

2.2 POWER AND DUTIES OF THE BOARD OF TRUSTEES

B. Board Vacancy

Minnesota Statutes § 353.03, subdivision 1a, defines the authority for filling a Board vacancy. The statute directs that if a vacancy occurs on the Board as the result of death, resignation, or removal of any Trustee, or because an elected Trustee ceases to be a public employee and an active member of the association, the unexpired term must be filled as follows:

1. Vacancies for Trustees elected by the membership and benefit recipients are filled by the Board, which has authority to adopt policies and procedures governing how the vacancy will be filled (see procedure, following); and
2. Vacancies for all other Trustees are filled by the Governor.

Procedure for filling the vacancy of an elected Trustee

The Board shall direct staff to announce the vacancy on the PERA website, newsletter and other social media sites. The notice must include the requirements specific to the position being filled as follows:

- an active member of the General Plan for a vacancy that occurs in that Trustee position;
- an active member of the Police & Fire Plan for a vacancy that occurs in that Trustee position; and
- a former member who is receiving a retirement annuity or a member who receives a disability benefit for a vacancy that occurs in that Trustee position.

The notice must specify that interested candidates must submit their letters of interest to a PERA office within a stated 30-day period. The interested candidates will then be required to complete the same set of questions used in the Board election to provide the Board information on the candidates' qualifications.

The Board may appoint a subcommittee of the Board of Trustees to review the candidates' submissions if the number of interested candidates exceeds five. The subcommittee is

authorized by the full Board to develop a slate of three to five candidates to be considered by the full Board for appointment to the unexpired term of the vacant position.

Voting Process

The full Board will consider and discuss the candidates brought forth by the subcommittee. Each Trustee will cast a single vote for their chosen candidate by placing an X next to the name on a written ballot. The ballots will be collected and tallied by the Executive Assistant who will relay the results to the Board President. If no candidate receives a majority number of votes, all but the two candidates receiving the most votes, are eliminated, and a second round of voting is held. The candidate with the majority votes will be appointed to fill the vacant position. In the case of a tie, the Trustees will further discuss the merits of the two candidates, after which a third round of voting is held. If the tie is not broken, the Board's President and Vice President will each take a candidate's name; a coin will be tossed by the Executive Director with the Board Vice President making the call.