

ORDINANCE NO. 088 - 2022

AN ORDINANCE AMENDING SECTION 6-49(a) OF THE CODE OF ORDINANCES RELATING TO THE ELECTION OF RETIREE MEMBERS TO THE BOARD OF TRUSTEES FOR THE CITY EMPLOYEES PENSION FUND TO CLARIFY ELECTION PROCEDURES AND TO AUTHORIZE THE MAYOR TO APPOINT NON-RETIREE BENEFICIARIES OR OTHER INTERESTED INDIVIDUALS TO FILL VACANCIES IN RETIREE POSITIONS UNFILLED BY ELECTION, SUBJECT TO THE APPROVAL OF COUNCIL, AS AUTHORIZED BY KRS 67A.320.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 — That Section 6-49(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

(a) The membership of the board of trustees of the pension fund shall consist of the mayor, the commissioner of finance, the director of human resources, four (4) council members subject to confirmation by a majority of the council members, and three (3) retired members who shall be elected from the retirees of the fund. Members elected to the board of trustees shall hold their offices for a period of two (2) years and/or until their successors have been elected and qualified. The mayor shall be chairman of the board. In addition thereto, but without having a vote on any question that comes before the board, the council clerk shall be ex officio secretary of the board. The commissioner of finance shall be ex officio treasurer of the board.

(1) Retiree Board Members – Regular elections. Beginning in December, 1992, and continuing every second year thereafter, an election shall be held by the retired members of the pension fund. This election shall be conducted by mail ballot of the retired members. For all retired member elections conducted after December 1, 2022, the council clerk shall send written notification of the upcoming election to all retired members no later than October 1, and shall seek nominations for a retired member to serve on the board. Nominations for candidates for retiree positions on the board shall be submitted to the council clerk no later than November 1, and shall be supported by either one (1) signature of a retired member of the fund nominating another member or by a signed self-nomination of a retired member. The council clerk, no later than November 1, shall inquire of each

nominee who did not self-nominate to verify that the person consents to participation as a candidate in the election. The council clerk shall not include on the ballot any candidate who did not self-nominate if such candidate informs the council clerk that he or she does not wish to be included on the ballot. The council clerk shall make a written record documenting any such refusal and maintain it with records relating to the subject election. Secret mail ballots shall be mailed to all retiree members no later than November 25, and returned no later than December 1. The council clerk and commissioner of finance shall verify membership, open and count the mail ballots, and then prepare a report to the board of trustees for approval at a regularly scheduled meeting of the board of trustees, and every second year thereafter. After the election deadline has passed, if a successful candidate is unable or unwilling to serve for any reason, the candidate who received the next highest number of votes shall be declared the winner of such board position.

(2) Retiree Board Members – Special elections. The board of trustees shall hold a special election to fill the unexpired term of any retiree position on the board of trustees. The nomination, voting and validation of election results procedures for a special election shall be identical to the procedures for regular elections except that a special election may be initiated in any calendar month as necessary.

(3) Retiree Board Members – Vacancies Unfilled by Election. Notwithstanding the foregoing, if one (1) or more of the three (3) retired board of trustee positions cannot be filled due to an insufficient number of retired members being willing or able to serve, any such vacancy shall be filled by the Mayor with Council approval as authorized by KRS 67A.320. Not later than six (6) months prior to the expiration of a term of a retiree board member that is anticipated to be unfilled by election, the clerk shall give written notice, if practicable, to non-retiree beneficiaries of the fund of the pending board vacancy and determine if any non-retiree beneficiary is interested in consideration for appointment to the retiree position. No later

than two (2) months prior to the expiration of a term of a retiree board member that is anticipated to be unfilled by election, the board shall forward to the office of the Mayor the names of any non-retiree beneficiaries of the retirement fund who are interested in appointment to a retiree position on the board for consideration for an appointment. In the event of any retiree member vacancy unfilled by election, the Mayor shall appoint a non-retiree beneficiary to fill the vacancy on the board, subject to Council approval. In the event of any retiree member vacancy that is unfilled by election, and where there are an insufficient number of non-retiree beneficiaries willing or able to serve, any such vacancy shall be filled by appointment by the Mayor subject to the approval of the Council as authorized by KRS 67A.320.

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: August 30, 2022



MAYOR

ATTEST:



CLERK, URBAN COUNTY COUNCIL

PUBLISHED: September 6, 2022-1t

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