

FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION



BYLAWS AND REGULATIONS of the BOARD OF RETIREMENT

*As amended by the Board of Retirement on
~~November 4, 2015~~ March 21 April 18, 2018, and
approved by the Fresno County Board of Supervisors on
~~December 8, 2015~~ April 3 June 5, 2018.*

**BOARD OF RETIREMENT
FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION**

BYLAWS AND REGULATIONS

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BYLAWS AND REGULATIONS

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ARTICLE I. ADMINISTRATION

Section 1.1. Name of Association

The name of this Association is: ~~"Fresno County Employees' Retirement Association,"~~
(hereafter ~~"the Association."~~).

Section 1.2. Purpose of Association

The Association is established in accordance with and subject to the County Employees Retirement Law of 1937 (Gov. Code, § 31450 *et seq.*, hereafter ~~"the Act"~~), Article XVI, Section 17 of the California Constitution, the California Public Employees' Pension Reform Act of 2013 (~~Cal~~ Gov. Code § 7522 *et seq.*) and other applicable law. The Association is governed by those laws as supplemented by these Bylaws and Regulations, and the duly adopted written policies of the Board of Retirement (hereinafter the ~~"Board"~~).

Section 1.3. Definitions

Words, terms and phrases used in these Bylaws and Regulations shall be as defined in the Act unless otherwise specified in these Bylaws and Regulations.

Section 1.4. Management

Management of the Association is vested in the Board. Routine day to day administration is delegated to the Administrator.

ARTICLE II. BOARD OF RETIREMENT

Section 2.1. Board Members

1. Ex-Officio Member

- a. Pursuant to Government Code section 31520.1, the first member is an ex-officio member and shall be the Fresno County Treasurer.
- b. As an ex-officio member, the first member may delegate ~~the his or her~~ authority to a properly-appointed deputy to attend and participate in

Board meetings to the same extent the first member could participate, provided that:

- _____i. The first member must make the appointment in advance and in writing filed with the Board or clerk to the Board;
- _____ii. The deputy then must file a written oath with the Board accepting the appointment within ten days of receiving notice of his or her appointment; and,
- _____iii. The deputy shall be subject to the same conflict-of-interest, disclosure, and all other requirements applicable to members of the Board.

c. A deputy appointed under these Bylaws and Regulations shall continue to be eligible to serve in his or her capacity as a deputy until such time that: the first member revokes the deputy's appointment in writing filed with the Board; a new individual is elected or appointed to the position of Fresno County Treasurer; or, the deputy notifies the Association that he or she withdraws from acting as a deputy for the first member.

2. Elected Members

- a. Pursuant to Government Code section 31520.1, elected members are the second (general), third (general), seventh (safety), and eighth (retiree) and alternate eighth (retiree) member.
- b. Elected members to the Board ~~of Retirement~~ are elected, and removed, according to the election procedures adopted by the Fresno County Board of Supervisors, as currently in effect and as may be amended from time to time.:

3. Appointed Members

- a. Pursuant to Government Code section 31520.1, appointed members are the fourth, fifth, sixth, and ninth members, each of which must be a qualified Fresno County elector not connected in any capacity with Fresno County government in any way, with the sole exception that one appointed member may be a Fresno County Board of Supervisor.
- b. Appointed members are subject to all Fresno County Ordinance attendance requirements applicable to nonelected members of a board, commission, committee, or council appointed by the Fresno County Board of Supervisors, including but not limited to Fresno County

Ordinances 2.68.010, 2.68.030, and 2.68.035, as currently in effect and as may be amended from time to time.

Section 2.2. Officers and Committee Members

1. Election and term of officers

Annually at the last regularly scheduled meeting in December, the Board shall elect one of its members Chair, and one of its members Vice-Chair. Officers shall hold office for a term of one year or until a successor is duly elected and qualified. If an officer fails for any reason to complete his or her term, the Board shall elect a successor for the balance of the unexpired term at its next regular meeting. Officers may be removed by a two-thirds vote of the entire Board.

2. Absence of officer

If the Chair is absent from a meeting, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent from a meeting, the Board shall elect a Chair pro tempore for the meeting. Alternate members of the Board are eligible to serve as Chair pro tempore when sitting for a regular member.

3. Secretary of the Board

The Administrator shall serve as Secretary of the Board but shall have no voting rights.

4. Chair's participation and vote

The Chair shall have a vote on all questions, unless he or she is absent or required to abstain, recuse, or withdraw due to a conflict of interest or other reason, and shall not be required to relinquish the chair-officer position in order to participate in discussion.

Section 2.23. Attendance

1. Subject to the provisions of Section 2.1, Board members are required to attend all meeting of the Board, unless a Board member has good cause to miss a meeting. Alternate members are encouraged to attend all meetings of the Board and may attend closed session even if the regular member is present.
2. Committee members are required to attend all meetings of the committee, unless a committee member has good cause to miss a committee meeting. Alternate members of committees are encouraged to attend all committee meetings and may attend closed session even if the regular member is present.

3. The Administrator shall provide a report to the Board annually, and more often if requested by the Board or a committee, of attendance at meetings.

Section 2.34. Quorum

Five members of the Board constitute a quorum. A majority vote of the quorum present at the time of voting shall govern the decisions of the Board unless otherwise specifically provided in the Act, other applicable law, or these Bylaws and Regulations.

Section 2.45. Rules of Order

Except as otherwise provided in these Bylaws and Regulations, Robert's Rules of Order, as modified by the chair, shall guide the Board in its proceedings. The order of business shall be at the discretion of the Chair, unless otherwise directed by the Board.

Section 2.56. Minutes

1. The Secretary shall cause to be recorded in the minutes the time and place of each meeting of the Board, the names of Board members present, and all official acts of the Board, together with the votes thereon, except for action that is unanimous or as required by law, and when requested, a member's dissent or approval with his or her reasons, and shall cause the minutes to be written and presented for approval no later than the second succeeding regular meeting.
2. The minutes or a true copy thereof, submitted and signed by the Secretary after approval by the Board, shall form part of the permanent records of the Board.

Section 2.67. Meetings

1. Regular meetings

Regular meetings of the Board shall generally be held on the first and third Wednesdays of each month at 8:30 a.m. in the Board Room of the FCERA building, located at 1111 H Street in Fresno 7772 N. Palm Avenue, Fresno, California 93711, in compliance with the Ralph M. Brown Act (Cal. Gov. Code § 54950 *et seq.*, hereafter the "Brown Act"), unless the Board notices a meeting for another time and location in compliance with the Brown Act.

2. Special and emergency meetings

- a. Special meetings of the Board may be called at any time by the Chair or by a majority of the three (3) members of the Board as provided in the Brown Act (Gov. Code, § 54950 et seq.).

- b. Emergency meetings of the Board may be called by the Chair, ~~the Administrator,~~ or by ~~a majority of the three (3) members of the Board only~~ as provided in the Brown Act ~~(Gov. Code, § 54950 et seq.).~~

ARTICLE III. MEMBERSHIP

Section 3.1. Membership Date

Any employee of the County of Fresno or of any District included in the Association who is eligible for membership shall be considered to be a member on the first day of the next payroll period applicable to the employee following that in which the employee became eligible, subject to deferment, exemption, and waiver provisions contained in the Act. ~~Provided, however, that an employee of the County of Fresno or of any District may defer commencement of membership by as much as 12 weeks after the employee's entrance into service, in order to avoid overlapping service credit with a prior reciprocal employer. Additionally, a member may cease accruing service credit with the Association as much as 12 weeks prior to the member's termination from employment, in order to avoid overlapping service credit with a subsequent reciprocal employer.~~ (Gov. Code, § 31527, subd. (h), and § 31552.)

~~Section 3.2. New Employees Age 60 and Above~~

- ~~1. Employees hired before January 1, 2004 who have attained the age of 60 are exempt from membership.~~
- ~~2. Employees hired on or after January 1, 2004 who have attained the age of 60 may waive membership by executing a waiver of membership form.~~

~~(Gov. Code, § 31552.)~~

Section 3.32. Enrollment

1. It shall be the duty of the appointing Department Head or Authority of the County of Fresno or of any District included in the Association to report to the Administrator the employment of all persons eligible for membership.
2. The appointing Department Head or Authority of the County of Fresno or of any District included in the Association shall also ensure that every eligible employee files with the Association a Member's Enrollment Statement in the form determined by the Administrator. The Enrollment Statement shall be considered the sworn statement required by Section 31526, subdivision (b) of the Act. ~~(Gov. Code, § 31526, subd. (b).)~~

Section 3.4. Additional Contributions

~~Additional contributions may be made by any member of the Association as expressly authorized by the Board in accordance with section 31627 of the Act.~~

Section 3.5. Partial Deduction Prohibited

~~If the amount of wage compensation is less than the contribution due, no deduction shall be made for membership credit. (Gov. Code, § 31527, subd. (a).)~~

Section 3.63. Temporary, Seasonal, Intermittent and Part-Time Employees Adoption of permissible provisions under the Act

The Board may adopt, and from time to time amend, Association policies and regulations addressing provisions permitted under the Act, including but not limited to the provisions permitted under Section 31527.~~Temporary, seasonal, intermittent and part-time employees are excluded from membership in the Association. For purposes of these Bylaws and Regulations the terms shall have the following meanings:~~

1. ~~Temporary employees~~

~~Employees appointed for temporary service only. The term temporary employee includes but is not limited to Interns, Resident Physicians, and Dentists.~~

2. ~~Seasonal employees~~

~~Employees whose service for the County or District is only at certain specified periods during the year.~~

3. ~~Intermittent employees~~

~~Employees whose service for the County or District is not regular in nature, but periodic and recurrent at intervals.~~

4. ~~Part-time employees~~

a. ~~Until July 1, 1984, an employee engaging in his or her duties for less than 80% of the time required of employees serving on a full-time basis, even though subject to call at any time.~~

b. ~~Effective July 1, 1984, an employee engaging in his or her duties for less than 50% of the time required of employees serving on a full-time basis, even though subject to call at any time.~~

~~(Gov. Code, § 31527, subd. (e).)~~

Section 3.7. Additional Time to Make Contributions

- ~~1. When a member redeposits withdrawn contributions, the Administrator may approve the redeposit over a period of up to five years. (Gov. Code, § 31527, subd. (b).)~~
- ~~2. When a member purchases excluded time, the Administrator may approve payment over a period of up to five years. (Gov. Code, § 31527, subd. (c).)~~
- ~~3. When an elected official chooses to become a member, the Administrator may approve payment for purchase of earlier elected service over a period of up to five years. (Gov. Code, § 31648.)~~

Section 3.8. Purchase of Unpaid Military Leave

~~The Administrator shall establish appropriate procedures for the purchase of unpaid military leave by returning service members, consistent with all applicable State and federal laws.~~

Section 3.9. Acceptance of Plan-to-Plan Transfers and Rollovers

~~To the extent authorized by federal law, but limited to pre-tax contributions, the Association shall accept plan-to-plan fund transfers and shall accept rollovers from qualified plans to satisfy the lump sum payment of contributions for purchase of prior service, medical leave of absence, military leave, and public service.~~

Section 3.10. Election of Retirement Allowance Form

~~The "Election of Retirement Allowance Form" signed by the member designating his or her choice of option shall be construed as the Annuity Certificate required by the Act. The retirement of a member shall not be deemed complete until the form has been signed and returned to the Administrator. (Gov. Code, § 31526, subd. (c).)~~

ARTICLE IV. DISABILITY RETIREMENT & OTHER HEARINGS

Section 4.1. Provisions

~~The Board's policies and procedures for disability retirement and other hearings shall include the following provisions:~~

- ~~1. Witness fees, mileage and expenses, with the exception of officers and employees of the County or Districts, shall be determined and paid between the calling party and the witness, and shall be paid by the calling party.~~
- ~~2. When a referee is appointed by the Board to conduct a hearing, the written appointment constitutes the express written authorization of the referee to exercise the Board's subpoena power.~~

~~(Cal. Gov. Code § 31535.)~~

ARTICLE ~~V~~IV. AMENDMENT OF BYLAWS AND REGULATIONS

Section ~~54~~54.1. Amendments

These Bylaws and Regulations may be amended under the following procedures:

1. Amendments shall be read at a regular meeting.
2. No vote may be taken earlier than the next regular meeting.
3. At least two-thirds (2/3) of the Board members in attendance must vote in favor of the amendments.

Section ~~54~~54.2. Effective Date

Amendments shall become effective when approved by the Fresno County Board of Supervisors.