

Candidate's Guide to the
2024 Board of Trustee Elections



**Ohio
Police
& Fire Pension
Fund**

Active Police Member

Active Fire Member

Police Retiree Member

This guide includes important information about serving on the Board of Trustees for the Ohio Police & Fire Pension Fund (OP&F). Please read the information carefully as it describes responsibilities, eligibility requirements and election guidelines for the OP&F's Board of Trustees.

This publication summarizes the most important provisions of the governing law and administrative rules on Board of Trustee Elections. This summary cannot sufficiently represent all of the details applicable to this guide. Nothing contained in this summary is meant to interpret, extend or change, in any way, the governing statute, administrative rules or policies. As a result, your rights can only be determined by the provisions of OP&F's governing documents, which are subject to change.

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Ohio Police & Fire Pension Fund

OP&F Customer Service: 1-888-864-8363
www.op-f.org

About OP&F

OP&F is one of five Ohio retirement systems and provides pension, disability, survivor and health care benefits to eligible full-time police officers and firefighters in Ohio and their beneficiaries. The Ohio General Assembly created OP&F in 1965, replacing 454 separate local police and fire pension funds in Ohio. OP&F's statewide operation began in 1967, when the local pension funds transferred assets and liabilities to OP&F of approximately \$75 million.

The pension plan is designed to provide reasonable income to plan participants and their beneficiaries when they need it most, be it when they stop working, become disabled, or in the event of death before or after retirement.

OP&F strives to be a leader and model among retirement systems, establishing a financially sound pension fund and operating on an actuarial basis. Under the Internal Revenue Code 401(a), OP&F is a qualified governmental defined benefit pension plan.

Our mission

Securing the future for Ohio's police and firefighters.

Our vision

OP&F will continue to be a leader and model among retirement systems, providing peace of mind to our members and a level of service that exceeds expectations.

Our core values

Prudence

OP&F will make prudent decisions while delivering our benefit services, selecting our investment strategies and executing our operational practices.

Integrity

The integrity of our organization is based on accuracy, credibility and ethical conduct at all times.

Empathy

OP&F will respond in an appropriate and timely manner with respect and honesty to all inquiries from every audience.

OP&F Board of Trustees

Members of the Board

Currently, the Board consists of nine members:

Six employee members elected to four-year terms by their respective member groups:

- two active members representing police officers;
- two active members representing firefighters;
- one retired firefighter; and
- one retired police officer.

Three members with professional investment experience:

- one appointed by the Governor;
- one appointed by the State Treasurer; and
- one appointed jointly by the Senate President and the Speaker of the House of Representatives.

Responsibilities of the Board

As the governing body, the Board is responsible for the administration, control and management of OP&F including, but not limited to:

- adopting administrative rules and policies for the operation of the fund;
- approving and disapproving disability grants;
- approving and disapproving the appointment of external investment managers;
- adopting an annual administrative budget;
- reviewing annual actuarial reports and the financial audit; and
- administering and determining the plan design and level of benefits for the OP&F-sponsored health care program.

In addition to general board duties, Board members serve on one or more of the following committees:

- Administration/Audit;
- Benefits/Health Care;
- Disability;
- Finance;
- Government Affairs and Policy;
- Investment, and
- Personnel.

Board members meet in Columbus at the OP&F office usually on the last consecutive Tuesday and Wednesday of each month. On average, a Board member can expect to spend approximately 30 working days each year involved in attending and preparing for regular, special, committee or seminar meetings for Board business, education, planning or training.

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Fiduciary duties

Ohio law defines a fiduciary as a person who exercises any discretionary authority, control, or responsibility for the management or administration of the system or its assets. At OP&F, this includes Board of Trustee members and certain staff members.

As a fiduciary, these individuals must act with loyalty, prudence, skill, care and diligence. Accordingly, a Board member is required to act:

- solely in the interest of the participants and beneficiaries;
- for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the retirement system;
- with care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and
- by diversifying the investments of the system so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

Since system assets are held in trust for the benefit of OP&F's participants and beneficiaries, these fiduciary duties require Board members to exercise the highest standards of conduct. This means that a Board member must avoid conflicts and balance the interests of all participants, as well as acting in an informed manner.

As a fiduciary, a Board member can be liable for any loss to the retirement system as a result of a breach of a fiduciary duty. In addition, the law allows the Attorney General of Ohio to bring an action against a Board member for damages and removal, and a Board member may be removed through an action brought in the state court of appeals.

Compensation

Board members do not receive any additional compensation for serving on the OP&F Board. However, they receive reimbursement for necessary business expenses.

Eligibility, Petitions and Elections

All OP&F members are eligible to run for a vacant position on the Board if they belong to the respective membership group that is up for election in a given year and are residents of the State of Ohio (active firefighter, active police officer, retired firefighter and retired police officer). However, a member must not have been convicted of or pleaded guilty to a felony, certain theft offenses, or ethics law violation, and must certify this to OP&F on the *Certificate of Eligibility for Election to Board of Trustees of the Ohio Police & Fire Pension Fund* form.

Nominating petition forms

Official nominating petition forms are available from OP&F through the executive director's office at 1-888-864-8363 extension 8352, Monday through Friday 8 a.m. to 4:30 p.m. EST. These forms are also available on the OP&F website at www.op-f.org. Candidates will be notified if they have qualified for the election.

Nominating petition requirements

For Active trustee positions:

Pursuant to Ohio Revised Code Section 742.04, candidates running for the vacant employee position on the Board must have nominating petitions signed by at least 100 members belonging to their respective membership group that is up for election (active fire, active police) with at least 20 signers with residences in the same county and from at least five counties of the state.

For Retiree trustee positions:

Candidates running in elections for retiree positions on the Board must have nominating petitions signed by at least 50 members of the specific membership group (either retired police and retired police survivors, or retired fire and retired fire survivors), with at least 10 signers from five different counties of residence.

Where do my signatures need to come from?

Active trustee candidates must have at least 20 signers from each of at least five different counties to their election petitions and a total of at least 100 total signers. Candidates for retiree positions must have at least 10 signers from each of five different counties, and a total of at least 50 total signatures.

For example, an active candidate can have 20 or more signers from Cuyahoga county, 20 or more from Summit County, 20 or more from Portage County, 20 or more from Wayne County and 20 or more from Lorain County for a total of at least 100.



However, an active candidate with 80 signers from Cuyahoga county and 10 each from Summit, Portage, Wayne Lorain Counties may have 130 signers, but not the minimum amount required from five different counties.

The same goes for retiree candidates, except the total signatures required is half of the active candidate.

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Voting ballots

Ballots will be prepared by OP&F's independent election administrator and sent to the respective membership groups to vote in the election. Ballots will contain the names and photos (if provided) of the candidates. Names and photos will be rotated so that each candidate's name and photo appears in the first position an equal number of times.

Specific instructions for voting will be mailed with the ballot. If the voting instructions are not explicitly followed, the vote will be void.

Ballots are opened and counted in the presence, and under the supervision, of representatives from the independent election administrator. In the event of an uncontested election, no ballots will be mailed and the Board will declare the sole candidate as a member of OP&F's Board for the designated term, which will then be certified by the independent election administrator.

IMPORTANT DATES FOR 2024:

Feb 5: Nominating petitions and Certificates of Eligibility are available from OP&F.

April 1: Signed Certificate of Eligibility and all nominating petitions must be filed at OP&F's office at 140 East Town Street, Columbus, OH 43215, no later than 4 p.m. EST. Photos used for ballots must also be submitted by this date.

May 6: Ballots prepared by OP&F's independent election administrator are sent to the respective membership groups on or before this date.

May 21: Votes must all be received by OP&F's independent election administrator no later than the close of business on this date. Ballots received after this date will not be counted.

May 29: Ballots will be counted and results certified and announced no later than this date.

June 3: The term for the successful candidates begins.

Campaign Expenditure Disclosure

Campaign expenditure disclosures are financial statements itemizing contributions, in-kind contributions and expenditures made during a candidacy for election or to fill a vacancy for a position on OP&F's Board. Campaign expenditure statements still must be filed even if there is only one candidate running for election, there is no election and the candidate takes office.

Filing campaign expenditure disclosures

Please contact the Ohio Secretary of State at the address listed on this page for details concerning if and when campaign expenditure disclosures must be filed.

All campaign expenditure disclosures must be filed with the Ohio Secretary of State. Election candidates are required to file two statements. These statements must reflect contributions and expenditures made during the campaign and election process. For specifics concerning filing deadlines for each of the campaign expenditure disclosures, candidates should contact the Ohio Secretary of State.

Complete campaign expenditure disclosure forms are available from the Ohio Secretary of State. Expenditures made by a candidate or their campaign committee must have receipted bills or cancelled checks showing the purpose of the expenditures and must be filed with the statement.

Failing to file or filing false campaign expenditure disclosures and prohibited campaign activities

Fines for failure to file and accurately report campaign expenditure disclosure statements may be imposed and are not to exceed \$100 per day of violation.

No person during the nominating process or campaign for election can knowingly and willingly make or distribute campaign materials with false statements with the intent to affect the nomination or outcome of the campaign. A person can be imprisoned up to six months and/or fined up to \$5,000 for making false statements while campaigning.

Violations are brought before the Ohio Elections Commission, which is a separate entity whose members are appointed by the secretary of state. The secretary of state, or any person acting on personal knowledge and subject to perjury, may file a complaint with the commission. This commission holds hearings on the complaint with the power to subpoena records and witnesses. The hearing is public and the accused person may be represented by counsel, present evidence and examine witnesses. The commission can impose a fine or refer the matter to a prosecutor.

For more information about campaign expenditure disclosures, contact:

**Ohio Secretary of State
180 East Broad Street, 16th Floor
Columbus, Ohio 43215**

**Phone: (614) 466-2585
www.sos.state.oh.us**

Removal from office

Under certain circumstances a Board member's seat may be declared vacant, and for other situations the member can be removed. An active or retired member's Board seat can become vacant if he or she:

- voluntarily resigns;
- failed to attend Board meetings for three or more consecutive months without being excused;
- breaches their fiduciary duty (as more fully discussed below);
- is removed by a court proceeding (as more fully discussed below); or
- is convicted of or pleads guilty to:
 - a felony;
 - a theft offense including theft-in-office;
 - a violation of the ethics laws; or
 - an offense against justice and public administration such as bribery, perjury, falsification, obstructing official business, having an unlawful interest in a public contract, soliciting or accepting improper compensation and dereliction of duty.

If a Board member breaches a fiduciary duty to OP&F, the Ohio Attorney General may bring a civil lawsuit against the person for damages and removal.

Action also may be brought against a Board member who willfully and flagrantly exercises authority or power not authorized by law, refuses or willfully neglects to enforce the law or to perform any official duty imposed by law, or is guilty of gross neglect of duty, gross immorality, drunkenness, misfeasance, malfeasance or nonfeasance. To begin this action, a complaint is filed with the Court of Common Pleas where the Board member resides, specifically setting forth the charge.

The complaint may be signed by the Governor or by a percentage of active members or retirees if against an active OP&F Board member or a retired OP&F Board member.

A complaint against a Board member representing active members is valid if signed by 10 percent of the number of active members who voted in that election if the member was elected or, if appointed due to a vacancy, by 10 percent of those who voted in the last election for that seat and have at least 20 active members residing in each of five different counties. A complaint against a Board member representing retired members is valid if signed by 10 percent of the number of retired members who voted in the most recent election for that position whether the retired member was elected or appointed due to a vacancy to the Board and have at least 20 retired members residing in each of five different counties.

The court may subpoena witnesses in the same manner as in civil cases. The court may suspend the Board member pending the hearing. A hearing must be held within 30 days of the filing of the complaint. If the court finds that any of the charges are true it shall make a finding for the removal of the Board member. If there is a finding of removal, the Board member has the right to appeal to the Court of Appeals.

A Board member who is removed is not eligible to fill an elected or appointed seat in the future.

If a seat on the Board becomes vacant due to removal from office, the remaining Board members go through a process to select and appoint a successor who holds office until a special election can be held in conjunction with the next regularly scheduled Board elections. An independent election administrator will certify these results. If the next regularly scheduled Board election occurs within 90 days of the appointment, there is no special election to fill the vacancy.

Educational Requirements

Each newly elected member to the OP&F Board is required to complete the orientation program component of the retirement board member education program (established under Ohio Revised Code Section 171.50) no later than 90 days after commencing service as a Trustee. The programs must be held in Ohio and there are limits on the amount of money spent on educational travel as authorized in the Board's governance policy and Administrative Rule 742-16-01.

Each Trustee who has served a year or longer as a Trustee is required to attend one or more programs that are part of the continuing education component of the retirement board member education program established under ORC Section 171.50 not less than twice each year. In addition, Trustees are expected to complete any other training the Board deems necessary.

Ethics

Financial disclosure statements

A Board member must complete and file financial disclosure statements with the Ohio Ethics Commission (OEC), and adhere to Ohio ethics laws as part of OP&F's ethical guidelines.

Financial disclosure statements must be completed and filed with the OEC by April 15 of each year for the previous calendar year. Statements must also be filed within 90 days of becoming a Board member for the year prior to the Board service. There is a filing fee, which is paid by OP&F. The statement contains certain personal financial information and is a public record with the OEC. There are penalties for not filing a statement and for filing a false or late statement.

As stated by the OEC, the purpose of the financial disclosure requirement is to remind a public official of financial interests that may conflict with their duties and to assist citizens and the OEC in monitoring the areas of potential conflict of interest of public officials.

Financial disclosure statement forms and sample statements are available from the OEC at the address listed on Page 10, and from OP&F through the executive director's office at 888-864-8363, extension 8352, Monday through Friday, 8 a.m. to 4:30 p.m. EST.

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Ohio's general ethics laws

Under Ohio's general ethics laws, a Board member:

- Shall not use their official position to secure, solicit or accept anything of value from anyone doing, or seeking to do, business with OP&F, regulated by OP&F or interested in matters before OP&F. Under the new pension reform laws, a Board member is specifically prohibited from soliciting or accepting any payments of actual travel expenses including expenses for lodging, meals, food and beverages.
- Shall not take action on behalf of OP&F that will result in a benefit to themselves, their family members or their business associates.
- Shall not have any interest in the profits of, or receive any benefit from, any contract entered into or investment made by OP&F.
- Shall not take any action to purchase goods or services or acquire property on behalf of OP&F when they, their family members, or their business associates have a financial interest in the goods, services or property.
- May not accept any form of compensation for personal services rendered before, or sell any goods or services to, any state agency, unless the Board member involved qualifies for the exception and files the statement described in the ethics law.
- May not, during OP&F service and for one year after leaving OP&F, represent any person, in any fashion, before any public agency, with respect to any matters in which the Board member personally participated while on the Board.
- Shall not disclose or use confidential information, except as authorized to perform their duties. There is no time limit to this restriction.

- Shall not accept compensation or honoraria from any other person or entity for performing their OP&F-related duties and responsibilities.
- Shall not be paid or accept any form of compensation for personal services rendered on a matter before OP&F.

There are criminal penalties for violating any of these laws, and a Board member will be removed from the Board if the member is convicted of, or pleads guilty to, a violation under these laws.

More information or questions about conflicts of interest and potential ethics violations, or the provisions of the ethics law, may be directed to:

Ohio Ethics Commission
30 West Spring Street, L3
Columbus, Ohio 43215-2256

Phone: (614) 466-7090
www.ethics.ohio.gov

Board Ethics Policy

Policy Statement

It is the policy of this Ohio Police and Fire Pension Fund Board to carry out its mission in accordance with the strictest ethical guidelines and to ensure that Board Trustees and employees conduct themselves in a manner that fosters public confidence in the integrity of the Retirement System, its processes, and its accomplishments.

General Standards of Ethical Conduct

OP&F Board Trustees and employees must, at all times, abide by protections to the public embodied in Ohio's ethics laws, as found in Chapters 102 and 2921 of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. (A copy of these laws is provided by the Retirement System, and receipt acknowledged, as required in R.C. 102.09(D). Board Trustees and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

A general summary of the restraints upon the conduct of all Board Trustees and employees includes, but is not limited to, those listed below. No Board Trustee or employee shall:

- Solicit or accept anything of value from anyone doing business with the Board or System;
- Solicit or accept employment from anyone doing business with the Board or System, unless the Board Trustee or employee completely withdraws from any Board and System discretionary or decision-making activity regarding the party offering employment, and the Board approves the withdrawal in the case of a Board Trustee or the Executive Director of the System, and the Executive Director approves the withdrawal in the case of another employee;
- Use his or her public position to obtain benefits for the Board Trustee or employee, a family member, or anyone with whom the Board Trustee or employee has a business or employment relationship;
- Be paid or accept any form of compensation for personal services rendered on a matter before, or sell goods or services to, the Board or System;
- Be paid or accept any form of compensation for personal services rendered on a matter before, or sell (except by competitive bid) goods or services to, any state agency other than the Board or System, unless the Board Trustee or employee first discloses the services or sales and withdraws from matters before the Board or System that directly affect officials and employees of the other state agency, as directed in R. C. 102.04;
- Hold or benefit from a contract with, authorized by, or approved by, the Board or System (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met);
- Vote, authorize, recommend, or in any other way use his or her position to secure approval of a Board or System contract (including employment or personal services) in which the Board Trustee or employee, a family member, or anyone with whom the Board Trustee or employee has a business or employment relationship, has an interest;
- Solicit or accept honoraria (see R.C. 102.01(H) and 102.03(H)), except that employees who are not financial disclosure filers may receive an honorarium only if the honorarium is paid in recognition of a demonstrable business, professional, or esthetic interest of the employee that exists apart from public office or employment, and is not paid by any person or other entity, or by a representative or association of those persons or entities, doing business with the Board or System;

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- During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the Board Trustee or employee personally participated while serving with the Board or System;
- Use or disclose confidential information protected by law, unless appropriately authorized;
- Use, or authorize the use of, his or her title, the name of the OP&F, or the OP&F logo in a manner that suggests impropriety, favoritism, or bias by the Board or System, or the Board Trustee or employee;
- Solicit or accept any compensation, except as allowed by law, to perform his or her official duties or any act or service in his or her official capacity; and
- No Board Trustee, state retirement system investment officer, or an employee of the OP&F whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept from any person, including a partnership of which the System is a partner, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

In addition to complying with the restrictions in the Ethics Law and related statutes, no Board Trustee of the Ohio Police and Fire Pension Fund who is running for a position on the OP&F Board shall:

- Solicit or accept campaign contributions, from any person or entity that the Board Trustee knows or has reason to know: (1) has a contract related to investment of the System's funds; (2) is marketing or otherwise attempting to secure business involving the System's funds; or (3) is an agent or acting on behalf of any person or entity described in (1) or (2). Campaign contributions include contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of the Board Trustee.

For purposes of this policy:

- "Anything of value" includes anything of monetary value, including, but not limited to, money, loans, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. "Value" means worth greater than de minimis or nominal.
- "Anyone doing business with the Board or System" includes, but is not limited to, any person, corporation, or other party that is doing or seeking to business with, regulated by, or has interests before the Board or System, including anyone who is known or should be known to be an agent or acting on behalf of such a party, including any partnership of which the system is a partner, any person or entity that has a contract related to investment of the System's funds, and any person marketing or otherwise attempting to secure business involving the System's funds.

Financial Disclosure

Ohio Police & Fire Pension Fund

140 East Town Street
Columbus, Ohio 43215

Customer Service: 1-888-864-8363
General Information: (614) 228-2975
TTY: (614) 221-3846
Facsimile: (614) 628-1777
E-mail: questions@op-f.org

www.op-f.org

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