

# FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION



## BYLAWS AND REGULATIONS of the BOARD OF RETIREMENT

*As amended by the Board of Retirement on  
April 18, 2018, and  
approved by the Fresno County Board of Supervisors on  
June 5, 2018.*

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

**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 (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 (hereafter 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 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 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 officer position in order to participate in discussion.

## **Section 2.3. 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 2.4. 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 2.5. 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 2.6. 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 2.7. 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 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 three (3) members of the Board as provided in the Brown Act.
- b. Emergency meetings of the Board may be called by the Chair or by three (3) members of the Board as provided in the Brown Act.

### **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. (Gov. Code §§ 31527, subd. (h), and 31552.)

#### **Section 3.2. 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.

#### **Section 3.3. 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.

### **ARTICLE IV. AMENDMENT OF BYLAWS AND REGULATIONS**

#### **Section 4.1. 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 4.2. Effective Date**

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