whether for an active or retired/separated seat.
- Transfer of Duties: Staff and City Clerk also discussed whether candidate forms may be picked up and submitted to the City Clerk versus the DCP office. City Clerk has indicated they perform this work for similar City elections and would be available to perform this work if the election policy/procedure allows. Staff believes that transferring this duty to the City Clerk as the election administrator will further support the integrity of the election process and also free up staff resources for other tasks.
- Additional Days to Receive Ballot: Additionally, City Clerk noted that delays in the United States Postal Service delivery timing are more prevalent, which has prompted a change to general election administration processes. City Clerk recommended allowing ballots that are postmarked by/on the Election Day but physically received up to three (3) calendar days later to be included in the tally. Previously, ballots must have been physically received by the end of Election Day. City Clerk noted that other City board elections and other municipal and federal elections contain similar language in their election policies as well. This change will allow more votes to be counted and will not impact the current overall election timeline.

Given the above, staff recommends the Board instruct staff to return with revisions to the Election Policies in order to:

- Incorporate a Notice of Intent form in the candidate qualification process.
- Transfer duties related to providing and receiving candidate materials (such as Notice of Intent forms and nominating petitions) to the City Clerk.
- Allow ballots to be counted as long as they are postmarked by/on Election Day and physically received within three (3) calendar days, to account for postal service delays.

Submitted by: Eric Lan, Benefits Analyst

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