



Board Agenda Item 37

DATE: October 24, 2023

TO: Board of Supervisors

SUBMITTED BY: Donald Kendig, CPA
Retirement Administrator

SUBJECT: Jacob Woesner as Safety Member Seat No. 7 - Board of Retirement

RECOMMENDED ACTION(S):

- 1. Receive Retirement Administrator's certification to the Board of Supervisors that Jacob Woesner, a duly nominated and eligible candidate for the 2023 Board of Retirement Election of the Fresno County Employees' Retirement Association ("Board of Retirement"), for Safety Member Seat No. 7, was unopposed at the close of nominations under the Board of Supervisors elections procedures for Board of Retirement elections ("Election Procedures");**
- 2. As provided by the Election Procedures, order that no election be held for such seat; and**
- 3. As provided by the Election Procedures, direct the Clerk of the Board of Supervisors, pursuant to Government Code § 31523, to cast a unanimous ballot, in the form of the official ballot accompanying this agenda item, in favor of Jacob Woesner as Safety Member Seat No. 7 on the Board of Retirement for a three-year term commencing January 1, 2024 and expiring December 31, 2026, and deliver the casted ballot to the Board of Retirement and a copy thereof to the Fresno County Clerk/Registrar of Voters.**

For the 2023 Board of Retirement election, the Safety Member Seat No. 7 is vacant for election.

Jacob Woersner was unopposed at the close of nominations for the 2023 Board of Retirement election as Safety Member Seat No. 7 on the Board of Retirement. As provided by the Elections Procedures, upon your Board receiving the accompanying certification of the Retirement Administrator, Mr. Woesner must be seated by your Board ordering that no election be held and directing the Clerk of the Board of Supervisors to undertake the recommended actions, and by him thereafter being sworn in by the Board of Retirement.

For the 2023 Board of Retirement election, the General Member Seat No. 3 is also vacant for the election with two duly nominated and eligible candidates. The 2023 Board of Retirement Election will proceed for the General Member Seat No. 3 on November 16, 2023.

ALTERNATIVE ACTION(S):

There is no viable alternative action.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended actions.

DISCUSSION:

In accordance with Government Code§ 31520.1, the Board of Supervisors established elections procedures for the Board of Retirement election process (“Election Procedures”). The Election Procedures were adopted on November 25, 1969 and amended on October 30, 2001, March 1, 2005, September 11, 2007, August 11, 2009, December 8, 2015, June 18, 2019, and again on June 22, 2021 and state the following:

“If any duly nominated and eligible candidate is unopposed for election at the close of nominations , the Retirement Administrator shall so certify to the Board of Supervisors , and the Board of Supervisors shall order that no election be held for such seat and shall direct the Clerk of the Board of Supervisors to cast a unanimous ballot in favor of the candidate pursuant to Government Code§ 31523, subdivision I. The Clerk of the Board of Supervisors shall deliver the casted ballot to the Board of Retirement, and a copy thereof to the County Registrar of Voters.” (Sec. IV.H., p. 22)

Accordingly, Government Code§ 31523 provides:

“(c) If an election has been called on the expiration of the term of office of any member... for the second... member of a board of retirement, and only one candidate has been duly nominated in accordance with the rules established for the holding of that election, the board of supervisors shall order that no election be held and shall direct the clerk to cast a unanimous ballot in favor of the candidate.”

On August 21, 2023, as Retirement Administrator for FCERA, under the Election Procedures, I provided or caused to be provided appropriate and timely notice that an active member election will be held on November 16, 2023 for General Member Seat No. 3 and Safety Member Seat No. 7 for the Board of Retirement. General Member Seat No. 3 received two duly nominated and eligible candidates. The close of nominations for such election was September 22, 2023 under the Election Procedures.

As the Retirement Administrator for FCERA, I have determined that Jacob Woesner, as a duly nominated and eligible candidate for the 2023 Board of Retirement Election, for Safety Member Seat No. 7, was unopposed at the close of nominations under the Board of Supervisors elections procedures for Board of Retirement elections.

I provide a certification to your Board of the foregoing facts, which certification accompanies this agenda item.

In addition, on October 4, 2023, the Board of Retirement, by unanimous approval, and without any public opposition during the relevant public comment portion of their agenda, certified that Jacob Woesner was duly nominated and unopposed for election to Safety Member Seat No. 7 on the Board of Retirement, and directed its Staff to place the certification on your Board’s agenda.

Pursuant to the Election Procedures and California law, your Board is requested to order that no safety member election be held, and to direct the Clerk of your Board to cast a unanimous ballot in favor of Jacob Woesner, for Safety Member Seat No. 7 on the Board of Retirement and to deliver such casted ballot to the Board of Retirement and a copy thereof to the Fresno County Clerk/Registrar of Voters.

The official ballot for the Clerk of the Board to cast, upon your Board’s direction, is on file with her Office, and a copy of such official ballot accompanies this agenda item.

Once the foregoing recommended actions, above, are completed, and Mr. Woesner is sworn in by the Board of Retirement, his term would commence January 1, 2024 and expire December 31, 2026.

The 2023 Board of Retirement Election will proceed for the General Member Seat No. 3 on November 16,

2023.

REFERENCE MATERIAL

BAI # 32 November 2, 2021
BAI # 36 June 22, 2021
BAI # 7 June 18, 2019
BAI # 25 December 8, 2015
BAI # 31 August 11, 2009
BAI # 24 September 11, 2007
BAI # 32 March 1, 2005
BAI # 19 October 30, 2001
BAI # NA November 25, 2001

ATTACHMENTS INCLUDED AND/OR ON FILE:

Retirement Administrator Certification
Sample Ballot
On file with Clerk - Transmittal Letters

CAO ANALYST:

Paige Benavides