



City of Cincinnati Retirement System Board of Trustees Meeting

Agenda

February 3, 2022 / 2:00 P.M.
City Hall, Council Chambers and via Zoom

Members

Tom Gamel	John Juech
Bill Moller	Kathy Rahtz
Don Stiens	Erica Winstead
Mark Menkhaus Jr.	Jeff Cramerding

Administration

Mike Barnhill
Renee Kabin
Ann Schooley
Linda Smith

Call to Order

Approval of Minutes

- ✚ Meeting Minutes – December 2, 2021

Investment Committee Report

- ✚ Report from Committee, February 3, 2022
- ✚ Investment Policy Update

Informational - Executive Director's Report

- ✚ 4th Qtr. Demographic Rpt.
- ✚ 4th Qtr. DROP Rpt.
- ✚ 115 Health Care Trust Funding Policy
- ✚ Fiduciary Performance Audit Options
- ✚ CRS Website

Unfinished Business

- ✚ Outstanding Opinions:
 - K. Rahtz Board Approved Motion, October 3, 2019
 - Item 1. Explain why City's changes to retiree healthcare are permitted under the CSA without Court approval.
 - Item 2. Explain why the Board cannot retain outside counsel on matters which the Solicitor's Office will not give counsel.

New Business

- ✚ Cheiron Discussion & Projections

Adjournment

Next Meeting: Thursday, March 3, 2022, 2:00 P.M. City Hall Council Chambers and via Zoom



**City of Cincinnati Retirement System
Board of Trustees Meeting
Minutes
December 2, 2021/ 2:00 P.M.
City Hall – Council Chambers**

Board Members Present

Bill Moller, Chair
Tom Gamel, Vice Chair
John Juech
Mark Menkhaus, Jr.
Kathy Rahtz
Don Stiens
Absent: Erica Winstead

Administration

Mike Barnhill
Paula Tilsley
Renee Kabin
Ann Schooley
Linda Smith

CALL TO ORDER

The meeting was called to order at 2:08 p.m. and a roll call of attendance was taken.

APPROVAL OF MINUTES

J. Juech made a motion to approve the minutes of the meeting held on November 4, 2021.
M. Menkhaus, Jr. seconded the motion. A roll call vote was taken to approve the minutes. The roll call vote results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
E. Winstead - Y
D. Stiens - Y

Minutes of the November 4, 2021 Board meeting were approved.

GOVERNANCE COMMITTEE REPORT

Board Action

M. Menkhaus, Jr., representing the Governance Committee, made a motion to approve the proposed changes to item 1. d. from the Governance Manual, named Board Composition, to change the attendance requirement from three-fifths to *two-thirds* in accordance with the CSA, and add the terms “rolling” and “permanently” such that the revised item 1. d. reads “A Trustee who fails to attend at least *two-thirds* of the regular and

special meetings of the Board during any *rolling* two-year period *permanently* forfeits membership on the Board. A roll call vote was taken on the motion and the results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
D. Stiens - Y

The motion to add the terms “*two-thirds*”, “*rolling*” and “*permanently*” to the Governance Manual, item 1. d passed.

Board Action

M. Menkhaus, Jr., representing the Governance Committee, made a motion to make the following changes to Rule VIII: Add “Performance Evaluation” as a standing Committee, add the phrase “which shall include *at least* one Mayor Appointed Trustee, one Active Employee Trustee, and one Retiree Trustee, in accordance with the Collaborative Settlement Agreement”, add the phrase “subcommittees and” prior to “special committees” in the third sentence, and remove “Benefits” Committee as adopting a regular time and place for meeting as a standing Committee. A roll call vote was taken and the results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
D. Stiens - Y

The motion passed to add the Performance Evaluation Committee as a standing Committee, add the phrase “which shall include *at least* one Mayor Appointed Trustee, one Active Employee Trustee, and one Retiree Trustee, in accordance with the Collaborative Settlement Agreement”, add the phrase “and subcommittees” in the third sentence, and remove “Benefits” Committee as adopting a regular time and place for meeting as a standing Committee.

Board Action

M. Menkhaus, Jr. made a motion to accept the revisions to Rule I, Order of Business, as approved by the Governance Committee. A roll call vote was taken and the results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
D. Stiens - Y

The motion passed to accept the revisions to Rule I. Order of Business.

Board Action

M. Menkhaus, Jr. made a motion to accept the revisions to Rule III to state “Regular meetings of the Board of Trustees are generally held monthly in accordance with an annual calendar of dates as approved by the Board each year” as approved by the Governance Committee. A roll call vote was taken and the results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
D. Stiens - Y

The motion passed to accept the revisions to Rule III to state “Regular meetings of the Board of Trustees are generally held monthly in accordance with an annual calendar of dates as approved by the Board each year.”

Board Action

M. Menkhaus, Jr. made a motion to add the phrase “which is defined as the CRS Executive Director” to Rule IV, as previously approved by the Governance Committee. A roll call vote was taken and the results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
D. Stiens - Y

The motion passed to add the phrase “which is defined as the CRS Executive Director” to Rule IV.

Board Action

M. Menkhaus, Jr., representing the Governance Committee, made a motion to adopt the revisions to Rule V to state “Special meetings of the Board of Trustees may be held at the *request* of the *Chairperson or two or more members* not less than 48 hours before the time of the meetings, and not less than 24 hours’ notice to each member. The *notice* for the meeting must state the time, date, location, and subjects to be considered at the meeting and be posted on the *Cincinnati Retirement System’s web page*, in compliance with Ohio Revised Code Section 121.22. No other subject may be discussed except with the approval of a majority of the Board.” A roll call vote was taken and the results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
D. Stiens - Y

The motion passed to adopt the revision to Rule V to state “Special meetings of the Board of Trustees may be held at the *request* of the *Chairperson or two or more members* not less than 48 hours before the time of the meetings, and not less than 24 hours’ notice to each member. The *notice* for the meeting must state the time, date, location, and subjects to be considered at the meeting and be posted on the *Cincinnati Retirement*

System's web page, in compliance with Ohio Revised Code Section 121.22. No other subject may be discussed except with the approval of a majority of the Board.”

Board Action

M. Menkhaus, Jr. made a motion to accept the changes to Rule IX such that it reads “The *Chair* shall present matters immediately to the various committees. The committees are to submit their reports at *a future* Board meeting.”, as approved by the Governance Committee. A roll call vote was taken and the results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
E. Winstead - Y
D. Stiens - Y

The motion passed such that Rule IX reads “The *Chair* shall present matters immediately to the various committees. The committees are to submit their reports at *a future* Board meeting.”

Board Action

M. Menkhaus, Jr. made a motion to accept the changes to Rule X such that it reads “Board members have the duty to attend the meetings of the Board and the meetings of such committees as to which they have been appointed. *A member who fails to attend at least two-thirds of the regular and special meetings of the Board during any rolling two-year period permanently forfeits membership on the Board.* A roll call vote was taken and the results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
E. Winstead - Y
D. Stiens - Y

The motion passed such that Rule X reads “Board members have the duty to attend the meetings of the Board and the meetings of such committees as to which they have been appointed. *A member who fails to attend at least two-thirds of the regular and special meetings of the Board during any rolling two-year period permanently forfeits membership on the Board*”

Board Action

M. Menkhaus, Jr. made a motion to delete and remove Rule XIII, Review of Benefits. A roll call vote was taken and the results follow:

B. Moller - Y
T. Gamel - N
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
D. Stiens - Y

The motion to delete and remove Rule XIII, Review of Benefits, passed.

Board Action

M. Menkhaus, Jr. made a motion to adopt the changes to Rule XIV as approved by the Governance Committee such that original item E. is deleted and original item F. reads “The Board will follow the City’s Purchasing Department procedures as described in Section N of the Collaborative Settlement Agreement Board Reforms.” A roll call vote was taken and the results follow:

- B. Moller - Y
- T. Gamel - Y
- J. Juech - Y
- M. Menkhaus, Jr. - Y
- K. Rahtz - Y
- D. Stiens - Y

The motion to adopt the changes to Rule XIV such that original item. E. is deleted and original item F. reads “The Board will follow the City’s Purchasing Department procedures as described in Section N of the Collaborative Settlement Agreement Board Reforms” passed.

Board Action

M. Menkhaus, Jr. made a motion to eliminate Rule XVI, Return of Contributions, as previously approved by the Governance Committee. A roll call vote was taken and the results follow:

- B. Moller - Y
- T. Gamel - Y
- J. Juech - Y
- M. Menkhaus, Jr. - Y
- K. Rahtz - Y
- D. Stiens - Y

The motion to delete Rule XVI, Return of Contributions, passed.

UNFINISHED BUSINESS

✚ Outstanding Opinions:

K. Rahtz Board Approved Motion, October 3, 2019

- Item 1. Explain why City’s changes to retiree healthcare are permitted under the CSA without Court approval.
- Item 2. Explain why the Board cannot retain outside counsel on matters which the Solicitor’s Office will not give counsel.

A. Schooley reported there is no update.

NEW BUSINESS

✚ Communications with New Mayor and Council

Discussion occurred regarding Board representatives to meet with the new incoming Mayor and Council members in the near future to provide an introduction to and summary of the Cincinnati Retirement System. The Executive Director is to attend such meetings. Mr. Juech offered his insight into scheduling for the incoming elected officials and to help facilitate such meetings.

✚ Future Cheiron Discussion & Projections

Board members were asked to send requests for specific projections to the Executive Director by December 31, 2021, for presentation to the Board by Cheiron at a future Board meeting.

✚ CRS Board Calendar for 2022

Board Action

B. Moller made a motion to approve the Board Calendar for 2022, with the addition of “To Be Determined” place holders. M. Menkhaus, Jr. seconded the motion. A roll call vote was taken and the results follow:

B. Moller - Y
T. Gamel - Y
J. Juech - Y
M. Menkhaus, Jr. - Y
K. Rahtz - Y
D. Stiens - Y

The Board Calendar for 2022 was approved.

INFORMATIONAL

✚ Monthly Investment Report

No discussion occurred.

✚ 115 Health Care Trust Funding Policy

P. Tilsley reported there is no update.

✚ Pending Items: Fiduciary Performance Audit; Experience Analysis Study

The next Experience Analysis Study for the five-year period 2017 through 2021, will occur after the December 31, 2021 Annual Actuarial Report is completed in mid-2022.

Board Action

With no other business before the Board, T. Gamel made a motion to adjourn. J. Juech seconded the motion. Roll call vote results follow:

B. Moller - Y
T. Gamel – Y
J. Juech - Y
M. Menkhaus, Jr. – Y
K. Rahtz – Y
D. Stiens – Y

The motion to adjourn passed. Meeting adjourned at 2:46 P.M.

Next Meeting: February 3, 2022 at 2:00 p.m.

Demographic Report for the CRS Board

	12/31/2020	1st Quarter (3/31/2021)	2nd Quarter (6/30/2021)	3rd Quarter (9/30/2021)	4th Quarter (12/31/2021)
Total F/T Active Employee Members <i>(Does NOT include DROP participants)</i>	2839	2799	2843	2923	2931
Total Payees <i>(includes retirees, optionees in pay status, and Survivors - does NOT include DROP participants)</i>	4119	4231	4229	4233	4216
Number of Retiree & Optionee Deaths YTD <i>(includes Optionees who died and were not in pay status)</i>	230	76	117	164	213

Total Payees includes payees receiving multiple benefits AND Rehired Retirees. For example, a retiree who is receiving another benefit as an optionee is counted twice. This count does not correlate directly to the number of pensioners depicted in the Annual Actuarial Valuation due to differences in accounting for new retirees, deceased pensioners, DROP participants, and payees receiving multiple benefits.

Pensioner count is based on payroll date 1 day after end of quarter

Cincinnati Retirement System
DROP Quarterly Report for 2021

Totals at 12/31/2020	Q1	Q2	Q3	Q4	2021	Life of Plan Participation
Participants						
Beginning	235	208	201	195	235	
New Participants	337	5	5	3	4	354
Withdrawn Participants	-102	-32	-12	-9	-5	-160
Remaining	235	208	201	195	194	194
DROP Balance						
Opening Balance					\$ 24,954,562	
In-Flows to DROP						
Deferred Pension Payments	\$ 31,868,079	\$ 2,593,603	\$ 2,404,374	\$ 2,324,970	\$ 2,210,256	\$ 9,533,203
Member Contributions*	\$ 4,479,460	\$ 395,827	\$ 319,115	\$ 361,323	\$ 311,803	\$ 1,388,068
Interest Payable	\$ 1,002,367	\$ 55,838	\$ 50,513	\$ 93,123	\$ 80,003	\$ 279,477
Subtotal	\$ 37,349,906	\$ 3,045,268	\$ 2,774,002	\$ 2,779,416	\$ 2,602,062	\$ 11,200,748
Out-Flows from DROP						
Disbursement of Accounts	\$ (11,243,776)	\$ (7,959,512)	\$ (1,935,261)	\$ (1,493,825)	\$ (636,132)	\$ (12,024,730)
Transfers to Pension Trust						
Participant Fees*	\$ (1,119,027)	\$ (98,343)	\$ (79,712)	\$ (90,317)	\$ (77,953)	\$ (346,325)
Forfeited Interest	\$ (32,541)	\$ (1,450)	\$ (484)	\$ (1,419)	\$ (141)	\$ (3,494)
Subtotal	\$ (12,395,344)	\$ (8,059,305)	\$ (2,015,457)	\$ (1,585,561)	\$ (714,226)	\$ (12,374,549)
Change To DROP Quarterly		\$ (5,014,037)	\$ 758,545	\$ 1,193,855	\$ 1,887,836	\$ (1,173,801)
Ending DROP Liability	\$ 24,954,562				\$ 23,780,761	\$ 23,780,761

* Member Contributions equal 9% of pensionable compensation with 25% of collected amount transferred to Pension Trust as fees for participation in the DROP program.



**Cincinnati Retirement System
Rules of the Board of Trustees**

2022

(ver: 1/24/2022)

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Rule I Order of Business

- A. Approval of Minutes
- B. Reports of the Secretary and the Committees
- C. Unfinished Business
- D. New Business
- E. Informational
- F. Adjournment

Rule II Rules of Order

The Board of Trustees of the Retirement System adopts Robert's Rules in Plain English by Doris P. Zimmerman (Scott, Foresman 1997).

Rule III Meeting Place and Time

Regular meetings of the Board of Trustees are generally held monthly in accordance with an annual calendar of dates as approved by the Board each year.

Rule IV Open Meetings

All meetings of the Board and its Committees are open to the public, except that the Board and its Committees may adjourn into Executive Session under circumstances permitted under Ohio Revised Code Section 121.22. The Secretary, which is defined as the CRS Executive Director, has the duty to cause minutes to be prepared of all meetings and keep the minutes available to the public.

Rule V Special Meetings

Special meetings of the Board of Trustees may be held at the request of the Chairperson or two or more members not less than 48 hours before the time of the meetings, and not less than 24 hours notice to each member. The notice for the meeting must state the time, date, location, and subjects to be considered at the meeting and be posted on the Cincinnati Retirement System's web page, in compliance with Ohio Revised Code Section 121.22. No other subject may be discussed except with the approval of a majority of the Board.

Rule VI Election of Chair and Vice-Chair

Each December of the even-numbered years, the Board shall elect one of its members as Chair and another as Vice-Chair, to serve for two-year terms. If a vacancy in the office of the Chair

occurs, then the Vice-Chair shall succeed the Chair. The Board shall elect a member to fill any unexpired term of the Vice-Chair.

Rule VII Trustee Elections

TRUSTEE ELECTIONS

The Board is made up of four Appointed Trustees, three elected Retired Trustees, and two elected Active Employee Trustees. Only members of the Cincinnati Retirement System (“CRS”) are eligible to serve as elected Trustees or to vote in the CRS election process. Elected Trustees are elected for a four-year term. Appointed Trustees are appointed by the Mayor for a term of up to four years, as determined by the Mayor.

ACTIVE EMPLOYEE TRUSTEES

Only active Members of the CRS shall be elected as Active Employee Trustees. Employees who participate in the D.R.O.P. (Deferred Retirement Option Program) are ineligible to serve on the Board of Trustees as an Active Employee Trustee. Active Employee Trustees who enroll in the D.R.O.P. during their terms shall forfeit their Trustee position on the Board effective the date of their D.R.O.P. enrollment.

Every CRS Member who is a full-time, part-time, or seasonal employee employed as of the opening of Elections shall be eligible to vote for candidates for either of the two Active Employee Trustee positions. Additionally, ballots for the Active Employee Trustees shall be provided to each Member who is classified as a Deferred Vested Member and to every employee on leave of any type.

RETIREE TRUSTEES

Only Retired Members of the City of Cincinnati Retirement System shall be elected as Retiree Trustees. Every Pensioner (a person receiving a pension benefit) shall be eligible to vote for candidates for the three Retiree Board Trustee positions.

ELECTION PROCESS

A. Opening of Nominations

1) An Opening of Nominations Notice shall be prepared and distributed by the Retirement Department. The nomination period shall remain open for no less than 25 days. For counting purposes, day 1 shall be the date declared on the Opening of Nominations Notice.

2) The Opening of Nominations Notice shall state all deadlines and dates pertinent to the election, including but not limited to, the deadline for nominations, the deadline for candidates’ position papers, the date for the posting of the confirmed candidates’ names, the opening and closing dates of the election, and the contact person’s name, telephone number and email address within the Retirement Department.

- 3) Candidate Instructions shall include an outline of the Board's function, the duties of a Board Trustee, the meeting schedule, and attendance expectations. The following reasons disqualify any person from seeking election to the Board or remaining as a Trustee:
 - a. Finding of dishonesty in any civil proceeding or disciplinary decision,
 - b. Conviction of a felony for an act committed while the candidate or member was an adult, or
 - c. Failure to comply with election requirements established by the Board.
- 4) Active Employee Trustees: The Opening of Nominations Notice shall be sent via email to all employees who have City email addresses and who are CRS Members as of the date of Departments shall be responsible for the distribution and posting of the Opening of Nominations Notice. Retirement Department shall mail the Opening of Nominations Notice via U.S.P.S. first-class mail to all Deferred Vested Members
- 5) Retiree Trustees: The Opening of Nominations Notice shall be mailed by U.S.P.S. first-class mail to all CRS Pensioners.

B. Nomination Petition Forms

- 1) Nomination Petition Forms can be obtained from the Retirement Department office or website.
- 2) Completed Nomination Petition Forms shall contain on each page the name of the candidate, the position the candidate is seeking, and the deadline for submission of candidate's position paper.
- 3) Nomination Petition Forms shall require no fewer than 25 signatures and printed names of those meeting the qualification to vote in the election of a trustee. For the Active Employee Trustees, the signatures must be from active employees who are members of CRS, employees who participate in the Deferred Retirement Option Program or Deferred Vested Members of CRS. For the Retiree Trustees, the signatures must be from CRS Pensioners.
- 4) Nomination Petition Forms can include a single signature or multiple signatures as long as a nominated candidate receives a combined total of no less than 25 signatures from eligible CRS members from their representative group. The Nomination Petition Forms may be delivered directly to CRS, mailed to CRS, or electronic copies may be emailed to the designated CRS contact listed on the Opening of Nominations Notice.
- 5) Hard copies and electronic copies of Nomination Petition Forms must be RECEIVED by the Retirement Department (Room 328 City Hall) by the deadline posted on the Nomination Petition Form.
- 6) At the time that the Nomination Petition Form is due, each candidate shall provide the Retirement Department with his or her:
 - a. Official home address

- b. Email address
- c. Home phone and cell phone if applicable
- d. Department/Division name
- e. Job title
- f. Years employed with the City

7) The Retirement Department shall confirm that names on petitions are eligible CRS members and shall notify the candidate within 2 business days if there are not enough legible or valid names on the petitions.

8) The list of validated candidates' names shall be posted on the Retirement Department's web page within 5 business days after the closing of the nominations.

9) If the total number of candidates validly nominated equals the number of vacancies, the election shall be declared closed and the candidates shall be declared the winners.

C. Candidates' Position Papers

1) Each candidate shall provide the Retirement Department with a position paper in Microsoft WORD format containing no more than 200 words, on only one (1) page, no later than 4:00 P.M. on the deadline date posted on the Opening of Nomination Notice and Nomination Petition Form.

2) Each position paper must be emailed to the Retirement System contact listed on the Opening of Nominations Notice and must be received by the Retirement Department by the deadline posted on the Opening of Nominations Notice and Nomination Petition Form. It is the responsibility of the candidate to confirm receipt of his or her position paper by CRS.

3) Candidates' position papers shall be included with each ballot. The placement of each candidate's position paper shall be rotated so no single name appears as the first a greater number of times than that of the others.

4) Candidates' position papers shall not contain any profanity or derogatory comments regarding other candidates.

5) A candidate's failure to submit a position paper meeting the above-listed criteria by the deadline shall invalidate his or her candidacy.

D. Ballots

1) Ballots shall be sent by U.S.P.S. first-class mail. The Ballots shall be designed by the Retirement Department and include the official Cincinnati Retirement logo and be printed on heavier than the customary 20-pound weighted paper or card-stock. Official election return envelopes shall be imprinted with a series of numeric characters and

sequentially numbered in a location and of a design as determined by the Retirement Department. The official election return envelopes shall be pre-paid postage envelopes.

2) Returned election ballots must be contained within a sealed, official election return envelope. Copied ballots, reproduced ballots, or ballots in unsealed envelopes or unofficial return envelopes will not be deemed valid and will not be counted.

3) The position of the name of each candidate shall be rotated on the ballots so that no single candidate's name shall appear as the first name a greater number of times than the other candidates to the extent feasible.

4) No write-in candidates are permitted

5) A ballot with more votes than vacancies will be deemed invalid.

6) Ballots shall be mailed by U.S.P.S first-class mail 14 days after the close of nominations. For counting purposes, day 1 shall be the day after the close of nominations.

7) Employees not receiving a ballot at their address of record may request a duplicate ballot from the Retirement Department.

8) A duplicate ballot shall be of a different color and marked "DUPLICATE."

9) A duplicate ballot shall be mailed to the employee's home address on record, or picked up in person at the Retirement Department, Room 328, City Hall. A new official election return envelope will be provided with the duplicate ballot. The Retirement Department will keep a log of all members receiving duplicate ballots and check those against the ballots to be counted on Ballot Count Day.

10) The CRS Board and the Retirement Department are not responsible if the duplicate ballot is not returned by the deadline.

11) All ballots shall be returned only in the official election return envelope provided. Ballots returned in any other envelope are invalid and will not be counted.

12) Only one ballot shall be returned in the official election return envelope. If multiple ballots are returned in one envelope, they will be invalidated and will not be counted.

13) Ballots in the official election return envelope shall be returned by U.S.P.S. first-class mail, interdepartmental mail, or deposited directly into the locked ballot box located in the Retirement Department, Room 328, City Hall.

14) Returned ballots shall remain secure in the locked ballot box in the Retirement Department during business and non-business hours.

E. Election

- 1) The election period shall be declared open on the 14th day after the close of nominations and remain open for a minimum of 21 days. The opening and closing date of the election period shall be posted on all ballots. For counting purposes, day 1 shall be the first day after the close of nominations.
- 2) The election shall continue for at least 21 days and close at 4:00 PM on the 21st day or the due date specified on the ballots, if later. All ballots must be received by the Retirement Department by 4:00PM on the 21st day (or the due date specified on the ballots).

F. Counting of Ballots

- 1) Retirement Department shall be responsible for coordinating the Ballot Count Day and providing the ballot box to the ballot counters on Ballot Count Day.
- 2) Ballot Count Day shall be treated as an open meeting with the date and time posted on CRS website.
- 3) The ballots shall be counted by City employees within 5 business days after the close of the election.
- 4) If Duplicate ballots were provided to members during the election, the ballot counters will review all ballot envelopes to determine if a member submitted more than one ballot.
- 5) If it is determined that a member submitted more than one ballot, the ballots will be deemed invalid and discarded.
- 6) The Retirement Department shall notify the candidates of the time and location for the counting of ballots at least two business days prior to the counting of ballots.
- 7) Each candidate shall have the opportunity to attend and witness the counting of ballots, or, prior to the initiation of the counting process, to designate a proxy as their official representative to attend and witness the counting of the ballots.
- 8) A member of the Election Committee shall brief the candidates, or the proxies of a candidate, on the procedure for the count, as well as the appeal process regarding the count.
- 9) During the counting process, the candidates or their proxies shall remain in the audience seating section of the room. If a candidate or his or her proxy violates the rules of the election count or disrupts the proceedings, the Election Committee has the discretion of asking the member to leave the room or the Committee may contact the City Hall Security Staff as appropriate.

10) The Retirement Department shall notify each candidate of the unofficial election results by phone or email by the end of the next business day following the counting of ballots.

11) Election Committee shall review the results of the ballot count. The results shall include the number of issued ballots, returned valid ballots, invalidated ballots, duplicate ballots issued, and duplicate ballots returned. The Election Committee shall declare the winners of the election based on the results of the ballot count.

G. Tied Vote Results

If a tie is declared in the count of valid ballots received, the following process shall be used to resolve the tie:

- 1) The Chair of the Election Committee shall set the time and location for resolving a tie.
- 2) Candidates shall be notified of the tie and the tie-breaking process.
- 3) A tie shall be resolved by the Chair of the Election Committee flipping a coin, once.
- 4) The candidate having the greater service credit as a member of the CRS shall call the coin while still in the air.
- 5) The coin shall fall to the ground.
- 6) The candidate whose 'called-side' lands face up shall be declared the elected candidate.

H. Oath of Office

The Election Committee shall submit the election results for approval to the CRS Board of Trustees at their next regularly scheduled meeting. Following approval of the election results, the Oath of Office shall be administered to the newly elected Trustee(s). If a newly elected trustee is unable to attend the Board meeting following the counting of ballots, they may be sworn in at the next Board meeting or by a Notary from the Retirement Department at another time. A newly elected Trustee must receive the Oath of Office before he/she can serve as a Board Trustee.

RETENTION AND DESTRUCTION OF BALLOTS AND RETURNED ENVELOPES

The destruction of ballots from elections as well as the envelopes used to return such ballots shall conform to the guidelines and/or retention schedules of the Cincinnati Retirement System.

Rule VIII Committees

The Chair shall annually appoint standing Investment, Benefits, Performance Evaluation, Governance, and Elections Committees, comprised of no fewer than three members of the Board.

The Chair shall fill any vacancies on Committees as they may occur. The Chair may appoint sub-committees or special committees as needed to conduct the business of the Board. All Committees, sub-committees and special committees shall include at least one Mayor Appointed Trustee, one Active Employee Trustee and one Retiree Trustee in accordance with the Collaborative Settlement Agreement. The Chair shall designate a member to chair each Committee. The Investment Committee shall adopt a regular time and place for meeting. Other Committee meetings are at the call of the Committee Chair. Notice of all Committee, sub-committee and special committee meetings shall be given in compliance with Ohio Revised Code Section 121.22.

Rule IX Matters Referred to Committees

The Chair shall present matters immediately to the various committees. The committees are to submit their reports at a future Board meeting.

Rule X Attendance

Board members have the duty to attend the meetings of the Board and the meetings of such committees as to which they have been appointed. A member who fails to attend at least two-thirds of the regular and special meetings of the Board during any rolling two-year period permanently forfeits membership on the Board.

Rule XI Disability Application and Appeal Process

A. Applications and Audits

- 1) Member has 30 calendar days from application date or receipt of audit notification, to meet with the Cincinnati Retirement System's (CRS) Medical Director for a medical evaluation.

- 2) Member has 60 calendar days from application date or receipt of audit notification, to have medical records forwarded from their healthcare providers to the CRS Medical Director.

B. Disability Appeals

This rule applies when the Board of Trustees of the Cincinnati Retirement System either denies an application for a disability retirement benefit pursuant to CMC §203-41 or terminates a disability retirement benefit pursuant to CMC §203-53 and §203-55.

- 1) After the Board of Trustees has either denied an application for or terminated a disability retirement benefit, the member shall be notified in writing, via USPS Certified Mail within 7 calendar days of such action.

- 2) The notification shall include the following information:
- a. The Board of Trustee's denial or termination of the disability retirement benefit;
 - b. The member's right to Request an Appeal by providing additional medical evidence. Such an Appeal Request shall be received by the CRS Administrative Office no later than 30 calendar days from the date of the notice of denial, or termination;
 - c. Failure of a member to submit an Appeal Request within 30 calendar days shall make the Board of Trustee's action final as to such application;
 - d. Such additional medical evidence relative to the Appeal Request shall be current medical evidence documented by a licensed physician specially trained in the field of medicine covering the illness or injury for which the disability is claimed and such evidence has not been considered previously by the Benefits Committee and/or the Board of Trustees;
 - e. Member has 60 calendar days from the CRS Office's receipt of the Appeal Request to provide additional medical evidence. Failure to provide the additional medical evidence within the 60 calendar days, shall make the Board of Trustee's action final to such application or benefit unless an extension for submission of such evidence has been requested and granted by Administration;
 - f. After submission of additional medical evidences as described in paragraph B(2)(d) of this rule, all evidence shall be reviewed by the CRS Medical Director who shall submit a recommendation to the Benefits Committee and/or the Board of Trustees. The Board of Trustees shall make its recommendation at the next regular Board of Trustees meeting. The decision of the Board of Trustees shall be final.

C. Request for Extension

The Request for Extension provides the member additional time to gather medical documentation.

- 1) Member has 30 days to provide additional medical evidence.
- 2) Request must be submitted in writing.

D. Reapplication by an Active or Terminated Member Following a Denial

- 1) Member may reapply for disability retirement if they can prove the initial documented condition(s) have progressed or additional condition(s) have been identified.

2) Medical Director to assess the new medical evidence to determine if the reapplication criteria have been met.

E. Terminated Employees – Disability Application

Member has 24 months from their employment termination date to apply for disability. Member must prove that the disabling condition existed while employed.

F. Effective Date of Approved Disability Retirement

1) Disability Application – Employee’s disability retirement effective date is the 1st of the month following their disability application date or their employment termination date – whichever is later.

2) Appeal of Denied Disability Application – The effective date of an Appeal that has been approved will be retroactive to the 1st of the month following their original disability application date or their termination date – whichever is later.

3) Appeal of Denied Disability Audit – The effective date of an Appeal that has been approved will be retroactive to the 1st of the month following the termination of their most recent audited disability retirement benefit.

Rule XII Policies and Procedures for Determination of Disability Benefits

The Benefits Committee shall recommend to the Board and the Board shall adopt policies and procedures for determination of disability benefits.

Rule XIII Review of Benefits

Repealed, 12/2/2021.

Rule XIV Delegation of Functions

A. The Board may delegate functions that prudent trustees acting in a like capacity and familiar with those matters could properly delegate under the circumstance.

B. The Board shall exercise reasonable care, skill, and caution in:

1) Selecting a service provider, an agent or other person to perform duties it delegates;

2) Establishing the scope and terms of the delegation, consistent with the purposes and terms of the Retirement System; and

3) Periodically reviewing the service provider or agent's performance and compliance with the terms of the delegation.

C. Every agreement for the retention of a service provider or agent shall prohibit the service provider or agent and the employees and subcontractors of a service provider or agent engaged in providing goods or services to the Retirement System from directly or indirectly giving, soliciting or receiving or in any manner being concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party in the City of Cincinnati or Hamilton County or for any candidate for public office in the City of Cincinnati or Hamilton County.

D. Every agreement for the retention of an agent shall prohibit the agent from paying any finder's fee or commission based on obtaining the agreement with the Retirement System to any person other than:

1) An employee of the agent, or

2) A person whose identity and the basis for compensation is disclosed in writing to the Retirement System prior to entering into the agreement.

E. Repealed, 12/2/2021.

F. The Board will follow the City's Purchasing Department procedures as described in Section N of the Collaborative Settlement Agreement Board Reforms.

G. Every agreement for the retention of an agent shall clearly identify the responsibilities of the agent and state the standards by which the agent's performance shall be evaluated.

Rule XV Investment Objectives and Policies

The Board shall adopt a statement of investment objectives and policies for the Retirement System. At least annually, the Board shall review the statement and change or reaffirm it.

Rule XVI Return of Contributions

Repealed, 12/2/2021.

Rule XVII Handbook

A. The Secretary shall prepare and send a Member Handbook to all active members. The Member Handbook shall include a summary description of the rights and obligations of members of the Retirement System and be prepared in accordance with this Rule.

B. The Secretary shall furnish to each member a copy of an updated Member Handbook that integrates all modifications and changes to the rights and obligations of members of the Retirement System, at intervals not exceeding five years.

C. The Secretary shall furnish each new active member a copy of the most recently published Member Handbook, along with a summary description of any modifications or changes to the rights and obligations of members of the Retirement System since the date of publication.

D. The Member Handbook and the summary description of modifications or changes are to be written in a manner calculated to be understood by the average member and be accurate and sufficiently comprehensive reasonable to inform the members and beneficiaries of their rights and obligations under the Retirement System.

E. The Member Handbook must contain:

- 1) a description of the Retirement System's requirements regarding eligibility for participation and benefits;
- 2) a description of the benefits provided by the Retirement System, including the manner of calculating benefits and any benefits provided for spouses and survivors;
- 3) the procedure to claim benefits under the Retirement System and the administrative procedures available under the program for the redress of claims denied; and
- 4) the notice of availability of additional information pursuant to Rules XVIII and XIX.

Rule XVIII Annual Disclosure of Financial, Actuarial and Operational Status

The Secretary shall prepare and distribute to the Board of Trustees an annual disclosure of the financial, actuarial and operational status of the Retirement System. The annual disclosure shall be kept available for public examination. The annual disclosure must contain:

A. The name of each member of the Board of Trustees and a brief description of how each member was selected.

B. Financial statements and notes to the financial statements prepared in conformity with generally accepted accounting principles.

C. An unqualified opinion rendered by a certified public accountant that the financial statements are in conformity with generally accepted accounting principles.

D. Actuarial schedules and notes to the actuarial schedules in conformity with generally accepted actuarial principles and practices for measuring pension obligations.

E. An opinion by a qualified actuary that the actuarial schedules are complete and accurate to the best of the actuary's knowledge, that assumptions and methods in the aggregate are reasonable, and that the assumptions and methods in combination offer the actuary's best estimate of anticipated experience.

F. The number of members of the Retirement System by classification (active, retired and deferred).

G. The name of each actuarial, investment consulting, investment managing and investment custodial firm paid fees in excess of \$1,000 during the calendar year.

H. A schedule of rates of return, net of manager fees, on the assets of The Retirement System overall and on assets aggregated by asset class (equity, fixed income, alternative investment and cash) over the most recent one-year, three-year, five-year and 10-year periods, to the extent available, and the rates of return on appropriate benchmarks for assets of the Retirement System overall and or each asset class over each period.

I. A schedule of the sum of the total investment expense and total general administrative expense for the fiscal year expressed as a percentage of the average of the beginning and ending fair value of assets of The Retirement System during the fiscal year and an equivalent percentage for the preceding five fiscal years.

J. A schedule of the 100 assets held for investment purposes on the last day of the year having the greatest fair value.

Rule XIX Annual Report

The Secretary shall prepare, send to members and persons receiving benefits and make available for public inspection an annual report.

The annual report must contain:

A. The name of each member of the Board

B. A summary description of any material modification of the retirement System since the last publication of the Member Handbook.

C. A concise and accurate compilation of the financial statements, but not the notes, required by Rule XVIII(B).

D. A restatement of the Summary of Principal Valuation Results, or substantially similar data, as reported by the Retirement System's actuary.

E. Other material necessary to summarize fairly and accurately the annual disclosure of financial and actuarial status.

Rule XX Benefit Estimates

The Secretary shall provide to each active member annually and upon written request of the member a statement containing information that would permit the member to estimate projected benefits reasonable, to the extent the information is regularly maintained by the Retirement System.

Rule XXI Trustee Education

Recognizing that each Trustee is under a fiduciary obligation to be prudent in discharging the duties of a Trustee, each Trustee is encouraged to further his or her education in matters that come before the Board. The education of a Trustee may include attendance at conferences and seminars sponsored by the National Conference of Public Employee Retirement Systems, the International Federation of Employee Benefit Plans, and other programs appropriate to advancing the Trustee's knowledge and skills. The decision to attend conferences shall be at the discretion of each Trustee, who must be mindful of a Trustees' fiduciary obligation to incur only costs that are appropriate and reasonable. Reimbursement of actual expenses may not exceed those allowed City of Cincinnati employees. A Trustee may not be reimbursed for the expenses of attending more than two conferences in a year without the prior approval of the Board for the attendance of each additional conference.

Rule XXII Annual Evaluation of Pension Manager and Retained Fiduciaries

The Board shall annually evaluate the performance of the Secretary, the Investment Consultant, the Actuary, each investment manager and all other advisors, consultants and fiduciaries retained by the Board. The performance shall be evaluated according to whether each individual or firm exceeds, fulfills, or fails to fulfill the duties delegated to the individual or firm.

Rule XXIII Adoption and Amendment of the Revised Rules

Upon their adoption by a vote of a majority of the Trustees, these Revised Rules shall supersede the Rules then in existence and go into immediate effect. They may be amended or revised only after notice of the proposed revision or amendment has been introduced at a regular meeting of the Board, held until the next regular meeting and adopted by a vote of a majority of the Trustees.



**Cincinnati Retirement System
Rules of the Board of Trustees**

2022

(ver: 1/24/2022)

with Election Appeals Proposal (1/24/2022)

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Rule I Order of Business

- A. Approval of Minutes
- B. Reports of the Secretary and the Committees
- C. Unfinished Business
- D. New Business
- E. Informational
- F. Adjournment

Rule II Rules of Order

The Board of Trustees of the Retirement System adopts Robert’s Rules in Plain English by Doris P. Zimmerman (Scott, Foresman 1997).

Rule III Meeting Place and Time

Regular meetings of the Board of Trustees are generally held monthly in accordance with an annual calendar of dates as approved by the Board each year.

Rule IV Open Meetings

All meetings of the Board and its Committees are open to the public, except that the Board and its Committees may adjourn into Executive Session under circumstances permitted under Ohio Revised Code Section 121.22. The Secretary, which is defined as the CRS Executive Director, has the duty to cause minutes to be prepared of all meetings and keep the minutes available to the public.

Rule V Special Meetings

Special meetings of the Board of Trustees may be held at the request of the Chairperson or two or more members not less than 48 hours before the time of the meetings, and not less than 24 hours notice to each member. The notice for the meeting must state the time, date, location, and subjects to be considered at the meeting and be posted on the Cincinnati Retirement System’s web page, in compliance with Ohio Revised Code Section 121.22. No other subject may be discussed except with the approval of a majority of the Board.

Rule VI Election of Chair and Vice-Chair

Each December of the even-numbered years, the Board shall elect one of its members as Chair and another as Vice-Chair, to serve for two-year terms. If a vacancy in the office of the Chair

occurs, then the Vice-Chair shall succeed the Chair. The Board shall elect a member to fill any unexpired term of the Vice-Chair.

Rule VII Trustee Elections

TRUSTEE ELECTIONS

The Board is made up of four Appointed Trustees, three elected Retired Trustees, and two elected Active Employee Trustees. Only members of the Cincinnati Retirement System (“CRS”) are eligible to serve as elected Trustees or to vote in the CRS election process. Elected Trustees are elected for a four-year term. Appointed Trustees are appointed by the Mayor, with consent of the City Council, for a term of ~~up to~~ four years, ~~as determined by the Mayor~~.

ACTIVE EMPLOYEE TRUSTEES

Only active Members of the CRS shall be elected as Active Employee Trustees. Employees who participate in the D.R.O.P. (Deferred Retirement Option Program) are ineligible to serve on the Board of Trustees as an Active Employee Trustee. Active Employee Trustees who enroll in the D.R.O.P. during their terms shall forfeit their Trustee position on the Board effective the date of their D.R.O.P. enrollment.

Every CRS Member who is a full-time, part-time, or seasonal employee employed as of the opening of Elections shall be eligible to vote for candidates for either of the two Active Employee Trustee positions. Additionally, ballots for the Active Employee Trustees shall be provided to each Member who is classified as a Deferred Vested Member and to every employee on leave of any type.

RETIREE TRUSTEES

Only Retired Members of the City of Cincinnati Retirement System shall be elected as Retiree Trustees. Every Pensioner (a person receiving a pension benefit, but excluding optionees whose spouse has died) shall be eligible to vote for candidates for the three Retiree Board Trustee positions.

ELECTION PROCESS

A. Elections Committee

The Elections Committee of the Board shall monitor trustee elections, assure that the election rules of the Board of Trustees are followed, submit the election results to the Board of Trustees for approval, and hear election protests.

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B. Opening of Nominations

1) An Opening of Nominations Notice shall be prepared and distributed by the Retirement Department. The nomination period shall remain open for no less than 25 days. For counting purposes, day 1 shall be the date declared on the Opening of Nominations Notice.

2) The Opening of Nominations Notice shall state all deadlines and dates pertinent to the election, including but not limited to, the deadline for nominations, the deadline for candidates' position papers, the date for the posting of the confirmed candidates' names, the opening and closing dates of the election, and the contact person's name, telephone number and email address within the Retirement Department.

3) Candidate Instructions shall include an outline of the Board's function, the duties of a Board Trustee, the meeting schedule, and attendance expectations. The following reasons disqualify any person from seeking election to the Board or remaining as a Trustee:

- a. Finding of dishonesty in any civil proceeding or disciplinary decision,
- b. Conviction of a felony for an act committed while the candidate or member was an adult, or
- c. Failure to comply with election requirements established by the Board.

4) Active Employee Trustees: The Opening of Nominations Notice shall be sent via email to all employees who have City email addresses and who are CRS Members as of the date of [Opening of Nominations](#). City Departments shall be responsible for the distribution and posting of the Opening of Nominations Notice. Retirement Department shall mail the Opening of Nominations Notice via U.S.P.S. first-class mail to all Deferred Vested Members

5) Retiree Trustees: The Opening of Nominations Notice shall be mailed by U.S.P.S. first-class mail to all CRS Pensioners.

BC. Nomination Petition Forms

1) Nomination Petition Forms can be obtained from the Retirement Department office or website.

2) Completed Nomination Petition Forms shall contain on each page the name of the candidate, the position the candidate is seeking, and the deadline for submission of candidate's position paper.

3) Nomination Petition Forms shall require no fewer than 25 signatures and printed names of those meeting the qualification to vote in the election of a trustee. For the Active Employee Trustees, the signatures must be from active employees who are members of CRS, employees who participate in the Deferred Retirement Option Program or Deferred Vested Members of CRS. For the Retiree Trustees, the signatures must be from CRS Pensioners.

4) Nomination Petition Forms can include a single signature or multiple signatures as long as a nominated candidate receives a combined total of no less than 25 signatures from eligible CRS members from their representative group. The Nomination Petition Forms may be delivered directly to CRS, mailed to CRS, or electronic copies may be emailed to the designated CRS contact listed on the Opening of Nominations Notice.

5) Hard copies and electronic copies of Nomination Petition Forms must be RECEIVED by the Retirement Department (Room 328 City Hall) by the deadline posted on the Nomination Petition Form.

6) At the time that the Nomination Petition Form is due, each candidate shall provide the Retirement Department with his or her:

- a. Official home address
- b. Email address
- c. Home phone and cell phone if applicable
- d. Department/Division name
- e. Job title
- f. Years employed with the City

7) The Retirement Department shall confirm that names on petitions are eligible CRS members and shall notify the candidate within 2 business days if there are not enough legible or valid names on the petitions.

8) The list of validated candidates' names shall be posted on the Retirement Department's web page within 5 business days after the closing of the nominations.

9) If the total number of candidates validly nominated equals the number of vacancies, the election shall be declared closed and the candidates shall be declared the winners.

ED. Candidates' Position Papers

1) Each candidate shall provide the Retirement Department with a position paper in Microsoft WORD format containing no more than 200 words, on only one (1) page, no later than 4:00 P.M. on the deadline date posted on the Opening of Nomination Notice and Nomination Petition Form.

2) Each position paper must be emailed to the Retirement System contact listed on the Opening of Nominations Notice and must be received by the Retirement Department by the deadline posted on the Opening of Nominations Notice and Nomination Petition Form. It is the responsibility of the candidate to confirm receipt of his or her position paper by CRS.

3) Candidates' position papers shall be included with each ballot. The placement of each candidate's position paper shall be rotated so no single name appears as the first a greater number of times than that of the others.

4) Candidates' position papers shall not contain any profanity or derogatory comments regarding other candidates.

5) A candidate's failure to submit a position paper meeting the above-listed criteria by the deadline shall invalidate his or her candidacy.

DE. Ballots

- 1) Ballots shall be sent by U.S.P.S. first-class mail. The Ballots shall be designed by the Retirement Department and include the official Cincinnati Retirement logo and be printed on heavier than the customary 20-pound weighted paper or card-stock. Official election return envelopes shall be imprinted with a series of numeric characters and sequentially numbered in a location and of a design as determined by the Retirement Department. The official election return envelopes shall be pre-paid postage envelopes.
- 2) Returned election ballots must be contained within a sealed, official election return envelope. Copied ballots, reproduced ballots, or ballots in unsealed envelopes or unofficial return envelopes will not be deemed valid and will not be counted.
- 3) The position of the name of each candidate shall be rotated on the ballots so that no single candidate's name shall appear as the first name a greater number of times than the other candidates to the extent feasible.
- 4) No write-in candidates are permitted
- 5) A ballot with more votes than vacancies will be deemed invalid.
- 6) Ballots shall be mailed by U.S.P.S first-class mail 14 days after the close of nominations. For counting purposes, day 1 shall be the day after the close of nominations.
- 7) Employees not receiving a ballot at their address of record may request a duplicate ballot from the Retirement Department.
- 8) A duplicate ballot shall be of a different color and marked "DUPLICATE."
- 9) A duplicate ballot shall be mailed to the employee's home address on record, or picked up in person at the Retirement Department, Room 328, City Hall. A new official election return envelope will be provided with the duplicate ballot. The Retirement Department will keep a log of all members receiving duplicate ballots and check those against the ballots to be counted on Ballot Count Day.
- 10) The CRS Board and the Retirement Department are not responsible if the duplicate ballot is not returned by the deadline.
- 11) All ballots shall be returned only in the official election return envelope provided. Ballots returned in any other envelope are invalid and will not be counted.
- 12) Only one ballot shall be returned in the official election return envelope. If multiple ballots are returned in one envelope, they will be invalidated and will not be counted.

13) Ballots in the official election return envelope shall be returned by U.S.P.S. first-class mail, interdepartmental mail, or deposited directly into the locked ballot box located in the Retirement Department, Room 328, City Hall.

14) Returned ballots shall remain secure in the locked ballot box in the Retirement Department during business and non-business hours.

EF. Election

1) The election period shall be declared open on the 14th day after the close of nominations and remain open for a minimum of 21 days. The opening and closing date of the election period shall be posted on all ballots. For counting purposes, day 1 shall be the first day after the close of nominations.

2) The election shall continue for at least 21 days and close at 4:00 PM on the 21st day or the due date specified on the ballots, if later. All ballots must be received by the Retirement Department by 4:00PM on the 21st day (or the due date specified on the ballots).

FG. Counting of Ballots

1) Retirement Department shall be responsible for coordinating the Ballot Count Day and providing the ballot box to the ballot counters on Ballot Count Day.

2) Ballot Count Day shall be treated as an open meeting with the date and time posted on CRS website.

3) The ballots shall be counted by City employees within 5 business days after the close of the election.

4) If Duplicate ballots were provided to members during the election, the ballot counters will review all ballot envelopes to determine if a member submitted more than one ballot.

5) If it is determined that a member submitted more than one ballot, the ballots will be deemed invalid and discarded.

6) The Retirement Department shall notify the candidates of the time and location for the counting of ballots at least two business days prior to the counting of ballots.

7) Each candidate shall have the opportunity to attend and witness the counting of ballots, or, prior to the initiation of the counting process, to designate a proxy as their official representative to attend and witness the counting of the ballots.

8) A member of the Election Committee shall brief the candidates, or the proxies of a candidate, on the procedure for the count, as well as the appeal process regarding the count.

9) During the counting process, the candidates or their proxies shall remain in the audience seating section of the room. If a candidate or his or her proxy violates the rules of the election count or disrupts the proceedings, the Election Committee has the discretion of asking the member to leave the room or the Committee may contact the City Hall Security Staff as appropriate.

10) The Retirement Department shall notify each candidate of the unofficial election results by phone or email by the end of the next business day following the counting of ballots.

11) Election Committee shall review the results of the ballot count. The results shall include the number of issued ballots, returned valid ballots, invalidated ballots, duplicate ballots issued, and duplicate ballots returned. The Election Committee shall declare the winners of the election based on the results of the ballot count.

GH. Tied Vote Results

If a tie is declared in the count of valid ballots received, the following process shall be used to resolve the tie:

- 1) The Chair of the Election Committee shall set the time and location for resolving a tie.
- 2) Candidates shall be notified of the tie and the tie-breaking process.
- 3) A tie shall be resolved by the Chair of the Election Committee flipping a coin, once.
- 4) The candidate having the greater service credit as a member of the CRS shall call the coin while still in the air.
- 5) The coin shall fall to the ground.
- 6) The candidate whose 'called-side' lands face up shall be declared the elected candidate.

I. Appeals

If the counted ballot margin between the candidate with the most votes and another candidate is less than 1% of the total votes cast, a candidate receiving a lesser number of votes than the candidate receiving the most votes may file an appeal for a recount. An appeal must be filed in writing, either letter or email, with the Cincinnati Retirement System Executive Director, no later than 2 business days after notice of the ballot count. The Executive Director will immediately notify the Cincinnati Retirement System Board of Trustees of the appeal. A recount will be completed within 5 business days of the receipt of the appeal. Candidates will be given notice of the time and location of the recount at least 2 business days prior to the recount. If the recount

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results in a different candidate receiving the most votes, a second and final recount will occur within 5 business days. A candidate may withdraw an appeal at any time.

Appeals may result in an extension of the trustee election timeline as determined by the Board of Trustees Chair in consultation with the Cincinnati Retirement System Executive Director.

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J. Formal Protests

1) Nomination Petition Forms Determination

Any individual who has submitted Nomination Petition Forms which have been determined to be invalid in whole or in part resulting in fewer than 25 valid signatures required to be a candidate may file a protest. A protest must be filed in writing, either letter or email, with the Cincinnati Retirement System Executive Director within 2 business days after notice of not being a valid candidate. An individual filing a protest may withdraw the protest at any time.

2) Representative Group Determination

Any individual who has submitted Nomination Petition Forms for which a determination has been made that the individual is not a member of the represented group which the individual seeks to represent as a candidate may file a protest. Represented groups include either active employee members or retiree members. A protest must be filed in writing, either letter or email, with the Cincinnati Retirement System Executive Director within 2 business days after notice of not being a valid candidate. An individual filing the protest may withdraw the protest at any time.

3) Invalid/Invalidated Ballots

Any candidate appearing on the ballot who believes there is evidence that counted ballots are invalid or that ballots were invalidated in error prior to the ballot count may file a protest. A protest must be filed in writing, either letter or email, with the Cincinnati Retirement System Executive Director within 2 business days of notice of the ballot count. Such protest shall only be made if the number of alleged invalid ballots or invalidated ballots is sufficient to change the outcome of the election. A candidate may withdraw the protest at any time.

4) Protest Hearings

Protests shall be considered at a hearing of the Elections Committee of the Board of Trustees as soon as practicable. An individual filing the protest will receive reasonable notice of the date and time of the meeting by the Cincinnati Retirement System Executive Director. An individual making the appeal may appear before the Elections Committee.

Protests may result in an extension of the trustee election timeline as determined by the Board of Trustees Chair in consultation with the Cincinnati Retirement System Executive Director.

The Elections Committee shall render its decision in writing.

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HK. Oath of Office

The Election Committee shall submit the election results for approval to the CRS Board of Trustees at their next regularly scheduled meeting. Following approval of the election results, the Oath of Office shall be administered to the newly elected Trustee(s). If a newly elected trustee is unable to attend the Board meeting following the counting of ballots, they may be sworn in at the next Board meeting or by a Notary from the Retirement Department at another time. A newly elected Trustee must receive the Oath of Office before he/she can serve as a Board Trustee.

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A. Applications and Audits

- 1) Member has 30 calendar days from application date or receipt of audit notification, to meet with the Cincinnati Retirement System's (CRS) Medical Director for a medical evaluation.

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B. Disability Appeals

This rule applies when the Board of Trustees of the Cincinnati Retirement System either denies an application for a disability retirement benefit pursuant to CMC §203-41 or terminates a disability retirement benefit pursuant to CMC §203-53 and §203-55.

- 1) After the Board of Trustees has either denied an application for or terminated a disability retirement benefit, the member shall be notified in writing, via USPS Certified Mail within 7 calendar days of such action.

- 2) The notification shall include the following information:
 - a. The Board of Trustee's denial or termination of the disability retirement benefit;

 - b. The member's right to Request an Appeal by providing additional medical evidence. Such an Appeal Request shall be received by the CRS Administrative Office no later than 30 calendar days from the date of the notice of denial, or termination;

 - c. Failure of a member to submit an Appeal Request within 30 calendar days shall make the Board of Trustee's action final as to such application;

 - d. Such additional medical evidence relative to the Appeal Request shall be current medical evidence documented by a licensed physician specially trained in the field of medicine covering the illness or injury for which the disability is claimed and such evidence has not been considered previously by the Benefits Committee and/or the Board of Trustees;

 - e. Member has 60 calendar days from the CRS Office's receipt of the Appeal Request to provide additional medical evidence. Failure to provide the additional medical evidence within the 60 calendar days, shall make the Board of Trustee's

action final to such application or benefit unless an extension for submission of such evidence has been requested and granted by Administration;

f. After submission of additional medical evidences as described in paragraph B(2)(d) of this rule, all evidence shall be reviewed by the CRS Medical Director who shall submit a recommendation to the Benefits Committee and/or the Board of Trustees. The Board of Trustees shall make its recommendation at the next regular Board of Trustees meeting. The decision of the Board of Trustees shall be final.

C. Request for Extension

The Request for Extension provides the member additional time to gather medical documentation.

- 1) Member has 30 days to provide additional medical evidence.
- 2) Request must be submitted in writing.

D. Reapplication by an Active or Terminated Member Following a Denial

- 1) Member may reapply for disability retirement if they can prove the initial documented condition(s) have progressed or additional condition(s) have been identified.
- 2) Medical Director to assess the new medical evidence to determine if the reapplication criteria have been met.

E. Terminated Employees – Disability Application

Member has 24 months from their employment termination date to apply for disability. Member must prove that the disabling condition existed while employed.

F. Effective Date of Approved Disability Retirement

- 1) Disability Application – Employee’s disability retirement effective date is the 1st of the month following their disability application date or their employment termination date – whichever is later.
- 2) Appeal of Denied Disability Application – The effective date of an Appeal that has been approved will be retroactive to the 1st of the month following their original disability application date or their termination date – whichever is later.
- 3) Appeal of Denied Disability Audit – The effective date of an Appeal that has been approved will be retroactive to the 1st of the month following the termination of their most recent audited disability retirement benefit.

Rule XII Policies and Procedures for Determination of Disability Benefits

The Benefits Committee shall recommend to the Board and the Board shall adopt policies and procedures for determination of disability benefits.

Rule XIII Review of Benefits

Repealed, 12/2/2021.

Rule XIV Delegation of Functions

A. The Board may delegate functions that prudent trustees acting in a like capacity and familiar with those matters could properly delegate under the circumstance.

B. The Board shall exercise reasonable care, skill, and caution in:

- 1) Selecting a service provider, an agent or other person to perform duties it delegates;
- 2) Establishing the scope and terms of the delegation, consistent with the purposes and terms of the Retirement System; and
- 3) Periodically reviewing the service provider or agent's performance and compliance with the terms of the delegation.

C. Every agreement for the retention of a service provider or agent shall prohibit the service provider or agent and the employees and subcontractors of a service provider or agent engaged in providing goods or services to the Retirement System from directly or indirectly giving, soliciting or receiving or in any manner being concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party in the City of Cincinnati or Hamilton County or for any candidate for public office in the City of Cincinnati or Hamilton County.

D. Every agreement for the retention of an agent shall prohibit the agent from paying any finder's fee or commission based on obtaining the agreement with the Retirement System to any person other than:

- 1) An employee of the agent, or
- 2) A person whose identity and the basis for compensation is disclosed in writing to the Retirement System prior to entering into the agreement.

E. Repealed, 12/2/2021.

F. The Board will follow the City's Purchasing Department procedures as described in Section N of the Collaborative Settlement Agreement Board Reforms.

G. Every agreement for the retention of an agent shall clearly identify the responsibilities of the agent and state the standards by which the agent's performance shall be evaluated.

Rule XV Investment Objectives and Policies

The Board shall adopt a statement of investment objectives and policies for the Retirement System. At least annually, the Board shall review the statement and change or reaffirm it.

Rule XVI Return of Contributions

Repealed, 12/2/2021.

Rule XVII Handbook

A. The Secretary shall prepare and send a Member Handbook to all active members. The Member Handbook shall include a summary description of the rights and obligations of members of the Retirement System and be prepared in accordance with this Rule.

B. The Secretary shall furnish to each member a copy of an updated Member Handbook that integrates all modifications and changes to the rights and obligations of members of the Retirement System, at intervals not exceeding five years.

C. The Secretary shall furnish each new active member a copy of the most recently published Member Handbook, along with a summary description of any modifications or changes to the rights and obligations of members of the Retirement System since the date of publication.

D. The Member Handbook and the summary description of modifications or changes are to be written in a manner calculated to be understood by the average member and be accurate and sufficiently comprehensive reasonable to inform the members and beneficiaries of their rights and obligations under the Retirement System.

E. The Member Handbook must contain:

- 1) a description of the Retirement System's requirements regarding eligibility for participation and benefits;
- 2) a description of the benefits provided by the Retirement System, including the manner of calculating benefits and any benefits provided for spouses and survivors;
- 3) the procedure to claim benefits under the Retirement System and the administrative procedures available under the program for the redress of claims denied; and

4) the notice of availability of additional information pursuant to Rules XVIII and XIX.

Rule XVIII Annual Disclosure of Financial, Actuarial and Operational Status

The Secretary shall prepare and distribute to the Board of Trustees an annual disclosure of the financial, actuarial and operational status of the Retirement System. The annual disclosure shall be kept available for public examination. The annual disclosure must contain:

- A. The name of each member of the Board of Trustees and a brief description of how each member was selected.
- B. Financial statements and notes to the financial statements prepared in conformity with generally accepted accounting principles.
- C. An unqualified opinion rendered by a certified public accountant that the financial statements are in conformity with generally accepted accounting principles.
- D. Actuarial schedules and notes to the actuarial schedules in conformity with generally accepted actuarial principles and practices for measuring pension obligations.
- E. An opinion by a qualified actuary that the actuarial schedules are complete and accurate to the best of the actuary's knowledge, that assumptions and methods in the aggregate are reasonable, and that the assumptions and methods in combination offer the actuary's best estimate of anticipated experience.
- F. The number of members of the Retirement System by classification (active, retired and deferred).
- G. The name of each actuarial, investment consulting, investment managing and investment custodial firm paid fees in excess of \$1,000 during the calendar year.
- H. A schedule of rates of return, net of manager fees, on the assets of The Retirement System overall and on assets aggregated by asset class (equity, fixed income, alternative investment and cash) over the most recent one-year, three-year, five-year and 10-year periods, to the extent available, and the rates of return on appropriate benchmarks for assets of the Retirement System overall and or each asset class over each period.
- I. A schedule of the sum of the total investment expense and total general administrative expense for the fiscal year expressed as a percentage of the average of the beginning and ending fair value of assets of The Retirement System during the fiscal year and an equivalent percentage for the preceding five fiscal years.
- J. A schedule of the 100 assets held for investment purposes on the last day of the year having the greatest fair value.

Rule XIX Annual Report

The Secretary shall prepare, send to members and persons receiving benefits and make available for public inspection an annual report.

The annual report must contain:

- A. The name of each member of the Board
- B. A summary description of any material modification of the retirement System since the last publication of the Member Handbook.
- C. A concise and accurate compilation of the financial statements, but not the notes, required by Rule XVIII(B).
- D. A restatement of the Summary of Principal Valuation Results, or substantially similar data, as reported by the Retirement System's actuary.
- E. Other material necessary to summarize fairly and accurately the annual disclosure of financial and actuarial status.

Rule XX Benefit Estimates

The Secretary shall provide to each active member annually and upon written request of the member a statement containing information that would permit the member to estimate projected benefits reasonable, to the extent the information is regularly maintained by the Retirement System.

Rule XXI Trustee Education

Recognizing that each Trustee is under a fiduciary obligation to be prudent in discharging the duties of a Trustee, each Trustee is encouraged to further his or her education in matters that come before the Board. The education of a Trustee may include attendance at conferences and seminars sponsored by the National Conference of Public Employee Retirement Systems, the International Federation of Employee Benefit Plans, and other programs appropriate to advancing the Trustee's knowledge and skills. The decision to attend conferences shall be at the discretion of each Trustee, who must be mindful of a Trustees' fiduciary obligation to incur only costs that are appropriate and reasonable. Reimbursement of actual expenses may not exceed those allowed City of Cincinnati employees. A Trustee may not be reimbursed for the expenses of attending more than two conferences in a year without the prior approval of the Board for the attendance of each additional conference.

Rule XXII Annual Evaluation of Pension Manager and Retained Fiduciaries

The Board shall annually evaluate the performance of the Secretary, the Investment Consultant, the Actuary, each investment manager and all other advisors, consultants and fiduciaries retained by the Board. The performance shall be evaluated according to whether each individual or firm exceeds, fulfills, or fails to fulfill the duties delegated to the individual or firm.

Rule XXIII Adoption and Amendment of the Revised Rules

Upon their adoption by a vote of a majority of the Trustees, these Revised Rules shall supersede the Rules then in existence and go into immediate effect. They may be amended or revised only after notice of the proposed revision or amendment has been introduced at a regular meeting of the Board, held until the next regular meeting and adopted by a vote of a majority of the Trustees.