



City of Cincinnati Retirement System Governance Committee Meeting

Agenda

**June 10, 2021 at 12:00 – 2:00
City Hall, Council Chambers and Via Zoom**

Members

Don Stiens, Chair
Mark Menkhaus, Jr.
Tom Gamel
Kathy Rahtz
Betsy Sundermann
Erica Winstead

Administration

Bev Nussman
Renee Kabin
Ann Schooley

Call to Order

Approval of Minutes

✚ Minutes March 4, 2021

Unfinished Business

✚ Election Appeals Language
✚ Review and Update Rules of the Board (2018)

Adjournment

Next Meeting: TBA



City of Cincinnati Retirement System Governance Committee Meeting

Minutes

March 4, 2021 12:00PM

City Hall – Council Chambers and via Zoom

Committee Members

Don Stiens, Chair
Tom Gamel
Mark Menkhaus, Jr.
Kathy Rahtz
Erica Winstead

Bill Moller
John Juech

Administration

Bev Nussman
Renee Kabin
Keva Eleam

Absent: B. Sundermann

Meeting was called to order by D. Stiens at 12:08 P.M.

APPROVAL OF MINUTES

K. Rahtz made a motion to approve the minutes from the October 3, 2019 meeting. E. Winstead seconded the motion and following a roll call vote, the motion passed. Roll call vote was as follows:

D. Stiens – Y
T. Gamel – Y
M. Menkhaus – Y
K. Rahtz – Y
E. Winstead - Y

Minutes of the October 3, 2019 Governance Committee meeting were approved.

UNFINISHED BUSINESS

✚ Review & Update Rules of the CRS Board (2018)

Committee reviewed the latest version of the Board Rules from 2018 and discussed moving slowly and deliberately regarding any changes. D. Stiens mentioned there was no rush to approve anything today. D. Stiens, as chair, reviewed the sections with changes. The following discussions occurred on particular sections:

- Rule V Special Meetings was discussed. B. Moller indicated that the notification for Special Meetings should be changed from 24 hours to 48 hours to agree with CSA. T. Gamel requested that the requirement of a majority of members to call a Special Meeting be changed to 2 members to enable a minority opinion to be presented. As for who notifies the Board, B. Moller suggested that the Board Chair email the members. B. Nussman reminded the Committee members that emailing between members may constitute a meeting that is not open.
- In perusing Rule VI regarding trustee elections, D. Stiens mentioned wanting to revisit the legal opinion that determined the exclusion of DROP participants from holding an elected trustee

position. T. Gamel expressed an opinion that the requirement to email a position paper as a WORD document may be too restrictive.

- In the discussion on Rule VIII regarding Committees, D. Stiens reported wanting to adjust the Benefits Committee to an ad hoc meeting schedule. B. Moller made a comment that there is also a Performance Evaluation Committee that meets on a regular basis regarding the executive director's annual evaluation and should be included as a standing committee.
- The need to change Governance Manual Section 1.d. to be compliant with the updated Cincinnati Administrative Code on the number of missed meetings permissible was discussed.
- A discussion occurred regarding the need for two separate documents, the Governance Manual and Board Rules. K. Rahtz and T. Gamel mentioned one document would be easier to maintain.
- A discussion of Rule XIII, Review of Benefits, resulted in no action being taken, other than a comment on the requirement of CMC 203-93 that states input and recommendations from the Board be sought by the City Administration on the funding plan for healthcare.
- Rule XIV, Delegation of Functions, section E was removed, and F added. T. Gamel indicated that E & F should remain as is and that CSA section N. should be incorporated.

The Governance Committee took a short recess at this point and resumed at 1:17 p.m.

- Rule XVI, Return of Contributions, was removed since addressed in CMC. K. Rahtz expressed concern that CMC did not discuss. T. Gamel wanted to know if the Board oversees the administration, should this be in the Rules? M. Menkhaus asked if the interest calculation is defined. D. Stiens indicated that CSA should be reread, and the section of CMC identified.
- Rule XX, Benefit Estimates was removed since available on website. B. Moller asked that a reference to this be included.
- Rule XXII, Annual Evaluation of Executive Director and Others was updated with wording to start annually or as needed. B. Moller discussed the Board determining the annual goals for CRS and these being the basis for evaluation. T. Gamel indicated that the wording should be similar to CSA concerning the Board exercising the right to fire Executive Director.

Committee Action

D. Stiens made a motion in the form of an item to amend the Governance Manual with an addition to Section 2.b., adding subsection iv. The proposed addition:

“iv. Representing the Board when dealing with City Council, Committees of Council, the City Administration, City employees, City retirees, the public, and the media.

1. This representation shall be limited to the consensus view of the Board, and not the personal opinions, interests, beliefs, or views of the Chair or Vice Chair.
2. All such representations shall be reported to the Board, to include the content of the representations and the parties involved.
3. All meetings with the Mayor, members of City Council, Committees of Council or the City Administration shall include at least one retiree Trustee, one employee Trustee and one Mayor-appointed Trustee when practical.
4. No Trustee, regardless of their capacity on or outside the Board, shall communicate their personal opinions, beliefs, or views relating to Board matters with City Council, Committees of Council, the City Administration, the public, or the media without the consent of the Board.”

Following discussion, D. Stiens amended his motion to include the following revised addition:
Amend Governance Manual Section 2.b. by adding subsection iv:

“iv. Representing the Board when dealing with City Council, Committees of Council, the City Administration, City employees, City retirees, the public, and the media.

1. This representation shall be limited to the consensus view of the Board, and not the personal opinions, interests, beliefs, or views of the Chair or Vice Chair.
2. All such representations shall be reported to the Board, to include the content of the representations and the parties involved.”

T. Gamel seconded the motion. Following a roll call vote, the motion passed. Results of the roll call vote tally are as follows:

D. Stiens – Y

T. Gamel – Y

M. Menkhaus – Y

K. Rahtz – Y

E. Winstead – not present at the time of this vote.

Committee Action

Having no further business, T. Gamel made a motion to adjourn. M. Menkhaus seconded the motion and following a vote, the motion passed. Meeting was adjourned at 2:02 P.M.

Next Meeting: TBD

CRS Board Election Appeals Language

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H. Appeals

Ballot Recount

- 1) The following shall apply to any candidate who was not declared a winning nominee in their representative group election. Such unsuccessful candidate may file a written request for a recount of the votes cast if the winning candidate nearest to the appealing candidate was elected by a margin of less than one percent of the votes cast by the representative group.
- 2) The unsuccessful candidate must submit a written request for a recount to the Cincinnati Retirement System by letter or email by 4:00 PM of the second business day following the notification of the nominee(s) by phone and/or email and posting of the unofficial election results on the CRS website. If the request for a recount is approved by the Board or the Executive Director, a recount shall occur within fifteen business days following the approval of the request. All nominees are to be notified of the recount by phone and/or email within 2 business days of the approval. All nominees are to be notified of the time and place of the recount by phone and/or email not later than 2 business days prior to the recount.
- 3) The unsuccessful candidate may rescind a request for a recount at any time.
- 4) Only a candidate can request a recount.
- 5) If a recount results in a different winning nominee, a third recount will automatically occur as soon as feasible, but no later than fifteen business days following the initial recount.
- 6) Except for the events described in item 5 above, automatic recounts will not occur unless requested by a nominee and approved by the Board or the Executive Director.

Protest

- 1) An unsuccessful candidate in an election may file a protest on their own behalf regarding the candidate's representative group. The protest shall be in writing in either letter format or by email and received by the Cincinnati Retirement System by 4:00 PM on the second business day following the notification of the nominee(s) by phone and/or email and posting of the unofficial election results on the CRS website.
- 2) The protest shall be addressed by the Board at the next meeting.
- 3) The protesting candidate may appear before the Board and/or submit any information and/or documents relevant to the protest for the Board's consideration.

CRS Board Election Appeals Language

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- 4) If the protest involves the actions of a successful candidate(s), the successful candidate(s) may appear before the Board and/or submit any information and/or documents relevant to countering the protest.
- 5) The Executive Director, or their designee, shall notify the protesting candidate in writing within two business days following the Board's decision. The Board's decision is final.
- 6) If the board determines that the protest is valid, it shall declare the election for the representative group void and the position(s) vacant. A new election for that representative group shall be held.

Ohio Admin. Code 145-1-02

Section 145-1-02 - Election of board members

(A) Notifications

(1) At its regular March meeting in each year that an election of members to the board is required the public employees retirement board shall establish an election time schedule. The schedule shall establish the first Monday in October as the date and place for the election count to be conducted under the supervision of the secretary of state's office.

(2) This schedule shall include the release of news articles to interested employee and employer organizations and other interested parties, a preliminary notice to employers, the mailing of notice of elections and nominating petitions, the last date for receipt of nominating petitions and required forms, the date of the meeting at which the board shall certify candidates for election, the date by which voting materials must be mailed to eligible voters at their home addresses, and the final date for receipt of votes.

(B) Nominations

(1) Candidates for board members shall be nominated by petition on forms provided by the public employees retirement system.

(2)

(a) Petitions and required forms for candidates as an employee representative on the board shall be mailed to employers by the system with the notice of election posters not later than the thirtieth day of June. At that time petitions and required forms may be sent to members who have requested them.

(b) Any member, except a member receiving a disability benefit pursuant to sections 145.35 and 145.36 of the Revised Code, who is not otherwise ineligible under Chapter 145. of the Revised Code, may be nominated to represent the employee group to which the member belongs by submitting petitions that contain at least five hundred valid nominating signatures. Petitions for an employee representative candidate shall contain not less than twenty signatures of members from each of at least ten counties in Ohio. The member's place of employment shall determine the county for such member.

(c) Members shall be eligible to sign a petition for an employee representative candidate if they are contributing members under an employing unit which would be represented by the candidate as of June thirtieth of the election year.

(3)

(a) A notice of election procedures shall be sent to retirants at their home addresses of record with, or at the same time that, the June benefit payment is released in the year of a retirant representative election. Petitions and required forms for candidates as the retirant representative board member shall be sent, to retirants who have requested them, on the date set by the board pursuant to paragraph (A) of this rule; however, such date shall be no later than June thirtieth.

(b) Any retirant, who is not otherwise ineligible under Chapter 145. of the Revised Code, may be nominated to represent the retirant group with petitions which contain at least two hundred fifty valid nominating signatures. Petitions for a retirant representative candidate shall contain not less than ten signatures of retirants from each of at least five counties in Ohio. The retirant's place of residence shall determine the county of such retirant.

(c) Individuals shall be eligible to sign a petition for a retirant representative candidate if they are retirants eligible to receive a monthly benefit as of July first of the election year.

(4)

(a) Petitions and completed required forms for a candidate shall be received by the system no later than the petition filing date established by the board in the election time schedule. A petition received after such date is invalid.

(b) Petition signatures shall be verified based on records of the retirement system and the requirements of Chapter 145. of the Revised Code. Signatures that cannot be conclusively verified shall not be counted.

(c) The board shall certify qualified candidates for election. A qualified candidate is an individual who meets the requirements of Chapter 145. of the Revised Code and this rule as established by the records of the system. Based on the certification, the names of qualified candidates shall be placed on the ballot for election.

(C) Voting

(1) The board may conduct an election by paper ballots or through electronic methods.

(2)

(a) Voting materials for each voting member or retirant of the system shall include a list of candidates, a biographical statement for each candidate, voting instructions, a disclaimer that neither the board nor the system endorses any particular candidate or statement, and any other materials the board deems necessary.

(b)

(i) The biographical statement of a candidate shall be completed on a template provided by the system. The template shall provide for the candidate's name and county of residence, and may include an email address, website address, and telephone number. The employee representative candidate(s) shall also indicate the current public employer and job title.

The biographical statement of a candidate shall include a brief description of current or prior work and relevant industry knowledge or specific experience. The biographical statement shall not exceed two hundred words. The candidate must provide an affidavit signed by the candidate verifying the accuracy and truthfulness of the statement. The board reserves the right to edit such statement for length or inappropriate content with notice to the candidate.

(ii) In addition, a candidate must provide a disclaimer on or with any written or spoken campaign material that neither the board nor the system endorses any particular candidate or statement, and submit such materials to staff to pre-approve the disclaimer prior to disseminating.

(3) If a candidate is elected by a margin of less than one percent of the votes cast, a recount will automatically be conducted.

(4) In the event there is a tie vote, the vote shall be decided by a coin toss. Certification of the election results shall be provided by the secretary of state at the office of the system.

(D) Protests

(1)

(a) An individual who fails to obtain sufficient valid nominating signatures by the petition filing date may file a protest on the insufficiency of such individual's petitions. The protest shall be in writing and received by the system no later than five calendar days after notice of the insufficiency.

(b) A protest shall be heard at the board's next meeting. The individual may be represented by legal counsel at the hearing and may present any information and/or documents relevant to the protest for the board's consideration. The executive director shall notify the individual in writing of the board's decision. If the board determines that the protest is valid, it shall certify the individual for that representative group election.

(c) Once the board makes a determination of a protest on the sufficiency of an individual's petitions, neither the insufficiency nor determination shall be the basis for any other protest to the board pertaining to that individual. The board's decision is final.

(2)

(a) An unsuccessful candidate in an election may file a protest in the candidate's representative group election. This protest shall be in writing and received by the system no later than five calendar days after notice of the unofficial election results.

(b) A protest shall be heard at the board's next meeting.

(i) The protesting candidate may be represented by legal counsel at the hearing. The successful candidate may appear, and may be represented by legal counsel. The protesting candidate and the successful candidate may submit any information and/or documents relevant to the protest for the board's consideration.

(ii) The executive director shall notify the protesting candidate in writing of the board's decision.

(iii) If the board determines that the protest is valid, it shall declare the election for that representative group void, and the position vacant. A new election for that representative group shall be held pursuant to division (C) of section 145.06 of the Revised Code. The board's decision is final.

(E) Vacancies

(1) Except as provided in this paragraph, if a vacancy occurs in the term of an employee member or retirant member of the board, the remaining retirement board members shall determine the schedule and manner in which they will select a successor member. The board is not required to elect a successor member for a vacancy that occurs on or after the first day of October of the year in which the vacated term ends, as described in section 145.06 of the Revised Code.

(a) The board shall notify the membership or retirant group affected by the vacancy in the same manner as is done for elections of retirement board members. This notice shall state the procedure for candidates for the vacancy to submit their names to the board, and the procedures for selection by the board of the candidate to fill the vacancy. Candidates shall qualify under the same eligibility requirements as the predecessor in office.

(b) The board shall select a successor member from those names submitted to it. A successor member shall be selected by a majority vote in which successive ballots shall occur until one candidate receives a majority. However, in the event there is a tie vote, the vote shall be decided by a coin toss.

(2) If a vacancy occurs because an individual is unable to assume the office at the January meeting of the board following the individual's election, the board shall conduct a new election as provided in this rule, except that the time schedule for the election shall occur in order to comply with section 145.06 of the Revised Code.

(3) All documents regarding filling the vacancy, including resumes and forms required by the system, shall be made available to any person upon request and payment of the costs of compiling, copying, and mailing the documents.

Ohio Admin. Code 145-1-02

Five Year Review (FYR) Dates: 9/21/2017 and 09/21/2022 Promulgated Under: 119.03 Statutory Authority: 145.09, 145.058 Rule Amplifies: 145.04, 145.05, 145.051, 145.058, 145.06, 145.27 Prior Effective Dates: 5/16/73, 6/9/78, 3/17/89, 6/1/96, 5/31/97, 1/5/01, 10/7/01, 6/20/03, 4/10/05, 11/30/07, 5/27/10, 12/10/12

Effective: 12/10/2012 R.C. 119.032 review dates: 09/14/2012 and 09/29/2017 Promulgated Under: 119.03 Statutory Authority: 145.09, 145.058 Rule Amplifies: 145.04, 145.05, 145.051, 145.058, 145.06, 145.27 Prior Effective Dates: 5/16/73; 6/9/78; 3/17/89; 6/1/96; 5/31/97; 1/5/01; 10/7/01; 6/20/03; 4/10/05; 11/30/07; 5/27/10



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

2018

(Under Review by Governance Committee as of March 4, 2021)

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

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

Rule I Order of Business

- ~~A.~~ Noting of Attendance
- ~~B.~~ A. Approval of Minutes
- ~~C.~~ Approval of Consent Agenda
- ~~D.~~ Statement of the Finance Department
- ~~E.~~ B. Reports of the Secretary and the Committees
- ~~F.~~ C. Unfinished Business
- ~~G.~~ D. New Business
- ~~H.~~ E. Communications/Informational
- ~~I.~~ 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, held on the first Thursday of each month at 2:00 P.M. in City Council Committee Room B, unless the Monday, Tuesday, Wednesday, or Thursday of that week is a City holiday, in which event the regular meeting shall be held on the first Friday of that month at 2:00 P.M. in the City Council Committee Room B. Seven members of the Board constitute a quorum.

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 call/request of the Chairman person or a majority of the members on written demand, signed by two Trustees, filed with the Secretary of the Board of Trustees not less than 24 hours before the time of the meetings, and not less than 12 hours notice to each member. The call/notice for the meeting must state the time, date, location, and subjects to be considered at the meeting and be posted on the City Web Page on the Cincinnati Retirement System's web page, in compliance

Commented [TP1]: This language is from the Admin. Code.

Cincinnati Retirement System Rules of the Board of Trustees

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~~ August 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.

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ELECTIONS COMMITTEE TO REVIEW THIS SECTION TRUSTEE ELECTIONS

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The Board is made up of four Appointed Trustees, three elected Retired Trustees, and two elected Active Employee Trustees. Only Active Employee Members and ~~Retired~~ Members of the Cincinnati Retirement System ("CRS") are eligible to serve as elected Trustees, ~~or to vote in the CRS election process.~~ However, Active Employee Members who participate in the Deferred Retirement Option Plan are not allowed to hold an Active Employee Trustee or Retired Trustee position. 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~~ Employee Members of the CRS shall be elected as Active Employee Trustees. 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 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

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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.

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Rules of the Board of Trustees**

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

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4) ACTIVE EMPLOYEE TRUSTEES 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. 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.

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5) RETIREE TRUSTEES Retiree Trustees

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

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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 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.

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

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- 6) At the time that the Nomination Petition Form is due, each candidate shall also 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, if applicable
 - E. Title, if applicable
 - F. Years employed with the city.

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- 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.
- 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 listed deadline shall invalidate his or her candidacy.

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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

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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.
- 1) 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.
- 2) No write-in candidates are permitted.
- ~~3) Ballots shall not be reproduced nor copied.~~
- 4) A ballot with more votes than vacancies will be deemed invalid.
- 5) 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~~ of the close of nominations.
- 6) Employees not receiving a ballot at their address of record may request a duplicate ballot from the Retirement Department.
- ~~7) Request for a duplicate ballot shall be submitted to 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.

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**Cincinnati Retirement System
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~~13~~11) 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~~12) 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 4PM on the 21st day or ~~later~~the due date specified on the ballots, if later. All ballots must be received by the Retirement Department by 4PM on the 21st day (or the specified 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.

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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.

~~10)~~ 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, and write-in ballots. The Election Committee shall declare the winners of the election based on the results of the ballot count.

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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. Election Appeals

I. 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 Trustees. 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.

VACATED UNEXPIRED TERM:

Term With ~~Less Than 69~~ Months or Less Remaining

- 1) ~~If the vacated unexpired term has less than six (69) months or less remaining from the effective date of the vacancy, but more than 90 days, till the scheduled election close date, the remainder of the unexpired term may be filled, with Board approval, by the candidate having received the next highest number of votes from the type of trustee position vacated from the previous election. the position will remain vacant until the next regularly-scheduled election.~~
- 2) ~~Such candidate shall be notified by letter of the offering.~~

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- ~~3) Such candidate shall have three (3) work days to confirm or decline.~~
- ~~4) If all available candidates have declined the position, the position shall remain vacant, till filled by means of the scheduled election process.~~

F. Term With More than 69 Months Remaining

- ~~12) If the vacated unexpired term has more than six (69) months remaining from the effective date of the vacancy, ~~till the scheduled election close date~~, the remainder of the unexpired term shall be filled by a "special UNEXPIRED TERM" election.~~
- ~~13) It shall be the Board's determination of the specific "special UNEXPIRED TERM" election close date.~~
- ~~14) The process (nominations, candidate position paper, etc.) for a "special UNEXPIRED TERM" election shall follow the same process as described for a scheduled election, with the specific details being based on the type of trustee position vacated (Active eEmployee or Retiree).~~
- ~~15) If no candidate is available to fill the vacated unexpired term, the Board may leave the position vacant or fill the position by a means as approved by the Board.~~

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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.

RETIREMENT, ~~OR DISMISSAL OR~~, D.R.O.P ENTRY OR DISMISSAL DURING THE APPOINTED OR ELECTED TERM

- 1) Any Active eEmployee ~~Trustee~~ having been administered the oath of office ~~after the June 2007 election, that~~ who retires, enters the Deferred Retirement Option Plan (DROP), or voluntarily or involuntarily leaves employment of the City, U.C. Medical, U.C. College, or Hamilton County, or transfers to a different retirement system shall result in the immediate removal of that Trustee from the CRS Board, submit in writing and addressed to the Chair of the Board their resignation from the Board as of the effective date of retirement, transfer or dismissal. If an Active Employee Trustee enters the D.R.O.P. (Deferred Retirement Option Plan) during their term, they shall forfeit their position on the Board of Trustees effective the date of entry in the D.R.O.P
- ~~2) The application of this section shall be applied prospectively forward, and shall not be applied in retrospect to any trustee before the trustee having been administered the oath of office from the June 2007 election.~~
- ~~2) Any Appointed Trustee, Active Employee Trustee or Retiree Trustee who is found to be i) Dishonest in any civil proceeding or disciplinary decision, ii) Convicted of a felony for an act committed while the trustee was an adult, or iii) Failed to comply with election requirements established by the Board, Failure to submit such notification of any item contained within Section 10. Disqualification from Candidacy and as a Board Trustee upon discovery shall result in the immediate submission of a request for a "special Board meeting" for the purpose of~~

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~~—discussion of the facts of the discovery and the potential of a recommendation by the
—Election Committee Chair in the instance of a candidate, or in the instance of a trustee
2) for any Board member to make a motion to the Board for the immediate removal of
such trustee from the CRS Board.~~

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Rule VIII Committees

The Chair shall annually appoint standing Investment, Benefits, 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 special committees as needed to conduct the business of the Board. The Chair shall designate a member to chair each Committee. The Investment ~~and Benefits Committees~~ shall

adopt a regular time and place for meeting. Other Committee meetings are at the call of the Committee Chair. Notice of all committee meetings shall be given in compliance with Ohio Revised Code Section 121.22.

Rule IX Matters Referred to Committees

The ~~Secretary~~Chair shall present matters immediately to the various committees. The committees are to submit their reports at ~~the next scheduled~~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. ~~Board members serving ex officio may appoint a representative by proxy to attend, participate, and vote on all issues when such trustees find it impossible to attend any board or committee meeting.~~ A member who fails to attend at least two-thirds of the regular and special meetings of the Board during any two-year period forfeits membership on the Board. The Board may remove from a Board Committee any member who fails to attend in person ~~or by proxy~~ at least ~~three-fifths~~two-thirds of the regular and special meetings held by the Board committee during any two-year period.

Commented [TP3]: The original language spoke only to Committees. This sentence is from the Admin. Code. and speaks to Board meetings.

Rule XI Disability Application and Appeal Process

1) Applications and Audits

- a. 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.
- b. 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.

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2) 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.

- a. 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.
- b. The notification shall include the following information:
 - i. The Board of Trustee's denial or termination of the disability retirement benefit;
 - ii. 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;
 - iii. 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;
 - iv. 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;
 - v. 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;
 - vi. After submission of additional medical evidences as described in paragraph (2,b,iv) 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.

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

- a. Member has 30 days to provide additional medical evidence.
- b. Request must be submitted in writing.

4) Reapplication by an Active or Terminated Member Following a Denial

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

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- b. Medical Director to assess the new medical evidence to determine if the reapplication criteria have been met.
- 5) Terminated Employees - Disability Application
 - a. Member has 24 months from their employment termination date to apply for disability. Member must prove that the disabling condition existed while employed.
- 6) Effective Date of Approved Disability Retirement
 - a. 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.
 - b. 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.
 - c. 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**~~

~~At least once every two years, the Board shall evaluate current benefits of the Retirement System and report to Council its recommendations for any improvements or changes. This evaluation shall also consider ways and means of financing these changes and any effect on the unfunded liability of the Retirement System.~~

Commented [TP4]: The CSA limits the ability of the Board and Council to change benefits outside of the CSA.

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

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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. ~~Every agreement for the retention of an agent shall provide that any action arising out of the agreement shall be brought in Hamilton County, Ohio and that the agent shall accept the jurisdiction of the courts of Hamilton County, Ohio.~~

F. ~~Every agreement for the retention of an agent shall obligate the agent to abide by the City of Cincinnati's policies for economic inclusion of small, minority and women's business firms. The Board will follow the City's Purchasing Department procedures.~~

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.

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Commented [TP5]: This is not always feasible. However, the City's Solicitor's Office always attempts to address this issue when reviewing contracts.

Commented [TP6]: This language should refer to the City's Purchasing requirements since they are more inclusive and change over time.

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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**~~

~~The Board may return a contribution with interest or make alternative arrangements for reimbursement, if the Board determines the contribution was made because of a mistake of fact or law.~~

Commented [TP7]: This is addressed in the CMC.

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Rule XVII Handbook

Commented [TP8]: This entire section should be rewritten and focused on the CRS website.

- 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.
 - 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:

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

Commented [TP9]: Board and Committee members are listed on the CRS website.

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

Commented [TP10]: Included in the City's CAFR

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

Commented [TP11]: Included in the City's CAFR

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

Commented [TP12]: Actuarial Annual Valuations

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.

Commented [TP13]: Actuarial Annual Valuations

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

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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.~~

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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.

Commented [TP14]: Included in the quarterly Investment Reports.

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.

Commented [TP15]: Included in the quarterly Investment Reports.

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

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Rule XIX Annual Report

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

Commented [TP16]: All information is available on the CRS or City website.

The annual report must contain:

A. The name of each member of the Board

**Cincinnati Retirement System
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- 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.~~

Commented [TP17]: This information is available online via the CRS website through "Member Direct".

Rule XXI — Trustee Education

Recognizing that each Trustee is under a fiduciary obligation to be prudent ~~fin~~ 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 ~~Executive Director and Others~~ Pension Manager and Retained Fiduciaries

The Board shall ~~annually~~ evaluate the performance of the ~~Secretary, the Executive Director, Investment Consultant, the Actuary, and other providers and consultants annually or on an as needed basis, 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 to into immediate effect. They may be amended or revised only after notice of the proposed

**Cincinnati Retirement System
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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.

Revisions:

Board Approved 4/1/10

Walsh made a motion that all ballots for CRS Board of Trustee elections be distributed to members via first-class U.S. mail. Ballots to be sent via first-class mail for all employee and retiree trustee elections.

Page 5 (#7) Deleted:

Ballots shall be distributed to all departments, boards and commissions, of members eligible to vote, by the Retirement Division, no later than one day before the beginning of the election.

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Page 5 (#7) Inserted:

The Retirement Office shall mail ballots to all eligible voting members by first-class U.S. mail. Members to receive ballots no later than one day before the beginning of the election.

Page 5: (#8) Deleted:

~~The heads of all departments, boards and commissions, of members eligible to vote, shall ensure the timely distribution of the ballots.~~

Page 5 (#9) Revised:

Employees not receiving a ballot ~~from the place of employment~~ may request a duplicate ballot.

Page 9 (#7) Revised: Ballots shall be mailed by *first-class U.S. mail*, one day before the beginning of the election.

Page 10, (#14) Revised:

Ballots in the official election return envelope provided shall be returned by *U.S. first-class mail*, or directly deposited directly into the locked "Ballot Box" contained within the Retirement Division office, front desk area in Room 240, City Hall.

Board Approved 6/17/10

Page 5, Counting of Ballots F1:

The ballots shall be counted on the second (2nd) Monday ~~after the election close~~ *in June*.

Page 10, Counting of Ballots F1:

The ballots shall be counted on the second (2nd) Tuesday ~~after the election close~~ *in September*.

Board Approved

5/1/14 Updated the Election Rules

Year 2016 Election Rules

Year 2018 Election Rules

- **Employee Election of Trustee**
- **Retired Member Election of Trustee**