



INFORMATION FOR CANDIDATES NOVEMBER 18, 2024 EMPLOYEE ELECTIONS

One **Federated Retiree** representative to the
Board of Administration of the Federated City Employees Retirement System (System)
One **Police Retiree** representative to the
Board of Administration of the Police and Fire Department Retirement Plan (Plan)

IMPORTANT DATES

Nomination Period Opens:	Monday, September 9, 2024
Deadline for Returning Nomination Petitions:	5:00 p.m. Friday, September 27, 2024
Ballots Mailed to Employees:	By Friday, October 18, 2024
Deadline for Voting:	2:00 p.m. Monday, November 18, 2024
City Council Consideration of Appointment:	Tuesday, December 3, 2024

Eligibility Rules

- **Candidates:** Only **Federated Retirees or Police Retirees** who are members of the System or Plan on both August 1, 2024, and November 18, 2024, are eligible to run for office.
- **Petition Signers:** Only **Federated Retirees or Police Retirees** who are members of the System or Plan as of August 1, 2024 are eligible to sign candidate's nomination petitions and to vote for those candidates. The eligibility of petition signers will be verified by the Retirement Services Department. If you turn in your petition before the deadline, there will be time to verify the eligibility of your signers and allow you to collect additional signatures, if necessary.
- **Voters:** Only **Federated Retirees or Police Retirees** who are members of the System or Plan on both August 1, 2024, and November 18, 2024, shall be eligible to vote.

Nomination Papers

Nomination Papers, including the Nomination Petition, must all be filed concurrently. Nomination Papers are considered confidential until the close of the Nomination Period.

Nomination Papers are provided by and must be filed in person at the:

City of San José, City Clerk's Office
200 East Santa Clara Street – 14th Floor
San José, CA 95113

The filing period for Nomination Papers is:

Monday, September 9, 2024 at 8:00 a.m. to Friday, September 27, 2024 by 5:00 p.m.

All Nomination Papers must be received in by the City Clerk's Office no later than 5:00 p.m. on Friday, September 27, 2024.

ALL Nomination Papers must be filed at the same time. Completed Nomination Papers include:

1. Nomination Petition
2. Candidate Statement (Optional)
3. Supplemental Questionnaire

Candidates are encouraged to submit their Nomination Papers well before the September 27, 2024 deadline. One supplemental Nomination Petition may be issued if a candidate fails to gather ten valid signatures, provided there is sufficient time to do so before the close of the Nomination Period.

1. Nomination Petition

A Nomination Petition for this vacancy will be available in person at the office of the City Clerk as noted above starting at 8:00 a.m. on Monday, September 9, 2024. Nomination Petitions for the office being voted upon will only be accepted by the City Clerk from nominees eligible to hold such office.

Each petition must be signed by at least ten retirees who are eligible to vote in the election. **No retiree shall sign more than one petition for the office.** Anyone can circulate the petition to collect signatures, but the nominee must sign at the bottom of the petition that he or she accepts the nomination. Nomination Petitions may not be withdrawn after the close of the nomination period (September 27, 2024).

a. Ballot Designation

Candidates have the option to include their ballot designation on the Nomination Petition. The nominee's ballot designation, if any, shall not exceed three words which designate his/her principal profession, vocation or occupation. The City Clerk will not accept a ballot designation which would mislead the voter, suggest an evaluation of the nominee, or that refers to an activity which is prohibited by law. **If one of the nominees is the incumbent, that designation and no other shall appear.**

2. Candidate's Statement

Persons who have been nominated and whose names will appear on the ballot may, by 5:00 p.m. on September 27, 2024, file with the City Clerk such statement relative to their qualifications for office as they desire to be distributed to the voters. Such statements shall not exceed 200 words excluding signatures. All candidates' statements shall be signed by at least one association or individual. The City Clerk will prepare copies of all such statements received and will distribute them with the ballots. The statements so filed will be arranged in the order of the names of the candidates upon the ballot. No responsibility for the accuracy or nature of the contents of the filed candidate's statements is assumed by the City Clerk. If the candidate statement is available in an electronic format (Microsoft Word compatible), please send a soft copy to the City Clerk via email to city.clerk@sanjoseca.gov. The original statement must be filed in person along with the Nomination Petition. Candidates will not be allowed to file a candidate statement after their Nomination Petition has been filed.

3. Supplemental Questionnaire

All candidates for appointment to the Retirement Boards must complete a required questionnaire. The completed questionnaire must be returned with the Nomination Petition. Responses to the questionnaire will be reviewed and considered by the City Council as a part of the appointment process. The Questionnaire is provided as a Board application on the City Clerk website at <https://sanjose.granicus.com/boards/w/923860ac785826ef>

4. No Ballots to be Sent in Certain Conditions

For the Federated Retirement Board: If four (4) or more candidates apply to serve on the Board in the retired member seat, the retired members of the Federated City Employees' Retirement System shall nominate, through a nomination process established by the City Clerk, three (3) candidates to be interviewed by the panel established under Section 2.08.1070, subsection (D)(4). However, the nomination process among the retired members of the Federated City Employees' Retirement System shall not occur if less than four (4) candidates apply. (SJMC 2.08.1070 D (2))

For the Police Retirement Board: The retired members of the Plan shall recommend, at an election to be conducted among them by the City Clerk, one (1) of such retired members as a successor for such seat, provided there is more than one (1) eligible retired Police member applying for the vacancy. If there is only one (1) eligible retired Police member applying for the scheduled vacancy, an election shall not occur

and that candidate will be forwarded to the panel in Section 2.08.1245 C.2. for interview. (SJMC 2.08.1245 C (1))

General Information Regarding Voting

The State absentee ballot process is used for the election – that is, employees vote by mailing, routing or otherwise delivering their ballots to the Office of the City Clerk before the 2:00 p.m. November 18, 2024 deadline. When a ballot envelope is returned to the City Clerk’s Office, the employee’s name on the label is checked against the roster of eligible voters to ensure each employee votes only once. The sealed envelopes are retained in a locked ballot box until the November 18, 2024 ballot opening. **If an envelope is received without the label, or with the label defaced, that ballot cannot be counted.**

At 2:00 p.m. Monday, November 18, 2024, the ballot box will be opened and all envelopes will be mechanically opened and the ballot cards will be counted by a panel of canvassers. Interested employees are invited to observe the opening and counting process in the City Clerk’s Conference Room T-1446 at 200 East Santa Clara Street.

Interview Panel

For the Federated Retiree: The panel shall interview the three (3) candidates nominated through the nomination process conducted among the retired members of the Federated City Employees' Retirement System. However, the panel shall interview all candidates if less than four (4) candidates applied to serve on the Board in the retired member seat. The purpose of the interview is to ensure that the candidates will be able to attend Board meetings, fulfill the time commitment of a Board member, and have the requisite qualifications and experience to fulfill the duties of a Board member. The panel must consist of: a. a representative from the employee organizations affiliated with the American Federation of State, County and Municipal Employees, AFSCME Local 101; b. a representative from the employee organizations other than the organizations affiliated with AFSCME, Local 101; c. a representative from the City Manager's Office; and d. two (2) representatives from the City of San José Retired Employees Association. 5. The panel shall select one (1) of the candidates it interviewed for the City Council to consider for appointment to the Board. The panel's selection is the candidate who received a majority of affirmative votes on the panel; provided that a dissenting member of the panel may submit a minority report. If there is no majority for the recommendation of a retired member, each member of the panel may submit a written report to the City Council.

For the Police Retiree, A panel consisting of a representative from the San José Police Officers' Association, a representative from International Association of Fire Fighters Local 230, and a representative from the City Manager's Office shall interview the three (3) (or less if there are fewer than three (3) candidates) retired members receiving the highest number of votes. The purpose of the interview shall be to ensure that the candidates are viable in that they will be able to attend meetings of the Board and fulfill the time commitment of member of the Board. The panel shall recommend to the City Council one (1) of the interviewed retired Police members for appointment to the Board. The panel's recommendation shall be determined by a majority of the members of the panel; provided that a dissenting member of the panel may submit a minority report. If there is no majority for the recommendation of a retired member, each member of the panel may submit a written report to the City Council.

The interviews are tentatively scheduled to be held on Tuesday, November 19, 2024. The purpose of the interview shall be to ensure that the candidates are viable in that they will be able to attend meetings of the board and fulfill the time commitment of a member of the board. **The interview may be held earlier of no election is held.**

Election Results and Appointments

Results of the election will be presented to Council at its regular meeting on December 3, 2024. The

election is for the purpose of nominating candidates to the City Council to be considered for appointment; **the City Council is not obligated to appoint the person who received the highest number of votes to the board or commission he/she was a candidate for.**

Newly appointed members of the System and Plan are required to annually file a Statement of Economic Interests (Form 700) and a Family Gift Reporting form to disclose their financial interests. Any members appointed to a City Retirement Board are required to pay \$50.00 waiver of recourse fees for the Board's Fiduciary insurance for each plan's Pension and Health Trust funds (\$25 each for the primary fiduciary and the excess fiduciary insurance policies per fund). This \$50.00 fee should come directly from the new Retirement Board member, as Trustee, and not any other third party and cannot be paid by the Retirement Plans. This waiver of recourse fee means that the Trustee's personal assets will be protected should damages be sought from the individual Trustee. *In addition, please note that any employee or retiree representative is not entitled to the \$225.00 per month stipend.*

Terms of Office

The appointee will serve until November 30, 2028.

If you have any questions about the nomination or election process, please contact the Office of the City Clerk at (408) 535-1260 or by email to: city.clerk@sanjoseca.gov.