

# Midland Firemen's Relief and Retirement Fund (MFRRF) Election Policy



## 1. Policy Statement

Elections are the voice of the active membership, expressing their collective decision. As such, the process used by the Board of Trustees of the Midland Firemen's Relief and Retirement Fund (referred to as the "Board") to determine these decisions should be trusted, transparent, and unbiased.

The Texas Local Fire Fighters' Retirement Act (Vernons Ann. Civ. Stat., Art. 6243e) (referred to as the "Act") provides guidance for the Board. Per Section 19 of the Act, the fire fighters' retirement system is governed by a seven-member Board of Trustees consisting of: (1) the mayor or the mayor's designated representative; (2) the chief financial officer of the municipality; (3) three members of the retirement system; and (4) two persons who reside in the state (citizen trustees).

The purpose of this policy is to provide guidance to the process of conducting elections for:

- A. The three members of the retirement system
- B. The two citizen trustees
- C. Modification of benefits and eligibility (Plan Changes).

## 2. Conducting Elections for Members of the Retirement System

### A. Call of Election

The Board shall call an election by participating members of the MFRRF to fill each position on the Board under Section 19(a)(3) of the Act. The election shall be held during the period specified in Section 19(b) of the Act, or as necessary in the event such a position becomes vacant.

If an election becomes necessary, it shall be called at the next meeting of the Board. The three (3) trustee positions on the Board provided by Section 19(a)(3) of the Act are presently, and shall continue to be, each elected for a three (3) year term, with one such term expiring each year during a three-year period. The elections to be called by the Board shall continue to follow this three (3) year rotation pattern.

### B. Applications

After an election is called by the Board:

- 1. The trustee whose term is coming to an end shall be asked if they would like to continue their service; and

# Midland Firemen's Relief and Retirement Fund (MFRRF)

## Election Policy

### Page 2

2. Active members of MFRRF shall be notified about the election by using the following procedures:

An email will be sent announcing:

- 1) the open position and the intent of the current trustee to submit an application; and
- 2) the deadline and process to submit an application.

After the deadline has passed, the application(s) shall be reviewed to determine:

- 1) Proper submittal;
- 2) Eligibility to be elected to position under the terms of the Act; and
- 3) That each applicant understands the obligations and requirements of serving (or continuing to serve) on the Board.

Any applicant determined to be ineligible shall be notified of this determination in writing.

### C. Election

#### Single Application Received

If, at the close of the application period, only one application has been received, the Board may proceed with the election without the use of a secret ballot. When this decision is made, the active members will be notified by email announcing:

1. The application period is closed;
2. A single application was received; and
3. Election by acclamation as allowed by Section 19(b) of 6243e (TLFFRA Statute) will be certified at the regularly scheduled Board meeting on \_\_\_\_\_ (date of scheduled meeting) at \_\_\_\_\_ (location of meeting).

#### Multiple Applications Received

If, at the close of the application period, more than one application has been received, the Board will proceed with the election by use of a secret ballot as outlined below. When this decision is made, active members will be notified by e-mail announcing the candidates and instructions for the voting process.

#### Secret Ballot Guidelines (Electronic Ballot)

The MFRRF staff, third-party administrator or Board of Trustees will select a suitable web based or stand-alone survey/vote software according to the following criteria to ensure the integrity of the vote and the secret ballot process:

- 1) Person administering the vote cannot ascertain how any individuals voted;
- 2) Reporting process must be comprehensive to conclude the count and be able to positively identify a voter register; and
- 3) After the closing date and time of the election, the web based or stand-alone survey/vote software can be disabled.

**Midland Firemen's Relief and Retirement Fund (MFRRF)**  
**Election Policy**  
**Page 3**

**D. Ratification of Results**

As soon as practical after receiving notice of the results of the election, the Board shall review and ratify the results. The Board shall determine whether fifty percent (50%) of the participating members voted in the election. If the Board determines less than 50% voted, the election is considered null and void. A new election will be held.

**E. Contested Election**

If an election is contested before ratification is completed, the process will continue, and the results of the election will be determined and certified as if the contest had not been brought. The person certified by the Board, as the winner on the basis of the official vote, shall be entitled to occupy the elected office pending the determination of the contest to the results of the election. See Section 2. G. of this Policy for information about Appeals.

**F. Runoff Election**

If no applicant received a majority of the votes cast, a run-off election shall be held between the two (2) applicants who received the highest number of votes in the election:

1. The run-off election shall be held as soon as practical after the Board meets to certify the results of the election; and
2. The run-off election shall be conducted using the same procedures as in the original election.

**G. Appeals**

Any individual who feels he or she has been unjustly denied a position as an applicant or as a trustee shall use any applicable appeal process provided by Section 22 of the Act.

**H. Retention of Records**

Records of the election shall be retained, including:

1. Announcement of the application period;
2. Applications made;
3. Voting period announcement;
4. Board minutes;
5. Ballots cast and tally information; and
6. Certification of results.

**Midland Firemen’s Relief and Retirement Fund (MFRRF)  
Election Policy  
Page 4**

**3. Conducting Elections for Citizen Trustees**

Guidance for elections of citizen trustees can be found in Section 19(a)(4) of the Act. In addition to provisions of the Act:

- A. Near the conclusion of the two-year term, the Board will determine if the currently seated trustee would like to continue to serve;
- B. The Board will consider qualifications, experience and expertise of current and prospective trustees when electing a citizen trustee.

**4. Conducting Elections for Plan Changes**

Guidance for Plan Changes can be found in Section 7 of the Act.

**5. Other**

- A. All elections will be confirmed by administering an Oath of Office.
- B. It is the intention of the Board to review the policy no less than every two years.
- C. It is the intention of the Board to make every effort to minimize trustee vacancies.
- D. The Board may deviate from this policy for reasons deemed necessary by the Board as long as the TLFFRA requirements are maintained.
- E. In the event of an unforeseen circumstance that is not remedied by the Act, the Board will refer to the Texas Election Code for guidance.

**Trustee Signatures:**

\_\_\_\_\_  
Matt Marshall  
Chairman

\_\_\_\_\_  
Justin Graham  
Vice Chairman

\_\_\_\_\_  
Eric Stewart  
Secretary/Treasurer

\_\_\_\_\_  
Chad Clark

\_\_\_\_\_  
Mike Pardue

\_\_\_\_\_  
Lori Blong

\_\_\_\_\_  
Christy Weakland

**Date:** \_\_\_\_\_

**Signed copy of Policy on file with Fund**

Policy History

Adopted: 02/22/2024

Reviewed:

Reviewed and Amended: