



FIRE AND POLICE DISABILITY AND RETIREMENT City of Portland, Oregon



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EXHIBIT "A" Proposed Rule Amendments March 19, 2024

5.2.04 – BOARD MEMBERS

(A) Elected Board Members

(1) One Active Member of the Bureau of Fire, Rescue and Emergency Services and

and one Active Member of the Bureau of Police shall be elected to the Board by the Active Members of their respective bureau. Elections will be held in the year of the respective board member's expiring term.

(2) Elected members of the Board shall have a three-year term of office.

(3) Regular elections, to fill expired terms on the Board of Trustees, shall be conducted as follows:

(a) Elections shall be held during the month of December using a vote-by-mail process.

(b) Notice of elections shall be given in writing and posted in fire and police work places on or before the second Monday in October.

(c) Any Active Member may nominate themselves by filing such nomination in writing with the Director on or before the third Monday in October.

(d) Notice of nominations shall be given in writing and by posting in fire and police work places on or before the fourth Monday in October. If only one Active Member is nominated in any election, the election shall not be held. The Director shall determine and certify to the Board that the nominee was unopposed. The nominee so certified shall be declared elected in accordance with the procedures set out in this section of the Administrative Rules.

(e) If there are multiple nominees, the Director shall prepare printed ballots, listing the nominees in the order in which they file.

(f) The Director shall mail individual ballots for a Fire trustee election to Active Members of the Bureau of Fire and individual ballots for a Police trustee election to Active Members of the Bureau of Police, along with a postage paid return envelope marked "Ballot Enclosed". These ballots will be mailed to Active Members on the first Friday of November.

(g) Completed ballots must be returned, sealed in the return envelope provided by the FPDR marked "Ballot Enclosed" and received in the FPDR office no later than 5:00 p.m. December 1st or the following Monday if December 1st falls on a Saturday or Sunday. Ballots may be dropped off at the FPDR office during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays.

(h) Upon receipt of the ballot, FPDR staff will immediately date stamp the return envelope and place it in a secure location. FPDR staff will not open the return envelope.

(i) Within two (2) business days after close of balloting, the City Auditor or the City Auditor's designee will count and tally the ballots. An abstract of votes cast by the Active Members of each bureau signed by the Director and the City Auditor or the City Auditor's designee, together with the tally sheets signed by the City Auditor or the City Auditor's designee, shall be forwarded to the Board of Trustees for its next regular meeting.

(j) In the event no candidate receives a majority of the votes cast (equivalent to 50 percent plus 1 vote), a runoff election shall be held between the two candidates receiving the most votes. The Director shall, within three (3) business days of the initial vote count, announce to the Members of the respective bureau that a runoff election is needed.

(k) In the event of a runoff election, ballots will be distributed within five (5) business days of the determination of the need for a runoff election. The completed ballots must be returned, sealed in the return envelope provided by the FPDR marked "Ballot Enclosed" and received in the FPDR office no later than 5:00 p.m. the business day prior to the day ballots are to be counted. Ballots may be dropped off at the FPDR office during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays. The counting of the ballots will be conducted in the same manner as regular elections and will be scheduled on or before the last business day of December. If the last business day of December falls on a Saturday or Sunday, ballots will be counted on the preceding Friday.

(l) The new board members shall be elected for terms to begin January 1.

(4) At the regularly scheduled meeting of the Board in January, the names of the nominees and votes received shall be entered in the minutes. The nominee from each bureau, receiving the highest number of votes cast, shall be declared elected. Tie votes shall be decided by the drawing of lots, under the Director and City Auditor's supervision. No contest of any election shall be had after said declaration.

(5) Special elections for a vacant elected trustee position shall be held within thirty (30) days after a vacancy occurs and such elections shall be conducted in the same manner as regular elections. The names of the nominees and votes received shall be announced at the first regularly scheduled meeting of the Board following the special election. The board member elected during a special election will serve the balance of the unexpired term.

(6) Any elected Board member who ceases to be an Active Member may complete the remainder of their term. Notwithstanding the previous sentence, a Board member who is discharged for cause shall cease to be a member of the Board on the effective date of their discharge.

(B) Appointed Board Members

(1) Two citizens of the City of Portland who have relevant experience in pension or disability matters, are not active or past Members nor beneficiaries of the Fire and Police Disability and Retirement Fund and who have not been employed by the Fire or Police Bureaus shall be appointed to the Board. The citizen shall be nominated by the Mayor and approved by the City Council. ~~Following the City Council approval, the new board member shall be given an oath of office by the City Auditor or the City Auditor's designee.~~ The new board member(s) shall be appointed for terms to begin January 1.

(2) Appointed members of the Board shall have a three-year term of office.

(3) Appointments for a vacated appointed board member position shall be made within thirty (30) days after they occur. A new trustee shall be nominated by the Mayor and approved by the City Council. The new appointed board member will serve the balance of the unexpired term.

(4) Any appointed board member who misses four or more meetings in the fiscal year may be removed by the Board unless the Board determines there was a good cause for the absences.

(5) A Board member who is discharged for cause shall cease to be a member of the Board on the effective date of their discharge.

(C) Mayor

(1) The Mayor or the Mayor's designee approved by the City Council shall serve as a board member and the Board's Chairperson.

(2) Notwithstanding the above, the Mayor or the Mayor's designee shall not be an active or past Member nor beneficiary of the Fire and Police Disability and Retirement Fund and have not been employed by the Fire or Police Bureaus.

(3) Should the Mayor not meet the above criteria, the Mayor must appoint a designee who does meet the criteria.