

**MEETING OF THE LEGISLATIVE COMMITTEE OF THE RETIREMENT BOARD  
OF THE COUNTY EMPLOYEES' AND OFFICERS' ANNUITY AND BENEFIT FUND  
OF COOK COUNTY AND EX OFFICIO FOR THE FOREST PRESERVE DISTRICT  
EMPLOYEES' ANNUITY AND BENEFIT FUND OF COOK COUNTY**

**70 W. Madison, Suite 1925  
Chicago, IL 60602**

**Minutes from the Meeting of the Legislative Committee on June 10, 2021**

The County Employees' and Officers' Annuity and Benefit Fund of Cook County and the Forest Preserve District Employees' Annuity and Benefit Fund of Cook County are herein collectively referred to as the "Fund."

Call to Order and Roll Call at 12:28 am.

**Trustees Present:** John Blair (Chair), Bill Kouruklis, Patrick McFadden, Joseph Nevius, Kevin Ochalla, Lawrence Wilson (not a member of the Legislative Committee)

**Staff Present:** Regina Tuczak, Executive Director; Margaret Fahrenbach, Legal Advisor; Gary LeDonne, Director Benefits Administration; Brent Lewandowski, Director, Member Benefits; Jodi Weinstein, IT Administrator

**Others Present:** Mary Pat Burns, Burke Burns & Pinelli, Ltd.

**Public Comment**

Trustee Blair, Chair of the Legislative Committee, opened the meeting for public comment. No one asked to address the Committee and the next item of business on the Agenda was considered.

**1. Review and Consideration of October 24, 2019, Legislative Committee Meeting Minutes**

It was moved by Trustee McFadden and seconded by Trustee Nevius that the presented minutes of the Legislative Committee meeting held on October 24, 2019, be adopted.

Roll Call Vote:

**AYES:** Blair, Kouruklis, McFadden, Nevius, Ochalla

**NAYS:** None

Vote Result: MOTION ADOPTED

## 2. 2021 Trustee Election Matters

### a. Review and Consideration of Election Format

Regina Tuczak, Executive Director, stated that the Legislative Committee meeting was convened to make a recommendation to the Board about how the trustee elections in October, 2021, would be conducted. She summarized the election formats followed in 2019 and in prior years. For the elections in those years, voting was allowed by both mail-in ballots and by in-person voting on election day. Eligible members received notice of the election and an application to be submitted if the member wanted to vote by a mail-in ballot. Mail-in ballots were collected each business day. All ballots were counted on election day.

Due to public health concerns, the format for the 2020 election was changed for that election only. In 2020, members could only vote by submitting mail-in ballots; no in-person voting was allowed. An application to receive a ballot was not required. All eligible members were sent a ballot with instructions about how the ballot should be returned. The mail-in ballots were collected each business day by the election vendor. All the ballots were counted on election day. Chairman Blair noted that for the 2020 Election, the Board appointed an ad hoc Election Committee which was comprised of three trustees, none of whom were possible candidates in the election. Under the Election Rules adopted by the Board, the Election Committee, or its designee, was responsible for some of the duties that had been previously performed by the Independent Election Administrator (“IEA”). It was expected that the schedule for the 2021 Election would generally follow the schedule used in 2020.

The Committee discussed the services performed for the 2020 election by the Election Vendor, Timothy Walsh & Associates, and the retained attorney, Matthew Welch. The vendors did not identify specific problems in the 2020 election that needed to be considered. The Committee also discussed the costs for the different voting formats. There were savings in the 2020 election from the prior years because there was no in-person voting and an IEA was not retained. It was noted that there was only one trustee position subject to election in 2020, which was for a County employee trustee. In 2021, there would be elections for a County annuitant, County employee and a Forest Preserve employee trustee positions and the costs would necessarily be higher than in the prior year.

The Committee discussed whether the Fund could return to in-person voting or whether only voting by mail-in ballots should be permitted. They also discussed the use of a drop-box for ballots, but noted that security concerns could not be adequately addressed with that procedure. If the voting were restricted to mail-in ballots only, that information needed to be printed in boldface type on the ballot itself, so that members would not expect to be able to vote in-person on election day.

It was moved by Trustee McFadden and seconded by Trustee Nevius, that the Legislative Committee recommend to the Board for the election in 2021, that all eligible members be

mailed a ballot to be returned to the designated USPS post box in accordance with the applicable Election Rules and that no in-person voting would be conducted.

Roll Call Vote:

AYES: Blair, Kouruklis, McFadden, Nevius, Ochalla,

NAYS: None

Vote Result: MOTION ADOPTED

[Note: At this point in the meeting, the Committee considered the matters under Agenda Item 2c. See discussion at Item 2c below.]

b. Review and Consideration of Election Consultant Replacement

The Committee discussed that the Fund needed to retain a new election consultant to provide services related to the ballots for the election because the vendor previously retained would no longer provide the needed services. Generally, the election consultant was responsible for the mailing of ballots to the members, the retrieval and storage of the ballots from the designated USPS box, and the tabulation of ballots on election day.

The Executive Director had reached out to other Illinois pension Funds and professional contacts to identify possible replacement vendors. She had summarized the services that might be provided by an election vendor and received proposals from five vendors for the Fund's election. The vendors' responses were summarized for the Committee. The trustees discussed the services proposed by the vendors. It was confirmed that the vendors had received a sample contract. The Committee asked the Fund to reach out to the vendors to obtain their best and final offers that could be submitted to the Board at the meeting on July 1, 2021. The Board should also be given a schedule of the vendors' responses for the services they would provide and their respective fees. At the conclusion of the discussion, the Committee noted that the Election Rules would need to be amended to provide for the changes related to the 2021 election and that an election schedule would need to be adopted.

c. Review and Consideration of Retained Attorney and Other Matters

The trustees discussed how the candidates' petitions should be delivered to the Fund. It was determined that the petitions could be delivered 'by-hand' or by a delivery service. They discussed that the candidates' positions on the ballots would be in accordance with the process used in elections before 2020. The trustees noted that for the 2020 election, an IEA was not used. Instead, an ad hoc Election Committee had been established and was to work with the retained attorney when issues arose in the election process. The retained attorney had a more limited role than the IEA. The Committee discussed following a similar process for the elections in 2021. The President of the Board would appoint three trustees to the ad hoc Election Committee, but no trustee who was a candidate in the election would be eligible for the appointment. Mary Pat Burns, fiduciary counsel, stated that the retained attorney used in 2020 provided acceptable

services for the election. He was paid \$200/hour for the services provided, which by agreement, was capped at \$30,000. The trustees asked that the fiduciary counsel negotiate a lower cap for the retained attorney.

It was moved by Trustee Blair and seconded by Trustee McFadden that the Legislative Committee recommend to the Board that it establish an Election Committee for the election in 2021 to be comprised of three trustees appointed by the President of the Board, but that no trustee who was a candidate in the 2021 was eligible to be appointed. It was further moved that the Legislative Committee recommend that the Board engage a retained attorney for the 2021 Election and that an engagement letter for such attorney be presented to the Board at the meeting on July 1, 2021.

Roll Call Vote:

AYES: Blair, Kouruklis, McFadden, Nevius, Ochalla

NAYS: None

Vote Result: MOTION ADOPTED

3. Consideration and Possible Action Regarding Legislative Liaison

Trustee Kouruklis was asked to provide an update regarding the Fund's legislative liaison. He stated that he had spoken to John McCabe, the legislative liaison, because the funding legislation had not been filed as the Board had requested. Trustee Kouruklis noted that a legislative liaison might be needed while the General Assembly is in session, but that the Fund can draft and negotiate funding legislation without the assistance of a legislative liaison. The Fund's legislative liaisons agreed that if they were contacted by a member of the General Assembly regarding the pending funding legislation, that the inquiry would be referred to representatives of the Fund.

4 Next Steps with Funding Legislation

The Executive Director proposed some dates for an internal working group to continue the discussions about the County's proposed legislation and comparison to the legislation proposed by the Fund. In order to facilitate discussion, it was suggested that the Fund staff would prepare a cost comparison between the County's legislative proposal and the Fund's proposed legislation for 90% funding, including healthcare. It was asserted that there was no interest on behalf of the Fund to change the governance structure.

5. Old Business/New Business

The Executive Director stated that Commissioner Degnan had requested a meeting on June 14, 2021, with Fund representatives to discuss the impact of funding legislation on the County.

6. Adjournment

There being no further business before the Committee, it was moved by Trustee McFadden and seconded by Trustee Ochalla that the meeting be adjourned.

Vote Result: MOTION ADOPTED BY VOICE VOTE