



# Stanislaus County Employees' Retirement Association

832 12th Street, Ste. 600, Modesto, CA 95354 • PO Box 3150, Modesto, CA 95353 • [www.stancera.org](http://www.stancera.org) • 209-525-6393 • 209-558-4976 Fax

## AGENDA

### BOARD OF RETIREMENT

832 12<sup>th</sup> Street Ste. 600, **Wesley W. Hall Board Room**  
Modesto, CA 95354

**April 24, 2018**  
**1:30 p.m.**

The Board of Retirement welcomes you to its meetings, which are regularly held on the fourth Tuesday of each month. Your interest is encouraged and appreciated.

**CONSENT/ACTION ITEMS:** Consent matters include routine administrative actions and are identified under the Consent Items heading. All other items are considered to be action items "Action" means that the Board may dispose of any item by any action, including but not limited to the following acts: approve, disapprove, authorize, modify, defer, table, take no action, or receive and file.

**PUBLIC COMMENT:** Matters under jurisdiction of the Board, may be addressed by the general public before or during the regular agenda. However, California law prohibits the Board from taking action on any matter which is not on the posted agenda unless it is determined an emergency by the Board of Retirement. Any member of the public wishing to address the Board during the "Public Comment," period shall be permitted to be heard once up to three minutes. Please complete a Public Comment Form and give it to the Chair of the Board. Any person wishing to make a presentation to the Board must submit the presentation in written form, with copies furnished to all Board members. Presentations are limited to three minutes.

**BOARD AGENDAS & MINUTES:** Board agendas, minutes and copies of items to be considered by the Board of Retirement are customarily posted on the Internet by Friday afternoon preceding a meeting at the following website: [www.stancera.org](http://www.stancera.org).

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection at StanCERA, 832 12th Street, Suite 600, Modesto, CA 95354, during normal business hours.

**AUDIO:** All Board of Retirement regular meetings are audio recorded. Audio recordings of the meetings are available after the meetings at <http://www.stancera.org/agenda>.

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** Board of Retirement meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board Secretary at (209) 525-6393. Notification 72 hours prior to the meeting will enable StanCERA to make reasonable arrangements to ensure accessibility to this meeting.

1. Call Meeting to Order
2. Roll Call
3. Announcements
4. Public Comment
5. Consent Items
  - a. Approval of the March 27, 2018 Meeting Minutes [View](#)
  - b. Monthly Staff Report  
Agenda Item [View](#)
  - c. Legal/Legislation Update  
Agenda Item [View](#)
  - d. StanCERA Complaint Log of January 1 – March 31, 2018  
Agenda Item [View](#)
  - e. Executive Director Goals Update Quarter 1 2017  
Agenda Item [View](#) Attachment 1 [View](#)
  - f. Approval of Service Retirement(s) – **Government Code Sections 31499.14, 31670, 31662.2 & 31810**
    1. Gustafson, Constance – BHRS – Effective 03-31-18
    2. Ham, Lesley – Auditor Controller – Effective 03-29-18
    3. Hatter, Michelle – Probation – Effective 04-13-18 \*
    4. Ott, Melinda – Stan Reg 911 - EFF 04-22-18
    5. Owen, Sharon - HSA - EFF 04-27-18

5. Consent Items (Cont.)

6. Smith, Patsy – Sheriff – Effective 04-07-18
7. Vohra, Firoz – Public Works – Effective 03-31-18
8. Welch, Paul – Veterans Services – Effective 03-16-18
9. Yarbery, Tommy – City of Ceres – Effective 03-14-18

*\* Indicates Safety Personnel*

g. Approval of Deferred Retirement(s) – **Government Code Section 31700**

1. Cordova, Dolores – CSA – Effective 02-24-18
2. Gregston, Erin – BHRS – 04-01-18
3. Lakshmi, Pajagopalan – StanCOG – Effective 11-17-17
4. Leiva, Robert – Sheriff – Effective 11-01-17 \*
5. Perry, Mark – Sheriff – Effective 03-10-18
6. Purto, Elizabeth – BHRS – Effective 01-13-18
7. Silva, Cynthia – CSA – Effective 01-06-18

*\* Indicates Safety Personnel*

h. Approval of Disability Retirement - **Government Code Section 31724**

1. Walters, Kendra - Treasurer - Tax Collector, Non-Service Connected, Effective April 25, 2018

i. Approval of Death Benefit – **Government Code Section 31781, 31781.1, 31781.3**

1. Forrette, Pamela. Deceased March 22, 2018, HSA - Active Member
2. Smith, Robert, Deceased April 2, 2018, Parks and Recreation - Active Member
3. Valencia, Tanya, Deceased February 23, 2018, HSA - Active Member

6. Investment

None

7. Verus – Investment Consultant

- a. Workplan [View](#)
- b. March Flash Report [View](#)

8. Administrative

- a. Direction for Voting Delegates of State Association of County Retirement Systems (SACRS) at the 2018 Spring Business Meeting.  
Agenda Item [View](#) Attachment 1 [View](#) Attachment 2 [View](#)
- b. Information Technology Solutions (ITS) Project Update [View](#)
- c. New Board Room Tenant Improvements  
Agenda Item [View](#)

9. Standing Committees

- a. Internal Governance Committee
  - i. Internal Governance Committee's Recommendation for the Biennial Bylaw Revision.  
Agenda Item [View](#) Attachment 1 (non redline) [View](#) Attachment 2 (redline version) [View](#)

10. Closed Session

- a. Conference with Legal Counsel – Pending Litigation – One Case:  
O’Neal et al v. Stanislaus County Employees’ Retirement Association  
Stanislaus County Superior Court Case No. 648469  
Government Code Section 54956.9(d)(1)
- b . Conference with Legal Counsel – Pending Litigation – One Case:  
Stanislaus County Employees’ Retirement Association v. Buck Consultants,  
LLC, Mediation Pursuant to Evidence Code Sections 1115, 1119, 1152  
Government Code Section 54956.9d)(4)

11. Members’ Forum (Information and Future Agenda Requests Only)

12. Adjournment



**BOARD OF RETIREMENT MINUTES**  
**March 27, 2018**

1. Call Meeting to Order

Meeting called to order 1:30 p.m. by Trustee Lynch, Chair

2. Roll Call

**Trustees Present:** Mike Lynch, Jim DeMartini, Donna Riley, Sam Sharpe, Darin Gharat  
Jeff Grover, Michael O'Neal, Lauren Klein and

**Trustees Absent:** Mandip Dhillon

**Alternate Trustee:** Rhonda Biesemeier, Alternate Retiree Representative

**Staff Present:** Rick Santos, Executive Director  
Dawn Lea, Member and Employer Services Manager  
Natalie Elliott, Interim Fiscal Services Manager  
Kellie Gomes, Executive Board Assistant

**Others Present:** Fred Silva, General Legal Counsel  
Ed Hoffman, Verus Investment Consultant

3. Announcements

None

4. Public Comment

None

5. Consent Items

- a. Approval of the February 27, 2018 Meeting Minutes
- b. Monthly Staff Report
- c. Legal/Legislation Update
- d. Approval of Service Retirement(s) – **Government Code Sections 31499.14, 31670, 31662.2 & 31810**
  1. Aguiniga, Linda – Workforce Dev – Effective 03-17-18
  2. Alvarez Jr., Frank – City of Ceres – Effective 03-21-18
  3. Balentine, Richard – DA – Effective 03-30-18 \*
  4. Beauchesne, Roger – DA – Effective 03-05-18
  5. Belmonte, Maria – HSA – Effective 03-31-18
  6. Byrom, Elaine – BHRS – Effective 03-17-18
  7. Calvillo, James – Sheriff – Effective 03-15-18 \*
  8. Chand-Lempenau, Alice – BHRS – Effective 03-31-18
  9. Chea, Sumbo – CSA – Effective 03-02-18
  10. Dias, Thomas – Parks and Rec – Effective 03-30-18
  11. Esparza-Saldana, Elizabeth – HSA – Effective 03-17-18
  12. Estremera, Osvaldo – Probation – Effective 03-17-18



5. Consent Items (Cont.)

13. Firpo, Michael – Auditor/Controller – Effective 03-31-18
14. Flores, Rachel – HSA – Effective 03-31-18
15. Fraga, Betty – HSA – Effective 03-03-18
16. Frye, Steven – Assessor – Effective 03-31-18
17. Gilstrap, Galena – DA – Effective 03-25-18
18. Griffin, Chris – Probation – Effective 03-17-18 \*
19. Husman, Hans – Sheriff – Effective 03-31-18 \*
20. Klinker, Daniel – Public Works – Effective 03-16-18
21. Laughlin, Matin – BHRS – Effective 11-06-17
22. Lopez, Irene – CSA – Effective 03-03-18
23. Maderos, Kathleen – Superior Courts – Effective 03-30-18
24. McFadon, Alan – Stan Reg 911 – Effective 03-03-18
25. Middleton, Dan – BHRS – Effective 03-15-18
26. Morgan, Ruby – Workforce Dev – Effective 03-03-18
27. Nix, Brad – DA – Effective 03-17-18
28. Norris, Brenda – CSA – Effective 03-03-18
29. Ochoa, Carol – DCSS – Effective 3-31-18
30. Palmquist, Daniel – GSA – Effective 03-31-18
31. Powell, Catherine – BHRS – Effective 03-31-18
32. Rein, Patricia – CSA – Effective 03-31-18
33. Rodgers, Franklin – Workforce Dev – Effective 03-17-18
34. Rufo, Jeff – Public Works – Effective 03-17-18
35. Safford, Kevin – Sheriff – Effective 03-31-18 \*
36. Sapper, Jamil – SBT – Effective 03-03-18
37. Saucedo-Hoshiko, Carla – Aging & Veterans – Effective 03-31-18
38. Shaffer, John – BHRS – Effective 03-31-18
39. Shindler, Deborah – DCSS – Effective 03-30-18
40. Spiering, Gegory – Public Defender – Effective 03-17-18
41. Stewart, Carol – CSA – Effective 03-17-18
42. Thompson, Peter – HSA – Effective 03-03-18
43. Tovar, Jesse – Sheriff – Effective 03-31-18 \*
44. Trevino, Erlinda – HSA – Effective 03-17-18
45. Watts, Kenneth – City of Ceres – Effective 03-6-18
46. Wolbor, Eric – Sheriff – Effective 03-17-18 \*
47. Wilkerson, Douglas – Sheriff – Effective 03-16-18 \*
48. Wood, Craig – City of Ceres – Effective 03-09-18
49. Worsham, Donald – Sheriff – Effective 03-31-18 \*
50. York, Jonnie – HSA – Effective 03-31-18
51. Yotsuya, Paul – Sheriff – Effective 03-17-18 \*

*\* Indicates Safety Personnel*

e. Approval of Deferred Retirement(s) – **Government Code Section 31700**

1. Barron, Vincent – Sheriff – Effective 12-01-17 \*
2. Francis, Richard – City of Ceres – 01-10-18

*\* Indicates Safety Personnel*

Motion was made by Trustee Gharat and seconded by Trustee O'Neal to accept the consent items as presented

Motion carried unanimously

6. Investment

- a. Quarter 4 2017 Auxiliary Investment Report

7. Verus – Investment Consultant

- a. Workplan
- b. February Flash Report

8. Administrative

- a. Information Technology Solutions (ITS) Project Update

9.. Closed Session

Motion was made by Trustee Gharat and seconded by Trustee Grover to go into closed session at 1:43 p.m.

Motion carried unanimously

- a. Review of Personal Service Contract Services by Verus  
Government Code 54957(b)(4)
- b. Conference with Legal Counsel – Pending Litigation – One Case:  
O’Neal et al v. Stanislaus County Employees’ Retirement Association  
Stanislaus County Superior Court Case No. 648469  
Government Code Section 54956.9(d)(1)
- c . Conference with Legal Counsel – Pending Litigation – One Case:  
Stanislaus County Employees’ Retirement Association v. Buck Consultants,  
LLC, Mediation Pursuant to Evidence Code Sections 1115, 1119, 1152  
Government Code Section 54956.9d)(4)

Motion was made by Trustee Gharat and seconded by Trustee O’Neal to go into open session at 2:22 p.m.

Motion carried unanimously

Kellie Gomes reported from closed session the following:

Item 9a. Motion was made by Trustee Grover and Seconded by Trustee Gharat to accept staff recommendation to issue an RFI to private markets managers and/or specialist consulting firms to learn more about available private markets implementation alternatives and to include information regarding 37 act county systems experience in private equity markets.

Motion carried unanimously

10. Members' Forum (Information and Future Agenda Requests Only)

Trustee Grover asked for clarification on the information regarding Jackson Square. Rick responded to Trustee Grover question.

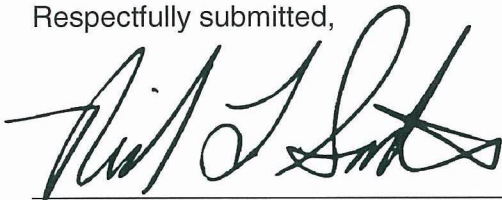
Michael O'Neal asked how interest rates effect private markets. Chris Wisdom responded.

Kellie reminded Trustees that the 700 forms filings are due by April first and if they needed assistance to please let her know.

11. Adjournment

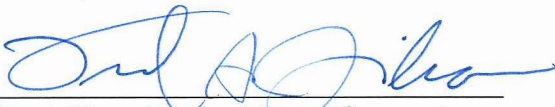
Meeting adjourned at 2:26 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Santos", written over a horizontal line.

Rick Santos, Executive Director

APPROVED AS TO FORM:  
Fred Silva, GENERAL LEGAL COUNSEL

By: 

A handwritten signature in blue ink, appearing to read "Fred Silva", written over a horizontal line.

Fred Silva, General Legal Counsel



**April 24, 2018**

Retirement Board Agenda Item

TO: Retirement Board

FROM: Rick Santos, Executive Director

I. SUBJECT: Monthly Staff Report

II. ITEM NUMBER: 5.b

III. ITEM TYPE: Information Only

IV. STAFF RECOMMENDATION: None

V. ANALYSIS:

- a) *Member & Employer Services (MESS)* – During the month of March, Member and Employer Services Staff processed 60 new hires (13 Safety and 47 General), 41 terminations, 33 member requests resulting in 81 estimates and 15 member requests resulting in 32 buy back contracts. There were 39 individual counseling sessions. MESS staff presented at 1 New Employee Orientation (NEO) and 1 Human Resources Confidential Assistant Retirement Processing Training.

MESS staff have scanned, completed and are up to date on all current documents being put into the system. A current process is now in place to scan and index all documentation coming into StanCERA on a daily basis. Staff will now transition back to auditing older member files. MESS staff's main focus still remains with member services and the project implementation, however, some smaller tasks are being shuffled around to create more redundancies and to spread institutional knowledge. The analysis of processes and movement of work around the office today is also giving us a glimpse into those processes and tasks that will eventually be a part of the work flow process and offer us ways to exploit this technology and become more efficient down the road.

Recently, staff began user acceptance testing on the Employer reporting module of the System. This involves the transmittal of employer payroll data into our System each pay period.

- b) *Investment Governance and Compliance* – In March, staff continued working on contract negotiations with Prudential and Greenfield in order to implement the plan's desired Real Estate allocation. Staff continued to perform research on the topic of private markets investments through discussions with a representative from the Institutional Limited Partners Association (ILPA) as well as conversations with investment staff at other '37 Act systems. The AQR Risk Parity mandate was funded with \$140 million. We completed our data submission for RVK's semi-annual Public Fund Universe Analysis survey.
- c) *Fiscal Services* – Employer and employee contributions totaling \$8,086,359 were received through 15 different payroll batches in March. 19 contribution refunds and death benefit payouts totaling \$95,579 were processed. The retiree payroll for February totaled \$9,963,946 and was processed as scheduled.


Staff continues to partner with Member Services in defining the business rules for the new pension software. Staff has completed the business system rules for Employer Reporting and testing has started. Meetings have started with Tegrity

regarding the Buy Back process which will be the next piece of the Pension Administration System to get programmed as well as retirement calculations. We continue to be on time and within budget for this project. Staff will also begin shortly recruiting for the now vacant Accountant position.

VI. RISK: None

VII. STRATEGIC PLAN: Strategic Objective IV: Refine StanCERA's business and policy practices in ways that enhance stakeholder awareness, the delivery of member services and the ability of the Organization to administer the System effectively and efficiently\*

VIII. ADMINISTRATIVE BUDGET IMPACT: NONE

  
Rick Santos, Executive Director  
Natalie Elliott, Interim Fiscal Services Manager  
Chris Wisdom, Retirement Investment Officer





**April 24, 2018**

Retirement Board Agenda Item

TO: Retirement Board

FROM: Rick Santos, Executive Director

- I. SUBJECT: Legislation Update
- II. ITEM NUMBER: 5.c
- III. ITEM TYPE: Information Only
- IV. STAFF RECOMMENDATION: None
- V. ANALYSIS:

**AB 3084, Levine.** *Re: Adds Section 7514.8 to the Government Code.*

*Status: Referred to Com. on P.E., R., & S.S. on March 12, 2018.*

This bill would require each state and local public retirement system to, in its annual audited financial statements submitted to the Controller, in a form prescribed by the Controller, show that the retirement system has met or if it has not met, detail why it has not met and what the retirement system is doing to meet, specified parameters related to the provision of other postemployment benefits.

**AB 3150. Brough.** Public employees' retirement: annual audits.

*Re: Amends Section 7512 of the Government Code.*

*Status: Referred to Com. on P.E., R., & S.S. on March 12, 2018.*

This bill would also require each state and local pension or retirement system to post a concise annual audit of the information described above on that system's Internet Web site no later than the 90th day following the audit's completion. By imposing new duties on local retirement systems, the bill would impose a state-mandated local program.

**ACA 15, Brough.** Public employee retirement benefits.

*Re: Adds Section 24 to Article XVI, to the California Constitution.*

*Status: Introduced: Read first time – May 10, 2017.*

The measure would prohibit a government employer from enhancing employee pension benefits, as defined, without approval by the voters of the jurisdiction, and would prohibit a government employer from enrolling a new government employee, as defined, in a defined benefit pension plan without approval by the voters of the jurisdiction.

The measure also would prohibit a government employer from paying more than 1/2 of the total cost of retirement benefits, as defined, for new government employees without approval by the voters of the jurisdiction.

The measure would prohibit retirement boards from imposing charges or other financial conditions on a government employer that proposes to close a defined benefit pension plan to new members unless the voters or the sponsoring government employer approve those charges or conditions.

The measure would require challenges to the legality of actions taken by a government employer or a retirement board to comply with its provisions to be brought in state or federal courts.

The measure would prohibit its provisions from being interpreted to modify or limit disability benefits provided for government employees or death benefits for families of government employees, even if provided as part of a retirement benefits system, or from requiring voter approval of disability or death benefits.

The measure would prescribe various requirements and prohibitions regarding its interpretation and the effect of any other competing measures, among other things.

**SB 1270, Vidak.** County employees' retirement: system personnel.

*Re: Amends Section 31522.3 of the Government Code.*

*Status: Referred to Com. on P.E. & R. Set for hearing April 9, 2018.*

The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to their employees. CERL authorizes the retirement boards of 5 specified counties to appoint assistant administrators and chief investment officers who, following appointment, are outside county charter, civil service, and merit system rules, except as specified. CERL provides that these administrators and officers are employees of the county, as specified, while serving at the pleasure of the appointing boards, and that they may be dismissed without cause.

This bill would apply these provisions to any county if the board of supervisors for that county, by resolution adopted by majority vote, makes those provisions applicable in the county.

- VI. RISK: None
- VII. STRATEGIC PLAN: Strategic Objective IV: Refine StanCERA's business and policy practices in ways that enhance stakeholder awareness, the delivery of member services and the ability of the Organization to administer the System effectively and efficiently.
- VIII. ADMINISTRATIVE BUDGET IMPACT: None

  
Kellie Gomes, Executive Board Secretary

  
Rick Santos, Executive Director





**April 24, 2018**

Retirement Board Agenda Item

TO: Retirement Board

FROM: Alaine Taa, Administrative Assistant

- I. SUBJECT: StanCERA Complaint Log
- II. ITEM NUMBER: 5.d
- III. ITEM TYPE: Information Only
- IV. STAFF RECOMMENDATION: None
- V. ANALYSIS:

Below are the summary of complaints between January 1 and March 3, 2018. Staff keeps a tally of duplicate complaints to better gauge the extent of any problems. A summary of these complaints follows:

Number of Complaints	Caller Status	Nature of Complaints
5	Active	Calls from active members regarding the turn around time for Estimates and Buy Backs (up to 9 months)
Several	Retiree	Retired members called to complain that the Year-to-Date totals for their health benefits were not on their December 2017 Advice Notices. The Year-to-Date totals were needed for tax purposes.

The number of complaints this quarter slightly decreased compared to the previous report period October 1 through December 31, 2017.

- VI. RISK: None
- VII. STRATEGIC PLAN: Strategic Objective IV: Refine StanCERA's business and policy practices in ways that enhance stakeholder awareness, the delivery of member services and the ability of the Organization to administer the System effectively and efficiently.
- VIII. ADMINISTRATIVE BUDGET IMPACT: None

Alaine Taa, Administrative Assistant

Natalie Elliott, Interim Fiscal Services Manager



**April 24, 2018**

Retirement Board Agenda Item

TO: Retirement Board

FROM: Rick Santos, Executive Director

- I. SUBJECT: Executive Director Goals Update - Quarter 1
- II. ITEM NUMBER: 5.e
- III. ITEM TYPE: Consent
- IV. STAFF RECOMMENDATION: None
- V. ANALYSIS: This is the Quarter 1 Executive Director goals update for 2018 (Attachment 1). Quarter 1 progress for all items is denoted in green. This quarter, as it relates to the Strategic Plan, progress was driven largely by work surrounding the information technology solutions, bylaw review, investment governance training and maintaining normal business processes.  
  
Staff also met with all major plan sponsors to discuss 2018-2019 issues that may affect payroll, which ultimately would affect shortfall (FFP) projections. Additionally, the bylaws were completed this quarter and were submitted to the Internal Governance Committee for review and approval. Staff also finished the internal StanCERA Education Policy this quarter and it will be formally implemented in quarter 2. This policy was an integral part of the Strategic Plan when it was developed several years ago.  
  
Progress on the pension software project remains on track at this point and several meetings have been held with the plan sponsors regarding their ability to get StanCERA the data it needs to do its business.
- VI. RISK: None
- VII. STRATEGIC PLAN: Strategic Objective IV: Refine StanCERA's business and policy practices in ways that enhance stakeholder awareness, the delivery of member services and the ability of the Organization to administer the System effectively and efficiently
- VIII. ADMINISTRATIVE BUDGET IMPACT: NONE

Rick Santos, Executive Director



## Strategic Goals 2018 Progress Quarter 1

### (Attachment 1)

#### ***General and/or Ongoing Items***

1. Continued communication, outreach and transparency with major stakeholders such as County, County BOS, Local Governments, Special Districts and Employee Groups
  - Several meetings with Ceres and County staff regarding pension software implementation
2. Facilitate transition of StanCERA's asset allocation
  - Real estate manager allocation complete; contracts negotiated
  - Attrition of required StanCERA investment managers complete
  - Risk Parity allocation complete
3. Continued progress on the System data clean-up project
  - All member files requiring estimate or buyback work audited and up to date
4. Continued monitoring of StanCERA lawsuits
  - Preparation for O'Neal matter
5. Director Professional Development
6. Facilitate RFP for General Legal Counsel
7. Oversee Information Technology Solutions Project
  - Attend several meetings per week
  - Consult with consultants from Linea and Tegrit regularly
  - Consult with subject matter experts on all phases of the project
8. Oversee and completion of day to day administrative functions
  - All normal administrative functions completed on time
  - Outstanding disabilities (as of 4/16/2018): 13
9. Training of Investment Officer
  - Investment Officer being brought into all StanCERA governance processes at this time
10. Biennial By-Law Review
  - StanCERA bylaws presented to Internal Governance Committee 4/24/2018

#### ***Items Tied to the Strategic Plan***

##### *Strategic Objective #1*

**Invest StanCERA assets in such a way that efficiently maximizes the ability to meet current and future benefit obligations while balancing the need for contribution stability and sustainability**

Strategic Plan Objective #1: Action Plan with Deliverables

1. Implementation of Functionally Focused Portfolio Concept



## Executive Director Goals **2018**

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- ✓ Fund the Liquidity sub-portfolio by June 30<sup>th</sup>
  - Benefit projection matrix complete
  - Contribution projection matrix complete
  - Expense projection matrix complete
- ✓ Training of new investment staff on FFP process and maintenance of reporting projection and process tools
- 2. Consult regularly with plan sponsors regarding salary and retirement projections
  - Meet with Stanislaus County officials each year
    - Met with County officials on payroll projections
    - Discuss salary projections with Courts
  - Meet with City of Ceres officials each year
    - Discuss salary projections with City of Ceres
- 3. Consult regularly with plan sponsors regarding pension contribution projections
  - ✓ Meet each year with all plan sponsors
- 4. Monitor and assess capital market expectations on a continual basis
  - ✓ Monitor trends in the general level of interest rates and market value of StanCERA liabilities
  - ✓ Report at least annually (April/May) to the Board of Retirement on the general level of interest rates and market value of StanCERA liabilities and trends
  - ✓ Report annually (April/May) to the Board of Retirement the consideration of any changes in the FFP process
  - ✓ Provide the Board, at least annually, a review of capital market conditions and assumptions on a forward looking basis for all major asset classes
  - ✓ At least annually, recommend asset allocation changes (if applicable) to the Board of Retirement for consideration
- 5. Maintain awareness of the cash flow process
  - ✓ Work with alternative investment managers on contribution and distribution projections
  - ✓ Project and reconcile (semi-annually) budget expenditures
    - Mid-year budget review complete February 27, 2018
    - Expense matrix for FFP process complete
  - ✓ Annual reconciliation (July/August) of the FFP shortfall projections and source of cash flows

### *Strategic Objective # 2*

**Develop efficient and effective processes for the evaluation, monitoring, and disposition of StanCERA's active managers**



## Strategic Plan Objective #2: Action Plan with Deliverables

1. Maintain and improve the comprehensive internal investment governance process
  - ✓ Train internal investment staff on general processes and procedures and the data collection process
    - Training begun on general processes and database maintenance
  - ✓ Monitor IPS compliance
  - ✓ Monitor investment manager thesis
2. Maintain a comprehensive internal investment data repository
  - Database up to date as of 12/31/2017
3. Develop and maintain auxiliary performance reporting
  - ✓ Continue to develop and enhance auxiliary reporting with an eye towards simplicity
    - Reworked Value Added analysis to account for long-term cumulative experience
  - ✓ Enhance reporting format and aesthetics
  - ✓ Work to develop a valid benchmark for alternative investments
4. Provide StanCERA staff opportunities to enhance their knowledge regarding the investment governance process
  - ✓ Provide opportunities for internal staff to attend seminars and conferences dedicated to alternative investments
  - ✓ Provide opportunities for internal staff to attend seminars and conferences related to understanding investment contracts, ADV and SOC reports

## *Strategic Objective # 3*

**Continue to foster an organizational culture that values and promotes team work, education, awareness, accountability, and achievement.**

## Strategic Plan Objective #3: Action Plan with Deliverables

1. Train for succession planning to prepare for StanCERA's future and continue to cross-train staff to optimize efficacies for staffing level fluctuations.
  - ✓ Develop training plan and philosophy for staff succession into manager roles
    - Recently completed StanCERA Education Policy is one component of succession planning
  - ✓ Implement new StanCERA Org Structure
2. Standardize communication and establish a formal peer-review process for internal and external documents and external communications.
  - ✓ Annual staff training on communication standards and implementation



## Executive Director Goals **2018**

- ✓ Formalize StanCERA's peer review philosophy
- 3. Develop and implement an educational policy and plan for staff.
  - ✓ Formalize expected training requirements
    - Processes laid out in new StanCERA Education Policy
  - ✓ Identify individual staff educational needs annually through the annual employee evaluation process
    - Processes laid out in new StanCERA Education Policy
  - ✓ Formalize the individual employee education expected outcome
    - Processes laid out in new StanCERA Education Policy
    - Note that these directives were laid out in the completed StanCERA Education Policy. The execution of these directives will be accomplished at the staff-supervisor level, generally during the annual evaluation
- 4. Develop and implement a team-building action plan.
  - ✓ Hold a minimum one team building event annually

### *Strategic Objective # 4*

**Refine StanCERA's business and policy practices in ways that enhance stakeholder awareness, the delivery of member services and the ability of the Organization to administer the System effectively and efficiently.**

### Strategic Plan Objective #4: Action Plan with Deliverables

1. Implementation of Electronic Member Filing Content Management System
  - ✓ Complete the internal verification of back file conversion
    - Task complete
  - ✓ Ongoing EDMS plan developed
  - ✓ Paper member files archived
    - Task complete
2. Enhance stakeholder education and communication opportunities
  - ✓ Formally meet with all plan sponsors, no less than annually
3. Substantial completion of Pension Software System implementation
4. Design and rollout of improved StanCERA website (2019)
5. Create an organizational structure that maximizes recruitment potential and encourages staff development for future leadership positions
  - ✓ Formal implementation of new StanCERA Org Structure

## StanCERA Investment Program 12-Month Workplan

*changes from prior month highlighted in yellow*

	Time	Changes from prior month
<b>April, 2018</b>	<b>0:05</b>	
Flash report and 12-month workplan	0:05	
<b>May, 2018</b>	<b>1:25</b>	
Flash report and 12-month workplan	0:05	
Quarterly investment performance report	0:30	
Annual review of FFP with updated capital market assumptions	0:20	Moved from April
Review of investment program governance documents	0:30	Moved from March to coordinate with By-laws revisions
<b>June, 2018</b>	<b>0:35</b>	
Flash report and 12-month workplan	0:05	
Private markets next steps	0:30	Moved from April
<b>July, 2018</b>	<b>0:35</b>	
Flash report and 12-month workplan	0:05	
Cash overlay education and search authorization	0:30	Moved from June
<b>August, 2018</b>	<b>1:05</b>	
Flash report and 12-month workplan	0:05	
Quarterly investment performance report	0:30	
Transition management education and search authorization	0:30	Moved from July
<b>September, 2018</b>	<b>0:35</b>	
Flash report and 12-month workplan	0:05	
Cash overlay search presentation & selection	0:30	Moved from August
<b>October, 2018</b>	<b>0:35</b>	
Flash report and 12-month workplan	0:05	
Transition management search presentation & selection	0:30	Moved from September



## StanCERA Investment Program 12-Month Workplan

*changes from prior month highlighted in yellow*

Time Changes from prior month

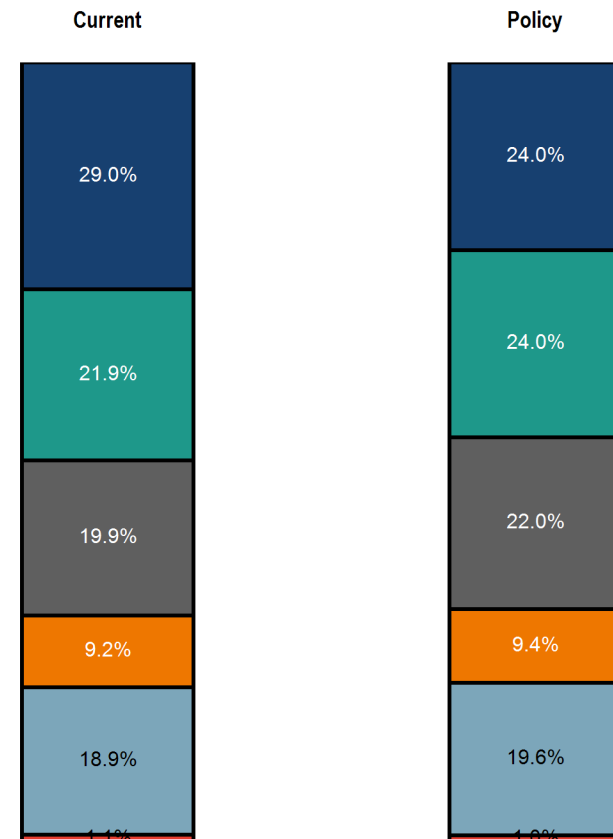
<b>November, 2018</b>	<b>0:35</b>
Flash report and 12-month workplan	0:05
Quarterly investment performance report	0:30
<b>December, 2018</b>	<b>0:05</b>
Flash report and 12-month workplan	0:05
<b>January, 2019</b>	<b>0:05</b>
Flash report and 12-month workplan	0:05
<b>February, 2019</b>	<b>0:35</b>
Flash report and 12-month workplan	0:05
Quarterly investment performance report	0:30
<b>March, 2019</b>	<b>0:05</b>
Flash report and 12-month workplan	0:05

# Total Fund Flash Report (Net of Fees) - Preliminary

Period Ending: March 31, 2018

	Market Value	% of Portfolio	1 Mo	YTD	Fiscal YTD
<b>Total Fund</b>	<b>2,092,085,084</b>	<b>100.0</b>	<b>-0.5</b>	<b>-0.6</b>	<b>6.6</b>
<i>Policy Index</i>			-0.8	-0.4	6.6
<b>US Equity</b>	<b>607,161,207</b>	<b>29.0</b>	<b>-1.8</b>	<b>0.0</b>	<b>9.8</b>
<i>US Equity Blended</i>			-1.6	-0.6	10.3
<i>Russell 3000</i>			-2.0	-0.6	10.5
Northern Trust Russell 1000	169,049,586	8.1	-2.3	-0.7	--
<i>Russell 1000</i>			-2.3	-0.7	--
BlackRock Russell 1000 Growth	118,898,034	5.7	-2.7	1.4	15.8
<i>Russell 1000 Growth</i>			-2.7	1.4	15.8
BlackRock Russell 1000 Value	93,603,045	4.5	-1.8	-2.8	5.6
<i>Russell 1000 Value</i>			-1.8	-2.8	5.5
Dodge & Cox-Equity	111,694,510	5.3	-3.2	-1.5	7.9
<i>Russell 1000 Value</i>			-1.8	-2.8	5.5
Capital Prospects	113,795,193	5.4	0.9	-1.9	8.7
<i>Russell 2000 Value</i>			1.2	-2.6	4.4
<b>International Equity</b>	<b>458,970,548</b>	<b>21.9</b>	<b>-1.6</b>	<b>-0.8</b>	<b>10.0</b>
<i>MSCI ACWI ex USA Gross</i>			-1.7	-1.1	10.4
LSV Asset Mgt	234,522,052	11.2	-1.7	-0.1	11.2
<i>MSCI ACWI ex USA Gross</i>			-1.7	-1.1	10.4
Fidelity	224,448,496	10.7	-1.4	-1.5	8.7
<i>MSCI ACWI ex USA Gross</i>			-1.7	-1.1	10.4
<b>US Fixed Income</b>	<b>415,739,638</b>	<b>19.9</b>	<b>0.3</b>	<b>-0.9</b>	<b>0.0</b>
<i>BBgBarc US Aggregate TR</i>			0.6	-1.5	-0.2
Insight	83,333,426	4.0	0.1	-1.0	-0.3
<i>BBgBarc US Govt/Credit 1-5 Yr. TR</i>			0.2	-0.5	-0.4
DFA	274,452,892	13.1	0.1	-0.8	--
<i>ICE BofAML 1-5 Yrs US Corp &amp; Govt TR</i>			0.2	-0.5	--
Northern Trust Intermediate Gov't Bond	43,272,865	2.1	0.5	-0.7	--
<i>BBgBarc US Govt Int TR</i>			0.5	-0.7	--
Northern Trust Long Term Gov't Bond	14,680,454	0.7	3.0	-3.2	--
<i>BBgBarc US Govt Long TR</i>			3.0	-3.2	--

	Current	%	Policy	%
Domestic Equity	\$607,161,207	29.0%	\$502,100,420	24.0%
International Equity	\$458,970,548	21.9%	\$502,100,420	24.0%
Domestic Fixed Income	\$415,739,638	19.9%	\$460,258,718	22.0%
Real Estate	\$191,837,103	9.2%	\$196,655,998	9.4%
Alternatives	\$395,473,032	18.9%	\$410,048,676	19.6%
Cash and Equivalents	\$22,903,556	1.1%	\$20,920,851	1.0%
<b>Total</b>	<b>\$2,092,085,084</b>	<b>100.0%</b>	<b>\$2,092,085,084</b>	<b>100.0%</b>



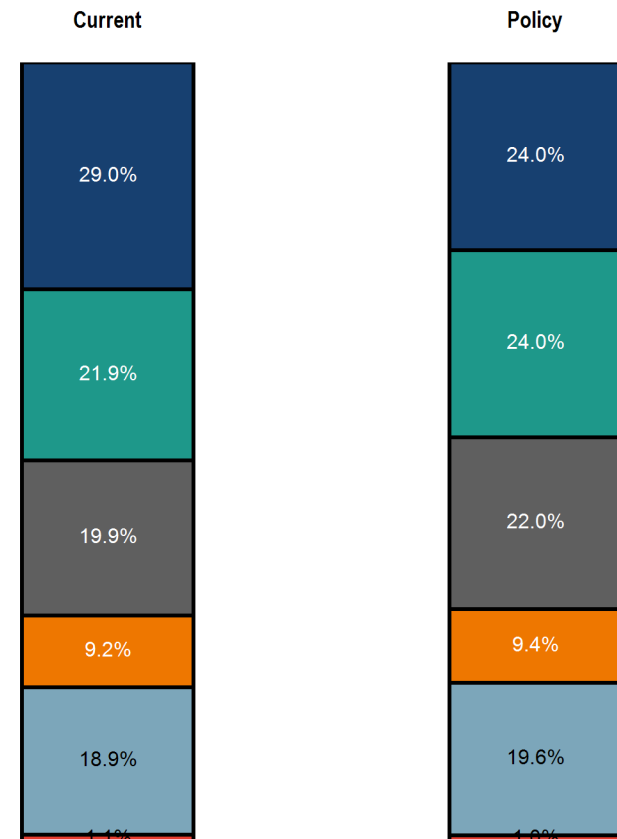
Policy Index (7/1/2017): 18.5% Russell 1000, 5.5% Russell 2000, 24% MSCI ACWI ex-USA, 19% BBgBarc US Gov't/Credit 1-3 Yr, 3% BBgBarc US Treasury 7-10 Yr, 7.7% NCREIF Property, 1.7% NCREIF Property +2%, 0.6% CPI +5%, 5% BBgBarc US High Yield +2%, 14% 60% MSCI ACWI / 40% BBgBarc Global Aggregate, 1% Citi 1 Month T-Bills. Jackson Square residual value of \$120,838.27 included in Total Fund market value. All data is preliminary.

# Total Fund Flash Report (Net of Fees) - Preliminary

Period Ending: March 31, 2018

	Market Value	% of Portfolio	1 Mo	YTD	Fiscal YTD
<b>Real Estate</b>	<b>191,837,103</b>	<b>9.2</b>	<b>2.8</b>	<b>-4.0</b>	<b>-0.6</b>
DJ US Select RESI			3.9	-7.4	-5.2
Prime Property Fund	18,735,473	0.9	2.0	2.0	6.5
NCREIF-ODCE			0.0	0.0	4.0
American Strategic Value Realty	25,799,133	1.2	0.0	0.0	4.5
NCREIF Property Index			1.8	1.8	5.4
BlackRock US Real Estate	132,251,328	6.3	3.9	-7.4	-5.2
DJ US Select RESI TR USD			3.9	-7.4	-5.2
Greenfield Gap	15,051,170	0.7			
<b>Direct Lending</b>	<b>92,704,663</b>	<b>4.4</b>			
Medley Capital	18,290,986	0.9			
Raven Capital	15,183,481	0.7			
Raven Opportunity III	28,380,884	1.4			
White Oak Pinnacle	30,849,312	1.5			
<b>Risk Parity</b>	<b>280,086,466</b>	<b>13.4</b>	<b>0.9</b>	<b>-1.9</b>	<b>--</b>
60% MSCI ACWI Net/40% BBgBarc Global Aggregate			-0.7	0.1	--
AQR Global Risk Premium - EL	140,676,181	6.7	--	--	--
60% MSCI ACWI Net/40% BBgBarc Global Aggregate			--	--	--
PanAgora Risk Parity Multi Asset	139,410,285	6.7	1.3	-1.6	--
60% MSCI ACWI Net/40% BBgBarc Global Aggregate			-0.7	0.1	--
<b>Infrastructure</b>	<b>22,681,903</b>	<b>1.1</b>			
MS Infrastructure Partners II	22,681,903	1.1			
Cash Account	22,903,556	1.1	0.0	0.3	0.7

	Current	%	Policy	%
Domestic Equity	\$607,161,207	29.0%	\$502,100,420	24.0%
International Equity	\$458,970,548	21.9%	\$502,100,420	24.0%
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Cash and Equivalents	\$22,903,556	1.1%	\$20,920,851	1.0%
<b>Total</b>	<b>\$2,092,085,084</b>	<b>100.0%</b>	<b>\$2,092,085,084</b>	<b>100.0%</b>



Policy Index (7/1/2017): 18.5% Russell 1000, 5.5% Russell 2000, 24% MSCI ACWI ex-USA, 19% BBgBarc US Gov't/Credit 1-3 Yr, 3% BBgBarc US Treasury 7-10 Yr, 7.7% NCREIF Property, 1.7% NCREIF Property +2%, 0.6% CPI +5%, 5% BBgBarc US High Yield +2%, 14% 60% MSCI ACWI / 40% BBgBarc Global Aggregate, 1% Citi 1 Month T-Bills. Jackson Square residual value of \$120,838.27 included in Total Fund market value. All data is preliminary.

## Disclaimer

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## Stanislaus County Employees' Retirement Association

832 12th Street, Ste. 600, Modesto, CA 95354 • PO Box 3150, Modesto, CA 95353 • [www.stancera.org](http://www.stancera.org) • 209-525-6393 • 209-558-4976 Fax

**April 24, 2018**

Retirement Board Agenda Item

TO: Retirement Board

FROM: Kellie Gomes, Executive Board Assistant

- I. SUBJECT: SACRS 2018 Spring Business Meeting
- II. ITEM NUMBER: 8.a
- III. ITEM TYPE: Discussion and Action
- IV. STAFF RECOMMENDATION: None
- V. ANALYSIS: Each year in May, the SACRS (State Association of County Retirement Systems) elects members to serve as President, Vice President, Treasurer and Secretary for the next fiscal year. The Constitution of SACRS states that "the purpose of the Association is to provide forums for disseminating knowledge of, and developing expertise in, the 1937 Act retirement systems; and further, that the Association foster and take an active role in the legislative process as it affects SACRS retirement systems".

Today you are being asked to direct the voting delegates appointed at the previous board meeting to vote for StanCERA during the 2018 Spring SACRS Business Meeting. SACRS has asked you to please prepare your voting delegate to have the ability to vote by recommended ballot and by each position separately

**SACRS Nominating Committee Recommended Ballot:**

- Dan McAllister, San Diego CERA President
- Vivian Gray, Los Angeles CERA Vice President
- Harry Hagen, Santa Barbara, CERS Treasurer
- Kathryn Cavness, Mendocino CERA Secretary
- Roger Hilton, Orange CERS Regular Member
- Chris Cooper, Marin CERA Regular Member

**Additional Candidates Submitted:**

- Larry Walker, San Bernardino CERA Regular Member

Attached is the proposed ballot information as well as the business packet (on line only).

- VI. RISK: None
- VII. STRATEGIC PLAN: Strategic Objective IV: Refine StanCERA's business and policy practices in ways that enhance stakeholder awareness, the delivery of member services and the ability of the Organization to administer the System effectively and efficiently\*
- VIII. ADMINISTRATIVE BUDGET IMPACT: NONE

  
Kellie Gomes, Executive Board Secretary

  
Rick Santos, Executive Director



March 26, 2018

To: SACRS Trustees & SACRS Administrators/CEO's  
From: Ray McCray, SACRS Immediate Past President, Nominating Committee Chair  
SACRS Nominating Committee  
Re: SACRS Board of Director Elections 2018-2019 Elections – Recommended Ballot

---

SACRS BOD 2018-2019 election process began January 2018. Per the SACRS Bylaws, please distribute the recommended ballot to your Board of Trustees. Elections will be held during the Annual Business meeting on Friday, May 18, 2018 at the Anaheim Marriott, Anaheim, CA.

**SACRS Bylaws Election Schedule**

DEADLINE	DESCRIPTION
March 1, 2018	Any regular member may submit nominations for the election of a Director to the Nominating Committee, provided the Nominating Committee receives those nominations prior to the first Business Day after March 1 of each calendar year. Nominations shall not be accepted from the floor on the day of the election.
March 25, 2018	The Nominating Committee will report a final ballot to each regular member County Retirement System prior to March 25
May 18, 2018	Nomination Committee to conduct elections during the SACRS Business Meeting at the Spring Conference (May 15-18, 2018)
May 18, 2018	Board of Directors take office for 1 year

**Per SACRS Bylaws, Article VIII, Section 1. Board of Director and Section 2. Elections of Directors:**

**Section 1. Board of Directors.** *The Board shall consist of the officers of SACRS as described in Article VI, Section 1, the immediately Past President, and two (2) regular members.*

- A. *Immediate Past President. The immediate Past President, while he or she is a regular member of SACRS, shall also be a member of the Board. In the event the immediate Past President is unable to serve on the Board, the most recent Past President who qualifies shall serve as a member of the Board.*
- B. *Two (2) Regular Members. Two (2) regular members shall also be members of the Board.*

**Section 2. Elections of Directors.** *Any regular member may submit nominations for the election of a Director to the Nominating Committee, provided the Nominating Committee receives those nominations prior to the first Business Day after March 1 of each calendar year. Nominations shall not be accepted from the floor on the day of the election.*

*The Nominating Committee will report a final ballot to each regular member County Retirement System prior to March 25.*



*The Administrator of each regular member County Retirement System shall be responsible for communicating the Nominating Committee's recommended ballot and final ballot to each trustee and placing the election of SACRS Directors on his or her board agenda. The Administrator shall acknowledge the completion of these responsibilities with the Nominating Committee.*

*Director elections shall take place during the first regular meeting of each calendar year. The election shall be conducted by an open roll call vote, and shall conform with Article V, Sections 6 and 7 of these Bylaws.*

*Newly elected Directors shall assume their duties at the conclusion of the meeting at which they are elected, with the exception of the office of Treasurer. The incumbent Treasurer shall co-serve with the newly elected Treasurer through the completion of the current fiscal year.*

**SACRS Nominating Committee Recommended Ballot:**

- |                                    |                |
|------------------------------------|----------------|
| • Dan McAllister, San Diego CERA   | President      |
| • Vivian Gray, Los Angeles CERA    | Vice President |
| • Harry Hagen, Santa Barbara, CERS | Treasurer      |
| • Kathryn Cavness, Mendocino CERA  | Secretary      |
| • Roger Hilton, Orange CERS        | Regular Member |
| • Chris Cooper, Marin CERA         | Regular Member |

**Additional Candidates Submitted:**

- |                                     |                |
|-------------------------------------|----------------|
| • Larry Walker, San Bernardino CERA | Regular Member |
|-------------------------------------|----------------|

Please prepare your voting delegate to have the ability to vote by recommended ballot and by each position separately.

If you have any questions, please contact me at Ray McCray, [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or (209) 417-4472.

Thank you for your prompt attention to this timely matter.

Sincerely,

*Ray McCray*

Ray McCray, San Joaquin CERA Trustee  
SACRS Nominating Committee Chair

CC: SACRS Board of Directors  
SACRS Nominating Committee Members  
Sulema H. Peterson, SACRS Administrator







**SACRS Nomination Submission Form  
SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Dan McAllister
<b>Candidate Contact Information</b> (Phone Number, Email Address and Mailing Address <b>MUST</b> be included)	(619) 920-0608 (cell) (619) 531-5231 (office)
<b>Name of Retirement System Candidate Currently Serves On</b>	San Diego County Employees Retirement Association (SDCERA)
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Trustee, San Diego County Treasurer Tax Collector
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	<input checked="" type="radio"/> President <input type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
<b>Brief Bio</b>	Please see attached.

# Biography of Dan McAllister

San Diego County Treasurer-Tax Collector



Dan McAllister has served San Diego County residents since as the County's Treasurer-Tax Collector since 2002. He was re-elected to his fourth term in June 2014 by an overwhelming 99% majority of the vote. Dan oversees the collection of more than \$6 billion in property taxes each year, the management of more than \$10 billion in the County's Investment Pool, and the administration of the County's over \$1 billion defined contribution program. Since assuming office, he has worked extensively to improve customer service, enhance communications and outreach initiatives, and ensure the fiscal stability of the treasury. Under his direction, his office collected nearly 60% of property tax payments electronically for the first time, while maintaining a 99% collection rate for the past three years. He is also a strong advocate for diversity, a value reflected in his staff that comes from all walks of life

and backgrounds. His office now delivers service in 17 different languages.

As part of his duties, Dan serves as a member of the San Diego County Employees Retirement Association (SDCERA), which manages more than \$10 billion of investments; he also serves as President of CalTRUST, which manages a portfolio of \$2.8 billion. Additionally, he is a former chairman of the Board of Directors of the internationally recognized San Diego Convention Center Corporation. Prior to his election as San Diego County Treasurer-Tax Collector, Dan was a successful financial consultant and investment broker.

Dan contributes considerable time and resources to community service. He serves as Chair of the San Diego Unified School District's Special Audit and Finance Committee, and he is a participating member of the Boards of Directors of the Jackie Robinson YMCA; Habitat for Humanity, San Diego; and New Americans Museum, San Diego. McAllister's strong commitment and involvement in the community dates back to his service as a U.S. Peace Corps volunteer in the Western Pacific country of Micronesia.

A second-generation San Diegan, Dan has completed executive education programs in portfolio concepts and management at Stanford University and the University of Pennsylvania's Wharton School. He also holds a Bachelor's degree (BA) from California State University, Fresno, and a Master's degree in Business Administration (MBA) from United States International University.

February 26, 2018

Mr. Ray McRay  
Chairman  
Nominating Committee  
State Association of County Retirement Systems

Dear Mr. McRay,

This is to officially submit my name for consideration by the Nominating Committee for the office of SACRS President.

When I first ran for the Presidency, I pledged to continue to help move our organization forward with strong, inclusive leadership. I also spoke of my experiences and accomplishments as San Diego County Treasurer-Tax Collector; and of serving as a Trustee on the San Diego County Employees Retirement Association (SDCERA) Board and two successful terms as Board Chair.

Over the past four years, it has been my distinct honor and pleasure to serve on the SACRS Board, first as Treasurer and now as President. I am extremely proud of the work our board has completed during these years in an effort to improve our levels of customer service to our members. This past year for example the Board performed a comprehensive review and update of the Board Policies and Procedures. We added two new seats to the Board in an effort to be more inclusive and give more members an opportunity to serve on the Board. Additionally, we made strong efforts to add new people to a number of our standing committees.

Indeed, it has been a productive year for the Board and we have made a difference for the SACRS membership. Ours has been a team effort and one that can point to positive developments.

SACRS is a special organization and one that must continue to provide educational forums for disseminating information to Trustees and system staffs from all '37 Act counties. Additionally, SACRS must take an active role in the legislative process as it impacts county retirement systems.

As SACRS President for the coming year, I will continue to work collaboratively with the SACRS Board and Trustees statewide to ensure that our educational programs and conferences continue to be of the highest quality and content.

With your support and nomination, I would be honored to serve again as President of SACRS. Thank you in advance for your careful and positive consideration of my candidacy for re-election.

Sincerely,



Dan McAllister  
President





### SACRS Nomination Submission Form SACRS Board of Directors Elections 2018-2019

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	VIVIAN GRAY
<b>Candidate Contact Information (Phone Number, Email Address and Mailing Address MUST be included)</b>	Viviangray@aol.com, Vgray@lacera.com 300 N. Lake Ave., Ste. 820 Pasadena, CA 91101 Phone: (213) 440-0142
<b>Name of Retirement System Candidate Currently Serves On</b>	Los Angeles County Employees Retirement Association (LACERA)
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Chair, Board of Retirement <a href="http://www.lacera.com/about_lacera/bor/gray.html">http://www.lacera.com/about_lacera/bor/gray.html</a>
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	<input type="radio"/> President <input checked="" type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
<b>Brief Bio</b>	<ul style="list-style-type: none"> <li>• Chair, LACERA Board of Retirement</li> <li>• Chair, SACRS Bylaws Committee</li> <li>• Elected general member trustee since 2012               <ul style="list-style-type: none"> <li>34 years of service to Los Angeles County</li> <li>10 years in Law Enforcement</li> <li>24 years as an attorney for Los Angeles County</li> </ul> </li> <li>• 6 years in private law practice</li> <li>• Education/Pension Trustee Certificates               <ul style="list-style-type: none"> <li>- Bachelors of Arts: UCLA</li> <li>- JD: UWLA</li> <li>- New York Law School - Public Pension Trustee Fiduciary Program</li> <li>- Stanford Law School (CALAPRS) - Principles of Pension Management</li> <li>- Harvard Law School Program - Trustee Work Life</li> <li>- UC Berkeley (SACRS) - Modern Investment Theory &amp; Practice for Retirement Systems</li> <li>- IFEBP - Trustee Masters Program</li> <li>- NCPERS - Public Pension Funding Forum</li> <li>- Wharton Business School - Portfolio Concepts and Management (Pending)</li> <li>- National Assoc. of Corporate Directors (NACD) Board Leadership Fellow (Pending)</li> </ul> </li> </ul>

# VIVIAN GRAY

300 N. LAKE AVENUE, SUITE 820 ~PASADENA, CA 91101 ~ VGRAY@LACERA.COM

February 27, 2018

VIA EMAIL

SACRS Nominating Committee  
Mr. Ray McCray, Chair

Dear Mr. McCray:

I would like to express my interest in becoming SACRS' Vice President for 2018/2019.

For the past three years, I have been honored to serve SACRS and its members as Chair of the Bylaws Committee and been member of the Program Committee. I have worked diligently with committee members and the SACRS Board of Directors, Administrative staff and membership to move the SACRS organization forward.

I have attended almost all of SACRS BOD meetings as the Bylaws Chair in order to advise or interpret the bylaws when needed. I believe in the BOD's team concept of management and its mission to include all members to take part in keeping SACRS relevant in the pension environment.

Through continuing its strong leadership, SACRS can become the premier entity in the direct education of trustees. I believe SACRS is a viable organization within the retirement system community. We have secured a presence not only in our CERL 37 Act Systems, but are gaining headway and recognition beyond CERL.

Your consideration of me for vice president would be an honor.

I have attached the SACRS Nomination Form containing my brief bio.

Sincerely,

*Vivian Gray*

Vivian Gray

cc: Sulema Peterson, SACRS







**SACRS Nomination Submission Form  
SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Harry E. Hagen
<b>Candidate Contact Information</b> (Phone Number, Email Address and Mailing Address MUST be included)	- 805-568-2490 - hhagen@co.santa-barbara.ca.us - Harry E. Hagen, Treasurer - Taxcollector - PA - PG P.O. Box 579 Santa Barbara, CA 93102-0579
<b>Name of Retirement System Candidate Currently Serves On</b>	Santa Barbara, SBCERS
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Chair, ex-officio member
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	<input type="radio"/> President <input type="radio"/> Vice President <input checked="" type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
<b>Brief Bio</b>	See Attachment

Harry E. Hagen  
Bio for SACRS Nomination Submission Form

I am the current Santa Barbara County Treasurer-Tax Collector-Public Administrator. I was first elected in 2010 and am currently serving in my second four-year term.

I am responsible for overseeing and investing a \$1.5 billion investment pool for local schools, general County government, and special districts. I manage the collection of taxes and general collections, administer Public Administrator estates and Public Guardian conservatorships, and oversee Veterans' Services programs. My duties also include serving as Chair of the County Debt Advisory Committee, implementing and managing the County's municipal financing program, and administering the County's deferred compensation program.

I hold a Bachelor's degree in Business Economics from UCSB, am a 26-year California Certified Public Accountant, and have completed the Certificate in Public Treasury Management from USC. Additionally, I have earned the designations of Certified Public Finance Officer from the Government Finance Officers Association, Advanced Certified Public Funds Investment Manager from the Association of Public Treasurers, and Certified Fixed Income Practitioner from the Fixed Income Academy.

February 2, 2018

To Ray McCray , SACRS Nominating Committee Chair,

I would like to continue serving on the SACRS Board of Directors and am submitting my letter of intent to run for the position of Treasurer.

I believe I am well qualified for the position based upon my educational and work experience. I am a 22-year employee of Santa Barbara County and the current Chair of the Santa Barbara County Employees Retirement System. I have served as the ex-officio member of SBCERS for over 7 years. I was also an alternate member to the Board for eight years as the Assistant Treasurer-Tax Collector-Public Administrator.

Should you have any questions, please don't hesitate to call me directly.

Thank you for your consideration.



Harry E. Hagen, CPA, CPFO, CFIP, ACPFIM  
Treasurer-Tax Collector-Public Administrator-Public Guardian  
County of Santa Barbara  
(805) 568-2490  
hhagen@co.santa-barbara.ca.us





**SACRS Nomination Submission Form  
SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Kathryn Cavness
<b>Candidate Contact Information (Phone Number, Email Address and Mailing Address MUST be included)</b>	Home Phone: 707-459-2215; Email: <a href="mailto:k24u2figure@gmail.com">k24u2figure@gmail.com</a> Office Phone: 707-463-4194; Email: <a href="mailto:cavnessk@mendocinocounty.org">cavnessk@mendocinocounty.org</a> Cell Phone: 707-354-8105 Home Address & Mailing: 6500 Ridgewood Road, Willits, CA 95490 Work Mailing Address: PO Box 1000, Ukiah, CA 95482
<b>Name of Retirement System Candidate Currently Serves On</b>	Mendocino County Employees Retirement System
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Vice Chair, General Elected Member
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	Secretary
<b>Brief Bio</b>	Kathryn Cavness has been serving as Trustee and representative of the General Membership on the Mendocino County Employees Retirement Association Board since December 1, 2014. She has been a member of the MCERA Audit and Budget Committee since 2014 and was elected Vice Chair of the Board on December 14, 2016. Kathryn is currently serving her first year as Secretary on the State Association of County Retirement Systems (SACRS) Board of Directors. Her objectives as Secretary encompass representing the 1937 Act retirement systems and reaching out to trustees to attain greater participation in SACRS activities. Meaningful events designed for Trustees include the SACRS Spring and Fall Conferences, and the UC Berkeley Educational Program's Executive Education Courses. Other opportunities for Trustees include joining and participating in the SACRS' Educational, Legislative, Program, and Bylaws Committees. Kathryn Cavness is currently filling the position of Administrative Services Manager for the Mendocino County District Attorney's Office. Prior to this, Kathryn enjoyed an extensive career in budget and finance, and holds a MBA/Accounting.

Ray McCray, SACRS Nominating Committee Chair  
SACRS Nominating Committee

February 10, 2018

Dear Ray and Nominating Committee Members,

Please accept my letter of intent to run as Secretary in the SACRS Board of Directors officers' election for the 2018-19. I am currently serving as SACRS Board of Directors Secretary throughout the 2017-18 fiscal year. I also serve as the Vice Chairwoman of the Mendocino County Employees Retirement Association.

My interest in seeking the position of Secretary for a second term is to continue working together with the highly effective SACRS Board in achieving common goals. My focus will be on adding value for Trustees by expanding growth and positive outcomes, increasing diversity, and providing educational opportunities through boosting attendance at the UC Berkeley Educational Program. I will continue working to increase Trustee participation in SACRS Conferences and expand membership in SACRS Committees.

As the Mendocino County Employee Retirement Association Vice Chairwoman and trustee of the smallest rural county system in northern California, I welcome the opportunity to represent the smaller systems as well as all SACRS members.

My education and professional experience provides qualifications ideally suited for taking on the responsibilities of Secretary of the SACRS Board of Directors:

- SARCS Board of Directors Secretary FY 2017/18
- Vice Chairwoman on the MCERA Board and Auditing Committee
  - Public Pension Investment Management Program/ Modern Investment Theory and Practice for Retirement Systems
    - UC Berkeley Hass School of Business
  - Advanced Principles of Pension Management for Trustees
    - UCLA Anderson School of Management
  - Principles of Pension Management for Trustees
    - Pepperdine University, Graziadio Business School
- County of Mendocino District Attorney's Office Administrative Services Manager with Emphasis on Finance & Budget
- Master's Degree in Business Administration with Emphasis on Finance & Accounting

Sincerely,



Kathryn Cavness,  
SACRS BOD Secretary,  
Mendocino CERA Vice Chairwoman







**SACRS Nomination Submission Form  
SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Christopher C. Cooper
<b>Candidate Contact Information</b> (Phone Number, Email Address and Mailing Address MUST be included)	(415) 827-0772 <a href="mailto:Chriscooperinmarin@yahoo.com">Chriscooperinmarin@yahoo.com</a> 756 Del Ganado Road San Rafael, CA 94903
<b>Name of Retirement System Candidate Currently Serves On</b>	Marin County Employees' Retirement Association
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Elected Safety Trustee
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	<input type="radio"/> President <input type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input checked="" type="radio"/> Regular Member
<b>Brief Bio</b>	<p>I am a Fire Captain/Paramedic in the City of San Rafael and have served on the MCERA Board since 2012. I serve on the Investment Committee and Chair the Governance Committee.</p> <p>I am a Graduate of U.C. Berkeley (Political Economy of Industrial Societies, 1995) and served in the U.S. Army for eight years (active and reserve) as a Mandarin Chinese Linguist Interrogator. I live in San Rafael with my wife and two children (16 and 12).</p>

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## CHRISTOPHER C. COOPER

415-827-0772  
chriscooperinmarin  
@yahoo.com

756 Del Ganado Rd.  
San Rafael, CA  
94903

February 27, 2018

SACRS Nominating Committee  
1415 L Street, Suite 1000  
Sacramento, CA 95814

Committee Members,

Please accept this Letter of Intent as well as the attached Nomination Submissions Form for the position of Regular Member of the SACRS Board of Directors Elections 2018-2019. I have attended SACRS Conferences since my first in Fall 2013 and have always enjoyed the strong education opportunities as well as meeting other California Trustees. I would like to step up to a leadership position in SACRS to help the organization continue to provide education and insight to those entrusted with managing CA pension funds.

I am a Fire Captain/Paramedic with the City of San Rafael and have served on the MCERA Board since 2012. I serve on the Investment Committee and Chair the Governance Committee. I am a graduate of U.C. Berkeley and an Army Veteran. I have worked in a large corporation as a buyer and have owned a small retail business. I live in San Rafael with my wife Lisa and two children Calvin and Lucy (16,12). Thanks for your consideration. I look forward to seeing you at the Spring Conference.

Sincerely yours,

Christopher C. Cooper





**SACRS Nomination Submission Form**  
**SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Roger Hilton
<b>Candidate Contact Information</b> (Please include – Phone Number, Email Address and Mailing Address)	(714) 325-9295, <a href="mailto:rhilton@ocers.org">rhilton@ocers.org</a> , <a href="mailto:roger@aocds.org">roger@aocds.org</a>  2223 East Wellington Ave. Suite 100 Santa Ana, CA 92701
<b>Name of Retirement System Candidate Currently Serves On</b>	Orange County Employees Retirement System (OCERS)
<b>Current Position On Candidates Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Elected Safety Member
<b>Applying for SACRS Board of Directors Position (select only one)</b>	<ul style="list-style-type: none"><li><input type="radio"/> President</li><li><input type="radio"/> Vice President</li><li><input type="radio"/> Treasurer</li><li><input type="radio"/> Secretary</li><li><input type="radio"/> Regular Member</li></ul>

<p><b>Brief Bio</b></p>	<ul style="list-style-type: none"> <li>❑ OCERS: served as Chairman of the board, chair of the Investment Committee, and have chaired several committees, elected 2012 - Present.</li> <li>❑ Association of Orange County Deputy Sheriffs (AOCDS) Board of Directors: Currently serving as Vice President and Political Action Chairman, 2011 - Present.</li> <li>❑ Trustee on Medical and Benefits Trusts, 2011 - Present.</li> <li>❑ Trustee on Fraternal Order of Police, Lodge 18, 2011- Present.</li> <li>❑ Association of Deputy Marshals Board of Directors, 1992-2000 – Served as President 1996-2000, Treasurer 1993-1996.</li> <li>❑ Public Pension Trustee certificates: <ul style="list-style-type: none"> <li>-Modern Investment Theory &amp; Practice – UC Berkeley;</li> <li>-Portfolio concepts and Management -Wharton School of Business;</li> <li>-Certificate in Public Plan Policy I and II;</li> <li>-Principles of Pension Management - Stanford University;</li> <li>-Advanced Principles of Pension Management - UCLA;</li> <li>-Labor and Worklife Program, Harvard Law School</li> </ul> </li> </ul>
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January 15, 2018

2223 East Wellington Ave. Suite 100  
Santa Ana, CA 92701

Ray McCray, SACRS Nominating Committee Chair

Dear Mr. McCray:

Please accept this letter as my intent to run for the Board of Directors for the position of Regular Member. I would request that my name be included in the 2018-2019 SACRS Nomination Slate at the upcoming elections in May 2018.

I believe my years of experience leading employee labor organizations and the OCERS Board of Retirement have uniquely prepared me for this challenge. I have over 28 years of experience in law enforcement, 25 years serving in the leadership of employee labor organizations, and over 5 years on the OCERS Board of Retirement. My experience is further outlined on the Nomination Submission form attached to this letter.

Since elected to OCERS, I have made it a point to attend the SACRS conferences. Through these conferences, I have learned a great deal about pensions and have found many friends and mentors. I believe that SACRS is the most effective and important conference '37 Act trustees should attend, because of its relevant content and top-notch presenters. My primary goal is to keep SACRS as the premier public pension organization. I plan to utilize my extensive leadership experience by reaching out to and communicating with our members so they fully understand the many benefits of SACRS. My focus will be on continuing successful conferences and keeping SACRS a professional organization.

It would be an honor to serve on the SACRS Board of Directors and I appreciate the consideration.

Sincerely,



Roger Hilton

OCERS Board of Directors







**SACRS Nomination Submission Form  
SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Larry Walker
<b>Candidate Contact Information</b> (Phone Number, Email Address and Mailing Address <b>MUST</b> be included)	909-628-8000 <a href="mailto:larry@larrywalker.us">larry@larrywalker.us</a> PO BOX 968 Chino, CA 91708
<b>Name of Retirement System Candidate Currently Serves On</b>	San Bernardino County Employees' Retirement Assn.
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Alternate Ex Officio Member
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	<input type="radio"/> President <input type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input checked="" type="radio"/> Regular Member      Regular Member
<b>Brief Bio</b>	2010-present      SBCERA Board of Trustees 2010-11; 2013-14      Managing Trustee 2012; 2015-16      Chair, Investment Committee  2016-17      SACRS Treasurer 2015-present      SACRS legislative Committee  <div style="border-top: 1px solid black; padding-top: 5px;">           San Bernardino County:            2010-16      Treasurer, Tax Collector            1998-2016      Auditor-Controller            1998-2010      Recorder, County Clerk            1986-1998      County Supervisor             1981-2001      United States Naval Reserve                             LCDR, JAGC, USNR      Navy Reserve Medal                             Naval Unit Commendation      Sharpshooter Ribbon         </div>

Larry Walker  
POB 968  
Chino, CA 91708  
[larry@larrywalker.us](mailto:larry@larrywalker.us)  
909-628-8000

Mr. Ray McCray  
Chair, Nominating Committee, SACRS  
[delivered as e-mail attachment]:  
[raym1@sbcglobal.net](mailto:raym1@sbcglobal.net)

February 19, 2018

Subj: Candidacy for SACRS Board of Directors – Regular Member

Dear Mr. McCray: 


I am pleased to submit my name in nomination for the position of Regular Member of the SACRS Board of Directors. I support the decision the organization has made to expand the board's membership, and I believe I am highly qualified to fill one of the new positions.

I thoroughly enjoyed the year I served as Treasurer and member of the SACRS Board of Directors. We made substantial accomplishments in leading the management of our organization, including the improvement of our information systems and our web presence. We also established a very positive working relationship among board members, staff, and local systems. I am committed to doing whatever I can to assure that that effort continues.

Attached is my application, on the form provided by SACRS. I am also attaching my current resume', in case further detail is helpful. I have served as a member of San Bernardino County Employees' Retirement Association for eight years, including three years as Chair of our Investments Committee. I have also stepped up as Managing Trustee during vacancies in our CEO position which totaled one and one-half years.

I served as an elected official for thirty-eight years, including seventeen as a county department head. I have helped lead statewide associations such as SACA (County Auditors) and CRAC (County Recorders), and my previous service on the SACRS board was focused on service to our members and unity of action by our leaders. I am confident that I am prepared to make a substantial contribution to the success of SACRS in the coming year.

Thank you and the committee for your consideration.

Sincerely, 

Larry Walker

Cc: Sulema Peterson Administrator, SACRS [sulema@sacrs.org](mailto:sulema@sacrs.org)



## SACRS Business Meeting Packet

Friday, May 18, 2018

10:00 AM - Upon Adjournment

Anaheim Marriott, Anaheim, CA



SACRS Business Meeting Agenda  
Friday, May 18, 2018  
10:00 AM - Upon Adjournment  
Anaheim Marriott  
Anaheim, CA

SACRS Parliamentarian – Lance Kjeldgaard  
Sergeant at Arms – Bob Goodchild, San Diego CERA

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**1. SACRS System Roll Call**

Kathryn Cavness, SACRS Secretary

**2. Secretary's Report - Receive and File**

Kathryn Cavness, SACRS Secretary

- A. November 2017 SACRS Business Meeting Minutes

**3. Treasurer's Report - Receive and File**

Harry Hagen, SACRS Treasurer

- A. July 2017 – February 2018 Financials

**4. SACRS President Report - No Action**

Dan McAllister, SACRS President

- A. SACRS President Update

**5. SACRS Legislative Committee Update - No Action**

Tracy Towner, SACRS Legislative Committee Chair

- A. 2018 Legislative Update

**6. SACRS Nomination Committee - 2018-2019 SACRS BOD Elections - Vote**

Ray McCray, Nomination Committee Chair

- A. SACRS BOD 2018 – 2019 Ballot

**7. SACRS Audit Report – No Action**

Steve Delaney, SACRS Audit Committee Chair

- A. SACRS Audit Committee Update



**8. SACRS Education Committee Report – No Action**

Christie Porter, SACRS Education Committee Chair

- A. SACRS Spring Conference Evaluations 2018

**9. SACRS Program Committee Report – No Action**

Gabe Rodrigues, SACRS Program Committee Chair

- A. SACRS Spring Conference Report 2018

**10. SACRS Affiliate Committee Report – No Action**

Lesley Nettles, SACRS Affiliate Committee Chair

- A. Affiliate Committee Update

**11. SACRS Bylaws Committee Report – No Action**

Vivian Gray, SACRS Bylaws Committee Chair

- A. Bylaws Committee Update

**12. SACRS Fall Conference Breakout Reports – No Action**

A representative from each breakout will give report on their meetings.

- A. Administrators
- B. Counsel
- C. Disability/ Operations & Benefits Combo
- D. Internal Auditors
- E. Investment Officers
- F. Safety Trustees
- G. General Trustees

**13. Adjournment**

Next scheduled SACRS Association Business Meeting will be held Friday, November 16, 2018 at the Indian Wells Renaissance Hotel and Spa in Indian Wells, CA.



## **1. SACRS System Roll Call**

Kathryn Cavness, SACRS Secretary





1. SACRS System Roll Call  
Kathryn Cavness, SACRS Secretary

System	In Attendance	Absent	Delegate/Alternate Name
Alameda			
Contra Costa			
Fresno			
Imperial			
Kern			
Los Angeles			
Marin			
Mendocino			
Merced			
Orange			
Sacramento			
San Bernardino			
San Diego			
San Joaquin			
San Mateo			
Santa Barbara			
Sonoma			
Stanislaus			
Tulare			
Ventura			
<b>Total</b>			



## **2. Secretary's Report - Receive and File**

Kathryn Cavness, SACRS Secretary

### **A. November 2017 SACRS Business Meeting Minutes**



## **SACRS Business Meeting Minutes**

Friday, November 17, 2017

10 am-Adjournment

Hyatt Regency San Francisco Airport Hotel, Burlingame, CA

SACRS Parliamentarian – Lance Kjeldgaard

Sergeant at Arms – Bob Goodchild, San Diego CERA

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Meeting called to order at 10:08 am by Dan McAllister, SACRS President

Board members present:

Gabe Rodrigues, Kathryn Cavness, Dan McAllister, Harry Hagen, Ray McCray

### **1. SACRS County Roll Call**

Kathryn Cavness, SACRS Secretary

### **20 Systems Present**

Alameda, Contra Costa, Fresno, Imperial, Kern, Los Angeles, Marin, Mendocino, Merced, Orange, Sacramento, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Barbara, Sonoma, Stanislaus, Tulare and Ventura

### **2. SACRS Secretary's Report – Receive and File**

- Spring 2017 SACRS Business Meeting Minutes

**Motion:** A motion to receive and file the SACRS Fall 2016 Business Meeting Minutes was made by Orange.

**2nd:** Fresno

**Yes:** Alameda, Contra Costa, Fresno, Imperial, Kern, Los Angeles, Marin, Mendocino, Merced, Orange, Sacramento, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Barbara, Sonoma, Stanislaus, Tulare, Ventura.

**No:** 0

**Motion Passed**

\*An announcement was made by the Parliamentarian that because the item is a "Receive and File" item no vote was necessary. However, since the membership entertained the motion, the action stands.

### **3. SACRS Treasurer's Report – Receive and File**

Harry Hagen, SACRS Treasurer

- SACRS Financials July – August 2017



- SACRS Annual Budget 2017-2018

**Action:** An announcement was made by the Parliamentarian that because the item is a “Receive and File” action item, no vote was needed. However, the President asked for a voice call of “YES” if the members agreed to “Receive and File” the Treasurers report. All responses were “YES”, item was received and filed.

#### **4. Board of Director’s Report – No Action**

Dan McAllister, SACRS President

- Verbal Update. No action taken

#### **5. SACRS Legislative Report & Legislative Proposals 2018 – Action Item**

Tracy Towner, Legislative Committee Chair

- Ventura #1- This proposal would add a provision to County Employees Retirement Law (CERL) to define “surviving spouse” so as to include only a spouse who is legally married to the member, is neither divorced nor legally separated from the member, has lived with the member continuously from the date of marriage to the date of the member’s death, and who meets all other requirements of CERL pertaining to the length of the marriage and the spouse’s age at the time of the member’s death

**Recommendation:** The Committee voted to recommend that SACRS sponsor legislation to define “surviving spouse” so retirement systems are not confused by the conflicting case law. The Committee did recommend a modified version of the proposed language.

**Motion:** A motion to approve and accept the recommendation of the Legislative Committee to sponsor legislation to define “surviving spouse” with a modified version of the proposed language was submitted by Contra Costa.

**2<sup>nd</sup>:** Ventura

**Yes:** Alameda, Contra Costa, Imperial, Kern, Merced, Orange, San Bernardino, San Diego, San Joaquin, San Mateo, Sonoma, Tulare, Ventura

**No:** Los Angeles, Marin, Sacramento, Santa Barbara, Stanislaus

**Abstain:** Fresno, Mendocino

**Motion Passed 13-5-2**



- Ventura #2 – This proposal would require an application for disability retirement to be filed within four months after the applicant knows or should have known that his or her illness or injury has become permanent. The proposal is intended to address a recent court case where a member waited eight years after discontinuance of service to file for disability retirement.

**Recommendation:** The Committee voted to recommend that SACRS not sponsor legislation reflecting this proposal.

**Motion:** A motion to approve the recommendation of the Legislative Committee to NOT sponsor legislation that would require an application for disability retirement to be filed within four months after the applicant knows or should have known that his or her illness or injury has become permanent was submitted by Stanislaus.

**2<sup>nd</sup>:** San Diego

**Yes:** Alameda, Contra Costa, Fresno, Imperial, Kern, Los Angeles, Marin, Mendocino, Merced, Orange, Sacramento, San Bernardino, San Diego, San Joaquin, San Mateo, Sonoma, Santa Barbara, Sonoma, Stanislaus, Tulare, Ventura

**No:** Ventura

**Motion Passed 19-1**

- Tulare #1- Current law allows San Diego, Sacramento, Kern, San Joaquin, and Marin

retirement systems the authority to exclude assistant administrators and chief investment officers from civil service. Employees working in these positions serve at the pleasure of, and may be dismissed at the will of, the appointed retirement board. Tulare CERA proposed legislation to apply this law to all 1937 Act Systems.

**Recommendation:** The Committee voted to recommend that SACRS not sponsor legislation reflecting this proposal. However, they voted to recommend SACRS support legislation that provides this authority to Tulare CERA if they introduced a Tulare CERA specific bill.

**Action:** This item was pulled from the agenda by the author.

## **6. SACRS Audit Committee Report – Receive and File**

Steve Delaney, SACRS Audit Committee Chair

- SACRS Annual 2015-2016 Audit

**Action:** An announcement was made by the Parliamentarian that because the item is a “Receive and File” action item, no vote was needed. However, the President asked for a voice call of “YES” if the members agreed to “Receive and File” the Audit report.



All responses were a “YES. Item was received and filed. Please contact office for full audit report or the Spring 2018 Conference Business meeting information for a copy.

## **7. SACRS Bylaws Committee Report – Action Item**

Vivian Gray, SACRS Bylaws Committee Chair

- SACRS Board of Directors proposed Bylaw amendments

**Motion:** A motion to approve the proposed Bylaw amendments submitted by SACRS Board of Directors was submitted by Fresno.

**Discussion:** SACRS attorney Marilyn Jacobs was on hand to answer questions that the member systems had –

- Use of the term “slate” vs “ballot”- Keeping consistency throughout the bylaws.
- Process for the new board members “other names” – The information provided to the Systems will include all names that are been submitted, including those not recommended.
- Information for candidates, due diligence by committee – The committee will require that interested candidates include a biography, candidate letter of interest and an application form that identifies their system, trustee status and contact information.
- New training packet/information for Board members - General members will have voting rights on the board and assigned tasks by President. A training day will be designated to assist in educating the new Board members on all items SACRS related.

**2<sup>nd</sup>:** Tulare

**Yes:** Alameda, Contra Costa, Fresno, Imperial, Kern, Los Angeles, Marin, Mendocino, Orange, Sacramento, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Barbara, Sonoma, Tulare, Ventura

**No:** Merced

**Abstain:** Stanislaus

**Motion Passes:** 18-1-1

## **8. SACRS Education Committee Report – No Action**

Christie Porter, SACRS Education Committee Chair

- SACRS Fall Conference Evaluations 2017

A verbal update was provided by Christie Porter, Christie reported that the committee received great feedback on the conference, thanked staff for their help. Sean Spicer was well received and many positive comments on the sessions offered.



## **9. SACRS Program Committee Report – No Action**

Gabe Rodrigues, SACRS Program Committee Chair

- SACRS Fall Conference 2017

A verbal update was provided by Gabe Rodrigues, Gabe thanked the committee members for a great conference. Encouraged attendees to submit potential topics and speaker ideas to the committee for the Spring 2018 conference.

## **10. SACRS Affiliate Committee Report – No Action**

Michael Keough, SACRS Affiliate Committee Chair

- Affiliate Committee Update

A verbal update was provided by Mike Keough, Mike reported that the group had a great turn out for their breakout, kudos to George Sands for his coordination of the session.

## **11. SACRS Nomination Committee Report – No Action**

Ray McCray, SACRS Nomination Committee Chair

- Update on 2018-2019 Elections

A verbal and written report were provided by Ray McCray, Ray asked that all Systems review the upcoming election notice, the committee will be accepting nominations beginning January 1, 2018.

## **12. SACRS Fall Conference Breakout Reports – No Action**

A representative from each breakout gave a report on their meetings;

- Administrators – Johanna Schick reported that the session had 2 presenters and was well attended. Scott Jarvis will moderate the Spring 2018 session.
- Counsel – Karen Levy reported that the session was great, well attended and that Orange CERS would be moderating the Spring 2018 session.
- Internal Auditors – No report.
- Investment Officers – Nancy Calkins reported that the group discussed MCA and did not have a volunteer for the Spring 2018 session.
- Operations & Benefits/Disability Combo – Kathy Foster reported that the combined session was well received and that Carlos Barrios with Los Angeles CERA would be moderating the Spring 2018 session.
- Safety Trustees – Skip Murphy reported that Tracy Towner would be moderating the Spring 2018 session.
- General Trustees – Rusty Watts reported that the session had a great presentation from UC Berkeley on “How do investor biases affect the market?”. Discussion was lively and very informative.



### **13. Adjournment**

The conference was adjourned at 10:56 am by Dan McAllister SACRS President.

Next scheduled SACRS Association Business Meeting will be held Friday, May 18, 2018 at the Anaheim Marriott Hotel in Anaheim, CA.





### **3. Treasurer's Report - Receive and File**

Harry Hagen, SACRS Treasurer

#### **A. July 2017 – February 2018 Financials**

**STATE ASSOCIATION OF COUNTY RETIREMENT SYSTEMS****Balance Sheet**

As of February 28, 2018

	<u>Feb 28, 18</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
1000 - First Foundation Bank-Checking	443,649.97
1001 - BofA Interest Checking 4389	168,135.95
1002 - First Foundation Bank ICS Acct	<u>57,317.46</u>
Total Checking/Savings	669,103.38
Other Current Assets	
1099 - CalTrust - BlackRock TempFund	7,861.41
1100 - CalTrust - Medium Term	1,125,456.46
1104 - CalTrust - BlackRock FedFund	758,055.71
1201 - Deposits in Transit	<u>26,070.00</u>
Total Other Current Assets	<u>1,917,443.58</u>
Total Current Assets	<u>2,586,546.96</u>
<b>TOTAL ASSETS</b>	<u><b>2,586,546.96</b></u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2100 - Unrealized Gain (Loss)	<u>2,295.59</u>
Total Other Current Liabilities	<u>2,295.59</u>
Total Current Liabilities	<u>2,295.59</u>
Total Liabilities	2,295.59
Equity	
32000 - Retained Earnings	2,174,622.69
Net Income	<u>409,628.68</u>
Total Equity	<u>2,584,251.37</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><b>2,586,546.96</b></u>

# STATE ASSOCIATION OF COUNTY RETIREMENT SYSTEMS

## Profit & Loss Budget vs. Actual

July 2017 through February 2018

	Jul '17 - Feb 18	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4100 • Membership Dues				
4101 • Affiliates	210,000.00	215,000.00	-5,000.00	97.67%
4102 • Non Profit - Organizations	2,750.00	3,000.00	-250.00	91.67%
4103 • Non Profit - Systems	7,500.00	6,000.00	1,500.00	125.0%
4104 • Systems - Medium	52,000.00	52,000.00	0.00	100.0%
4105 • Systems - Large	42,000.00	42,000.00	0.00	100.0%
Total 4100 • Membership Dues	314,250.00	318,000.00	-3,750.00	98.82%
4250 • Product Income				
4252 • Roster	25.00			
4255 • Magazine Advertising	0.00	2,000.00	-2,000.00	0.0%
Total 4250 • Product Income	25.00	2,000.00	-1,975.00	1.25%
4270 • UC Berkeley Program				
4271 • Registrations	62,500.00	75,000.00	-12,500.00	83.33%
4272 • Sponsorships	33,500.00	50,000.00	-16,500.00	67.0%
Total 4270 • UC Berkeley Program	96,000.00	125,000.00	-29,000.00	76.8%
4300 • Fall Conference Registration				
4301 • Affiliates - Early	155,060.00	185,000.00	-29,940.00	83.82%
4302 • Affiliates - Regular	100,570.00	82,500.00	18,070.00	121.9%
4303 • Affiliates - Late/Onsite	40,960.00	36,000.00	4,960.00	113.78%
4304 • Non Profit	1,080.00	500.00	580.00	216.0%
4305 • Systems	26,170.00	22,500.00	3,670.00	116.31%
4306 • Non-Members	260,530.00	237,500.00	23,030.00	109.7%
4307 • Fun Run	1,070.00	1,000.00	70.00	107.0%
Total 4300 • Fall Conference Registration	585,440.00	565,000.00	20,440.00	103.62%
4350 • Spring Conference Registration				
4351 • Affiliates - Early	48,960.00	185,000.00	-136,040.00	26.47%
4352 • Affiliates - Regular	0.00	82,500.00	-82,500.00	0.0%

**STATE ASSOCIATION OF COUNTY RETIREMENT SYSTEMS**

**Profit & Loss Budget vs. Actual**

July 2017 through February 2018

	<b>Jul '17 - Feb 18</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>4353 · Affiliates - Late/Onsite</b>	7,680.00	36,000.00	-28,320.00	21.33%
<b>4354 · Non Profit</b>	360.00	500.00	-140.00	72.0%
<b>4355 · Systems</b>	10,200.00	22,500.00	-12,300.00	45.33%
<b>4356 · Non-Members</b>	37,380.00	237,500.00	-200,120.00	15.74%
<b>4357 · Fun Run</b>	220.00	1,000.00	-780.00	22.0%
<b>Total 4350 · Spring Conference Registration</b>	104,800.00	565,000.00	-460,200.00	18.55%
<b>4900 · Interest Earned</b>	79.41			
<b>Total Income</b>	1,100,594.41	1,575,000.00	-474,405.59	69.88%
<b>Gross Profit</b>	1,100,594.41	1,575,000.00	-474,405.59	69.88%
<b>Expense</b>				
<b>5000 · Administrative Fee - SYAi</b>	117,158.39	175,267.01	-58,108.62	66.85%
<b>5001 · Administrative Services</b>	365.27	21,000.00	-20,634.73	1.74%
<b>5002 · Awards</b>	568.88	1,000.00	-431.12	56.89%
<b>5003 · Bank Charges/Credit Card Fees</b>	18,928.90	45,000.00	-26,071.10	42.06%
<b>5010 · Berkeley &amp; Symposium</b>				
<b>5011 · Audio/Visual</b>	131.28	500.00	-368.72	26.26%
<b>5013 · Hotel</b>	12,001.26	4,000.00	8,001.26	300.03%
<b>5015 · Materials/Printing/Design</b>	578.88			
<b>5016 · Travel</b>	302.46	500.00	-197.54	60.49%
<b>5017 · UC Berkeley</b>	15,000.00	190,000.00	-175,000.00	7.9%
<b>Total 5010 · Berkeley &amp; Symposium</b>	28,013.88	195,000.00	-166,986.12	14.37%
<b>5030 · CERL</b>				
<b>5031 · Materials/Printing/Design</b>	0.00	20,000.00	-20,000.00	0.0%
<b>5032 · Shipping</b>	0.00	5,000.00	-5,000.00	0.0%
<b>Total 5030 · CERL</b>	0.00	25,000.00	-25,000.00	0.0%
<b>5040 · Commissions &amp; Fees</b>	26,200.00	15,000.00	11,200.00	174.67%
<b>5041 · Consulting</b>	13,648.00	20,000.00	-6,352.00	68.24%
<b>5042 · Dues &amp; Subscriptions</b>	3,469.82	3,700.00	-230.18	93.78%
<b>5050 · Fall Conference</b>				

**STATE ASSOCIATION OF COUNTY RETIREMENT SYSTEMS**

**Profit & Loss Budget vs. Actual**

July 2017 through February 2018

	<b>Jul '17 - Feb 18</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>5051 · Audio/Visual</b>	41,952.00	42,500.00	-548.00	98.71%
<b>5052 · Delivery &amp; Shipping</b>	32.42			
<b>5054 · Hotel</b>				
<b>5054.1 · Wednesday Night Event</b>	11,716.75	75,000.00	-63,283.25	15.62%
<b>5054.2 · Conference</b>	0.00			
<b>5054.3 · Food &amp; Beverage</b>	0.00			
<b>5054 · Hotel - Other</b>	0.00	275,000.00	-275,000.00	0.0%
<b>Total 5054 · Hotel</b>	11,716.75	350,000.00	-338,283.25	3.35%
<b>5055 · Program Material</b>	26,722.29	30,000.00	-3,277.71	89.07%
<b>5056 · Speakers</b>	50,363.37	50,000.00	363.37	100.73%
<b>5057 · Supplies</b>	1,520.25			
<b>5058 · Travel</b>	998.30			
<b>Total 5050 · Fall Conference</b>	133,305.38	472,500.00	-339,194.62	28.21%
<b>5070 · Insurance</b>	5,739.91	6,000.00	-260.09	95.67%
<b>5071 · Legal &amp; Professional Fees</b>	47,479.00	25,000.00	22,479.00	189.92%
<b>5072 · Legislative Advocacy</b>	37,290.04	55,244.00	-17,953.96	67.5%
<b>5080 · Magazine</b>				
<b>5082 · Design/Printing/Etc.</b>	8,518.56			
<b>5080 · Magazine - Other</b>	0.00	25,000.00	-25,000.00	0.0%
<b>Total 5080 · Magazine</b>	8,518.56	25,000.00	-16,481.44	34.07%
<b>6000 · Board &amp; Committees</b>				
<b>6001 · Board of Directors</b>				
<b>6001.1 · Food &amp; Beverage</b>	1,338.07	1,000.00	338.07	133.81%
<b>6001.2 · Printing/Supplies</b>	2,508.82	2,000.00	508.82	125.44%
<b>6001.3 · Travel - BOD Meetings</b>	9,505.89			
<b>6001.4 · Travel - Miscellaneous BOD</b>	434.11			
<b>6001 · Board of Directors - Other</b>	170.14			
<b>Total 6001 · Board of Directors</b>	13,957.03	3,000.00	10,957.03	465.23%
<b>6002 · Legislative Committee Meetings</b>	107.38	500.00	-392.62	21.48%

**STATE ASSOCIATION OF COUNTY RETIREMENT SYSTEMS**

**Profit & Loss Budget vs. Actual**

July 2017 through February 2018

	<b>Jul '17 - Feb 18</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
6003 · Program Committee Meetings	350.05	600.00	-249.95	58.34%
<b>Total 6000 · Board &amp; Committees</b>	<b>14,414.46</b>	<b>4,100.00</b>	<b>10,314.46</b>	<b>351.57%</b>
6010 · Office Expenses / Supplies	444.83	4,000.00	-3,555.17	11.12%
6011 · Postage & Delivery	1,188.65	3,200.00	-2,011.35	37.15%
6020 · Spring Conference				
6021 · Audio/Visual	34,600.00	42,500.00	-7,900.00	81.41%
6022 · Delivery & Shipping	21.68			
6024 · Hotel				
6024.1 · Wednesday Night Event	0.00	75,000.00	-75,000.00	0.0%
6024.3 · Food & Beverage	168,960.44			
6024 · Hotel - Other	0.00	275,000.00	-275,000.00	0.0%
<b>Total 6024 · Hotel</b>	<b>168,960.44</b>	<b>350,000.00</b>	<b>-181,039.56</b>	<b>48.27%</b>
6025 · Program Material	0.00	30,000.00	-30,000.00	0.0%
6026 · Speakers	12,035.09	50,000.00	-37,964.91	24.07%
6027 · Supplies	319.14			
6028 · Travel	101.32			
<b>Total 6020 · Spring Conference</b>	<b>216,037.67</b>	<b>472,500.00</b>	<b>-256,462.33</b>	<b>45.72%</b>
6051 · Taxes & Licenses	10.00	100.00	-90.00	10.0%
6053 · Technology/AMS/Website	11,522.18	21,596.00	-10,073.82	53.35%
6054 · Travel	2,472.92	35,900.00	-33,427.08	6.89%
9000 · BofA Credit Card Holding Acct	4,188.99			
<b>Total Expense</b>	<b>690,965.73</b>	<b>1,626,107.01</b>	<b>-935,141.28</b>	<b>42.49%</b>
<b>Net Ordinary Income</b>	<b>409,628.68</b>	<b>-51,107.01</b>	<b>460,735.69</b>	<b>-801.51%</b>
<b>Other Income/Expense</b>				
Other Expense				
Miscellaneous	0.00			
<b>Total Other Expense</b>	<b>0.00</b>			
<b>Net Other Income</b>	<b>0.00</b>			

**STATE ASSOCIATION OF COUNTY RETIREMENT SYSTEMS**

**Profit & Loss Budget vs. Actual**

July 2017 through February 2018

	<b>Jul '17 - Feb 18</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>Net Income</b>	<b>409,628.68</b>	<b>-51,107.01</b>	<b>460,735.69</b>	<b>-801.51%</b>

**STATE ASSOCIATION OF COUNTY RETIREMENT SYSTEMS****Profit & Loss**

February 2018

	<b>Feb 18</b>
<b>Ordinary Income/Expense</b>	
Income	
4100 - Membership Dues	
4101 - Affiliates	4,000.00
Total 4100 - Membership Dues	4,000.00
4270 - UC Berkeley Program	
4271 - Registrations	12,500.00
4272 - Sponsorships	10,000.00
Total 4270 - UC Berkeley Program	22,500.00
4350 - Spring Conference Registration	
4351 - Affiliates - Early	29,580.00
4355 - Systems	4,440.00
4356 - Non-Members	16,020.00
4357 - Fun Run	80.00
Total 4350 - Spring Conference Registration	50,120.00
4900 - Interest Earned	2.71
Total Income	76,622.71
Gross Profit	76,622.71
Expense	
5000 - Administrative Fee - SYAi	14,919.33
5003 - Bank Charges/Credit Card Fees	509.81
5010 - Berkeley & Symposium	
5013 - Hotel	5,809.16
Total 5010 - Berkeley & Symposium	5,809.16
5040 - Commissions & Fees	7,050.00
5041 - Consulting	1,666.00
5042 - Dues & Subscriptions	44.82
5050 - Fall Conference	
5051 - Audio/Visual	0.00
5054 - Hotel	
5054.2 - Conference	0.00
5054.3 - Food & Beverage	0.00
Total 5054 - Hotel	0.00
5058 - Travel	0.00
Total 5050 - Fall Conference	0.00
5070 - Insurance	458.58
5071 - Legal & Professional Fees	16,940.00
5072 - Legislative Advocacy	4,718.80



**STATE ASSOCIATION OF COUNTY RETIREMENT SYSTEMS****Profit & Loss**

February 2018

	<b>Feb 18</b>
<b>6000 - Board &amp; Committees</b>	
<b>6001 - Board of Directors</b>	
6001.1 - Food & Beverage	175.14
6001.2 - Printing/Supplies	669.71
<b>Total 6001 - Board of Directors</b>	<b>844.85</b>
<b>6002 - Legislative Committee Meetings</b>	41.88
<b>6003 - Program Committee Meetings</b>	36.94
<b>Total 6000 - Board &amp; Committees</b>	<b>923.67</b>
<b>6011 - Postage &amp; Delivery</b>	14.58
<b>6054 - Travel</b>	1,635.29
<b>Total Expense</b>	<b>54,690.04</b>
<b>Net Ordinary Income</b>	<b>21,932.67</b>
<b>Net Income</b>	<b>21,932.67</b>



#### **4. SACRS President Report - No Action**

Dan McAllister, SACRS President



**No Printed Items For This Item**



## **5. SACRS Legislative Committee Update - No Action**

Tracy Towner, SACRS Legislative Committee Chair

### **A. 2018 Legislative Update**



State Association of County Retirement Systems  
Legislative Update  
April 13, 2018

**Overview**

The Legislature returned from its Spring Recess on April 2 and immediately kicked into high gear with policy committee hearings. The month of April is typically about the busiest month in the Legislature because nearly every bill introduced needs to be heard and passed from a policy committee by the end of the month if it is to continue forward. There are a handful of non-fiscal, urgency, and tax levy bills that are exempt from the first policy committee deadline.

**SACRS Sponsored Legislation**

SACRS is the sponsor of AB 2085 by Assemblyman Cooley of Sacramento. AB 2085 is legislation to clarify the definition of a “surviving spouse” in the County Employee Retirement Law (CERL). This bill was put forward to SACRS by the Ventura County Retirement System for the purpose of reconciling published appellate case law which concluded that a legally separated spouse qualifies for a survivor continuance as the member’s “surviving spouse”. This Opinion was contrary to the practices of at least eight CERL systems and three prior decisions issued by the superior courts in Santa Barbara, Contra Costa and Ventura counties. Prior to the Opinion, none of those systems treated a legally separated spouse as the member’s surviving spouse, primarily because a survivor continuance is not among the benefits payable to the nonmember and any benefits not awarded to the spouse are the sole and separate property of the member’s. AB 2085 would clarify that a “surviving spouse” means a person who has legally married the member, is neither divorced nor legally separated from the member and is the spouse of the member at the time of the member’s death.

A glitch developed in moving forward on AB 2085 due to opposition brought by the Los Angeles County Employee Retirement Association (LACERA). The Ventura County Employee Retirement Association (VCERA) and the legislative committee are evaluated options on how to address LACERA’s opposition, with no absolute consensus reached. Assemblyman Cooley was not interested in moving a SACRS sponsored bill that did not have consensus within SACRS forward and pulled his bill from further consideration in 2018.

**Tulare County Retirement Sponsored Legislation**

The Tulare County Retirement System has sponsored SB 1270 by Senator Andy Vidak who represents Tulare County in the State Senate. This bill would allow any CERL Board to hire, dismiss, and set compensation for Assistant Administrators and Chief Investment Officers upon agreement with Board of Supervisors in that county. This authority already exists for a number systems which have been given this statutory authority on a case-by-case. This bill would eliminate the need to go back to the Legislature every time a county and a retirement system agree to this practice.

This bill is consistent with previous SACRS supported and sponsored legislation. It was heard in the Senate Public Employees Retirement Committee on April 9, where it passed on a unanimous 5-0 vote.

SB 1270 will be considered for co-sponsorship at the SACRS Spring Meeting.

### **Other County Retirement Legislation**

**AB 2076 (Rodriguez)** -- This bill would authorize the Los Angeles County Employee Retirement Association to correct a prior board decision determining the date of retirement for a member permanently incapacitated for disability that was made between January 1, 2013, and December 31, 2015, and was based upon an error of law existing at the time of the decision. The bill would further authorize a member seeking correction under these provisions to file an application with the board no later than one year from the date these provisions become operative.

AB 2076 passed the Assembly PERS Committee on March 14 and passed the full Assembly on March 22 on a 69-0 vote. It is awaiting action in the Senate.

**SB 1031 (Moorlach)** – This bill would prohibit a cost of living adjustment to beneficiaries or survivors if the unfunded liability for that retirement system is greater than 20 percent. This is one of a handful of “pension reform” bills by Senator Moorlach for the purpose of reducing the unfunded liabilities of retirement systems. This bill is set for hearing on April 23.

**AB 3084 (Levine)** – This bill would require all state and local retirement systems to describe contribution, funding and investment progress of other post-employment benefits (OPEB) in the audited financial statements of the system. This bill received an extensive review and discussion by the SACRS Legislative Committee due to the fact that most OPEB plans are sponsored and financed by an entity other than the retirement system. It is therefore, inappropriate and confusing to make the retirement system responsible for reporting on OPEB liabilities. We have shared the Legislative Committee’s concerns in this matter with the author who has assured us that it will be addressed in forthcoming amendments. At this time, the bill has not been set for a hearing, though we expect it to be heard in committee on April 18.

### **Other Pension Legislation**

**SB 1149 (Glazer)** – PERS Defined Contribution Plan – This bill would create an optional defined contribution plan for new state employees who are eligible to become members of PERS and who choose not to make contributions into the defined benefit program under PERL.

Senator Glazer, a Democrat from Contra Costa County, terms this a pension reform bill. He believes his bill recognizes the changing demographic nature of the state workforce who are now trending younger and less likely to spend their whole career in state civil service. He believes these employees want and need portable retirement benefits.

SB 1149 will be opposed by the public employee unions and will face a tough road to passage. It is set for hearing April 23 in the Senate PERS Committee.



**6. SACRS Nomination Committee - 2018-2019 SACRS BOD Elections - Vote**

Ray McCray, Nomination Committee Chair

A. SACRS BOD 2018 – 2019 Ballot



March 26, 2018

To: SACRS Trustees & SACRS Administrators/CEO's  
From: Ray McCray, SACRS Immediate Past President, Nominating Committee Chair  
SACRS Nominating Committee  
Re: SACRS Board of Director Elections 2018-2019 Elections – Recommended Ballot

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SACRS BOD 2018-2019 election process began January 2018. Per the SACRS Bylaws, please distribute the recommended ballot to your Board of Trustees. Elections will be held during the Annual Business meeting on Friday, May 18, 2018 at the Anaheim Marriott, Anaheim, CA.

**SACRS Bylaws Election Schedule**

DEADLINE	DESCRIPTION
March 1, 2018	Any regular member may submit nominations for the election of a Director to the Nominating Committee, provided the Nominating Committee receives those nominations prior to the first Business Day after March 1 of each calendar year. Nominations shall not be accepted from the floor on the day of the election.
March 25, 2018	The Nominating Committee will report a final ballot to each regular member County Retirement System prior to March 25
May 18, 2018	Nomination Committee to conduct elections during the SACRS Business Meeting at the Spring Conference (May 15-18, 2018)
May 18, 2018	Board of Directors take office for 1 year

**Per SACRS Bylaws, Article VIII, Section 1. Board of Director and Section 2. Elections of Directors:**

**Section 1. Board of Directors.** *The Board shall consist of the officers of SACRS as described in Article VI, Section 1, the immediately Past President, and two (2) regular members.*

- A. *Immediate Past President. The immediate Past President, while he or she is a regular member of SACRS, shall also be a member of the Board. In the event the immediate Past President is unable to serve on the Board, the most recent Past President who qualifies shall serve as a member of the Board.*
- B. *Two (2) Regular Members. Two (2) regular members shall also be members of the Board.*

**Section 2. Elections of Directors.** *Any regular member may submit nominations for the election of a Director to the Nominating Committee, provided the Nominating Committee receives those nominations prior to the first Business Day after March 1 of each calendar year. Nominations shall not be accepted from the floor on the day of the election.*

*The Nominating Committee will report a final ballot to each regular member County Retirement System prior to March 25.*





*The Administrator of each regular member County Retirement System shall be responsible for communicating the Nominating Committee's recommended ballot and final ballot to each trustee and placing the election of SACRS Directors on his or her board agenda. The Administrator shall acknowledge the completion of these responsibilities with the Nominating Committee.*

*Director elections shall take place during the first regular meeting of each calendar year. The election shall be conducted by an open roll call vote, and shall conform with Article V, Sections 6 and 7 of these Bylaws.*

*Newly elected Directors shall assume their duties at the conclusion of the meeting at which they are elected, with the exception of the office of Treasurer. The incumbent Treasurer shall co-serve with the newly elected Treasurer through the completion of the current fiscal year.*

**SACRS Nominating Committee Recommended Ballot:**

- |                                    |                |
|------------------------------------|----------------|
| • Dan McAllister, San Diego CERA   | President      |
| • Vivian Gray, Los Angeles CERA    | Vice President |
| • Harry Hagen, Santa Barbara, CERS | Treasurer      |
| • Kathryn Cavness, Mendocino CERA  | Secretary      |
| • Roger Hilton, Orange CERS        | Regular Member |
| • Chris Cooper, Marin CERA         | Regular Member |

**Additional Candidates Submitted: Withdrawn By Larry Walker Due to Ineligibility**

- Larry Walker, San Bernardino CERA Regular Member

Please prepare your voting delegate to have the ability to vote by recommended ballot and by each position separately.

If you have any questions, please contact me at Ray McCray, [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or (209) 417-4472.

Thank you for your prompt attention to this timely matter.

Sincerely,

*Ray McCray*

Ray McCray, San Joaquin CERA Trustee  
SACRS Nominating Committee Chair

CC: SACRS Board of Directors  
SACRS Nominating Committee Members  
Sulema H. Peterson, SACRS Administrator



**SACRS Nomination Submission Form  
SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Dan McAllister
<b>Candidate Contact Information</b> (Phone Number, Email Address and Mailing Address <b>MUST</b> be included)	(619) 920-0608 (cell) (619) 531-5231 (office)
<b>Name of Retirement System Candidate Currently Serves On</b>	San Diego County Employees Retirement Association (SDCERA)
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Trustee, San Diego County Treasurer Tax Collector
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	<input checked="" type="radio"/> President <input type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
<b>Brief Bio</b>	Please see attached.

# Biography of Dan McAllister

San Diego County Treasurer-Tax Collector



Dan McAllister has served San Diego County residents since as the County's Treasurer-Tax Collector since 2002. He was re-elected to his fourth term in June 2014 by an overwhelming 99% majority of the vote. Dan oversees the collection of more than \$6 billion in property taxes each year, the management of more than \$10 billion in the County's Investment Pool, and the administration of the County's over \$1 billion defined contribution program. Since assuming office, he has worked extensively to improve customer service, enhance communications and outreach initiatives, and ensure the fiscal stability of the treasury. Under his direction, his office collected nearly 60% of property tax payments electronically for the first time, while maintaining a 99% collection rate for the past three years. He is also a strong advocate for diversity, a value reflected in his staff that comes from all walks of life

and backgrounds. His office now delivers service in 17 different languages.

As part of his duties, Dan serves as a member of the San Diego County Employees Retirement Association (SDCERA), which manages more than \$10 billion of investments; he also serves as President of CalTRUST, which manages a portfolio of \$2.8 billion. Additionally, he is a former chairman of the Board of Directors of the internationally recognized San Diego Convention Center Corporation. Prior to his election as San Diego County Treasurer-Tax Collector, Dan was a successful financial consultant and investment broker.

Dan contributes considerable time and resources to community service. He serves as Chair of the San Diego Unified School District's Special Audit and Finance Committee, and he is a participating member of the Boards of Directors of the Jackie Robinson YMCA; Habitat for Humanity, San Diego; and New Americans Museum, San Diego. McAllister's strong commitment and involvement in the community dates back to his service as a U.S. Peace Corps volunteer in the Western Pacific country of Micronesia.

A second-generation San Diegan, Dan has completed executive education programs in portfolio concepts and management at Stanford University and the University of Pennsylvania's Wharton School. He also holds a Bachelor's degree (BA) from California State University, Fresno, and a Master's degree in Business Administration (MBA) from United States International University.

February 26, 2018

Mr. Ray McRay  
Chairman  
Nominating Committee  
State Association of County Retirement Systems

Dear Mr. McRay,

This is to officially submit my name for consideration by the Nominating Committee for the office of SACRS President.

When I first ran for the Presidency, I pledged to continue to help move our organization forward with strong, inclusive leadership. I also spoke of my experiences and accomplishments as San Diego County Treasurer-Tax Collector; and of serving as a Trustee on the San Diego County Employees Retirement Association (SDCERA) Board and two successful terms as Board Chair.

Over the past four years, it has been my distinct honor and pleasure to serve on the SACRS Board, first as Treasurer and now as President. I am extremely proud of the work our board has completed during these years in an effort to improve our levels of customer service to our members. This past year for example the Board performed a comprehensive review and update of the Board Policies and Procedures. We added two new seats to the Board in an effort to be more inclusive and give more members an opportunity to serve on the Board. Additionally, we made strong efforts to add new people to a number of our standing committees.

Indeed, it has been a productive year for the Board and we have made a difference for the SACRS membership. Ours has been a team effort and one that can point to positive developments.

SACRS is a special organization and one that must continue to provide educational forums for disseminating information to Trustees and system staffs from all '37 Act counties. Additionally, SACRS must take an active role in the legislative process as it impacts county retirement systems.

As SACRS President for the coming year, I will continue to work collaboratively with the SACRS Board and Trustees statewide to ensure that our educational programs and conferences continue to be of the highest quality and content.

With your support and nomination, I would be honored to serve again as President of SACRS. Thank you in advance for your careful and positive consideration of my candidacy for re-election.

Sincerely,



Dan McAllister  
President

# VIVIAN GRAY

300 N. LAKE AVENUE, SUITE 820 ~PASADENA, CA 91101 ~ VGRAY@LACERA.COM

February 27, 2018

VIA EMAIL

SACRS Nominating Committee  
Mr. Ray McCray, Chair

Dear Mr. McCray:

I would like to express my interest in becoming SACRS' Vice President for 2018/2019.

For the past three years, I have been honored to serve SACRS and its members as Chair of the Bylaws Committee and been member of the Program Committee. I have worked diligently with committee members and the SACRS Board of Directors, Administrative staff and membership to move the SACRS organization forward.

I have attended almost all of SACRS BOD meetings as the Bylaws Chair in order to advise or interpret the bylaws when needed. I believe in the BOD's team concept of management and its mission to include all members to take part in keeping SACRS relevant in the pension environment.

Through continuing its strong leadership, SACRS can become the premier entity in the direct education of trustees. I believe SACRS is a viable organization within the retirement system community. We have secured a presence not only in our CERL 37 Act Systems, but are gaining headway and recognition beyond CERL.

Your consideration of me for vice president would be an honor.

I have attached the SACRS Nomination Form containing my brief bio.

Sincerely,

*Vivian Gray*

Vivian Gray

cc: Sulema Peterson, SACRS



### SACRS Nomination Submission Form SACRS Board of Directors Elections 2018-2019

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	VIVIAN GRAY
<b>Candidate Contact Information (Phone Number, Email Address and Mailing Address MUST be included)</b>	Viviangray@aol.com, Vgray@lacera.com 300 N. Lake Ave., Ste. 820 Pasadena, CA 91101 Phone: (213) 440-0142
<b>Name of Retirement System Candidate Currently Serves On</b>	Los Angeles County Employees Retirement Association (LACERA)
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Chair, Board of Retirement <a href="http://www.lacera.com/about_lacera/bor/gray.html">http://www.lacera.com/about_lacera/bor/gray.html</a>
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	<input type="radio"/> President <input checked="" type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input type="radio"/> Regular Member
<b>Brief Bio</b>	<ul style="list-style-type: none"> <li>• Chair, LACERA Board of Retirement</li> <li>• Chair, SACRS Bylaws Committee</li> <li>• Elected general member trustee since 2012           <ul style="list-style-type: none"> <li>34 years of service to Los Angeles County</li> <li>10 years in Law Enforcement</li> <li>24 years as an attorney for Los Angeles County</li> </ul> </li> <li>• 6 years in private law practice</li> <li>• Education/Pension Trustee Certificates           <ul style="list-style-type: none"> <li>- Bachelors of Arts: UCLA</li> <li>- JD: UWLA</li> <li>- New York Law School - Public Pension Trustee Fiduciary Program</li> <li>- Stanford Law School (CALAPRS) - Principles of Pension Management</li> <li>- Harvard Law School Program - Trustee Work Life</li> <li>- UC Berkeley (SACRS) - Modern Investment Theory &amp; Practice for Retirement Systems</li> <li>- IFEBP - Trustee Masters Program</li> <li>- NCPERS - Public Pension Funding Forum</li> <li>- Wharton Business School - Portfolio Concepts and Management (Pending)</li> <li>- National Assoc. of Corporate Directors (NACD) Board Leadership Fellow (Pending)</li> </ul> </li> </ul>

Ray McCray, SACRS Nominating Committee Chair  
SACRS Nominating Committee

February 10, 2018

Dear Ray and Nominating Committee Members,

Please accept my letter of intent to run as Secretary in the SACRS Board of Directors officers' election for the 2018-19. I am currently serving as SACRS Board of Directors Secretary throughout the 2017-18 fiscal year. I also serve as the Vice Chairwoman of the Mendocino County Employees Retirement Association.

My interest in seeking the position of Secretary for a second term is to continue working together with the highly effective SACRS Board in achieving common goals. My focus will be on adding value for Trustees by expanding growth and positive outcomes, increasing diversity, and providing educational opportunities through boosting attendance at the UC Berkeley Educational Program. I will continue working to increase Trustee participation in SACRS Conferences and expand membership in SACRS Committees.

As the Mendocino County Employee Retirement Association Vice Chairwoman and trustee of the smallest rural county system in northern California, I welcome the opportunity to represent the smaller systems as well as all SACRS members.

My education and professional experience provides qualifications ideally suited for taking on the responsibilities of Secretary of the SACRS Board of Directors:

- SARCS Board of Directors Secretary FY 2017/18
- Vice Chairwoman on the MCERA Board and Auditing Committee
  - Public Pension Investment Management Program/ Modern Investment Theory and Practice for Retirement Systems
    - UC Berkeley Hass School of Business
  - Advanced Principles of Pension Management for Trustees
    - UCLA Anderson School of Management
  - Principles of Pension Management for Trustees
    - Pepperdine University, Graziadio Business School
- County of Mendocino District Attorney's Office Administrative Services Manager with Emphasis on Finance & Budget
- Master's Degree in Business Administration with Emphasis on Finance & Accounting

Sincerely,



Kathryn Cavness,  
SACRS BOD Secretary,  
Mendocino CERA Vice Chairwoman



**SACRS Nomination Submission Form  
SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Kathryn Cavness
<b>Candidate Contact Information (Phone Number, Email Address and Mailing Address MUST be included)</b>	Home Phone: 707-459-2215; Email: <a href="mailto:k24u2figure@gmail.com">k24u2figure@gmail.com</a> Office Phone: 707-463-4194; Email: <a href="mailto:cavnessk@mendocinocounty.org">cavnessk@mendocinocounty.org</a> Cell Phone: 707-354-8105 Home Address & Mailing: 6500 Ridgewood Road, Willits, CA 95490 Work Mailing Address: PO Box 1000, Ukiah, CA 95482
<b>Name of Retirement System Candidate Currently Serves On</b>	Mendocino County Employees Retirement System
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Vice Chair, General Elected Member
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	Secretary
<b>Brief Bio</b>	Kathryn Cavness has been serving as Trustee and representative of the General Membership on the Mendocino County Employees Retirement Association Board since December 1, 2014. She has been a member of the MCERA Audit and Budget Committee since 2014 and was elected Vice Chair of the Board on December 14, 2016. Kathryn is currently serving her first year as Secretary on the State Association of County Retirement Systems (SACRS) Board of Directors. Her objectives as Secretary encompass representing the 1937 Act retirement systems and reaching out to trustees to attain greater participation in SACRS activities. Meaningful events designed for Trustees include the SACRS Spring and Fall Conferences, and the UC Berkeley Educational Program's Executive Education Courses. Other opportunities for Trustees include joining and participating in the SACRS' Educational, Legislative, Program, and Bylaws Committees. Kathryn Cavness is currently filling the position of Administrative Services Manager for the Mendocino County District Attorney's Office. Prior to this, Kathryn enjoyed an extensive career in budget and finance, and holds a MBA/Accounting.



February 2, 2018

To Ray McCray , SACRS Nominating Committee Chair,

I would like to continue serving on the SACRS Board of Directors and am submitting my letter of intent to run for the position of Treasurer.

I believe I am well qualified for the position based upon my educational and work experience. I am a 22-year employee of Santa Barbara County and the current Chair of the Santa Barbara County Employees Retirement System. I have served as the ex-officio member of SBCERS for over 7 years. I was also an alternate member to the Board for eight years as the Assistant Treasurer-Tax Collector-Public Administrator.

Should you have any questions, please don't hesitate to call me directly.

Thank you for your consideration.



Harry E. Hagen, CPA, CPFO, CFIP, ACPFIM  
Treasurer-Tax Collector-Public Administrator-Public Guardian  
County of Santa Barbara  
(805) 568-2490  
hhagen@co.santa-barbara.ca.us



**SACRS Nomination Submission Form  
SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

Name of Candidate	Harry E. Hagen
Candidate Contact Information (Phone Number, Email Address and Mailing Address MUST be included)	- 805-568-2490 - hhagen@co.santa-barbara.ca.us - Harry E. Hagen, Treasurer - Taxcollector - PA - PG P.O. Box 579 Santa Barbara, CA 93102-0579
Name of Retirement System Candidate Currently Serves On	Santa Barbara, SBCERS
Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)	Chair, ex-officio member
Applying for SACRS Board of Directors Position (You may only select one)	<ul style="list-style-type: none"><li><input type="radio"/> President</li><li><input type="radio"/> Vice President</li><li><input checked="" type="radio"/> Treasurer</li><li><input type="radio"/> Secretary</li><li><input type="radio"/> Regular Member</li></ul>
Brief Bio	See Attachment

Harry E. Hagen  
Bio for SACRS Nomination Submission Form

I am the current Santa Barbara County Treasurer-Tax Collector-Public Administrator. I was first elected in 2010 and am currently serving in my second four-year term.

I am responsible for overseeing and investing a \$1.5 billion investment pool for local schools, general County government, and special districts. I manage the collection of taxes and general collections, administer Public Administrator estates and Public Guardian conservatorships, and oversee Veterans' Services programs. My duties also include serving as Chair of the County Debt Advisory Committee, implementing and managing the County's municipal financing program, and administering the County's deferred compensation program.

I hold a Bachelor's degree in Business Economics from UCSB, am a 26-year California Certified Public Accountant, and have completed the Certificate in Public Treasury Management from USC. Additionally, I have earned the designations of Certified Public Finance Officer from the Government Finance Officers Association, Advanced Certified Public Funds Investment Manager from the Association of Public Treasurers, and Certified Fixed Income Practitioner from the Fixed Income Academy.



**SACRS Nomination Submission Form**  
**SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Roger Hilton
<b>Candidate Contact Information</b> (Please include – Phone Number, Email Address and Mailing Address)	(714) 325-9295, <a href="mailto:rhilton@ocers.org">rhilton@ocers.org</a> , <a href="mailto:roger@aocds.org">roger@aocds.org</a>  2223 East Wellington Ave. Suite 100 Santa Ana, CA 92701
<b>Name of Retirement System Candidate Currently Serves On</b>	Orange County Employees Retirement System (OCERS)
<b>Current Position On Candidates Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Elected Safety Member
<b>Applying for SACRS Board of Directors Position (select only one)</b>	<ul style="list-style-type: none"><li><input type="radio"/> President</li><li><input type="radio"/> Vice President</li><li><input type="radio"/> Treasurer</li><li><input type="radio"/> Secretary</li><li><input type="radio"/> Regular Member</li></ul>

<p><b>Brief Bio</b></p>	<ul style="list-style-type: none"> <li>❑ OCERS: served as Chairman of the board, chair of the Investment Committee, and have chaired several committees, elected 2012 - Present.</li> <li>❑ Association of Orange County Deputy Sheriffs (AOCDS) Board of Directors: Currently serving as Vice President and Political Action Chairman, 2011 - Present.</li> <li>❑ Trustee on Medical and Benefits Trusts, 2011 - Present.</li> <li>❑ Trustee on Fraternal Order of Police, Lodge 18, 2011- Present.</li> <li>❑ Association of Deputy Marshals Board of Directors, 1992-2000 – Served as President 1996-2000, Treasurer 1993-1996.</li> <li>❑ Public Pension Trustee certificates: <ul style="list-style-type: none"> <li>-Modern Investment Theory &amp; Practice – UC Berkeley;</li> <li>-Portfolio concepts and Management -Wharton School of Business;</li> <li>-Certificate in Public Plan Policy I and II;</li> <li>-Principles of Pension Management - Stanford University;</li> <li>-Advanced Principles of Pension Management - UCLA;</li> <li>-Labor and Worklife Program, Harvard Law School</li> </ul> </li> </ul>
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January 15, 2018

2223 East Wellington Ave. Suite 100  
Santa Ana, CA 92701

Ray McCray, SACRS Nominating Committee Chair

Dear Mr. McCray:

Please accept this letter as my intent to run for the Board of Directors for the position of Regular Member. I would request that my name be included in the 2018-2019 SACRS Nomination Slate at the upcoming elections in May 2018.

I believe my years of experience leading employee labor organizations and the OCERS Board of Retirement have uniquely prepared me for this challenge. I have over 28 years of experience in law enforcement, 25 years serving in the leadership of employee labor organizations, and over 5 years on the OCERS Board of Retirement. My experience is further outlined on the Nomination Submission form attached to this letter.

Since elected to OCERS, I have made it a point to attend the SACRS conferences. Through these conferences, I have learned a great deal about pensions and have found many friends and mentors. I believe that SACRS is the most effective and important conference '37 Act trustees should attend, because of its relevant content and top-notch presenters. My primary goal is to keep SACRS as the premier public pension organization. I plan to utilize my extensive leadership experience by reaching out to and communicating with our members so they fully understand the many benefits of SACRS. My focus will be on continuing successful conferences and keeping SACRS a professional organization.

It would be an honor to serve on the SACRS Board of Directors and I appreciate the consideration.

Sincerely,



Roger Hilton

OCERS Board of Directors





**SACRS Nomination Submission Form  
SACRS Board of Directors Elections 2018-2019**

All interested candidates must complete this form and submit it along with a letter of intent. **Both the form and the letter of intent must be submitted no later than March 1, 2018.** Please submit to the Nominating Committee Chair at [raym1@sbcglobal.net](mailto:raym1@sbcglobal.net) or to SACRS at [sulema@sacrs.org](mailto:sulema@sacrs.org). If you have any questions, please feel free to contact Sulema Peterson at SACRS at (916) 441-1850.

<b>Name of Candidate</b>	Christopher C. Cooper
<b>Candidate Contact Information</b> (Phone Number, Email Address and Mailing Address MUST be included)	(415) 827-0772 <a href="mailto:Chriscooperinmarin@yahoo.com">Chriscooperinmarin@yahoo.com</a> 756 Del Ganado Road San Rafael, CA 94903
<b>Name of Retirement System Candidate Currently Serves On</b>	Marin County Employees' Retirement Association
<b>Current Position On Retirement Board (Chair, Alternate, Retiree, General Elected, Etc)</b>	Elected Safety Trustee
<b>Applying for SACRS Board of Directors Position (You may only select one)</b>	<input type="radio"/> President <input type="radio"/> Vice President <input type="radio"/> Treasurer <input type="radio"/> Secretary <input checked="" type="radio"/> Regular Member
<b>Brief Bio</b>	<p>I am a Fire Captain/Paramedic in the City of San Rafael and have served on the MCERA Board since 2012. I serve on the Investment Committee and Chair the Governance Committee.</p> <p>I am a Graduate of U.C. Berkeley (Political Economy of Industrial Societies, 1995) and served in the U.S. Army for eight years (active and reserve) as a Mandarin Chinese Linguist Interrogator. I live in San Rafael with my wife and two children (16 and 12).</p>

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**CHRISTOPHER C. COOPER**

415-827-0772  
[chriscooperinmarin@yahoo.com](mailto:chriscooperinmarin@yahoo.com)

756 Del Ganado Rd.  
San Rafael, CA  
94903

February 27, 2018

SACRS Nominating Committee  
1415 L Street, Suite 1000  
Sacramento, CA 95814

Committee Members,

Please accept this Letter of Intent as well as the attached Nomination Submissions Form for the position of Regular Member of the SACRS Board of Directors Elections 2018-2019. I have attended SACRS Conferences since my first in Fall 2013 and have always enjoyed the strong education opportunities as well as meeting other California Trustees. I would like to step up to a leadership position in SACRS to help the organization continue to provide education and insight to those entrusted with managing CA pension funds.

I am a Fire Captain/Paramedic with the City of San Rafael and have served on the MCERA Board since 2012. I serve on the Investment Committee and Chair the Governance Committee. I am a graduate of U.C. Berkeley and an Army Veteran. I have worked in a large corporation as a buyer and have owned a small retail business. I live in San Rafael with my wife Lisa and two children Calvin and Lucy (16,12). Thanks for your consideration. I look forward to seeing you at the Spring Conference.

Sincerely yours,

Christopher C. Cooper

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## **7. SACRS Audit Report – No Action**

Steve Delaney, SACRS Audit Committee Chair

### **A. SACRS Audit Committee Update**



**No Printed Items For This Item**



## **8. SACRS Education Committee Report – No Action**

Christie Porter, SACRS Education Committee Chair

### **A. SACRS Spring Conference Evaluations 2018**



**No Printed Items For This Item**



## **9. SACRS Program Committee Report – No Action**

Gabe Rodrigues, SACRS Program Committee Chair

### **A. SACRS Spring Conference Report 2018**



**No Printed Items For This Item**



## **10. SACRS Affiliate Committee Report – No Action**

Lesley Nettles, SACRS Affiliate Committee Chair

### **A. Affiliate Committee Update**



**No Printed Items For This Item**





## **11. SACRS Bylaws Committee Report – No Action**

Vivian Gray, SACRS Bylaws Committee Chair

### **A. Bylaws Committee Update**



**No Printed Items For This Item**



## **12. SACRS Fall Conference Breakout Reports – No Action**

A representative from each breakout will give report on their meetings.

- A. Administrators
- B. Counsel
- C. Disability/ Operations & Benefits Combo
- D. Internal Auditors
- E. Investment Officers
- F. Safety Trustees
- G. General Trustees



**No Printed Items For This Item**



### **13. Adjournment**

Next scheduled SACRS Association Business Meeting will be held Friday, November 16, 2018 at the Indian Wells Renaissance Hotel and Spa in Indian Wells, CA.

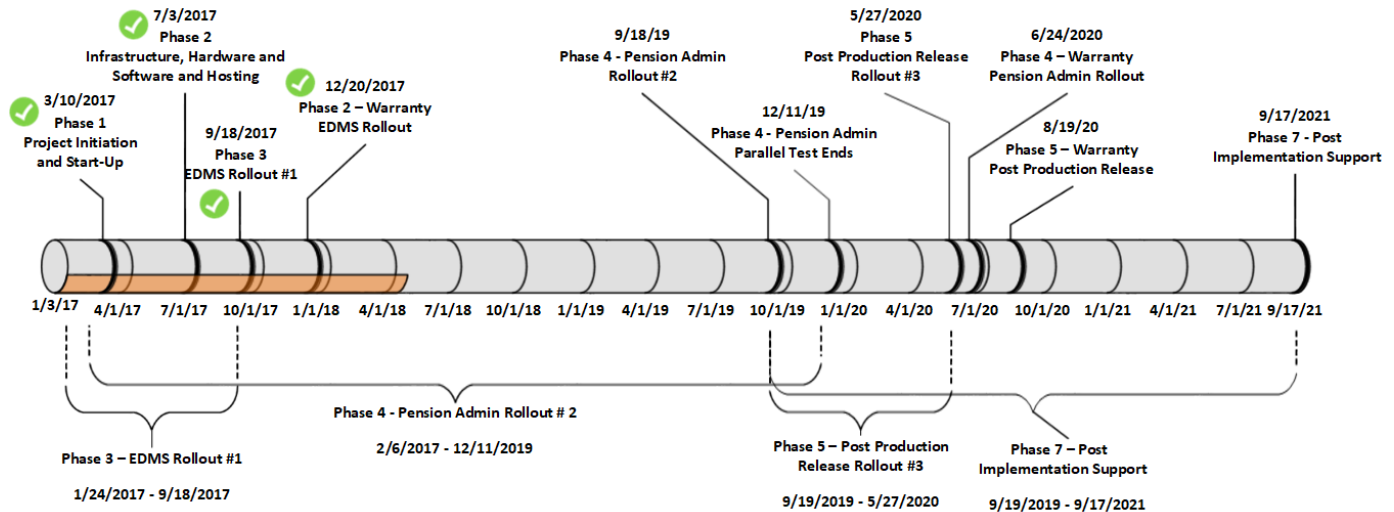


# PAS IMPLEMENTATION LINEA BI-WEEKLY STATUS UPDATE



**SPONSOR:** Rick Santos

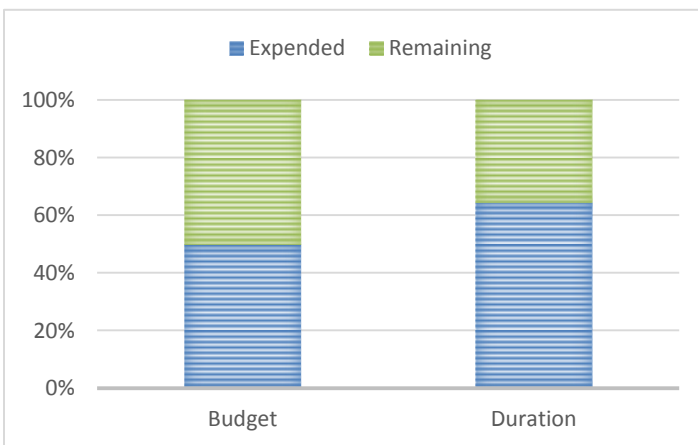
**REPORT DATE:** 04-20-2018



**Baseline 12/01/2016**

**STATUS**

**Risks & Issues:**



Linea Budget as of 03/31/18

No high-level risks have been identified at this time.

**Accomplishments:**

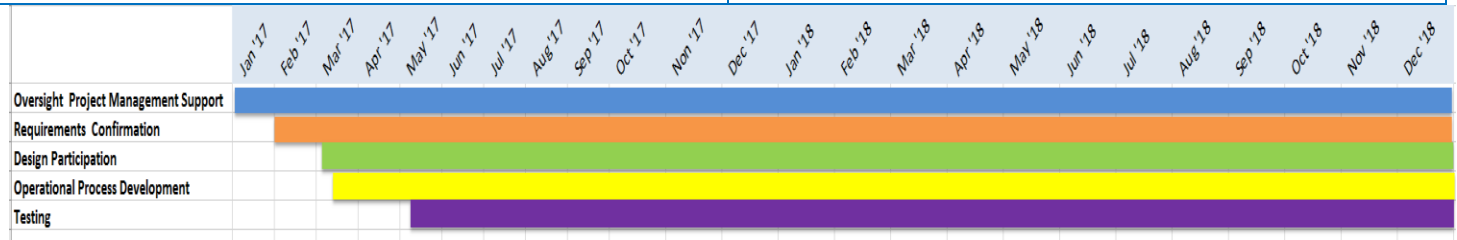
**Upcoming:**

- Facilitated a second Imaging Design Team meeting to discuss needs to expand and modify the imaging indexing scheme. Assisted with implementation of changes.
- Conducted two Imaging User Training sessions with StanCERA staff to communicate new and misunderstood pieces of imaging functionality.
- Facilitated a kick-off meeting for Employer Reporting UAT and began coordination of testing efforts. Began development of retest scripts for bugs resolved in this UAT release.

- Incorporate employers into rollout of Slack collaboration tool as part of the employer integration process.
- Complete review of Employer Reporting BSRDs with SMEs and move toward StanCERA deliverable acceptance on these documents.
- Continue to support StanCERA's efforts in Employer Reporting UAT, including tracking and reporting results.

## Ongoing Project Contributions

- |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>➤ Facilitate weekly Project Manager's meetings and create meeting minutes.</li> <li>➤ Facilitate monthly Steering Committee Meetings and create meeting minutes.</li> <li>➤ Participate in Tegrit work sessions, review meeting minutes, and compile resulting decision logs and action items (Calculators).</li> <li>➤ Regularly review action items for follow up and completion.</li> </ul> | <ul style="list-style-type: none"> <li>➤ Review and hold group review sessions for BSRD deliverables made by Tegrit.</li> <li>➤ Track requirements, as discussed in work sessions and BSRDs, using the RTM and meet with StanCERA PM to update requirements confirmation.</li> <li>➤ Manage and participate in system testing efforts, including review of test scripts, compiling of results, input of PIRs, and tracking of issue resolution.</li> </ul> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|





**April 24, 2018**

Retirement Board Agenda Item

TO: Retirement Board

FROM: Natalie Elliott, Fiscal Services Manager

- I. SUBJECT: New Board Room Tenant Improvements
- II. ITEM NUMBER: 8.c
- III. ITEM TYPE: Discussion and Action
- IV. STAFF RECOMMENDATION:
  1. Approve the estimated cost between \$201,640 - \$338,921 to complete the new Board Room tenant improvements.
  2. Authorize the Executive Director to negotiate and enter into contracts needed to move forward with this project.
  3. Appoint one or two trustees to a Committee to meet and confer with staff through the completion of the new Board Room tenant improvements.
- V. EXECUTIVE SUMMARY: On May 24, 2016, the Board of Retirement (Board) approved the completion of the vacant space at 832 12<sup>th</sup> Street, Suite 600. The vanilla shell of the 896 sq. ft. room was completed in October of 2016 with the intention of it becoming a larger board room as directed by the Board in June 2015. In order to move forward, approval is being recommended to accept the cost estimate of completing the new Board Room tenant improvements, authorize the Executive Director to negotiate and enter into contracts needed to move forward with this project, and designate a committee to help facilitate the completion.
- VI. ANALYSIS: In June 2015, Staff received a request from the Board to research the cost of expanding or building a larger board room in the unfinished 896 sq. ft. room on the 6th floor of 832 12th Street. The current board room is 560 sq. ft. StanCERA partnered with County General Services and it was suggested by Matt Innes, a contract employee with County General Services Agency, that StanCERA first build out the shell. The vanilla shell was completed in October 2016. Due to the electronic document implementation during the summer of 2017, this room has been utilized for storage of all member files until staff could transfer the member file boxes to the offsite storage facility. The member file boxes have now been transferred and the room is ready for the tenant improvements for the new Board Room. StanCERA now has the ability to move forward with this project.

StanCERA partnered with County Purchasing to start the process of obtaining a design and estimated cost to complete the tenant improvements for the new Board Room. Teter, Inc. (formerly Pacific Design Associates, Inc.), an architectural engineering firm, was contacted and asked to provide a quote for this project. Because the quote for the design work came in below a certain threshold, StanCERA was able to enter into a contract with Teter, Inc. for the design of the new Board Room tenant improvements along with an estimated cost range to complete the project. Below is a breakdown of the estimated cost range provided by Teter, Inc.:



Conceptual Estimate of Project Costs StanCERA Board Room		
	Approx. Cost Range	
	Low	High
Project Components		
Platform for Dias	9,146	12,678
Dias Cabinet	41,888	66,930
ADA Ramp Access to Dias	860	1,256
HVAC Balancing	11,556	17,334
Electrical (Includes Audio/Visual)	64,075	106,779
Total Project Component Costs	127,525	204,977
Insurance & Prevailing Wages	23,449	37,691
Contractor's Costs	25,666	41,253
Contingency Costs	10,000	25,000
Board Room Furniture	15,000	30,000
<b>TOTAL PROJECT ESTIMATED COSTS</b>	<b>201,640</b>	<b>338,921</b>

- VII. RISK: There is always some risk when contracting for building improvements; however, the new Board Room will facilitate a more professional atmosphere in which to hold the monthly Board meetings.
- VIII. STRATEGIC PLAN: Strategic Objective IV: Refine StanCERA's business and policy practices in ways that enhance stakeholder awareness, the delivery of member services and the ability of the Organization to administer the System effectively and efficiently.
- IX. ADMINISTRATIVE BUDGET IMPACT: Construction work on this project will start after the current fiscal year. This project will be included in the capital expenditure section of the budget for Fiscal Year 2018-2019 which will be presented to the Board for approval at the May 22, 2018 Board meeting.



Natalie Elliott, Fiscal Services Manager



Rick Santos, Executive Director



**April 24, 2018**

Internal Governance Committee Agenda Item

TO: Board of Retirement

FROM: Internal Governance Committee

- I. SUBJECT: Biennial Bylaw Revision
- II. ITEM NUMBER: 9.a.1
- III. ITEM TYPE: Discussion and Action
- IV. STAFF RECOMMENDATION: Approve the IGC.'s Recommended Bylaw Revisions
- V. EXECUTIVE SUMMARY: Every two years, StanCERA is required to review and recommend any changes to our bylaws. This year, staff studied how other systems administer their bylaws and what is and is not included. Staff has come to the conclusion that some of what is incorporated into our current bylaws can be more appropriately considered internal policies. As a consequence, and based on what is required by the CERL, staff recommends keeping Articles 1 (board administration), 2 (meetings), 3 (membership), 8 (amendments and repeals), 9 (claims for disability retirement), 10 (claims for benefits, rights or privileges other than disability retirement) and 11 (subpoenas) in our bylaws and removing and designating all other articles as StanCERA internal policies from this point forward.
- VI. ANALYSIS: Before undertaking a complete revision of our StanCERA bylaws (which is required every 2 years), staff looked at how other systems administer their bylaws. Staff found that most systems administer a much shorter list of policies and regulations they refer to as their bylaws. Upon further review, staff found that there are two sections of the CERL (County Employees' Retirement Law) that provide guidance and requirements for creating and administering system bylaws.

Section 31526 *require* the bylaws include provisions for trustee elections, collection of member documentation and various other administrative procedure related to the Board of Retirement. Section 31527 provide that the bylaws *may* include various other procedures that relate to purchases of service, collection and refund provisions, use of electronic signatures, disability reexaminations, etc.

Today, staff is asking the Committee to remove those articles that are more administrative and/or policy related and maintain those articles required by the CERL and a few others that are more legal in nature. There are a couple reasons staff feels that administrative and internal policy issues shouldn't be included in our bylaws:

1. *Ease of Administration* - Bylaws are by nature, only reviewed and approved biennially or currently, when issues arise that require staff to make policy changes in articles housed in the bylaws. Staff's proposed new set of bylaws contain articles that generally are easy to maintain, since they require little change over time.

The existence of internal policy in our bylaws means that every internal policy and article incorporated today in the bylaws must have both Board of Retirement and Board of Supervisor approval (CERL 31525). This type of bylaw administration creates an undesirable incentive to put off making productive changes to internal policy in the interest

of “doing everything at one time” and not burdening the Internal Governance Committee with several meetings throughout the year. The ability to make changes to internal policy needs to have greater flexibility and timing and should not be held to those same timing and flexibility standards as actual bylaws do.

2. *Legal Weight* - Bylaws are more “legal” in nature and lie above StanCERA internal policy in the legal hierarchy laid out in the CERL. For example, inherent in staff’s recommendation is to leave disability administration in our bylaws, since this article was written mainly by attorneys and contain more legal concepts and ideas. As a result, it should carry more weight in the legal structure than say our refund procedure.

Staff’s recommendation does not mean that we would not necessarily be bringing any internal policies to the Board for approval. However, staff must balance policy versus administrative (more procedural) issues in its determination of whether to bring these items to the Board. For example, member collection procedures would be considered more administrative in nature while items such as Board education requirements, mass media policy and member interest crediting policies would be examples of policies that would require Board approval.

Should the Board approve today’s recommendation, staff would carve out those now excluded articles and immediately classify them as StanCERA internal policy and house them in their own section on the StanCERA website. Staff would also begin the process of reviewing those “new” policies for any necessary revisions. Internally, staff will also review those non-bylaw policies and procedures biennially, however, we will always leave ourselves the flexibility to make adjustments and modifications as necessary at any time.

Attachment 1 contains the redlined version of staff’s proposed changes. Attachment 2 contains a clean, non-redlined version of staff’s proposal.

VII. RISK: None

VIII. STRATEGIC PLAN: Strategic Objective IV: Refine StanCERA’s business and policy practices in ways that enhance stakeholder awareness, the delivery of member services and the ability of the Organization to administer the System effectively and efficiently.

IX. ADMINISTRATIVE BUDGET IMPACT: None



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Rick Santos, Executive Director

Stanislaus County

Employees'

Retirement Association

## BYLAWS

Amended and Approved by the

Board of Retirement \_\_\_\_\_

# BYLAWS

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## **ARTICLE 1 – ADMINISTRATION**

### **1.1 NAME**

The name of this association is "the "STANISLAUS COUNTY EMPLOYEES' RETIREMENT ASSOCIATION"(hereinafter "StanCERA").

#### **1.1. Amended 12-16-2015**

### **1.2. PURPOSE**

StanCERA is established, in accordance with and subject to the County Employees' Retirement Law of 1937 (CERL), section 31450, et seq., of the California Government Code (hereinafter "the 1937 Act"). For the purpose of carrying out the provisions of said law within Stanislaus County, California, StanCERA is governed by the 1937 Act, California Public Employees' Pension Reform Act of 2013 (PEPRA) and other Government Code Sections applicable to CERL Systems as supplemented by these Bylaws.

#### **1.2. Amended 02-25-2014**

#### **1.2. Amended 12-16-2015**

### **1.3. DEFINITIONS**

- A. "Executive Director" means the StanCERA Retirement Administrator or designee of Executive Director.
- B. "Applicant" means a person, the Retirement Board, or StanCERA claiming benefits, rights, or privileges under the 1937 Act.
- C. "Retirement Board" means the StanCERA Board of Retirement.
- D. "Hearing Officer" means the person designated by the Retirement Board to conduct a hearing, and make recommendations pursuant to Government Code section 31533.
- E. "Part-time employee" means an employee of Stanislaus County or a contracting district or other local government who is not employed in a permanent position as established by the Board of Supervisors or other local governing body by budget or ordinance or who regularly works less than fifty-five percent (55%) of the normal workweek.
- F. "Party" means any person disclosed by the records of the retirement system or by the application to have an interest in any subject matter including the applicant and the subject employee.
- G. "Subject employee" means the member of the retirement system on behalf of whom an application is filed.
- H. "Member contributions" means as the actuarially determined rate as applied to the member's compensation earnable or pensionable compensation for each pay period.
- I. "It" means "non-person"

J. "Shall" imposes a duty

L. "May" creates discretionary authority or grants permission or power

M. "Must" creates or recognizes a right; and

N. "May not" imposes a prohibition and is synonymous with shall not.

**1.3. Amended 02-25-2014**

**1.3. Amended 12-16-2015**

**1.3. Amended 04-24-2018**

## **1.4. POLICY AND ADMINISTRATIVE**

Policy directives of the retirement system is vested in the Retirement Board. Day-to-day administration of the retirement system is delegated to the Executive Director. Appointment or election of members of the Retirement Board shall be as provided by Government Code Section 31520.1.

**1.4. Amended 02-25-2014**

**1.4. Amended 12-16-2015**

## **1.5. OFFICERS**

At the first regular meeting in January, the positions of chair and vice chair will rotate in ascending order by succession by the number assigned to the Retirement Board member and shall be held for a period of one (1) year. If a member has not served at least two (2) years on the Retirement Board, that member shall skip the normal rotation and the next successor shall be appointed to chair or vice-chair. Should any officer fail for any reason to complete his or her term, the normal successor shall perform the balance of the unexpired term. If the unexpired term is for less than nine (9) months, then the successor shall also hold office for their normal term immediately following the completion of the unexpired term. If the unexpired term is for nine (9) months or more, the successor shall only hold office for the completion of the unexpired term. The secretary of the Retirement Board shall be the Executive Director. The alternate safety member shall serve as provided in Government Code Section 31520.1 of the 1937 Act.

Pursuant to Government Code Section 31520.1, the alternate safety member shall sit in place of the seventh member during determinations of retirement benefits of a person from the same service as the alternate safety member.

**1.5. Amended 08-31-1999**

**1.5. Amended 10-31-2000**

**1.5. Amended 02-25-2014**

**1.5. Amended 12-16-2015**

**1.5. Amended 04-24-2018**

## **1.6. RETIREMENT BOARD MEMBER ELECTION PROCEDURES**

RETIREMENT BOARD MEMBERS WHO ARE ELECTED by members of StanCERA of the same category of membership (Second and Third seats by General members, Seventh and Alternate seats by Safety members, and Eighth and Alternate Seats by Retired members) shall



be elected according to the procedures set forth in this Section of the StanCERA Bylaws. In all cases where the word "Department" appears in this Section, the meaning shall be construed to include all Stanislaus County Departments, the City of Ceres and contracting Districts (all employers who use StanCERA for administration of retirement benefits). The Executive Director shall prepare a NOTICE OF ELECTION, which shall contain the deadlines for the submission of nomination papers, date of distribution of ballots, date of final receipt of ballots and the date for canvassing the ballots.

The distribution of the notice of election to active and/or retired members shall be made no more than sixty (60) days and no less than forty-five (45) days prior to the final date for receipt of ballots. The distribution of the notice of election will be distributed by U. S. postal services.

The Executive Director shall prepare a NOMINATION PAPER, which upon completion will contain the following information:

Name of candidate; candidate's Agency (if General or Safety member) or city and state of residence (if Retired member); a candidate's statement of not more than two hundred (200) words; signatures of the specific membership electorate in support of the candidate (General – at least twenty-five (25); Safety - at least ten (10); Retired - at least fifteen (15)). If it is determined that 2 or more candidates for the same seat have duplicate membership electorate signatures, then the candidate that turned in their membership electorate document first shall be the only candidate that may count that signature towards fulfilling the signature requirement above); A prepared statement of willingness to serve on the Retirement Board; the Retirement Board seat number and category (General, Safety or Retired); and final date for filing the paper. Completed nomination papers must be submitted to the Executive Director by 5:00 p.m. on the date specified in the notice of election and on the nomination paper (no later than thirty (30) days before the final date for receipt of ballots). Candidates shall only be placed on the election ballot if the above nomination papers and procedures are completed. If only one (1) nomination paper is received by the Executive Director on or before the deadline specified for receipt, the Executive Director shall declare that the candidate is the new Retirement Board member of the seat for which the candidate sought election (pursuant to Government Code Section 31523) and shall prepare and distribute a declaration of election results showing a unanimous ballot for the candidate to all Departments.

If two (2) or more nomination papers are received by the Executive Director on or before the deadline for receipt, the Executive Director shall prepare ELECTION BALLOT MATERIALS, which shall consist of:

- A. A ballot with the candidates' names, Agency (if General or Safety member) or city and state of residence if Retired member), candidates' statements, final date for receipt of ballots and a listing of candidates' names in alphabetical order by last name with appropriate places to indicate the member's choice of a particular candidate;
- B. A "secret" envelope to hold the completed ballot;
- C. A "return to" envelope, which will have the Executive Director's address for receipt of ballots, space for the member's printed name, space for the member's signature, and prepaid return postage; and
- D. A "cover" envelope with the member's name and mailing address. The ballots must be received back in the Executive Director's office by 5:00 p.m. on the final date indicated on the ballot regardless of the method of delivery or postmark date (if applicable) or the ballot material will be voided. The date for final receipt of ballots shall be no less than twenty (20) days following the date of disbursement of the ballot material.

Ballot material may be REISSUED to members who file a notice of non-receipt of election material prepared and filed in the Executive Director's office. The Executive Director shall make a second and final attempt to send out any RETURNED BALLOT MATERIAL at a reasonable cost of staff time and money.

The ballots shall be CANVASSED on the business day following the final date for receipt of ballots by the Executive Director (or his/her designee), one (1) member of the Retirement Board, not associated with the election in any way, and any staff from the Executive Director's office, as may be necessary to expeditiously handle the canvassing of the ballots.

The candidate who receives the HIGHEST NUMBER OF VOTES of the ballots cast shall be declared the WINNER and member of the Retirement Board to assume the seat for which the candidate ran at any Retirement Board meetings following the expiration of the term of the incumbent. The new member will serve three (3) years or for the remaining period of time in which a seat may become vacant for any reason other than the expiration of the incumbent's term of office.

The Executive Director shall prepare a DECLARATION OF ELECTION RESULTS to include the seat of the Retirement Board, the final date of the receipt of ballots, and the name of all the candidates who ran with their corresponding number of votes received in the election. The declaration shall also state the winner of the election and the date on which the winner assumes the seat on the Retirement Board.

The Executive Director shall telephone or email each candidate with the results of the election and the declaration shall be posted in a conspicuous place in or near the Executive Director's office in the afternoon following the canvassing. Copies of the declaration shall be delivered to each candidate and each Agency/Department Director (if General member or Safety member election) or the Retired Employees of Stanislaus County Organization, Inc.(RESCO), (if a Retired Member election) with a message to retirees of the winner to appear on the next retiree payroll check following the canvassing.

If any of the specific electorate desires a RECOUNT of the ballots cast, the member must make a written petition to the Retirement Board for a recount and include a \$500.00 payment for costs incurred. The petition must be received by the Executive Director no later than fourteen (14) days following the original canvassing of the ballots. The Executive Director shall forward the petition on to the Chair of the Retirement Board who shall call a special meeting of the Retirement Board for a recount. The date of the recount shall be no later than thirty (30) days from the date of the original canvassing. The petitioner or designee must attend the recount, which shall be accomplished in the same manner as the original count. If the recount shows that a different candidate is the winner by receiving the highest number of votes, a DECLARATION OF REVISED ELECTION RESULTS shall be prepared and distributed in the same fashion as the original declaration of election results.

All member election material shall be DESTROYED thirty (30) days after the original canvassing of the ballots if there is no petition for a recount. Member election material shall be destroyed one (1) week following the completion of all procedures of a recount.

**1.6. Amended 02-25-2014**

**1.6. Amended 12-16-2015**

**1.6. Amended 04-24-2018**

## 1.7. COMMITTEES

The Retirement Board has determined that the following are standing committees.

- A. Due Diligence Committee. This committee shall consist of the Vice-Chair as Chair, one (1) other Board member the Executive Director, the Investment Officer and one (1) staff member appointed by the Executive Director (or a designee of the Executive Director), to act as the recorder. This committee shall insure that Due Diligence visits are carried out and reports provided to the Retirement Board of investment manager and other vendor business reviews on a schedule as determined by these Bylaws and the committee.
- B. Internal Governance Committee. This committee shall consist of three (3) Retirement Board members. The Committee Chair may request administrative staff and/or legal counsel to attend Committee meetings as needed. At least one of the Retirement Board members of the committee shall have sufficient background in accounting, financial or managerial matters to understand, relate to and communicate accounting and organizational matters especially as they relate to audit reports. This committee shall have the responsibility for oversight of all financial audits (both external and internal), compliance audits, Bylaw revisions, Policy revisions, Retirement Board member education and training (including ethics) and other internal governance matters.
- C. Strategic Planning Objectives Committee. This Committee shall consist of no less than two (2) Retirement Board members. The committee may request input from administrative staff and attendance for staff at its meetings as the Committee so desires. The committee shall oversee and review staff reports related to the study and recommendations of Retirement Board approved strategic planning objectives. The committee shall have authority to survey, research, request actuarial and other studies as it deems necessary. The committee shall only make "final" reports to the Retirement Board or recommendations to the Retirement Board that require the Board's action. This committee meets at least once every three (3) years, however, may not always have Board members assigned due to the cyclical nature of the needs required of this Committee.
- D. Performance Review and Compensation Committee (PRCC). This committee shall consist of current Chair, past Chair, and current Vice Chair. As needed, the PRCC will meet to discuss the performance and compensation of the position of Executive Director.

The Committee's evaluation process should include but not be limited to the following criteria:

*Goals:* Whether the subject position's stated goals at the beginning of the evaluation period were effectively and meaningfully carried out.

*Added Value:* Whether the subject position added value to the retirement process in all areas of administration. Added value can be measured in (but not limited to) areas such as financial, administrative efficiency, member services, internal and external communication, and enhanced investment governance.

*Strategic Plan:* Whether the subject position's actions are consistent with the Strategic Plan and whether the Strategic Plan is being meaningfully implemented.

After the Committee meets regarding performance review and compensation, the Committee will draft a memorandum with its recommendation regarding the disposition of the subject position to the full Board of Retirement for approval.

The Retirement Board Chair at his/her discretion may appoint Retirement Board members or staff to any standing or ad hoc committee as the Chair deems necessary.

**1.7. Amended 02-25-2014**

**1.7. Amended 12-16-2015**

**1.7. Amended 04-24-2018**

## **1.8. POLICY, PROCEDURE AND PRACTICE**

In governing administration matters the following hierarchy is established in order of priority.

A. Federal Law

B. State Law

C. Local ordinances and resolutions when not in conflict with higher laws

D. StanCERA Bylaws

E. Policies and procedures formally adopted by the Retirement Board

F. Informal policies and procedures

G. Practice

1.8. Amended 12/16/2015

## **1.9. INDEPENDENT OPERATIONS**

StanCERA is a separate legal entity from Stanislaus County and is governed by the Retirement Board. California Constitution provides that the Retirement Board has the full responsibility and authority to invest StanCERA member retirement funds and provide necessary services in administering retirement benefits as provided in the 1937 Act, and as adopted in multiple employer-employee agreements. To fulfill the mission of StanCERA, the Retirement Board hires staff, contracts with investment managers, hires consultants, and adopts an administrative budget.

To save the time and effort of establishing its own set of Personnel Policies and tracking labor laws (and in accordance with California State law), the Retirement Board hires staff who are Stanislaus County employees. This means that in general and in most instances, these staff will be treated (hired, paid, promoted, demoted, retired or fired) the same as other Stanislaus County employees in like classifications. However, given that StanCERA staff provide services to a variety of public agencies and administer retirement benefits, staff are not subject to mandates from the Board of Supervisors or its agents that would interfere with or otherwise supersede the delivery of those services. To that end this Statement of Independent Operation acknowledges that from time to time, the Retirement Board may act to overrule or set aside a personnel decision or action that emanates from Stanislaus County personnel authority involving staff hired by the Retirement Board or its Executive Director. In matters of retirement benefit administration, the Retirement Board shall have final say in its handling of staff. The Retirement Board has and will continue to utilize Stanislaus County Personnel staff to handle recruitments and Stanislaus County payroll with its contingent of payroll-related items

such as: extra help, Personal Services Contracts, leave time and termination cash out payments, retirement benefits, Social Security coverage, deferred compensation program, group health insurances, unemployment insurance, long term disability, workers compensation insurance, professional development, employee assistance program, cafeteria plan cash out, auto allowance and mileage reimbursement the same as other Stanislaus County employees.

The Retirement Board has used and will continue to use its hired investment consultant to aid in its decision on specific investment managers to hire, their performance and possible termination, as well as providing education on investments.

The Retirement Board has used and will continue to use a variety of special consultants and attorneys.

Since fiscal year 2003-2004, the administrative budget for StanCERA has been approved and monitored solely by the Retirement Board. While the budget includes costs for Stanislaus County services through the Stanislaus County's cost allocation plan (CAP), these services are approved for payment since they support the staff in its mission to provide the promised retirement benefits. While StanCERA may not utilize Stanislaus County services 100%, like that of a Stanislaus County Department, StanCERA intends on continuing its use of and payment for services obtained through the Stanislaus County's CAP as needed. StanCERA will not pay for general Stanislaus County costs to the extent that it does not receive services for such costs.

***1.9. Amended 02-25-2014***

***1.9. Amended 12-16-2015***

***1.9. Amended 04-24-2018***

#### **1.10. ADMINISTRATION OF EXECUTIVE DIRECTOR POSITION, INVESTMENT CLASSIFICATION AND OTHER EXECUTIVE LEVEL STAFF**

Specifically regarding the position of Executive Director, the Investment Officer Series and any other executive level classifications, the Board of Retirement shall have full control over the creation, assessment and disposition of these positions, including salary, and will administer and achieve this control using the processes currently in place at the County. It is understood that the processes used to achieve this control should not be limited to the administration of existing executive level County classifications, as StanCERA, from time to time, may need to create and administer other executive level classifications that do not currently exist. The Retirement Board will continue to work with County Personnel to ensure that any other County classifications used by StanCERA in the administration of the retirement plan are properly structured within the County's salary and position guidelines.

***1.10. Amended 02-25-2014***

***1.10. Amended 12-16-2015***

***1.10 Amended 04-24-2018***

***Article 1 Amended 07-13-2005***

***Article 1 Amended 12-04-2007***

***Article 1 Amended 03-25-2008***

***Article 1 Amended 11-23-2010***

***Article 1 Amended 02-25-2014***

***Article 1 Amended 12-16-2015***

***Article 1 Amended 04-24-2018***

## **ARTICLE 2 – MEETINGS**

### **2.1. REGULAR MEETINGS**

Regular meetings of the Retirement Board shall be held on the fourth Tuesday of each month beginning May 1, 2016. This will be a combined meeting with Investment and Finance items being heard first, to be followed by Administrative and Member and Employer items. When appropriate, StanCERA staff or the Retirement Chair can alter this order if necessary. All regular meetings shall be held at 1:30 p.m. on the aforementioned day in **the Wesley W. Hall Board Room located on the sixth floor of 832 12th Street, Modesto**, California, unless changed by the chair and proper notice given by the Executive Director.

***2.1. Amended 02-25-2014***

***2.1. Amended 12-16-2015***

***2.1. Amended 04-20-2016***

***2.1. Amended 04-24-2016***

### **2.2. SPECIAL MEETINGS**

Special meetings of the Retirement Board may be scheduled at any time by the Chair of the Retirement Board or any five (5) members of the Retirement Board. The Executive Director shall publicly post and give each Retirement Board member the minimum notice required by the Ralph M. Brown Act.

***2.2. Amended 02-25-2014***

***2.2. Amended 12-16-2015***

### **2.3. PERSONS ATTENDING MEETINGS**

All meetings of the Retirement Board shall be open to the public, except closed sessions, permitted by law.

***2.3. Amended 12/16/2015***

### **2.4. RULES OF ORDER**

ROBERT'S RULES OF ORDER shall guide the Retirement Board in its proceedings, except as otherwise provided herein or in the 1937 Act. The Chair shall have a vote on all questions and motions and shall not be required to relinquish the Chair in order to participate in discussions. The Chair shall not make or second a motion. The order of business shall include:

- A. Roll Call
- B. Announcements
- C. Public Comment
- D. Consent Items (e.g., Approval of minutes & retirements)

- E. Investment Matters
- F. Administrative and Member and Employer Matters
- G. Committee Reports and Recommendations
- H. Closed Session
- I. Members' Forum (Information and Future Agenda Requests Only)
- J. Adjournment

The Retirement Board Chair may make changes in the above order at his / her discretion.

### **Requests for Staff Support by the Board**

The Board shall request any research, analyses and reports from staff as are necessary for the Board's effective oversight of StanCERA operations. Such requests will be agendaized and Considered at regularly scheduled Board meetings. If approved, the Executive Director will be responsible for coordinating the completion of the approved project or report within a reasonable time or by the completion date specified in the Board action.

### **Requests by Individual Board Members for Staff or External Support**

Board members making individual requests for information will be advised to consider the request with the full Board during Member's Forum, unless the information is readily available and the Executive Director determines that a response will not require any significant commitment of staff time or other external StanCERA resources.

**2.4. Amended 02-25-2014**

**2.4. Amended 12-16-2015**

**2.4 Amended 04-24-2018**

### **2.5. QUORUM**

Five (5) members of the Retirement Board shall constitute a quorum. No business may be transacted without a quorum.

No motion may be passed without a majority of the quorum voting affirmatively.

### **2.6. CORRESPONDENCE**

All correspondence to the Retirement Board must be in writing and received by the Executive Director one hundred twenty (120) hours prior to any regularly scheduled Retirement Board meeting to appear on the Retirement Board agenda.

**2.6. Amended 02-25-2014**

**2.6. Amended 12-16-2015**

## **2.7. MINUTES**

The Executive Director shall cause to be recorded in the minutes the time and place of each meeting, the name of each Board member present, a summary of official actions taken by the Retirement Board, and such other information that will concisely reflect each meeting's content. The minutes shall be presented for Retirement Board approval at its next regular meeting. Such minutes shall be signed by the Executive Director, approved as to form by general legal counsel, and shall become a part of the Retirement Board's permanent record. Meetings shall be audibly recorded and available on the StanCERA website.

***2.7. Amended 02-25-2014***

***2.7. Amended 12-16-2015***

## **2.8. COMPENSATION OF MEMBERS**

Pursuant to Government Code Sections 31520.5 and 31521, those members (appointed by the Board of Supervisors and the retiree representative) shall be eligible to receive the maximum allowance per meeting of the Retirement Board or meeting of a committee for not more than the maximum meetings allowed per month.

***Article 2 Amended 12-04-2007***

***Article 2 Amended 11-23-2010***

***Article 2 Amended 02-25-2014***

***Article 2 Amended 12-16-2015***

***Article2 Amended 4-24-2018***



## **ARTICLE 3 – MEMBERSHIP**

### **3.1. MEMBERSHIP DEFINED**

Membership shall be as defined by the 1937 Act as supplemented by these Bylaws.

***3.1. Amended 02-25-2014***

### **3.2. PROVISIONS FOR MEMBERSHIP**

Every employee of Stanislaus County or of any district, municipality or local government included in StanCERA, who is appointed to a permanent full-time position, as specified in the ordinances of Stanislaus County or of the included districts, municipalities or local governments shall become a member of StanCERA. Employees hired prior to October 1, 1988, became members on the first day of the calendar month after entrance into service. Employees hired on or after October 1, 1988, shall become members on the date of hire.

***3.2. Amended 4/24/2018***

### **3.3. CONTRACTING DISTRICTS**

Whenever any contracting district is required to make an additional appropriation pursuant to Government Code Section 31627.6, for the purpose of paying for a member's service with the district prior to the district's joining StanCERA, the district may make the additional appropriation by periodic payments (including interest at the current actuarial rate which shall remain in effect until the principal is exhausted) over a period of time not to exceed fifteen ( 15 ) years or may pay the entire balance to the System in one lump sum.

***3.3. Amended 12-16-2015***

***3.3. Amended 4-24-2018***

### **3.4. WAIVER BY EMPLOYEES OVER SIXTY (60)**

An employee of Stanislaus County or of any district included in StanCERA, appointed to a permanent full-time position who is age sixty (60) or over at time of entry, may waive the StanCERA membership requirement pursuant to Government Code Section 31552.

### **3.5. EXCLUSIONS**

Temporary, seasonal, intermittent part-time employees, and independent and personal service contractors are excluded from membership in StanCERA.

### **3.6. ENROLLMENT QUESTIONNAIRE AND PROOF OF BIRTH**

Every member of StanCERA shall file a sworn enrollment questionnaire showing that member's date of birth, date of hire, position, classification (general or safety) and the compensation received. The questionnaire shall be in the form provided by StanCERA. Every member shall submit with the enrollment questionnaire proof of the member's date of birth within ninety (90) days of hire. If a proper questionnaire with proof of birth is not filed within ninety (90) days of

hire, the rate of contribution shall be based on the highest age for the member's retirement tier and classification. When the questionnaire is filed or proof of age is submitted to the Executive Director, the normal age rates will be applied and excess contributions shall not be refunded to the member. The following documents will be acceptable for proof of birth:

A. Any one (1) of the following:

1. Infant baptismal certificate
2. Census record
3. School age record
4. Naturalization certificate
5. A photocopy of a certified birth certificate
6. Passport
7. Alien registration card with photograph
8. Military record (i.e. DD214, ID) if date of birth is shown

B. Any two (2) of the following:

1. Photocopy of certified Marriage Certificate if date of birth is shown
2. Photocopy of Child's certified birth certificate, showing date of birth of member
3. Affidavit by older relative, notarized
4. Hospital birth record

3.6. Amended 02-25-2014

3.6. Amended 12-16-2015

3.6. Amended 4-24-2018

### **3.7. PROOF OF MARRIAGE**

- A. Every member, at the time of retirement, shall submit a copy of a certified proof of marriage or registered domestic partnership certification and an affidavit that the marriage continues if a designated beneficiary is the spouse or registered domestic partner, and the option pursuant to Government Code Section 31760, et seq., is elected.
- B. Every applicant for a spousal continuance based upon a death of a member may be required to submit an affidavit that the marriage continued up until the time of death of the member.

**3.7. Amended 02-25-2014**

**3.7. Amended 12-16-2015**

### **3.8. BENEFICIARY PROOF OF BIRTH**

Every member, at the time of retirement, shall submit a copy of proof of birth certification (see 3.6) of designated beneficiary or beneficiaries selected pursuant to the exercise of an option contained within Government Code Section 31760, et seq.,.

***3.8. Amended 02-25-2014***

***3.8. Amended 12-16-2015***

***3.8. Amended 4-24-2018***

### **3.9. CORRECTION OF DATE OF BIRTH**

Repealed 12/16/2015 See StanCERA Internal Policies – Member Contributions

***3.9. Amended 02-25-2014***

***3.9. Amended 04-24-2018***

### **3.10. PROOF OF DEATH**

Every applicant, at the time of application for a death benefit or continuance, shall submit a copy of a certified final death certificate or a court decree establishing the fact of death.

***3.10. Amended 02-25-2014***

***3.10. Amended on 12-16-2015***

### **3.11. TIER 3 AND SAFETY MEMBERSHIP**

A. Any Tier III member who transfers to a Safety eligible position shall be required to become a contributing member of the retirement system as of the date of the transfer to the Safety eligible position. Any Tier III member whose position becomes Safety eligible through law or collective bargaining process shall be required to become a contributing member of the retirement system as of the effective date of the legislation or negotiated agreement.

***3.11. Amended 02-25-2014***

***3.11. Amended on 12-16-2015***

***3.11. Amended on 4-24-2018***

### **3.12. SPOUSE/REGISTERED DOMESTIC PARTNER**

Wherever in the Bylaws the term “spouse” is used, this term shall also include registered domestic partners.

***Article 3 Amended 12-04-2007***

***Article 3 Amended 11-23-2010***

***Article 3 Amended 02-25-2014***

***Article 3 Amended 12-16-2015***

## **ARTICLE 4 - CLAIMS FOR DISABILITY RETIREMENT**

### **4.1. DEFINITIONS**

In this article, unless the context or subject matter otherwise requires:

- A. "Executive Director" means the StanCERA Retirement Administrator or designee of Executive Director.
- B. "Applicant" means a person, Stanislaus County, a contracting district or other legally authorized entity claiming benefits, rights, or privileges under the County Employees Retirement Law of 1937, section 31450, et seq. of the California Government Code (hereinafter "the 1937 Act").
- C. "StanCERA" means the Stanislaus County Employees' Retirement Association.
- D. "Retirement Board" means the StanCERA Board of Retirement.
- E. "Party" means any person disclosed by the records of the retirement system or by the application to have an interest in any subject matter including the applicant and the subject employee.
- F. "Referee" means a person appointed by the Retirement Board to make a determination pursuant to Section 31533 of the Government Code. A referee may also be referred to as a "Hearing Officer".
- G. "Subject employee" means the member of the retirement system on behalf of whom an application is filed.
- H. "Disability" or "disabled" means the subject employee's permanent physical and/or mental inability to substantially perform his or her usual job duties, with or without accommodations.
- I. "Accommodations" means an agreement by the subject employee's employer, either Stanislaus County or contracting district, to modify the regularly assigned duties and/or work environment as necessary to allow the subject employee to continue to work within the limitations established by medical evidence.
- J. "Pending" file status refers to an application which has been filed with the Executive Director's office but which cannot be processed because requisite documentation and/or information (e.g., medical records, medical reports, job descriptions, employer information, completed questionnaires, etc.) has not been received by the Executive Director's office.
- K. "Active" file status refers to an application, which has been filed with the Executive Director's office and for which the Executive Director's office has received all requisite documentation and/or information necessary to process it. A "pending" file becomes "active" as of the date on which the last requisite documentation and information is received by the Executive Director's office. Any time limits or file status dates will use the date the file becomes "active" as a reference date.
- L. "Disability Counsel" means the independent legal counsel obtained by the Executive Director

**4.1. Amended 02-25-2014**

**4.1. Amended 12-16-2015**

## **4.2. FILING AND AMENDMENT OF APPLICATIONS**

- A. A claim for disability retirement shall be made by filing with the Executive Director's office a completed application on a form approved by the Retirement Board for that purpose together with all information required in Section 4.3 of these Bylaws. Upon the filing of an application, the Executive Director shall serve the applicant with a copy of this article. Upon receipt of all requisite information and documentation, the Executive Director shall review and investigate the matter and issue a recommendation to the Retirement Board pursuant to the provisions of this article.
- B. If during the pendency of an application there is any change in any of the facts or claims set forth in the application, or any information submitted pursuant to Section 4.3 of these Bylaws, the applicant shall immediately file with the Executive Director's office and serve on all interested parties written notice of the change. Upon the filing of such notice with the Executive Director's office, the application shall be deemed amended accordingly.
- C. In the event that the applicant modifies the basis of his / her claim for disability benefits, or changes the application from a claim for non-service to a claim for service-connected disability benefits, the date of that applicant's active filing date will be amended to reflect the later date upon which the Executive Director's office receives the additional information or modified claim. Failing to file an accurate or fully complete application form or failing to timely amend an already active application form may, at the discretion of the Retirement Board or referee, preclude the applicant from asserting or introducing evidence of the omitted or changed fact(s) or claim(s).
- D. An applicant may file an application for non-service connected disability benefits and/or service connected disability benefits. If the applicant files an application for service connected disability benefits only and the Retirement Board finds that the subject employee is disabled, but not on a service connected basis, upon application the subject employee, if eligible, shall be retired for non-service connected disability.

***4.2. Amended 02-25-2014***

***4.2. Amended 12-16-2015***

## **4.3. DOCUMENTS TO BE COMPLETED AND FURNISHED BY APPLICANT**

- A. The following documents must be furnished to the Executive Director's office by the applicant in connection with the initial disability application.
  - 1. Completed Application for Disability Retirement (includes statement signed under penalty of perjury by the applicant that the materials provided are all the materials available in relation to the claim for disability benefits.
  - 2. Responses to Disability Retirement Questionnaire, signed, under penalty of perjury.
  - 3. Duly executed authorizations for release of employment/workers' compensation information, medical information, and, if applicable, psychiatric information.
  - 4. Third party claims form.

5. IME missed appointment form.
  6. Completed Treating/Attending Physician's Statement. A minimum of one statement is required.
  7. Pursuant to Government Code Section 31722, if member applies for disability retirement four (4) or more months after date of termination, member shall include a letter from treating physician stating member has remained permanently disabled since date of termination.
  8. Employer's Job Task Analysis.
  9. Employer's Job Description.
  10. All other relevant medical reports and other relevant evidence the applicant would like the Retirement Board to consider.
  11. Member's Statement Description of Employee's Job Duties The responses on the Disability Retirement Questionnaire shall be provided under penalty of perjury and the applicant shall sign and attach to his / her responses, the signature page, which StanCERA provides with the questionnaire. If the responses are not returned with the appropriate signature page, they shall be deemed not to have been filed and shall be returned to the applicant with additional instructions.
- B. At any time during the pendency of an application, the Executive Director, the Retirement Board, or counsel for the Executive Director may, by written notice to the applicant, request that the applicant serve within thirty (30) days, or such further time as may be designated, any or all of the following items:
1. Copies of all other documents upon which the applicant relies in support of the application.
  2. A narrative physician's report of the subject employee's current medical condition.
  3. Sworn written responses to written questions concerning any matter, which is either relevant to the subject matter of the application or is reasonably calculated to lead to the discovery of evidence, which would be admissible at hearing including, but not limited to the subject employee's medical history, employment history, current medical condition, and current employment status.
- C. The Executive Director and/or the Executive Director's counsel shall, in their sole and complete discretion, independently obtain copies of all of the applicant's medical records, employment records, and other relevant documents. However, in no event shall the applicant be relieved of his or her strict obligation to file and/or furnish to the Executive Director's office all medical records and necessary documents described in this section 4.3. StanCERA shall bear the costs incurred by the Executive Director and/or the Executive Director's counsel in independently obtaining copies of relevant documents. The applicant shall bear the costs he or she incurs in obtaining copies of documents filed and/or furnished by him or her in connection with the application.

**4.3. Amended 02-25-2014**

**4.3. Amended 12-16-2015**

#### **4.4. MEDICAL AND PSYCHIATRIC EXAMINATIONS**

- A. At any time during the pendency of an application, the Executive Director, the Retirement Board, or counsel for the Executive Director may, by written notice to the applicant (and to the subject employee if the application was filed on behalf of the employee), request that the subject employee submit within thirty (30) days, or such further time as may be designated, to one or more medical examinations by physicians designated by the requesting party at the times and places specified in the notice of the examination(s). As used in this article, the words "medical" and "physician" include, but not limited to, duly licensed medical doctors, osteopathic doctors, psychologists, chiropractors, and other legally recognized practitioners of the healing arts.
- B. StanCERA shall bear the fees charged by the examining physician(s) in connection with any examination conducted pursuant to this section. Notwithstanding the foregoing, in the event the subject employee fails to timely appear for a duly noticed medical examination, he or she shall be liable for any cancellation fee or other fee charged by the physician in connection with the subject employee's failure to appear. In the even the subject employee is, thereafter, granted disability benefits, such cancellation fee may be charged against said benefits.

***4.4. Amended 02-25-2014***

***4.4. Amended 12-16-2015***

#### **4.5. DISCOVERY AVAILABLE**

In addition to any form of discovery available, pursuant to this article, at any time during the pendency of the application, any interested party shall be entitled to any of the discovery procedures prescribed by the Code of Civil Procedure, provided that such discovery is limited to the subject matter of the application. All forms of discovery authorized by this article and all remedies and procedures related there to, shall be available in conjunction with any disability re-evaluation under Government Code Section 31729.

***4.5. Amended 12-16-2015***

#### **4.6. APPLICANT'S FAILURE TO FURNISH DOCUMENTS, INFORMATION, OR FAILURE TO SUBMIT TO MEDICAL EXAMINATION**

- A. If the applicant and/or the subject employee fails or refuses to comply with any request pursuant to section 4.3 within the time provided, or if the requesting party deems that a further response is required, or if the subject employee fails or refuses to appear for any medical examination pursuant to section 4.4 or fails or refuses to cooperate with an examining physician, or if the applicant and/or the subject employee otherwise fails or refuses to comply with any discovery request, the requesting party may move the Retirement Board for an order to compel compliance with the request.
- B. Such a motion shall be made by filing with the Retirement Board and serving on all interested parties a copy of the written request and proof of service thereof, a copy of the response, if any, and a statement of the facts and arguments supporting the motion. Upon the filing of such a motion, the Executive Director or the Executive Director's counsel shall set a hearing thereon either before the Retirement Board or a referee and serve all interested parties with notice thereof. Said motion shall be heard no sooner than 30 days after notice thereof is served on all interested parties. No later than five (5) days before the date set for hearing, any interested party may file and serve written opposition to the

motion. After hearing the motion, the Retirement Board or referee shall rule thereon and serve notice of its order on all interested parties.

- C. If the applicant and/or the subject employee fails or refuses to obey an order of the Retirement Board or referee made pursuant to this section, the Retirement Board may upon the further motion of the requesting party (notice of which shall be given pursuant to paragraph 4.6.B., above) take any further action which it determines to be just and reasonable, including, but not limited to, precluding the applicant and/or the subject employee from asserting or introducing evidence of specified facts or claims, deeming specified facts or claims to be admitted, or dismissing the application with or without prejudice.

#### ***4.6. Amended 02-25-2014***

#### **4.7. DOCUMENTS AND INFORMATION TO BE FURNISHED BY EMPLOYER**

At any time during the pendency of an application, the Executive Director, the Retirement Board, or counsel for the Executive Director may issue a written request to the subject employee's department head, supervisor(s), co-workers, personnel department or the risk management department seeking information regarding the subject employee's job duties, illness or injury and other pertinent data. The department head or other designated person(s) shall provide, or direct the provision of, the necessary data in written form to the requesting party within ten (10) days of receipt of the request.

#### ***4.7. Amended 02-25-2014***

#### **4.8. COMMUNICATION WITH INDIVIDUAL RETIREMENT BOARD MEMBERS**

The members of the Retirement Board may act as judge and jury in all disability retirement hearings. As such, once an application for disability benefits is filed, communications between individual Retirement Board members and interested parties or their representatives concerning any issue pertaining to the application, are forbidden until such time as the Retirement Board issues its final written decision. Any violation of this section may result in the Retirement Board member being found ineligible to participate in any discussion regarding the application, or to vote on the disability application.

#### **4.9. RIGHT TO COUNSEL**

- A. Any applicant is entitled, at his/her/its expense, to be represented by legal counsel at any and all stages of the proceedings. If the applicant decides to retain legal counsel, he/she/it must immediately file, with the Executive Director's office, a written notice designating his/her/its counsel and providing the name, address and telephone number of said counsel. Absent such written designation, StanCERA is not obligated to recognize any party claiming to represent an applicant.
- B. In all matters pertaining to disability retirement, the Executive Director is entitled to be represented by legal counsel chosen by the Retirement Board. In addition, the Retirement Board shall be entitled to representation by legal counsel of its choosing.

#### ***4.9. Amended 02-25-2014***

#### ***4.9 Amended 4-24-2018***



#### **4.10. STIPULATIONS OF OTHER ENTITIES NOT BINDING**

No stipulation, agreement, understanding, act or omission on behalf of the County of Stanislaus or on behalf of a contracting district by an officer, employee, or agent of the County of Stanislaus or of a contracting district in a worker's compensation or any other proceeding to which neither the Retirement Board nor StanCERA is a party, shall be binding upon the Retirement Board or StanCERA insofar as such stipulation, agreement, understanding, act or omission may be asserted to relate to disability retirement or the disposition of a particular application for disability retirement, unless such stipulation, agreement, understanding, act or omission has previously been approved by the Retirement Board through a duly adopted motion, which has been recorded in the official minutes of the Retirement Board. The provisions of this section shall not be deemed to constitute a new policy, but rather a formalization and continuation of an existing unwritten policy, which has been in effect during the life of StanCERA.

#### **4.10. Amended 12-16-2015**

#### **4.11. ADMINISTRATIVE RECOMMENDATION**

- A. After reviewing the application, and all other documents and information obtained in connection therewith and conducting any necessary investigation, the Executive Director shall make an appropriate recommendation to the Retirement Board. The recommendation may consist of one or more of the following:
1. "Grant service connected disability retirement" where the Executive Director determines that the applicant has proved by a preponderance of the evidence all the elements legally necessary to entitle the subject employee to service-connected disability retirement.
  2. "Deny service connected disability retirement" where the Executive Director determines that the applicant has clearly failed to establish one or more of the elements legally necessary to entitle the subject employee to service-connected disability retirement.
  3. "Grant non-service connected disability retirement" where the Executive Director determines that the applicant has proved by a preponderance of the evidence all elements legally necessary to entitle the subject employee to non-service-connected disability retirement.
  4. "Deny non-service connected disability retirement" where the Executive Director determines that the applicant has clearly failed to establish one or more of the elements legally necessary to entitle the subject employee to non-service connected disability retirement.
  5. "Refer for hearing" where the Executive Director determines that there is substantial evidence to support the disability claim, but the evidence does not, in the Executive Director's opinion, prove by a preponderance of the evidence all the elements necessary to grant the disability claim.
- B. The Executive Director's recommendation to the Retirement Board shall be made at a Retirement Board meeting after placing the matter on the agenda of a Retirement Board meeting.

#### **4.11. Amended 02-25-2014**

#### **4.11. Amended 12-16-2015**

#### **4.12. PROCEDURE UPON ADMINISTRATIVE RECOMMENDATION**

With respect to each application for which the Retirement Board has received an administrative recommendation pursuant to section 4.11, the Retirement Board shall at the first meeting where the matter properly appears on its agenda take the following action or any other action that the Retirement Board may deem appropriate: grant the disability retirement; deny the disability retirement; remand the application to the Executive Director for further investigation; or refer any or all issues for hearing.

***4.12. Amended 02-25-2014***

#### **4.13. REQUEST FOR HEARING**

Whenever the Retirement Board denies an application for service connected or non-service connected disability retirement without a hearing, the applicant shall, upon request, be entitled to a hearing before the Retirement Board, or before a referee appointed by the Retirement Board. Any such request for hearing shall be in writing and shall be made within thirty (30) days after notice of the Retirement Board's action denying the application and is mailed by certified or registered mail to the applicant or to his / her counsel, if the applicant is represented by counsel. A request for hearing shall be deemed made on the date mailed if mailed by certified or registered mail, on the date postmarked if mailed by first class mail and actually received by StanCERA, or on the date actually received by StanCERA, whichever is earlier.

***4.13. Amended 02-25-2014***

***4.13. Amended 12-16-2015***

***4.13 Amended 04-24-2018***

#### **4.14. SETTING FOR HEARING**

- A. If the Retirement Board determines that a matter is to be set for hearing, the matter shall be heard by a referee unless the Retirement Board moves to hear the matter itself. If the Retirement Board determines that the matter shall be heard by a referee, the Executive Director shall notify Executive Director's counsel who shall promptly schedule a hearing, taking into consideration the availability of a qualified referee, the availability of witnesses for the parties, and any other matter necessary and appropriate for the hearing. The Executive Director's counsel shall give written notice of the date, time and place of the hearing to all interested parties at least 30 days in advance of the scheduled hearing, unless otherwise stipulated by all interested parties.
- B. The Executive Director shall maintain a list of retired judges or qualified licensed attorneys who are approved by the Retirement Board and who are available to serve as hearing referees. The Executive Director shall appoint the referee for each hearing by determining which person on the list served last and selecting the person next in order. In the event the person next in order declines to serve as referee or is unavailable to serve within a reasonable period of time, the Executive Director shall appoint the person on the list next in order. The notice of hearing shall include the identity of the person appointed as referee.

Any interested party may promptly object in writing to the appointment of a particular referee. If said written objection is not filed with the Executive Director's office at least 10 days prior to the date first set for hearing, any such objection shall be waived. In the event such objection is timely filed, the Executive Director shall appoint as referee the person next in order on the referee list.

- C. Upon stipulation by the interested parties or upon a showing of good cause, the referee or the Retirement Board may continue a hearing to a new date.
- D. The party requesting the continuance shall bear all costs relating to the continuance unless good cause is shown to the referee or to the Retirement Board. Such costs include, but not limited to, referee fees, court reporter fees, witness fees, and any other costs, fees and expenses incurred by the Retirement Board, by anyone on behalf of StanCERA or by any other interested party as a result of the continuance.

**4.14. Amended 02-25-2014**

**4.14. Amended 12-16-2015**

**4.15. HEARING PROCEDURES**

- A. Every hearing before a referee shall be reported by a certified shorthand reporter, and every hearing before the Retirement Board shall be electronically recorded.
- B. At any hearing, any interested party may be represented by legal counsel, at his/her/its own cost.
- C. The referee or, with respect to hearings before the Retirement Board, the Chair or the Chair's designee, shall exercise such control over the hearing as is reasonable and necessary including, but not limited to, prescribing the order of proof, ruling upon the admissibility of evidence, ordering medical I examinations; requiring the additional relevant evidence be gathered and presented; questioning witnesses, and determining whether the matter shall proceed or be adjourned subject to continuation.
- D. Except as otherwise provided in this Article, any relevant evidence shall be admitted if it is the sort of evidence on which reasonable and responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence over objections in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in and of itself to support a finding unless it would be admissible over objection in civil actions.
- E. Oral evidence shall be taken only on oath or affirmation.
- F. On any relevant matter, each interested party shall have the right to call and examine witnesses, introduce documentary and other physical evidence, and cross-examine opposing witnesses. Any interested party who does not testify on his own behalf may be called and examined as a witness, as if, under cross-examination.
- G. Refusal of the applicant or subject employee to submit to examination or to answer relevant questions shall be grounds for considering such questions for the purpose of that hearing to be answered in a way unfavorable to the refusing party.
- H. The production of medical evidence, in the form of written reports, is favored. Such reports should include the following:

1. A history of the subject injury or illness;
2. The subject employee's prior and subsequent medical history;
3. The subject employee's current subjective complaints;
4. The findings upon examination;
5. The nature and extent of disability;
6. The anticipated nature and extent of further treatment or care;
7. Whether or not the subject employee has a disability, which permanently incapacitates him/her from performing his/her usual and customary job duties, and the basis for that opinion, including the specific job duties for which he/she is incapacitated and the specific medical conditions, which so incapacitate him/her.

- I. Any interested party may offer, and the Retirement Board or referee shall receive in evidence, medical records and reports, provided that copies of the said documents have been served on all other interested parties at least fifteen (15) days prior to the hearing, along with written notice of intention to offer the said documents into evidence. Any other interested party may subpoena the author of such a medical report or record as a witness and examine him/her as if under cross-examination.
- J. Any interested party may offer, and the referee or Retirement Board shall receive, into evidence the written statement of any non-medical witness provided that:
  1. It is made by affidavit or by declaration under penalty of perjury; and,
  2. A copy has been served on all interested parties at least fifteen (15) days prior to the hearing along with notice of intention to offer the same into evidence.
- K. Any interested party may offer, and the Retirement Board or referee shall receive into evidence the deposition of any witness subject to the objections available under Code of Civil Procedure Section 2025.010 et seq., notwithstanding that the deponent is not "unavailable as a witness" within the meaning of Section 240 of the Evidence Code, and no exceptional circumstances exist if:
  1. The deposition was taken in the manner provided for by law or by stipulation of the parties; and
  2. At least fifteen (15) days prior to the hearing the proponent of the deposition delivered to all interested parties notice of intention to offer the same into evidence. Any interested party upon receiving such notice may subpoena the deponent and, if he does so, at the discretion of the Retirement Board or referee, either the deposition may be excluded from evidence or the deposition may be admitted and the deponent may be further cross-examined by the party who subpoenaed him/her.
- L. For the purposes of this article, "service" of a document or notice may be accomplished manually or by mail in the manner provided by section 9.21. If delivery is by mail, the times prescribed in this Article for delivery of documents and notices shall be increased by five (5) days.

M. Applicants shall personally appear at all hearings pertaining to their application. Service by mail of written notice of hearing shall be sufficient to compel an Applicant's appearance at hearing. Failure of an applicant to personally appear and testify at any duly noticed hearing, whether before a Referee or the Retirement Board shall be deemed a withdrawal of the corresponding disability retirement application with prejudice, unless the hearing is continued by agreement of the parties or upon a showing of good cause. All hearing notices shall include a warning in substantially the following form: "The applicant must personally appear and testify at this hearing. Failure to do so will result in a denial of the disability retirement application."

**4.15. Amended 02-25-2014**

**4.15. Amended 12-16-2015**

**4.15 (M) added 4-24-2018**

#### **4.16. DECISION OF THE REFEREE**

- A. When a hearing is held before a referee, the referee shall prepare, in writing, proposed findings of fact and a recommended decision and reasons therefor.
- B. Within forty-five (45) days after the matter is submitted, the referee shall file with the Executive Director's office his / her proposed findings of fact and recommended decision, which shall include those documents received into evidence. Simultaneously therewith, he / she shall serve the proposed findings of fact and recommended decision on all interested parties. The referee shall not be entitled to remuneration for his services until the aforesaid documents have been filed and served. For the purposes of this section, a matter is considered "submitted" on the last day of the hearing, unless the referee, for good cause, orders otherwise.
- C. In the absence of good cause, as determined by the referee, any post hearing briefs or other pleadings shall be filed with the Executive Director's office and served on the referee and on all interested parties within twenty (20) days of the last day of the hearing. The filing of post hearing briefs shall not extend the date the matter is submitted.
- D. Upon the service of the referee's proposed findings of fact and recommended decision, the interested parties shall have ten (10) days to submit objections thereto by filing the same with the Retirement Board and serving the same on all interested parties whereupon the said objections shall be incorporated in the record to be considered by the Retirement Board.

**4.16. Amended 02-25-2014**

**4.16. Amended 12-16-2015**

#### **4.17. ACTION BY THE RETIREMENT BOARD UPON REFEREE'S DECISION**

- A. Upon receiving the proposed findings of fact and recommendation of the referee, the Retirement Board may:
  - 1. Approve and adopt the proposed findings and recommendation of the referee; or
  - 2. Require a transcript or summary of all the testimony, plus all other evidence received by the referee. Upon the receipt thereof, the Retirement Board shall take such action as in its opinion is indicated by such evidence; or

3. Refer the matter back with / without instructions to the referee for further proceedings; or
  4. Set the matter for hearing before itself. At such hearing, the Retirement Board shall hear and decide the matter as if it had not been referred to a referee.
- B. Upon approving and adopting the referee's decision or any subsequently modified decision, thereof, the Retirement Board shall comply with Subsection 4.18(C).

**4.17. Amended 02-25-2014**

**4.17. Amended 12-16-2015**

#### **4.18. HEARINGS BEFORE THE RETIREMENT BOARD**

- A. Five (5) members of the Retirement Board constitute a quorum for the making of any decision at a hearing held pursuant to the provisions of this Article. No findings of fact or decision by the Retirement Board shall be valid unless:
1. A majority of all members present; or
  2. Four (4) members, whichever is greater, concur therein.
- B. When a hearing is held before the Retirement Board, the Retirement Board shall, no later than the second regular meeting following the meeting at which the matter is submitted, determine all material issues and shall incorporate such determinations in a written decision and findings of fact.
- C. Within ten (10) days following the date the Retirement Board renders its decision and findings of fact, the Retirement Board shall serve all interested parties with a copy of the same together with a notice of the right to judicial review of the Retirement Board's decision as set forth in Section 4.20.

**4.18. Amended 02-25-2014**

**4.18. Amended 12-16-2015**

#### **4.19. DATE OF FINAL DECISION AND NOTICE THEREOF**

The decision of the Retirement Board shall be final on the date the notice is mailed to the applicant by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. A copy of the decision along with the affidavit or certificate of mailing shall simultaneously be mailed to the subject employee, if other than the applicant, and to all other interested parties and their respective counsel.

**4.19. Amended 02-25-2014**

**4.19. Amended 12-16-2015**

#### **4.20. JUDICIAL REVIEW OF RETIREMENT BOARD DECISIONS**

The time to seek judicial review of final Retirement Board decisions is governed by Code of Civil Procedure section 1094.6. Each notice of decision shall include a statement substantially as follows: "The time to seek judicial review (appeal) from this decision is governed by Code of Civil Procedure section 1094.6. If you disagree with this decision and wish to appeal it, you must file a petition for writ of mandate with the superior court within 90 days of the date of this notice. If you fail to do so, you will lose your right to appeal this decision".

**4.20. Amended 02-25-2014**

**4.20. Amended 12-16-2015**

**4.21. SERVICE OF NOTICE**

- A. Unless otherwise provided by these Bylaws or by statute, where the provisions of this Article require service of a notice, demand, request, or other written communication, service shall be made on the party on whom service is required unless the said party has filed notice of representation by counsel, in which case service shall be made upon counsel of record for that party.
- B. Where the provisions of this Article require service on "interested parties," such service shall be made on the Executive Director, on all interested parties who have appeared in the subject proceedings, and on all interested parties who have not appeared in such proceedings and have filed a request to be served with documents, which are served and filed in such proceedings. Pursuant to Government Code section 31532, unless otherwise ordered by a court of competent jurisdiction or necessary for the processing of an application, sworn statements and individual records of members shall not be disclosed by StanCERA.
- C. Unless otherwise provided in these Bylaws or by statute, the service of all notices, orders, requests, and other written communications, which are not personally served shall be effected by sealing the same in an envelope properly addressed to the party to be served and depositing the envelope in the United States mail with first class postage fully prepaid, and any applicable time limitations shall be extended in the manner prescribed by Code of Civil Procedure Section 1013.
- D. For purposes of determining the effectiveness of service on an applicant or subject employee, correspondence shall be deemed "properly addressed" if it bears the address specified on the application, or if the application has been amended, the address specified on the most recently filed amended application.

**4.21. Amended 02-25-2014**

**4.21. Amended 12-16-2015**

**Article 4 Amended 12-04-2007**

**Article 4 Amended 11-23-2010**

**Article 4 Amended 02-25-2014**

**Article 4 Amended 12-16-2015**

**Article 4 Amended 04-24-2018**

## **ARTICLE 5 - CLAIMS FOR BENEFITS, RIGHTS, OR PRIVILEGES OTHER THAN DISABILITY RETIREMENT**

### **5.1. PURPOSE**

The purpose of this article is to provide a procedure for acting upon applications for rights, benefits, and privileges other than applications for disability retirement under the 1937 Act to the end that applications can be expeditiously processed with a minimum lapse of time and that when a hearing is required by law, the Applicant will have notice of the hearing and an opportunity to appear before the Retirement Board and present his / her case.

***5.1. Amended 12-16-2015***

### **5.2. FILING AND AMENDMENT OF APPLICATIONS**

- A. A claim for rights, benefits, and privileges other than applications for disability retirement shall be made by filing with the Retirement Board a completed application, on a form approved by the Retirement Board, for that purpose, together with all facts, information, and documentation supporting such claim. Upon the filing of such an application, the Retirement Board shall serve the Applicant with a copy of this article and forward the application to the Executive Director for the Executive Director's review, investigation, and recommendation, pursuant to the provisions of this article.
- B. If, during the pendency of an application, there is any change in any of the facts or claims set forth in the application, the Applicant shall immediately file with the Retirement Board and serve on all interested parties written notice of the change. Upon the filing of such notice with the Retirement Board, the application shall be deemed amended accordingly.
- C. Failure to accurately and fully complete or timely amend an application may delay its processing or, in the discretion of the Retirement Board or referee, preclude the Applicant from asserting or introducing evidence of the omitted or changed fact(s) or claim(s).

***5.2. Amended 02-25-2014***

***5.2. Amended 12-16-2015***

### **5.3. FURTHER INFORMATION TO BE FURNISHED BY APPLICANT**

- A. At any time during the pendency of an application, the Executive Director, the Retirement Board, or the counsel for StanCERA may, by written notice to the Applicant, request that the Applicant serve, within thirty (30) days or such further time as may be designated, any or all of the following items: copies of all pertinent records and reports, copies of all other documents upon which the Applicant relies in support of the application, and sworn written responses to written inquiries concerning any matter, which is, either relevant to the subject matter of the application or is reasonably calculated to lead to the discovery of evidence, which would be admissible at hearing including, but not limited to, the subject employee's medical history, employment history, current medical condition, and current employment status.
- B. With respect to any request, pursuant to Subsection 5.2. (A), if the Applicant or subject employee fails or refuses to respond within the time allowed for response or if the propounding party deems a further response to be required, the propounding party may move the Retirement Board for an order to compel compliance with the request. Such a motion shall be made by filing with the Retirement Board and serving on all interested parties a copy of the written



request and proof of service thereof, a copy of the response, if any, and a statement of the facts and arguments supporting the motion.

Upon the filing of such a motion, the Executive Director shall set a hearing thereon either before the Retirement Board or a referee and serve all interested parties with notice thereof. No later than five (5) days before the date set for hearing, any interested party may file and serve written opposition to The motion. After hearing the motion, the Retirement Board or referee shall rule thereon and serve notice of the ruling on all interested parties. If the Applicant or subject employee fails or refuses to obey an order of the Retirement Board or referee made, pursuant to this subsection, the Retirement Board may take any further action upon the noticed request of any interested party, which it determines to be reasonable and just, including, but not limited to, precluding the Applicant from asserting or introducing evidence of specified facts or claims, deeming specified facts or claims to be admitted, or dismissing the application with or without prejudice. Nothing in this Section shall be construed to limit the right of any interested party to seek judicial review of action taken by the Retirement Board or referee pursuant to this Section.

**5.3. Amended 02-25-2014**

**5.3. Amended 12-16-2015**

#### **5.4. ADMINISTRATIVE RECOMMENDATION**

- A. Upon review of the application and information submitted by the Applicant, and all other relevant material, the Executive Director shall make one of the following recommendations to the Retirement Board:
1. "Grant claim for benefits" where the Executive Director determines, from all available information that there is no substantial conflict with respect to the facts necessary to grant an application for benefits, rights, or privileges.
  2. "Refer for hearing:" where the Executive Director is unable to find, from all available information, the necessary conditions to recommend granting a claim for benefits, rights, or privileges. At any time prior to hearing, the Executive Director may, in accordance with the standards set forth in Subsection 5.4, withdraw his recommendation to refer to hearing and recommend that the claim for benefits, rights, or privileges be granted, and the Retirement Board may act, thereon, in the manner prescribed in Section 5.5 of this Article.
  3. "Deny claim for benefits" where the Executive Director determines from all available information that there is no substantial evidence to support the facts necessary to grant such a benefit.
- B. The Executive Director's recommendation to the Retirement Board shall be made at a regular meeting of the Retirement Board after placing the matter on the agenda of a Retirement Board meeting.

**5.4. Amended 02-25-2014**

**5.4. Amended 12-16-2015**

#### **5.5. PROCEDURE UPON ADMINISTRATIVE RECOMMENDATION**

With respect to each application, for which the Retirement Board has received an administrative recommendation, pursuant to Section 5.4, the Retirement Board shall, at the first

meeting where the matter properly appears on its agenda, take the following action or any other action that the Retirement Board may deem appropriate:

- A. If the administrative recommendation is "grant claim for benefits" the Retirement Board may either grant such a claim or refer all issues for hearing.
- B. If the administrative recommendation is "refer for hearing", the Retirement Board may either refer all issues for hearing or remand to the Executive Director for further investigation.
- C. If the administrative recommendation is "deny claim for benefits",, the Retirement Board may either deny such benefit, grant such benefit, or refer all issues to hearing.

**5.5. Amended 02-25-2014**

**5.5. Amended 12-16-2015**

## **5.6. SETTING FOR HEARING**

- A. If the Retirement Board determines that a matter is to be set for hearing, the matter shall be heard by a referee unless the Retirement Board moves to hear the matter itself. If the Retirement Board determines that the matter shall be heard by a referee, the Executive Director shall notify counsel, who shall promptly schedule a hearing, taking into consideration the availability of a qualified referee, the availability of witnesses for the parties, and any other matter necessary and appropriate for the hearing. The Executive Director's counsel shall give written notice of the date, time and place of the hearing to all interested parties at least 30 days in advance of the scheduled hearing, unless otherwise stipulated by all interested parties.
- B. The Executive Director shall maintain a list of retired judges or qualified licensed attorneys who are approved by the Retirement Board and who are available to serve as hearing referees. The Executive Director shall appoint the referee for each hearing by determining which person on the list served last and selecting the person next in order. In the event the person next in order declines to serve as referee or is unavailable to serve within a reasonable period of time, the Executive Director shall appoint the person on the list next in order. The notice of hearing shall include the identity of the person appointed as referee. Any interested party may promptly object in writing to the appointment of a particular referee. If said written objection is not filed with the Executive Director's office at least ten (10) days prior to the date first set for hearing, any such objection shall be waived. In the event such objection is timely filed, the Executive Director shall appoint as referee the person next in order on the referee list.
- C. Upon stipulation by the interested parties or upon a showing of good cause, the referee or the Retirement Board may continue a hearing to a new date.
- D. The party requesting the continuance shall bear all costs relating to the continuance unless good cause is shown to the referee or to the Retirement Board. Such costs include, but are not limited to, referee fees, court reporter fees, witness fees, and any other costs, fees and expenses incurred by the Retirement Board, by anyone on behalf of StanCERA or by any other interested party as a result of the continuance.

**5.6. Amended 02-25-2014**

**5.6. Amended on 12-16-2015**

## **5.7. PRE-HEARING PROCESS**

- A. The Executive Director shall schedule a date for the hearing. The Retirement Board or referee may, upon stipulation by the interested parties or showing of good cause, continue a hearing to a new date. The party requesting the continuance shall bear all costs relating to the continuance, unless good cause is shown to the Retirement Board.
- B. Within thirty (30) days of the date of the hearing, the Applicant shall provide a copy of all documents and writings, which the Applicant proposes to introduce at the hearing to the Executive Director, and the Executive Director shall provide a copy of documents and writings that the Executive Director intends to introduce at the hearing to the Applicant. Any interested party may request a pre-hearing conference. The Applicant or the Executive Director may set a pre-hearing conference by serving all interested parties with written notice of the conference at least fifteen (15) days in advance. Such conferences shall be attended by all interested parties and their counsel.
- C. Any interested party shall at any time after filing of the application, be entitled to undertake discovery in the form of requests for admissions, interrogatories or depositions in the manner prescribed by the Code of Civil Procedure, provided that such discovery is limited to the matters set forth in the application.
- D. Formal discovery shall be limited to those procedures provided in this Article and the 1937 Act, except as otherwise stipulated between the parties or as authorized by the Retirement Board or referee upon a showing of good cause.

***5.7. Amended 02-25-2014***

***5.7. Amended on 12-16-2015***

## **5.8. HEARING PROCEDURES**

- A. Every hearing before a referee shall be reported by a certified shorthand reporter, and every hearing before the Retirement Board shall be electronically recorded.
- B. At any hearing, any interested party may be represented by legal counsel, at his/her/its own cost.
- C. The referee or, with respect to hearings before the Retirement Board, the Chair or the Chair's designee, shall exercise such control over the hearing as is reasonable and necessary including, but not limited to, prescribing the order of proof; ruling upon the admissibility of evidence; ordering medical examinations; requiring that additional relevant evidence be gathered and presented; questioning witnesses; and determining whether the matter shall proceed or be adjourned subject to continuation.
- D. Except as otherwise provided in this Article, any relevant evidence shall be admitted if it is the sort of evidence on which reasonable and responsible persons are accustomed to rely on in the conduct of serious affairs regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence over objections in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in and of itself to support a finding unless it would be admissible over objection in civil actions.

- E. Oral evidence shall be taken only on oath or affirmation.
- F. On any relevant matter, each interested party shall have the right to call and examine witnesses, introduce documentary and other physical evidence, and cross-examine opposing witnesses. Any interested party who does not testify on his own behalf may be called and examined as a witness, as if, under cross-examination.
- G. Refusal of the Applicant or interested party to submit to examination or to answer relevant questions shall be grounds for considering such questions for the purpose of that hearing to be answered in a way unfavorable to the refusing party.
- H. Any interested party may offer, and the Retirement Board or referee shall receive into evidence, the deposition of any witness subject to the objections available under Code of Civil Procedure Section 205.010 et seq., notwithstanding, that the deponent is not "unavailable as a witness" within the meaning of Section 240 of the Evidence Code and no exceptional circumstances exist if:
  - 1. The deposition was taken in the manner provided for by law or by stipulation of the parties; and
  - 2. At least thirty (30) days prior to the hearing, the proponent of the deposition delivered to all interested parties notice of intention to offer the same into evidence. Any interested party, upon receiving such notice, may subpoena the deponent and, if he does so, at the discretion of the Retirement Board or referee, either the deposition may be excluded from evidence or the deposition may be admitted and the deponent may be further cross-examined by the party who subpoenaed him. These limitations are not applicable to a deposition admissible under the terms of Section 205.010 of the Code of Civil Procedure.
- I. For the purposes of this Section, "delivery" of a document or notice may be accomplished manually or by mail in the manner provided by Subsection 5.14. If delivery is by mail, the times prescribed in this subsection for delivery of documents and notices shall be increased by five (5) days.

**5.8. Amended 02-25-2014**

**5.8. Amended on 12-16-2015**

**5.8 Amended on 04-24-2018**

## **5.9. DECISION OF THE REFEREE**

- A. Where a hearing is held before a referee, the referee shall prepare, in writing, proposed findings of fact and recommended decisions and reasons therefor.
- B. Within forty-five (45) days after the matter is submitted, the referee shall file with the Retirement Board his proposed findings of fact and recommended decision, which shall include those documents received into evidence or rejected and shall serve the same on all interested parties. The referee shall not be entitled to remuneration for his services, until the aforesaid documents have been filed and served.
- C. Within ten (10) days following the service of the referee's proposed findings of fact and recommended decision, any interested party may submit objections, thereto, by filing the same with the Retirement Board and serving the same on all interested parties.

**5.9. Amended on 12-16-2015**

**5.10. ACTION BY THE RETIREMENT BOARD UPON REFEREE'S DECISION**

Upon receiving the proposed findings of fact and recommended decision, the Retirement Board may:

- A. Approve and adopt the proposed findings and recommendations of the referee; or
- B. Require a transcript or summary of all the testimony plus all other evidence received by the referee and, thereupon, take such action as in its opinion is indicated by such evidence; or
- C. Refer the matter back with / without instructions to the referee for further proceedings; or
- D. Set the matter for hearing before the Retirement Board on a date within the next forty-five (45) days. At such a hearing, the Retirement Board shall hear and decide the matter as if it had not been referred to a referee.

**5.10. Amended 02-25-2014**

**5.10. Amended on 12-16-2015**

**5.11. HEARINGS BEFORE THE RETIREMENT BOARD**

- A. Five (5) members of the Retirement Board constitute a quorum for the making of any decision at a hearing held, pursuant to the provisions of this Article. No findings of fact or decision by the Retirement Board shall be valid unless:
  - 1. A majority of all members present; or
  - 2. Four (4) members, whichever is greater, concur therein.
- B. When a hearing is held before the Retirement Board, the Retirement Board shall, no later than the second regular meeting following the meeting at which the matter is submitted, determine all material issues and shall incorporate such determinations in a written decision and findings of fact.
- C. Within ten (10) days following the date the Retirement Board renders its decision and findings of fact, the Retirement Board shall serve all interested parties with a copy of the same together with a notice of the right to judicial review of the Retirement Board's decision as set forth in Section 5.14.

**5.11. Amended on 12-16-2015**

**5.12. DATE OF FINAL DECISION AND NOTICE THEREOF**

The decision of the Retirement Board shall be final on the date notice, thereof, is mailed to the subject employee by US first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. A copy of the decision along with the affidavit or certificate of mailing

shall simultaneously be mailed to the applicant, if other than the subject employee, and to all other interested parties and their respective counsel.

**5.12. Amended on 12-16-2015**

**5.13. JUDICIAL REVIEW OF THE RETIREMENT BOARD'S DECISION**

Judicial review of the final retirement decisions shall be subject to Code of Civil Procedure Section 1094.6. This section has been made applicable by the Retirement Board and the Stanislaus County Board of Supervisors. Following each final decision, the Executive Director shall include in the notice of decision a statement substantially as follows: "The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure section 1094.6, which has been made applicable to StanCERA by the Retirement Board and the Stanislaus County Board of Supervisors. Generally, any petition or other paper seeking judicial review must be filed in the appropriate court not later than the ninetieth (90) day following the date on which this decision becomes final. Judicial review of a final decision is reviewable, pursuant to Code of Civil Procedure section 1094.5 only if the petition for writ of mandate made pursuant to Code of Civil Procedure section 1094.06 is filed within the time limits specified in latter section.

**5.13. Amended 02-25-2014**

**5.13. Amended on 12-16-2015**

**5.14. SERVICE OF NOTICE**

- A. Unless otherwise provided by these Bylaws or by statute, where the provisions of this Article require service of a notice, demand, request, or other written communication, service shall be made on the party on whom service is required unless the said party has filed notice of representation by counsel, in which case service shall be made upon counsel of record for that party.
- B. Where the provisions of this article require service on "interested parties," such service shall be made on StanCERA, on all interested parties who have appeared in the subject proceedings, and on all interested parties who have not appeared in such proceedings and who have filed a request to be served with documents, which are served and filed in such proceedings. Pursuant to Government Code section 31532, unless otherwise ordered by a court of competent jurisdiction or necessary for the processing of an application, sworn statements and individual records of members shall not be disclosed by StanCERA.
- C. Unless otherwise provided by these Bylaws or by statute, the service of all notices, orders, requests, and other written communications, which are not personally served, shall be effected by sealing the same in an envelope properly addressed to the party to be served and depositing the envelope in the United States mail with first class postage fully prepaid, and any applicable time limitations shall be extended in the manner prescribed by Code of Civil Procedure Section 1013.
- D. For purposes of determining the effectiveness of service on an Applicant, correspondence shall be deemed "properly addressed" if it bears the address specified on the application, or, if the application has been amended, the address specified on the most recently filed amended application.

**5.14. Amended 02-25-2014**  
**5.14. Amended on 12-16-2015**

**Article 5 Amended 12-11-2002**  
**Article 5 Amended 12-04-2007**  
**Article 5 Amended 11-23-2010**  
**Article 5 Amended 02-25-2014**  
**Article 5 Amended 12-16-2015**  
**Article 5 Amended 04-24-2018**

**ARTICLE 6 - AMENDMENTS AND REPEALS**

**6.1. AMENDMENTS**

The Retirement Board may, as it deems necessary and desirable, by an affirmative vote of five (5) members, amend these Bylaws to be effective when approved by the Stanislaus County Board of Supervisors.

**6.1. Amended 02-25-2014**  
**6.1. Amended 12-16-2015**

**6.2. REPEALS**

All former Bylaws and amendments thereto are hereby repealed. The foregoing Bylaws become effective when approved by the Board of Supervisors as provided by Government Code Section 31525.

**6.2. Amended 02-25-2014**  
**6.2. Amended 12-16-2015**

**6.3. BYLAWS REVIEW**

The Bylaws shall be reviewed by a committee appointed by the Chair of the Retirement Board and revisions and/or amendments brought before the Board on or before December 31st at each odd year, or as needed.

**6.3. Amended 02/25/2014**

**Article 6 Amended 07-02-2002**  
**Article 6 Amended 02-25-2014**  
**Article 6 Amended 12-16-2015**

**ARTICLE 7 - SUBPOENAS**

**7.1. POWER TO ISSUE SUBPOENAS**

The Retirement Board, the Executive Director or a Referee appointed under these Bylaws may issue subpoenas or subpoenas duces tecum in accordance with the provisions of Government Code Section 31535. Subpoenas shall be signed by the Chair of the Retirement Board, the Secretary of the Retirement Board, the Executive Director, the Referee, or counsel for the Executive Director on the Executive Director's behalf.

## **7.2 PARTIES ENTITLED TO ISSUANCE OF SUBPOENAS**

Any Party to a pending transaction or other proceeding under these Bylaws may request that subpoenas be issued on the party's behalf by the Retirement Board, the Referee, or the Executive Director. The scope of such subpoenas shall be limited to the subject matter of the application or proceeding. The party requesting such subpoenas shall be solely responsible for enforcing them and shall bear all costs incurred in connection with issuance of such subpoenas.

***7.1. Amended 02-25-2014***

***7.1. Amended on 12-16-2015***

***7.1. Amended on 04-24-2018***

***7.2. Added on 04-24-2018***

***Article 7 Amended 12-11-2002***

***Article 7 Amended 03-22-2005***

***Article 7 Amended 02-25-2014***

***Article 7 Amended 12-16-2015***

***Article 7 Amended 04-24-2018***

## **HISTORICAL NOTES**

Approved by the Board of Supervisors on September 27, 1988.

Amendment to Sections 4.4.(A), 4.6.(B), and 4.6.(C) approved by the Board of Supervisors on April 25, 1989.

Amendment to Sections 4.4.(A), 4.4.(B), 4.6.(B), 4.6.(C) and 4.7.(A) and deletion of Section 4.6.(D) approved by the Board of Supervisors on December 19, 1989.

Amendment to Section 1.5. approved by the Board of Supervisors on March 27, 1990.

Amendment of Section 1.2 by addition of Subsection (J) approved by the Board of Supervisors on October 2, 1990.

Addition of Section 3.11, (A), (B), and (C) approved by the Board of Supervisors on October 2, 1990.

Amendment of Article 1, addition of Section 1.6 approved by the Board of Supervisors on April 27, 1993.

Revision of the Bylaws approved by the Board of Supervisors on August 18, 1998.



Amendment of Article 2 approved by the Board of Supervisors on April 6, 1999

Amendment of Article 1 approved by the Board of Supervisors on August 31, 1999

Amendment of Article 1, Section 1.5, approved by the Board of Supervisors on October 31, 2000

Revision of the Bylaws approved by the Board of Supervisors on July 2, 2002

Revision of the Bylaws approved by the Board of Supervisors on December 11, 2002

Amendment of Article 2, Section 2.1, approved by the Board of Supervisors on December 5, 2006

Revision of the Bylaws approved by the Board of Supervisors on December 4, 2007

Amendment of Article 1, Section 1.7, approved by the Board of Supervisors on March 25, 2008

Revision of the Bylaws approved by the Board of Supervisors on May 24, 2011

Amendment of Articles 1-3, 8-11 approved by the Board of Supervisors on February 25, 2014

Amendment of Article 1.7 approved by the Board of Supervisors on March 15, 2016

Removal of Prior Articles 4 (Member Contributions), 5 (Service Retirement), 6 (Service), 7 (Compensation Earnable) and 14 (Continuing Education and Due Diligence Visitations). Prior articles 4, 5, 6, 7 and 14 reclassified as StanCERA Internal Policies. Prior articles 9 (Claims for Disability Retirement), 10 (Claims for Benefits, Rights, or Privileges Other Than Disability), 8 (Amendments and Repeals) and 11 (Subpoenas) reclassified to articles 4, 5, 6 and 7, respectively. Approved by the Board of Supervisors on 4/24/2018



# **Stanislaus County Employees' Retirement Association**

## **BYLAWS**

**Amended and Approved by the  
Board of Retirement ~~2/17/2016~~4/24  
/2018**



## Stanislaus County Employees' Retirement Association

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### BYLAWS

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## ARTICLE 1 – ADMINISTRATION

### 1.1. NAME

The name of this association is "the "STANISLAUS COUNTY EMPLOYEES' RETIREMENT ASSOCIATION" (hereinafter "StanCERA").

**1.1. Amended 12/16/2015**

### 1.2. PURPOSE

StanCERA is established, in accordance with and subject to the County Employees' Retirement Law of 1937 (CERL), section 31450, et seq., of the California Government Code (hereinafter "the 1937 Act"). For the purpose of carrying out the provisions of said law within Stanislaus County, California, StanCERA is governed by the 1937 Act, California Public Employees' Pension Reform Act of 2013 (PEPRA) and other Government Code Sections applicable to CERL Systems as supplemented by these Bylaws.

**1.2. Amended 02/25/2014**

**1.2. Amended 12/16/2015**

### 1.3. DEFINITIONS

- A. "Executive Director" means the StanCERA Retirement Administrator or designee of Executive Director.
- B. "Applicant" means a person, the Retirement Board, or StanCERA claiming benefits, rights, or privileges under the 1937 Act.
- C. "Retirement Board" means the StanCERA Board of Retirement.
- D. "Hearing Officer" means the person designated by the Retirement Board to conduct a hearing, and make recommendations pursuant to Government Code section 31533. .
- E. "Part-time employee" means an employee of Stanislaus County or a contracting district or other local government who is not employed in a permanent position as established by the Board of Supervisors or other governing body by budget or ordinance or who regularly works less than fifty-five percent ( 55%) of the normal workweek.
- F. "Party" means any person disclosed by the records of the retirement system or by the application to have an interest in any subject matter including the applicant and the subject employee.
- G. "Subject employee" means the member of the retirement system on behalf of whom an application is filed.
- H. "Member contributions" means as the actuarially determined rate as applied to the member's compensation earnable or pensionable compensation for each pay period.
- I. "It" means "non-person"
- J. "Shall" imposes a duty
- L. "May" creates discretionary authority or grants permission or power
- M. "Must" creates or recognizes a right; and

N. "May not" imposes a prohibition and is synonymous with shall not.

**1.3. Amended 02/25/2014**

**1.3. Amended 12/16/2015**

**1.3. Amended 4/24/2018**

#### **1.4. POLICY AND ADMINISTRATIVE**

Policy directives of the retirement system is vested in the Retirement Board. Day-to-day administration of the retirement system is delegated to the Executive Director. Appointment or election of members of the Retirement Board shall be as provided by Government Code Section 31520.1.

**1.4. Amended 02/25/2014**

**1.4. Amended 12/16/2015**

#### **1.5. OFFICERS**

At the first regular meeting in January, the positions of chair and vice chair will rotate in ascending order by

succession by the number assigned to the Retirement Board member and shall be held for a period of one (1) year. If a member has not served at least two (2) years on the Retirement Board, that member shall skip the normal rotation and the next successor shall be appointed to chair or vice-chair. Should any officer fail for any reason to complete his or her term, the normal successor shall perform the balance of the unexpired term. If the unexpired term is for less than nine (9) months, then the successor shall also hold office for their normal term immediately following the completion of the unexpired term. If the unexpired term is for nine (9) months or more, the successor shall only hold office for the completion of the unexpired term. The secretary of the Retirement Board shall be the Executive Director. The alternate safety member shall serve as provided in Government Code Section 31520.1 of the 1937 Act.

Pursuant to Government Code Section 31520.1, the alternate safety member shall sit in place of the seventh member during determinations of retirement benefits of a person from the same service as the alternate safety member.

**1.5. Amended 08/31/1999**

**1.5. Amended 10/31/2000**

**1.5. Amended 02/25/2014**

**1.5. Amended 12/16/2015**

**1.5. Amended 4/24/2018**

#### **1.6. RETIREMENT BOARD MEMBER ELECTION PROCEDURES**

RETIREMENT BOARD MEMBERS WHO ARE ELECTED by members of StanCERA of the same category of membership (Second and Third seats by General members, Seventh and Alternate seats by Safety members, and Eighth and Alternate Seats by Retired members) shall be elected according to the procedures set forth in this Section of the StanCERA Bylaws. In all cases where the word "Department" appears in this Section, the meaning shall be construed to include all Stanislaus County Departments, the City of Ceres and contracting Districts (all employers who use StanCERA for administration of retirement benefits). The Executive Director shall prepare a NOTICE OF ELECTION, which shall contain the deadlines for the submission of nomination papers, date of distribution of ballots, date of final receipt of ballots and the date for canvassing the ballots.

The distribution of the notice of election to active and/or retired members shall be made no more than sixty (60) days and no less than forty-five (45) days prior to the final date for receipt of ballots. The distribution of the notice of election will be distributed by U S postal services.

The Executive Director shall prepare a NOMINATION PAPER, which upon completion will contain the following information:

Name of candidate; candidate's Agency (if General or Safety member) or city and state of residence (if Retired member); a candidate's statement of not more than two hundred (200) words; signatures of the specific membership electorate in support of the candidate (General – at least twenty-five (25); Safety - at least ten (10); Retired - at least fifteen (15)). ~~if~~ If it is determined that 2 or more candidates for the same seat have duplicate membership electorate signatures, then the candidate that turned in their membership electorate document first shall be the only candidate that may count that signature towards fulfilling the signature requirement above); ~~a~~ prepared statement of willingness to serve on the Retirement Board; the Retirement Board seat number and category (General, Safety or Retired); and final date for filing the paper. Completed nomination papers must be submitted to the Executive Director by 5:00 p.m. on the date specified in the notice of election and on the nomination paper (no later than thirty (30) days before the final date for receipt of ballots). Candidates shall only be placed on the election ballot if the above nomination papers and procedures are completed. If only one (1) nomination paper is received by the Executive Director on or before the deadline specified for receipt, the Executive Director shall declare that the candidate is the new Retirement Board member of the seat for which the candidate sought election (pursuant to Government Code Section 31523) and shall prepare and distribute a declaration of election results showing a unanimous ballot for the candidate to all Departments.

If two (2) or more nomination papers are received by the Executive Director on or before the deadline for receipt, the Executive Director shall prepare ELECTION BALLOT MATERIALS, which shall consist of:

- A. A ballot with the candidates' names, Agency (if General or Safety member) or city and state of residence if Retired member), candidates' statements, final date for receipt of ballots and a listing of candidates' names in alphabetical order by last name with appropriate places to indicate the member's choice of a particular candidate;
- B. A "secret" envelope to hold the completed ballot;
- C. A "return to" envelope, which will have the Executive Director's address for receipt of ballots, space for the member's printed name, space for the member's signature, and prepaid return postage; and
- D. A "cover" envelope with the member's name and mailing address. The ballots must be received back in the Executive Director's office by 5:00 p.m. on the final date indicated on the ballot regardless of the method of delivery or postmark date (if applicable) or the ballot material will be voided. The date for final receipt of ballots shall be no less than twenty (20) days following the date of disbursement of the ballot material.

Ballot material may be REISSUED to members who file a notice of non-receipt of election material prepared and filed in the Executive Director's office. The Executive Director shall make a second and final attempt to send out any RETURNED BALLOT MATERIAL at a reasonable cost of staff time and money.

The ballots shall be CANVASSED on the business day following the final date for receipt of ballots by the Executive Director (or his/her designee), one (1) member of the Retirement Board, not associated with the election in any way, and any staff from the Executive Director's office, as may be necessary to expeditiously handle the canvassing of the ballots.

The candidate who receives the HIGHEST NUMBER OF VOTES of the ballots cast shall be declared the WINNER and ~~new~~ member of the Retirement Board to assume the seat for which the candidate ran at any Retirement Board meetings following the expiration of the term of the

incumbent. The new member will serve three (3) years or for the remaining period of time in which a seat may become vacant for any reason other than the expiration of the incumbent's term of office.

The Executive Director shall prepare a DECLARATION OF ELECTION RESULTS to include the seat of the Retirement Board, the final date of the receipt of ballots, and the name of all the candidates who ran with their corresponding number of votes received in the election. The declaration shall also state the winner of the election and the date on which the winner assumes the seat on the Retirement Board.

The Executive Director shall telephone or email each candidate with the results of the election and the declaration shall be posted in a conspicuous place in or near the Executive Director's office in the afternoon following the canvassing. Copies of the declaration shall be delivered to each candidate and each Agency/Department Director (if General member or Safety member election) or the Retired Employees of Stanislaus County Organization, Inc.(RESCO), (if a Retired Member election) with a message to retirees of the winner to appear on the next retiree payroll check following the canvassing.

If any of the specific electorate desires a RECOUNT of the ballots cast, the member must make a written petition to the Retirement Board for a recount and include a \$500.00 payment for costs incurred. The petition must be received by the Executive Director no later than fourteen (14) days following the original canvassing of the ballots. The Executive Director shall forward the petition on to the Chair of the Retirement Board who shall call a special meeting of the Retirement Board for a recount. The date of the recount shall be no later than thirty (30) days from the date of the original canvassing. The petitioner or designee must attend the recount, which shall be accomplished in the same manner as the original count. If the recount shows that a different candidate is the winner by receiving the highest number of votes, a DECLARATION OF REVISED ELECTION RESULTS shall be prepared and distributed in the same fashion as the original declaration of election results.

All member election material shall be DESTROYED thirty (30) days after the original canvassing of the ballots if there is no petition for a recount. Member election material shall be destroyed one (1) week following the completion of all procedures of a recount.

**1.6. Amended 02/25/2014**

**1.6. Amended 12/16/2015**

**1.6 Amended 4/24/2018**

## **1.7. COMMITTEES**

The Retirement Board has determined that the following are standing committees.

- A. Due Diligence Committee. This committee shall consist of the Vice-Chair as Chair, ~~two~~ <sup>(2)</sup> ~~one~~ other Board members, the Executive Director, the Investment Officer and one (1) staff member appointed by the Executive Director (or a designee of the Executive Director), to act as the recorder. This committee shall insure that Due Diligence visits are carried out and reports provided to the Retirement Board of investment manager and other vendor business reviews on a schedule as determined by these Bylaws and the committee.
- B. Internal Governance Committee. This committee shall consist of three (3) Retirement Board members. The Committee Chair may request administrative staff and/or legal counsel to attend Committee meetings as needed. At least one of the Retirement Board members of the committee shall have sufficient background in accounting, financial or managerial matters to understand, relate to and communicate accounting and organizational matters especially as they relate to audit reports. This committee shall have the responsibility for oversight of all financial audits (both external and internal),

compliance audits, Bylaw revisions, Policy revisions, Retirement Board member education and training (including ethics) and other internal governance matters.

- C. Strategic Planning Objectives Committee. This committee shall consist of no less than two (2) Retirement Board members. The committee may request input from administrative staff and attendance for staff at its meetings as the Committee so desires. The committee shall oversee and review staff reports related to the study and recommendations of Retirement Board approved strategic planning objectives. The committee shall have authority to survey, research, request actuarial and other studies as it deems necessary. The committee shall only make "final" reports to the Retirement Board or recommendations to the Retirement Board that require the Board's action. This committee meets at least once every three (3)

~~years.~~  
however, may  
not always  
have Board  
members  
assigned due  
to the cyclical  
nature of the  
needs required  
of this  
Committee.

- D. Performance Review and Compensation Committee (PRCC). This committee shall consist of current Chair, past Chair, and current Vice Chair. As needed, the PRCC will meet to discuss the performance and compensation of the position of Executive Director.

The Committee's evaluation process should include but not be limited to the following criteria:

*Goals:* Whether the subject position's stated goals at the beginning of the evaluation period were effectively and meaningfully carried out.

*Added Value:* Whether the subject position added value to the retirement process in all areas of administration. Added value can be measured in (but not limited to) areas such as financial, administrative efficiency, member services, internal and external communication, and enhanced investment governance.

*Strategic Plan:* Whether the subject position's actions are consistent with the Strategic Plan and whether the Strategic Plan is being meaningfully implemented.

After the Committee meets regarding performance review and compensation, the Committee will draft a memorandum with its recommendation regarding the disposition of the subject position to the full Board of Retirement for approval.

The Retirement Board Chair at his/her discretion may appoint Retirement Board members or staff to any standing or ad hoc committee as the Chair deems necessary.

**1.7. Amended 02/25/2014**

**1.7. Amended 12/16/2015**

**1.7 Amended 4/24/2018**

## **1.8. POLICY, PROCEDURE AND PRACTICE**

In governing administration matters the following hierarchy is established in order of priority.

- A. Federal Law
- B. State Law
- C. Local ordinances and resolutions when not in conflict with higher laws
- D. StanCERA Bylaws

E. Policies and procedures formally adopted by the Retirement Board

F. Informal policies and procedures

## G. Practice

### 1.8. Amended 12/16/2015

### 1.9. INDEPENDENT OPERATIONS

StanCERA is a separate legal entity from Stanislaus County and is governed by the Retirement Board. California Constitution provides that the Retirement Board has the full responsibility and authority to invest StanCERA member retirement funds and provide necessary services in administering retirement benefits as provided in the 1937 Act, and as adopted in multiple employer-employee agreements. To fulfill the mission of StanCERA, the Retirement Board hires staff, contracts with investment managers, hires consultants, and adopts an administrative budget.

To save the time and effort of establishing its own set of Personnel Policies and tracking labor laws (and in accordance with California State law), the Retirement Board hires staff who are Stanislaus County employees. This means that in general and in most instances, these staff will be treated (hired, paid, promoted, demoted, retired or fired) the same as other Stanislaus County employees in like classifications. However, given that StanCERA staff provide services to a variety of public agencies and administer retirement benefits, staff are not subject to mandates from the Board of Supervisors or its agents that would interfere with or otherwise supersede the delivery of those services. To that end this Statement of Independent Operation acknowledges that from time to time, the Retirement Board may act to overrule or set aside a personnel decision or action that emanates from Stanislaus County personnel authority involving staff hired by the Retirement Board or its Executive Director. In matters of retirement benefit administration, the Retirement Board shall have final say in its handling of staff. The Retirement Board has and will continue to utilize Stanislaus County Personnel staff to handle recruitments and Stanislaus County payroll with its contingent of payroll-related items such as: extra help, Personal Services Contracts, leave time and termination cash out payments, retirement benefits, Social Security coverage, deferred compensation program, group health insurances, unemployment insurance, long term disability, workers compensation insurance, professional development, employee assistance program, cafeteria plan cash out, auto allowance and mileage reimbursement the same as other Stanislaus County employees.

The Retirement Board has used and will continue to use its hired investment consultant to aid in its decision on specific investment managers to hire, their performance and possible termination, as well as providing education on investments.

The Retirement Board has used and will continue to use a variety of special consultants and attorneys.

Since fiscal year 2003-2004, the administrative budget for StanCERA has been approved and monitored solely by the Retirement Board. While the budget includes costs for Stanislaus County services through the Stanislaus County's cost allocation plan (CAP), these services are approved for payment since they support the staff in its mission to provide the promised retirement benefits. ~~These costs include data processing services, staff payroll services, check processing services, postage and mail delivery services and other supportive services. The Retirement Board intends on continuing its use of Stanislaus County services as needed. These services may include, but are not limited to, banking, staff payroll, check writing, postage metering and handling, purchasing cards, general liability and workers compensation, telecommunications, some data processing services, some Purchasing services, and security, utilities and other building maintenance and service costs associated with the condominium space at the 12th Street office.~~ While StanCERA may not utilize Stanislaus County services 100%, like that of a Stanislaus County Department ~~(such as special or lower cost printing~~

~~obtainable from a private vendor~~), StanCERA intends on continuing its use of and payment for ~~services obtained through the Stanislaus County's CAP as needed.~~  
~~the above listed services.~~ StanCERA will not pay for general Stanislaus County costs to the extent that it does not receive services for such costs.

**1.9. Amended 02/25/2014**

**1.9. Amended 12/16/2015**

**1.9 Amended 4/24/2018**

#### **1.10. ADMINISTRATION OF EXECUTIVE DIRECTOR POSITION, INVESTMENT CLASSIFICATION AND OTHER EXECUTIVE LEVEL STAFF**

Specifically regarding the position of Executive Director, the Investment Officer Series  
~~future investment positions~~ and any other executive level classifications, the Board of Retirement shall have full control over the creation, assessment and disposition of these positions, including salary, and will administer and achieve this control using the processes currently in place at the County. It is understood that the processes used to achieve this control should not be limited to the administration of existing executive level County classifications, as StanCERA, from time to time, may need to create and administer other executive level classifications that do not currently exist. The Retirement Board will continue to work with County Personnel to ensure that any other County classifications used by StanCERA in the administration of the retirement plan are properly structured within the County's salary and position guidelines.

**1.10. Amended 02/25/2014**

**1.10. Amended 12/16/2015**

**1.10 Amended 4/24/2018**

**Article 1 Amended 07/13/2005**

**Article 1 Amended 12/04/2007**

**Article 1 Amended 03/25/2008**

**Article 1 Amended 11/23/2010**

**Article 1 Amended 02/25/2014**

**Article 1 Amended 12/16/2015**

**Article 1 Amended 4/24/2018**



## ARTICLE 2 – MEETINGS

### 2.1. REGULAR MEETINGS

Regular meetings of the Retirement Board shall be held on the fourth Tuesday of each month beginning May 1, 2016~~third Wednesday of each month beginning January 1, 2016~~. This will be a combined meeting with Investment and Finance items~~Administrative & Member Services items~~ being heard first, to be followed by Administrative and Member and Employer items~~Investment and Finance items~~. When appropriate, StanCERA staff or the Retirement Chair can alter this order if necessary. All regular meetings shall be held at 1:~~0~~30 p.m. on the aforementioned day in the **Wesley W. Hall Board Room located on the sixth floor of 832 12th Street**, Modesto, California, unless changed by the chair and proper notice given by the Executive Director.

**2.1. Amended 02/25/2014**

**2.1. Amended 12/16/2015**

**2.1 Amended 2 4/20/2016**

**2.1 Amended 4/24/2016**

### 2.2. SPECIAL MEETINGS

Special meetings of the Retirement Board may be scheduled at any time by the Chair of the Retirement Board or any five (5) members of the Retirement Board. The Executive Director shall publicly post and give each Retirement Board member the minimum notice required by the Ralph M. Brown Act.

**2.2. Amended 02/25/2014**

**2.2. Amended 12/16/2015**

### 2.3. PERSONS ATTENDING MEETINGS

All meetings of the Retirement Board shall be open to the public, except closed sessions, permitted by law.

**2.3. Amended 12/16/2015**

### 2.4. RULES OF ORDER

ROBERT'S RULES OF ORDER shall guide the Retirement Board in its proceedings, except as otherwise provided herein or in the 1937 Act. The Chair shall have a vote on all questions and motions and shall not be required to relinquish the Chair in order to participate in discussions. The Chair shall not make or second a motion. The order of business shall include:

A. Roll Call

B. Announcements

C. Public Comment

D. Consent Items (e.g., Approval of minutes & retirements)

E. Investment Matters~~Executive Director~~  
~~Administrative~~

F. Administrative and Member and Employer Matters~~Investment Consultant~~



~~H. Closed Session  
Committee Reports and Recommendations~~

~~I. Members' Forum  
(Information and Future  
Agenda Requests Only)  
Closed Session~~

~~J. Adjournment; Members' Forum (Information and Future Agenda Requests Only)~~

~~K. Adjournment~~

The Retirement Board Chair may make changes in the above order at his / her discretion.

### **Requests for Staff Support by the Board**

The Board shall request any research, analyses and reports from staff as are necessary for the Board's effective oversight of StanCERA operations. Such requests will be agendaized and considered at regularly scheduled Board meetings. If approved, the Executive Director will be responsible for coordinating the completion of the approved project or report within a reasonable time or by the completion date specified in the Board action.

### **Requests by Individual Board Members for Staff or External Support**

Board members making individual requests for information will be advised to consider the request with the full Board during Member's Forum, place the item on the Board meeting agenda unless the information is readily available and the Executive Director determines that a response will not require any significant commitment of staff time or other external StanCERA resources.

~~Requests by Individual Trustees must be received by the Executive Director one hundred twenty (120) hours prior to any regularly scheduled Retirement Board meeting to appear on the Retirement Board agenda.~~

**2.4. Amended 02/25/2014**

**2.4. Amended 12/16/2015**

**2.4 Amended 4/24/2018**

### **2.5. QUORUM**

Five (5) members of the Retirement Board shall constitute a quorum. No business may be transacted without a quorum.

No motion may be passed without a majority of the quorum voting affirmatively.

### **2.6. CORRESPONDENCE**

All correspondence to the Retirement Board must be in writing and received by the Executive Director one hundred twenty (120) hours prior to any regularly scheduled Retirement Board meeting to appear on the Retirement Board agenda.

**2.6. Amended 02/25/2014**

**2.6. Amended 12/16/2015**

### **2.7. MINUTES**

The Executive Director shall cause to be recorded in the minutes the time and place of each meeting, the name of each Board member present, a summary of official actions taken by the

Retirement Board, and such other information that will concisely reflect each meeting's content. The minutes shall be presented for Retirement Board approval at its next regular meeting. Such minutes shall be signed by the Executive Director, approved as to form by general legal counsel, and shall become a part of the Retirement Board's permanent record. Meetings shall be audibly recorded and available on the StanCERA website.

**2.7. Amended 02/25/2014**

**2.7. Amended 12/16/2015**

## **2.8. COMPENSATION OF MEMBERS**

Pursuant to Government Code Sections 31520.5 and 31521, those members (appointed by the Board of Supervisors and the retiree representative) shall be eligible to receive the maximum allowance per meeting of the Retirement Board or meeting of a committee for not more than the maximum meetings allowed per month.

**Article 2 Amended 12/04/2007**

**Article 2 Amended 11/23/2010**

**Article 2 Amended 02/25/2014**

**Article 2 Amended 12/16/2015**

**Article 2 Amended 4/24/2018**

## ARTICLE 3 – MEMBERSHIP

### 3.1. MEMBERSHIP DEFINED

Membership shall be as defined by the 1937 Act as supplemented by these Bylaws.

**3.1. Amended 02/25/2014**

### 3.2. PROVISIONS FOR MEMBERSHIP

Every employee of Stanislaus County or of any district, municipality or local government included in StanCERA, who is appointed to a permanent full-time position, as specified in the ordinances of Stanislaus County or of the included districts, municipalities or local governments shall become a member of StanCERA. Employees hired prior to October 1, 1988, became members on the first day of the calendar month after entrance into service. Employees hired on or after October 1, 1988, shall become members on the date of hire.

**3.2 Amended 4/24/2018**

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### 3.3. CONTRACTING DISTRICTS

Whenever any contracting district is required to make an additional appropriation pursuant to Government Code Section 31627.6, for the purpose of paying for a member's service with the district prior to the district's joining StanCERA, the district mayshall make the additional appropriation by periodic payments (including interest at the current actuarial rate which shall remain in effect until the principal is exhausted) over a period of time not to exceed fifteen ( 15 ) years or may pay the entire balance to the System in one lump sum.

**3.3. Amended 12/16/2015**

**3.3 Amended 4/24/2018**

### 3.4. WAIVER BY EMPLOYEES OVER SIXTY (60)

An employee of Stanislaus County or of any district included in StanCERA, appointed to a permanent full-time position who is age sixty (60) or over at time of entry, may waive the StanCERA membership requirement pursuant to Government Code Section 31552.

### 3.5. EXCLUSIONS

Temporary, seasonal, intermittent part-time employees, and independent and personal service contractors are excluded from membership in StanCERA.

### 3.6. ENROLLMENT QUESTIONNAIRE AND PROOF OF BIRTH

Every member of StanCERA shall file a sworn enrollment questionnaire showing that member's date of birth, date of hire, position, classification (general or safety) and the compensation received. The questionnaire shall be in the form provided by StanCERA. Every member shall submit with the enrollment questionnaire proof of the member's date of birth within ninety (90) days of hire. If a proper questionnaire with proof of birth is not filed within ninety (90) days of hire, the rate of contribution shall be based on the highest age for the member's retirement tier and classification. When the questionnaire is filed or proof of age is submitted to the Executive Director, the normal age rates will be applied and excess contributions shall not be refunded to

the member. The following documents will be acceptable for proof of birth:

A. Any one (1) of the following:

1. Infant baptismal certificate
2. Census record
3. School age record
4. Naturalization certificate
5. A photocopy of a certified birth certificate
6. Passport
7. Alien registration card with photograph
8. Military record (i.e. DD214, ID) if date of birth is shown

B. Any two (2) of the following:

1. Photocopy of certified Marriage Certificate if date of birth is shown
2. ~~Military record (i.e. DD214, ID) if date of birth is shown~~
23. Photocopy of Child's certified birth certificate, showing date of birth of member
43. Affidavit by older relative, notarized
54. Hospital birth record

**3.6. Amended 02/25/2014**

**3.6. Amended 12/16/2015**

**3.6 Amended 4/24/2018**

### **3.7. PROOF OF MARRIAGE**

A. Every member, at the time of retirement, shall submit a copy of a certified proof of marriage or registered domestic partnership certification and an affidavit that the marriage continues if a designated beneficiary is the spouse or registered domestic partner, and the option pursuant to Government Code Section 31760, et seq., is elected.

B. Every applicant for a spousal continuance based upon a death of a member may be required to submit an affidavit that the marriage continued up until the time of death of the member.

**3.7. Amended 02/25/2014**

**3.7. Amended 12/16/2015**

### **3.8. BENEFICIARY PROOF OF BIRTH**

Every member, at the time of retirement, shall submit a copy of proof of birth certification ~~certified proof of birth (see 3.6)~~ of ~~all~~ designated beneficiary or beneficiaries selected pursuant to the exercise of an option contained within Government Code Section 31760, et seq.,.

**3.8. Amended 02/25/2014**

**3.8. Amended 12/16/2015**

**3.8 Amended 4/24/2018**

### **3.9. CORRECTION OF DATE OF BIRTH**

Repealed 12/16/2015 See [StanCERA](#)

[Internal Policies – Member Contributions](#)  
~~Article 4~~

**3.9. Amended 02/25/2014**

**3.9 Amended 4/24/2018**

### **3. 10. PROOF OF DEATH**

Every applicant, at the time of application for a death benefit or continuance, shall submit a copy of a certified final death certificate or a court decree establishing the fact of death.

**~~3.10-. Amended 02/25/2014~~**

**3.10. Amended on 12/16/2015**

### **3. 11. TIER 3 AND SAFETY MEMBERSHIP**

~~A. Any Tier III member who, at the time he / she elected to become a Tier III member, was Safety eligible, shall be entitled, at the member's option, to redeposit all contributions and interest which would have normally accrued without election to become a Tier III member. Upon full redepositing of contributions and interest in a single lump-sum payment, said member shall be reinstated to a retirement plan/tier in accordance with applicable law and local agreements.~~

**BA.** Any Tier III member who transfers to a Safety eligible position shall be required to become a contributing member of the retirement system as of the date of the transfer to the Safety eligible position. Any Tier III member whose position becomes Safety eligible through law or collective bargaining process shall be required to become a contributing member of the retirement system as of the effective date of the legislation or negotiated agreement.

**3.11. Amended 02/25/2014**

**3.11. Amended on 12/16/2015**

**3.11 Amended on 4/24/2018**

### **3.12. SPOUSE/REGISTERED DOMESTIC PARTNER**

Wherever in the Bylaws the term "spouse" is used, this term shall also include registered domestic partners.

**Article 3 Amended 12/04/2007**

**Article 3 Amended 11/23/2010**

**Article 3 Amended 02/25/2014**

**Article 3 Amended 12/16/2015**



## ~~ARTICLE 4 - MEMBERS' CONTRIBUTIONS~~

### ~~4.1. CONTRIBUTIONS MADE IN ACCORDANCE WITH 1937 ACT~~

~~Contributions shall be made in accordance with the 1937 Act and these Bylaws.~~

~~4.1. Amended 02/25/2014~~

### ~~4.2. CONTRIBUTIONS MADE ON REGULAR COMPENSATION~~

~~Separate Normal and cost of living contributions shall be made on the compensation earnable of the employees in Tiers 1,2,4,5. A combined single rate contribution shall be made on the pensionable compensation of the employees in Tier 6.~~

~~4.2. Amended 12/16/2015~~

### ~~4.3. PARTIAL CONTRIBUTIONS PROHIBITED~~

~~Partial contributions are prohibited.~~

### ~~4.4. WITHDRAWAL ON TERMINATION~~

~~A member who is terminating membership may withdraw accumulated contributions pursuant to Government Code Section 31628. The Retirement Board, pursuant to Government Code Section 31628, hereby orders that payment may be withheld for a period not to exceed six (6) months after the date of separation. For the purposes of this section, "termination" means the member has not been paid for a minimum of two (2) full consecutive pay cycles immediately following termination and is not on StanCERA employers' payroll at the time of refund.~~

~~Pursuant to Government Code Section 31527 (d), members who receive a refund of the member's contributions can receive a lower amount than the full "regular interest" credited on the member's contributions due to a withdrawal charge up to the amount of the interest credited to the member's contributions after the effective date of this Bylaw.~~

~~4.4. Amended 02/25/2014~~

~~4.4. Amended 12/16/2015~~

### ~~4.5. REFUND TO DEFERRED MEMBERS~~

~~A deferred member shall, upon written request, receive a refund of contributions pursuant to Government Code Section 31701, as follows:~~

~~A. If not covered under provisions of a reciprocal retirement system, upon receipt of completed distribution packet request.~~

~~B. If covered under provision of a reciprocal retirement system, upon receipt of completed distribution packet and certification of refund of contribution from subsequent reciprocal system, request will be processed with the next refund batch.~~

~~4.5. Amended 12/16/2015~~

#### ~~4.6. RATE OF INTEREST DECLARATIONS—~~

~~See Excess Earnings Policy.—~~

~~4.6. Amended 02/25/2014—~~

#### ~~4.7. MEMBER'S CONTRIBUTIONS REFUND POLICY—~~

~~The contributions, which a member pays to StanCERA, are non-refundable except as explicitly provided in the Government Code. No refund of any member's contributions shall be made while the member is employed with any StanCERA covered employer in any capacity, or while receiving a retirement allowance from StanCERA.—~~

~~4.7. Amended 12/16/2015—~~

#### ~~4.8. BUY BACKS AND REDEPOSITS—~~

~~A. A member may pay for a buy back in installments on a "period for period" basis, or double the number of pay periods being purchased, but not to exceed five (5) years and all buy backs must be completed prior to retirement, pursuant to Government Code Section 31641.2.—~~

~~B. For purposes of Article 4, a benefit enhancement or allowable conversion of service time will be treated the same as a buy back.—~~

~~C. In the event of the death of a member prior to retirement, but before completing an existing buy back, the member's designated beneficiary shall have 120 calendar days after the date of death of the member to complete the buy back. If the beneficiary wants to complete the buy back, the retirement benefit will be delayed until the buy back payments are completed. If beneficiary does not want to continue the payments, the buy back monies will be refunded.—~~

~~D. In the event that a member terminates prior to completion of an open buy back, the member has thirty (30) days from the date of termination to pay the remaining balance in full. If member is unable to pay the remaining balance in full within thirty (30) days, any monies StanCERA has received to purchase the permissive service credits will be refunded to the member.—~~

~~4.8. Amended 02/25/2014—~~

~~4.8. Amended 12/16/2015—~~

#### ~~4.9. ROLLOVERS AND TRUSTEE-TO-TRUSTEE TRANSFERS—~~

~~A member may use rollovers via direct trustee-to-trustee transfers to purchase permissive service credit.—~~

~~A. Rollovers via direct trustee-to-trustee transfers of pre-tax monies will be accepted from the following:—~~

- ~~1. Traditional IRA's~~
- ~~2. Government 457 Deferred Compensation Plans, if a direct rollover via trustee-to-trustee transfer~~
- ~~3. Qualified 401(a) plans, if direct rollover via trustee-to-trustee transfer~~
- ~~4. Qualified 401(k) plans, if direct rollover via trustee-to-trustee transfer~~
- ~~5. Stanislaus County-sponsored PARS plan, if direct rollover via trustee-to-trustee transfer~~
- ~~6. Qualified 403 (b) plans (pretax only)~~

~~B. The following types of rollovers via direct trustee-to-trustee transfers will NOT be allowed:~~

- ~~1. Indirect Rollover from a 457 Governmental Plan~~
- ~~2. Indirect Rollover from a qualified 401(a) plan~~
- ~~3. Indirect Rollover from a qualified 401(k) plan~~
- ~~4. Keogh Plans~~
- ~~5. Roth IRA~~
- ~~6. Partial distributions from any account, which contains both pre-tax and post-tax monies~~
- ~~7. Any other type of rollover, either direct or indirect, via trustee-to-trustee transfer not specifically noted in 4.9(a) above~~


~~C. Non-members are not eligible to rollover, transfer or buy back any amounts except as expressly authorized in the 1937 Act.~~

~~D. Verification Chart~~

~~(Chart to be removed)~~

## ROLLOVER CHART

1/23/2015

		Roll To							
		Roth IRA	Traditional IRA	SIMPLE IRA	SEP-IRA	Governmental 457(b)	Qualified Plan <sup>1</sup> (pre-tax)	403(b) (pre-tax)	Designated Roth Account (401(k), 403(b) or 457(b))
Roll From	<a href="#">Roth IRA</a>	YES <sup>2</sup>	NO	NO	NO	NO	NO	NO	NO
	<a href="#">Traditional IRA</a>	YES <sup>3</sup>	YES <sup>2</sup>	NO	YES <sup>2</sup>	YES <sup>4</sup>	YES	YES	NO
	<a href="#">SIMPLE IRA</a>	YES, <sup>3</sup> after two years	YES, <sup>2</sup> after two years	YES <sup>2</sup>	YES, <sup>2</sup> after two years	YES, <sup>4</sup> after two years	YES, after two years	YES, after two years	NO
	<a href="#">SEP-IRA</a>	YES <sup>3</sup>	YES <sup>2</sup>	NO	YES <sup>2</sup>	YES <sup>4</sup>	YES	YES	NO
	<a href="#">Governmental 457(b)</a>	YES <sup>3</sup>	YES	NO	YES	YES	YES	YES	YES <sup>3,5</sup>
	<a href="#">Qualified Plan<sup>1</sup> (pre-tax)</a>	YES <sup>3</sup>	YES	NO	YES	YES <sup>4</sup>	YES	YES	YES <sup>3,5</sup>
	<a href="#">403(b) (pre-tax)</a>	YES <sup>3</sup>	YES	NO	YES	YES <sup>4</sup>	YES	YES	YES <sup>3,5</sup>
	<a href="#">Designated Roth Account (401(k), 403(b) or 457(b))</a>	YES	NO	NO	NO	NO	NO	NO	YES <sup>6</sup>

<sup>1</sup> Qualified plans include, for example, profit-sharing, 401(k), money purchase and defined benefit plans

<sup>2</sup> [Only one rollover](#) in any 12-month period

<sup>3</sup> Must include in income

<sup>4</sup> Must have separate accounts

<sup>5</sup> Must be an in-plan rollover

<sup>6</sup> Any amounts distributed must be rolled over via direct (trustee-to-trustee) transfer to be excludable from income  
For more information regarding retirement plans and [rollovers](#), visit [Tax Information for Retirement Plans](#).

~~4.9. Amended 02/25/2014~~

~~4.9. Amended 12/16/2015~~

#### ~~4.10. DOCUMENTATION REQUIRED~~

~~It shall be incumbent upon the member to provide acceptable documentation on the suitability of any rollover or trustee-to-trustee transfer. The Executive Director shall have final determination on acceptable documentation.~~

~~4.10. Amended 02/25/2014~~

#### ~~4.11. IRS LIMITATIONS~~

~~All rollovers, whether direct or indirect, or trustee-to-trustee transfers, shall be in accordance with appropriate IRS rules and limitations, including IRC 415 limitations on contributions, adjusted, Social Security wage base for Tier 6 members, salary and future benefits.~~

~~4.11. Amended 02/25/2014~~

~~4.11. Amended 12/16/2015~~

~~The Sections 4.12, 4.13 and 4.14 are for the administration of individual member, deferred member, retiree or beneficiary contributions or benefits only. These sections are not intended to~~

~~provide a remedy when retirement contributions and/or retirement benefits issues involve multiple members, deferred members, retirees, and/or their beneficiaries, or a class of members, deferred members, retirees, and/or their beneficiaries. When the remedying of retirement contributions and/or retirement benefits issues involve multiple members, deferred members, retirees, and/or their beneficiaries, or a class of members, deferred members, retirees, and/or their beneficiaries, nothing in these Bylaws shall preclude the rights of County of Stanislaus, or other employers whose retirement plans are with StanCERA, to recover retirement contributions, and interest, when applicable.~~

#### ~~4.12. REMEDIES FOR ERRORS AND OMISSIONS ON RETIREE PAYROLL~~

~~Pursuant to Government Code Sections 31525 and 31539, the Executive Director may take whatever action deemed necessary to correct any errors in a retiree monthly benefit, which violates Federal or State laws or IRS code rules and regulations or policy.~~

#### ~~OVERPAYMENTS OF BENEFIT PAID TO RETIREE/BENEFICIARY~~

~~StanCERA shall take all reasonable steps to recover the full amount of overpayments made to any retiree/beneficiary.~~

~~StanCERA will allow the following repayment methods:~~

- ~~1. Lump sum payment from retiree/beneficiary, or~~
- ~~2. Monthly reduction from the retiree/beneficiary benefit. It shall be collected per below methods (a) or (b), or a higher percentage amount, if requested by retiree/beneficiary.~~
  - ~~a. If StanCERA or the employer caused the error creating an overpayment in the monthly benefit, then StanCERA shall collect directly from the member's benefit a minimum of 5% of the gross monthly benefit until repayment is complete.~~
  - ~~b. If the retiree/beneficiary caused the error, due to lack of or inaccurate information, fraud or intentional misrepresentation, creating an overpayment in the monthly benefit, then StanCERA shall collect directly from the member's benefit (including appropriate interest), a minimum of 15% of the gross monthly benefit until repayment is complete.~~

~~For overpayments less than \$50 (fifty), the Executive Director shall make no demand and write off the account.~~

~~In cases where there is no evidence that the overpayment resulted from fraud or dishonest conduct by the retiree/beneficiary, StanCERA will only seek recovery of amounts paid to the retiree/beneficiary for the four (4) years immediately before the error was corrected.~~

~~Considering all relevant factors (including collection issues and principles of equity), the Board finds that seeking only four (4) years of overpayments under those circumstances constitutes "reasonable steps" to recover the full amount of the overpayments.~~

~~In cases where there is evidence that the overpayment resulted from fraud or dishonest conduct or intentional misrepresentation by the retiree/beneficiary, the Board reserves all rights to seek all amounts overpaid, plus the maximum amount of recoverable interest under law. See Government Code Section 31530. The Board shall determine whether the member engaged in fraud or dishonest conduct based on all of the facts available to it.~~

~~The Board adopts the following procedures for accomplishing the recovery of overpaid benefits:~~

- ~~1. Upon discovery of an overpayment, StanCERA shall send a letter by certified mail, return receipt requested, to the retiree/beneficiary advising the retiree/beneficiary of the overpayment and proposing a repayment schedule, as follows:~~
  - ~~a. The letter will request payment to StanCERA of the amount overpaid, subject the provisions of this Bylaw.~~
  - ~~b. The letter will include an agreement to repay overpayment and a consent form for the spouse or beneficiaries, if applicable.~~
  - ~~c. The letter and agreement to repay overpayment will include effective date and minimum amount of monthly benefit reduction from 2(a) and 2(b) to go into effect by default if a written response from the retiree/beneficiary is not received within 30 days following the date the letter was delivered.~~
- ~~2. StanCERA may pursue all legal remedies to collect overpayments.~~
- ~~3. StanCERA will maintain a permanent record of all amounts of overpayments and the repayment to StanCERA of these overpayments.~~

#### **UNDERPAYMENTS OF BENEFIT PAID TO RETIREE/BENEFICIARY**

~~StanCERA shall take all reasonable steps to reimburse the full amount of underpayments made to any retiree/beneficiary. The underpayment shall be made as soon as is reasonably possible following the discovery of the underpayment.~~

~~If a retiree/beneficiary who was underpaid benefits has died prior to payment of the lump sum amount due, the following procedures will be followed:~~

##### **1. Retiree/beneficiary With Designated Beneficiary**

- ~~- If the retiree/beneficiary has named a designated beneficiary, the payment will be made directly to the designated beneficiary. See Government Code Section 31452.7.~~

##### **2. Retiree/beneficiary Without Designated Beneficiary**

- ~~- If there is an open estate (i.e., no order for final distribution yet), payment will be made to the estate (through the personal representative).~~

- ~~~If final distribution of the estate has already been made, StanCERA will review the order for final distribution to determine how assets that were unknown at the time of final distribution are to be distributed under the order. Payment will then be made in compliance with the order for final distribution, if possible.~~
- ~~~If an estate was not established, distribution will be made in accordance with any applicable and valid Affidavit for Payment of Personal Property on file with StanCERA. See Probate Code Section 13101.~~
- ~~~StanCERA shall make reasonable efforts to locate the person(s) entitled to payment by sending a letter by certified mail, return receipt requested, to the last known address of each such person, or by other means of similar intended effect. The letter shall request written confirmation that the person entitled to payment still lives at that address and will accept payment. Upon receipt of such written confirmation, the payment will be mailed to that person at that address. See Government Code Section 31783.5(b).~~
- ~~~If, after taking the above steps, StanCERA has not been able to locate the person entitled to payment, StanCERA shall hold the funds on behalf of that person for five (5) years. If the funds are not claimed within five (5) years, the funds may be transferred into the system's pension reserve fund. If someone later appears to claim the funds, the Board will consider such claims on a case-by-case basis. See Government Code Section 31783.5(c).~~
- ~~~StanCERA will maintain a permanent record of all amounts of outstanding refunds of underpayments and any amounts that have been transferred into the pension reserve fund.~~
- ~~~In cases where there is no designated beneficiary and the total amount of underpayment is less than \$50 (fifty), StanCERA need not take proactive measures to locate the person(s) entitled to such funds. All claims presented to StanCERA, however, will be considered regardless of size.~~

~~4.12. Amended 02/25/2014~~

~~4.12. Amended 12/16/2015~~

#### ~~4.13. REMEDIES FOR MEMBER'S REGULAR PAYROLL CONTRIBUTION ERRORS~~

~~Whenever an error is found in a member's contribution amount from the regular payroll contributions, the Executive Director shall correct the error as soon as is reasonably possible following StanCERA's discovery of the error.~~

#### ~~OVERPAYMENT OF CONTRIBUTIONS BY MEMBER~~

~~StanCERA shall take all reasonable steps to reimburse the full amount of overpayments made by the member. The overpayment can be reimbursed to the member (and/or employer) via the employee payroll from their StanCERA participating employer, if possible, or by a check from StanCERA.~~

~~If a member, who overpaid contributions, has died prior to payment of the lump sum amount due to the member, the following procedures will be followed:~~

##### ~~1. Member With Designated Beneficiary~~

- ~~• If the member has named a designated beneficiary, the payment will be made directly to the designated beneficiary. See Government Code Section 31452.7.~~

##### ~~2. Member Without Designated Beneficiary~~

- ~~• If there is an open estate (i.e., no order for final distribution yet), payment will be made to the estate (through the personal representative).~~
- ~~• If final distribution of the estate has already been made, StanCERA will review the order for final distribution to determine how assets that were unknown at the time of final distribution are to be distributed under the order. Payment will then be made in compliance with the order for final distribution, if possible.~~
- ~~• If an estate was not established, distribution will be made in accordance with any applicable and valid Affidavit for Payment of Personal Property on file with StanCERA. See Probate Code Section 13101.~~
- ~~• StanCERA shall make reasonable efforts to locate the person(s) entitled to payment by sending a letter by certified mail, return receipt requested, to the last known address of each such person, or by other means of similar intended effect. The letter shall request written confirmation that the person entitled to payment still lives at that address and will accept payment. Upon receipt of such written confirmation, the payment will be mailed to that person at that address. See Government Code Section 31783.5(b).~~



- ~~\* If, after taking the above steps, StanCERA has not been able to locate the person entitled to payment, StanCERA shall hold the funds on behalf of that person for five (5) years. If the funds are not claimed within five (5) years, the funds may be transferred into the system's pension reserve fund. If someone later appears to claim the funds, the Board will consider such claims on a case-by-case basis. See Government Code Section 31783.5(c).~~
- ~~\* StanCERA will maintain a permanent record of all amounts of outstanding refunds of overpayments and any amounts that have been transferred into the pension reserve fund.~~
- ~~\* In cases where there is no designated beneficiary and the total amount of overpayment is less than \$50 (fifty), StanCERA need not take proactive measures to locate the person(s) entitled to such funds. All claims presented to StanCERA, however, will be considered regardless of size.~~

#### ~~**UNDERPAYMENT OF CONTRIBUTIONS BY MEMBER**~~

~~StanCERA shall take all reasonable steps to recover the full amount of underpayment of contributions by member.~~

~~StanCERA will allow the following repayment methods:~~

- ~~1. Lump sum payment from member.~~
- ~~2. Monthly deduction collected in like manner and over the same time period the error occurred, or up to twice the amount of time period, not to exceed five (5) years, as the error occurred~~
- ~~3. Rollover or Trustee-to-Trustee transfer from a qualified pre-tax plan~~

~~In cases where there is no evidence that the underpayment resulted from fraud or dishonest conduct by the member, StanCERA will only seek recovery of amounts underpaid by the member for the four (4) years immediately before the error was corrected. Considering all relevant factors (including collection issues and principles of equity), the Board finds that seeking only four (4) years of underpayments under those circumstances constitutes "reasonable steps" to recover the full amount of the underpayments.~~

~~In cases where there is evidence that the underpayment resulted from fraud or dishonest conduct by the member, the Board reserves all rights to seek all amounts underpaid, plus the maximum amount of recoverable interest under law. See Government Code Section 31539. The Board shall determine whether the member engaged in fraud or dishonest conduct based on all of the facts available to it.~~

~~The Board adopts the following procedures for accomplishing the recovery of underpaid benefits:~~

~~1. Upon discovery of an underpayment, StanCERA shall send a letter by certified mail, return receipt requested, to the member advising the member of the underpayment and proposing a repayment schedule, as follows:~~

- ~~a. The letter will identify the circumstances of the underpayment and the fact that adjustments will be made to all future contribution amounts.~~
- ~~b. The letter will request payment to StanCERA of the past amount underpaid, subject to the provision of these Bylaws.~~
- ~~c. The letter will include an agreement to pay the amounts underpaid.~~
- ~~d. The agreement to pay the amounts underpaid will provide two options, one of which may be selected by the member:~~
  - ~~\*Option 1— Monthly deductions taken from the member's pay (in addition to the contributions otherwise required of the member), in accordance with the allowable repayment methods. If the member's employment terminates during the payment period, the member shall be liable for all remaining unpaid amounts, which may be deducted from any amounts StanCERA owes the member, if the member does not make a lump sum payment.~~
  - ~~\*Option 2— lump sum payment to StanCERA for the full amount underpaid, during the underpayment period.~~
- ~~e. The letter and agreement to repay underpayment will provide that Option 1 will go into effect by default if a written response from the member is not received within 30 days following the date the letter was delivered.~~

~~2. StanCERA may pursue all remedies to collect underpayments.~~

~~3. Upon the death of the member, before full repayment has been made, StanCERA shall pursue all remedies to collect underpayments.~~

~~4. StanCERA will maintain a permanent record of all amounts of underpayments and the repayment to StanCERA of those underpayments.~~

~~4.13. Amended 02/25/2014~~

~~4.13. Amended 12/16/2015~~

#### ~~4.14. REMEDIES FOR DEFERRED MEMBER CONTRIBUTION ERRORS~~

~~Whenever an error is found in a member's contribution amount from payroll contributions after the member has terminated their employment, the Executive Director shall correct the error as soon as is reasonable following StanCERA's discovery of the error.~~

## ~~OVERPAYMENT OF CONTRIBUTIONS BY MEMBER~~

~~StanCERA shall take all reasonable steps to reimburse the full amount of overpayments made by the member. The overpayment will be reimbursed to the member by a check from StanCERA.~~

~~If a member, who overpaid contributions, has died prior to payment of the lump sum amount due to the member, the following procedures will be followed:~~

### ~~1. Member With Designated Beneficiary~~

- ~~• If the member has named a designated beneficiary, the payment will be made directly to the designated beneficiary. See Government Code Section 31452.7.~~

### ~~2. Member Without Designated Beneficiary~~

- ~~• If there is an open estate (i.e., no order for final distribution yet), payment will be made to the estate (through the personal representative).~~
- ~~• If final distribution of the estate has already been made, StanCERA will review the order for final distribution to determine how assets that were unknown at the time of final distribution are to be distributed under the order. Payment will then be made in compliance with the order for final distribution, if possible.~~
- ~~• If an estate was not established, distribution will be made in accordance with any applicable and valid Affidavit for Payment of Personal Property on file with StanCERA. See Probate Code Section 13101.~~
- ~~• StanCERA shall make reasonable efforts to locate the person(s) entitled to payment by sending a letter by certified mail, return receipt requested, to the last known address of each such person, or by other means of similar intended effect. The letter shall request written confirmation that the person entitled to payment still lives at that address and will accept payment. Upon receipt of such written confirmation, the payment will be mailed to that person at that address. See Government Code Section 31783.5(b).~~
- ~~• If, after taking the above steps, StanCERA has not been able to locate the person entitled to payment, StanCERA shall hold the funds on behalf of that person for five (5) years. If the funds are not claimed within five (5) years, the funds may be transferred into the system's pension reserve fund. If someone later appears to claim the funds, the Board will consider such claims on a case-by-case basis. See Government Code Section 31783.5(c).~~
- ~~• StanCERA will maintain a permanent record of all amounts of outstanding refunds of overpayments and any amounts that have been transferred into the pension reserve fund.~~
- ~~• In cases where there is no designated beneficiary and the total amount of overpayment is less than \$50 (fifty), StanCERA need not take proactive measures to locate the person(s) entitled to such funds. All claims presented to StanCERA, however, will be considered regardless of size.~~

## ~~UNDERPAYMENT OF CONTRIBUTIONS BY MEMBER~~

~~StanCERA shall take all reasonable steps to recover the full amount of underpayment of contributions by member.~~

~~StanCERA will allow the following repayment methods:~~

- ~~1. Lump sum payment from member,~~
- ~~2. Monthly over the counter payments collected in like manner and over the same time period error occurred, or up to twice the amount of time period, not to exceed five (5) years, as the error occurred,~~
- ~~3. Rollover or Trustee-to-Trustee transfer from a qualified pre-tax plan.~~

~~In cases where there is no evidence that the underpayment resulted from fraud or dishonest conduct by the member, StanCERA will only seek recovery of amounts underpaid by the member for the four (4) years immediately before the error was corrected. Considering all relevant factors (including collection issues and principles of equity), the Board finds that seeking only four (4) years of underpayments under those circumstances constitutes "reasonable steps" to recover the full amount of the underpayments. In cases where there is evidence that the underpayment resulted from fraud or dishonest conduct by the member, the Board reserves all rights to seek all amounts underpaid, plus the maximum amount of recoverable interest under law. See Government Code Section 31539. The Board shall determine whether the member engaged in fraud or dishonest conduct based on all of the facts available to it.~~

~~The Board adopts the following procedures for accomplishing the recovery of underpaid benefits:~~

- ~~1. Upon discovery of an underpayment, StanCERA shall send a letter by certified mail, return receipt requested, to the member advising the member of the underpayment and proposing a repayment schedule, as follows:~~
  - ~~a. The letter will identify the circumstances of the underpayment.~~
  - ~~b. The letter will request payment to StanCERA of the past amount underpaid, subject to the provision of these Bylaws.~~
  - ~~c. The letter will include an agreement to pay the amounts.~~
  - ~~d. The agreement to pay the amounts underpaid will provide two options, one of which may be selected by the member:~~
    - ~~~ Option 1 ~ Monthly payment to StanCERA, over the same length of time that the underpayments occurred not to exceed 5 years. If the member ceases the over the counter payments during the payment period, the member shall be liable for all remaining unpaid amounts, which may be deducted from any amounts StanCERA owes the member, if the member does not make a lump sum payment.~~

~~• Option 2 — lump sum payment to StanCERA for the full amount underpaid, during the underpayment period.~~

~~2. StanCERA may pursue all remedies to collect underpayments.~~

~~3. Upon the death of the member, before full repayment has been made, StanCERA shall pursue all remedies to collect underpayments.~~

~~4. StanCERA will maintain a permanent record of all amounts of underpayments and the repayment to StanCERA of those underpayments.~~

~~4.14. Amended 12/16/2015 Upon termination Section 31628.~~

~~Upon rescission of deferred status Section 31701.~~

~~Upon transfer to STRS Section 31565.~~

~~Upon cancellation of a disability allowance Section 31737.~~

~~Upon death Sections 31781, 31760.1, 31700.11, 31761.~~

~~Upon a non-County employer's withdrawal Section 31564.~~

~~Article IV Amended 08/26/03~~

~~Article 4 amended 12/04/2007~~

~~Article 4 Amended 11/23/2010~~

~~Article 4 Amended 02/25/2014~~

~~Article 4 Amended 12/16/2015~~

## ~~ARTICLE 5 – SERVICE RETIREMENT~~

### ~~5.1. APPLICATION~~

~~In addition to the provisions of the 1937 Act pertaining to service retirement, an application for service retirement shall be deemed complete when the following have been complied with:~~

- ~~A. Completed application has been made to the Retirement Board in care of the Executive Director.~~
- ~~B. All documents required by the 1937 Act and these Bylaws have been properly completed and submitted including: a certified proof of marriage or registered domestic partnership, a copy of certified proof of birth of the beneficiary, and/or minor children, social security number of the beneficiary and current Social Security benefit estimate (current within one (1) year) for all members with any Tier 3 service.~~
- ~~C. If member has ever had a spouse during this employment and is no longer married to that spouse, the member must submit proof of division, or non interest regarding division of community property. In the event of a spousal death, a death certificate will also be required.~~

~~Pursuant to Government Code Section 31672, a member's retirement date cannot be effective earlier than the date the official retirement application is filed with the Retirement Board, and not more than 60 days after filing the application.~~

~~5.1. Amended 02/25/2014~~

~~5.1. Amended 12/16/2015~~

### ~~5.2. RETIREMENT BOARD APPROVAL REQUIRED~~

~~All service retirements will be approved by the Retirement Board pursuant to Government Code Section 31670.~~

### ~~5.3. ANNUITY CERTIFICATES~~

~~Prior to the first payment of the retirement allowance, each member shall be provided with a document indicating the amount of his/her retirement allowance for the unmodified and optional methods of payments. This document shall provide for the signature of the member indicating the member's choice as to the option of allowance desired and shall constitute the annuity certificate referred to in the 1937 Act.~~

~~5.3. Amended 12/16/2015~~

~~Article 5 Amended 07/02/2002~~

~~Article 5 Amended 12/04/2007~~

~~Article 5 Amended 02/25/2014~~

~~Article 5 Amended 12/16/2015~~

## ~~ARTICLE 6 – SERVICE~~

### ~~6.1. SERVICE CREDIT~~

~~Credit shall be given for each period of regular service rendered by a member for compensation. Overtime hours are excluded from regular service. A fractional year of service shall be determined as follows:~~

~~A. Monthly salaried employees on the basis of twelve (12) months per year (173.33 hours).~~

~~B. Per diem employees on the basis of two hundred sixty (260) days per year.~~

~~C. Hourly employees on the basis of two thousand eighty (2,080) hours per year.~~

~~D. Credit shall be given to court reporters for each period of service for which a contribution is made to the retirement system.~~

~~No credit shall be given for more than one (1) year of service in any twelve (12) month period.~~

~~6.1. Amended 12/16/2015~~

~~Article 6 Amended 07/02/2002~~

~~Article 6 Amended 12/04/2007~~

~~Article 6 Amended 12/16/2015~~

## ~~ARTICLE 7 – COMPENSATION EARNABLE AND PENSIONABLE COMPENSATION~~

### ~~7.1. COMPENSATION EARNABLE~~

~~Computed pursuant to Government Code Section 31461.~~

~~Average compensation shall be defined as all pay including allowances and pay related to special skills, knowledge or shift work. Average compensation excludes overtime, bonuses, any specific reimbursement such as for travel or professional development and excludes leave accrual payments upon termination or in excess of maximum allowable in-service payments by the employer as stated in the Auditor-Controller's earnings table from which retirement contributions are made and as approved by the Board of Supervisors (or like pay for non-County employers). Average compensation for Tier 6 members shall be base pay only.~~

#### ~~7.1. Amended 02/25/2014~~

### ~~7.2. COURT REPORTERS~~

~~Court Reporters' compensation earnable shall be computed pursuant to Government Code Section 70047.1.~~

### ~~7.3. AVERAGE MONTHLY FINAL COMPENSATION~~

#### ~~A. One-Year Average~~

~~Pursuant to Government Code Section 31462.1, average monthly final compensation is computed as the member's compensation over a one-year period for Tiers 1, 4 and 5. This is 2,080 consecutive hours for members paid on an hourly basis and for members normally paid eighty (80) hours biweekly.~~

~~Members who are paid biweekly but on hourly schedules other than eighty (80) hours biweekly will have their average monthly final compensation for a one-year period computed by taking the member's hourly schedule over consecutive twenty-six (26) biweekly pay periods based upon the member working the full schedule or the equivalent of such schedule.~~

~~Members who are paid on a semi-monthly basis will have their average monthly final compensation for a one-year period computed by taking the member's semi-monthly schedule over consecutive twenty-four (24) semi-monthly pay periods based upon the member working the full schedule or the equivalent of such schedule.~~

~~Members who are paid on a monthly basis will have their average monthly final compensation for a one-year period computed by taking the member's monthly schedule over consecutive twelve (12) monthly pay periods based upon the member working the full schedule or the equivalent of such schedule.~~

~~The monthly final average compensation will be the total of the above divided by twelve (12).~~

#### ~~B. Three-Year Average~~

~~Pursuant to Government Section Code 31462, average monthly final compensation is computed as the member's compensation over a three-year period for Tiers 2, 3 and 6. This is consecutive 6,240 hours for members paid on an hourly basis and for members normally~~



~~paid eighty (80) hours biweekly. Members who are paid biweekly, but on hourly schedules other than eighty (80) hours biweekly, will have their average monthly final compensation for a three-year period computed by taking the member's hourly schedule over consecutive seventy-two (72) biweekly pay periods based upon the member working the full schedule or the equivalent of such schedule.~~

~~Members who are paid semi-monthly will have their average monthly final compensation for a three-year period computed by taking the member's semi-monthly schedule over consecutive seventy-two (72) semi-monthly pay periods based upon the member working the full schedule or the equivalent of such schedule.~~

~~Members who are paid monthly will have their average monthly final compensation for a three-year period computed by taking the member's monthly schedule over consecutive thirty-six (36) monthly pay periods based upon the member working the full schedule or the equivalent of such a period.~~

~~The monthly final compensation will be the total of the above divided by thirty-six (36).~~

~~7.3. Amended 02/25/2014~~

~~7.3. Amended 12/16/2015~~

#### ~~7.4 PENSIONABLE COMPENSATION~~

~~Pensionable Compensation is a term defined in State Retirement Law and is associated with new public employees (retirement system members) hired on or after January 1, 2013. Pensionable Compensation defines what can and cannot be used in the calculation of a member's retirement benefit. Please see Government Code Section 7522.34 of the California Public Employees' Pension Reform Act of 2013 for a complete definition of Pensionable Compensation.~~

~~7.4. Amended 12/16/15~~

~~Article 7 Amended 07/02/2002~~

~~Article 7 Amended 12/04/2007~~

~~Article 7 Amended 02/25/2014~~

~~Article 7 Amended 12/16/2015~~

## **| ARTICLE ~~86~~ - AMENDMENTS AND REPEALS**

### **| ~~86~~.1. AMENDMENTS**

The Retirement Board may, as it deems necessary and desirable, by an affirmative vote of five (5) members, amend these Bylaws to be effective when approved by the Stanislaus County Board of Supervisors.

**| ~~86~~.1. Amended 02/25/2014**

**| ~~86~~.1. Amended 12/16/2015**

### **| ~~86~~.2. REPEALS**

All former Bylaws and amendments thereto are hereby repealed. The foregoing Bylaws become effective when approved by the Board of Supervisors as provided by Government Code Section 31525.

**| ~~86~~.2. Amended 02/25/2014**

**| ~~86~~.2. Amended 12/16/2015**

### **| ~~86~~.3. BYLAWS REVIEW**

The Bylaws shall be reviewed by a committee appointed by the Chair of the Retirement Board and revisions and/or amendments brought before the Board on or before December 31st at each odd year, or as needed.

**| ~~86~~.3. Amended 02/25/2014**

**| Article ~~86~~ Amended 07/02/2002**

**| Article ~~68~~ Amended 02/25/2014**

**| Article ~~86~~ Amended 12/16/2015**

## | ARTICLE **94** - CLAIMS FOR DISABILITY RETIREMENT

### | **94.1. DEFINITIONS**

In this article, unless the context or subject matter otherwise requires:

- A. "Executive Director" means the StanCERA Retirement Administrator or designee of Executive Director.
- B. "Applicant" means a person, Stanislaus County, a contracting district or other legally authorized entity claiming benefits, rights, or privileges under the County Employees Retirement Law of 1937, section 31450, et seq. of the California Government Code (hereinafter "the 1937 Act").
- C. "StanCERA" means the Stanislaus County Employees' Retirement Association.
- D. "Retirement Board" means the StanCERA Board of Retirement.
- E. "Party" means any person disclosed by the records of the retirement system or by the application to have an interest in any subject matter including the applicant and the subject employee.
- F. "Referee" means a person appointed by the Retirement Board to make a determination pursuant to Section 31533 of the Government Code. A referee may also be referred to as a "Hearing Officer".
- G. "Subject employee" means the member of the retirement system on behalf of whom an application is filed.
- H. "Disability" or "disabled" means the subject employee's permanent physical and/or mental inability to substantially perform his or her usual job duties, with or without accommodations.
- I. "Accommodations" means an agreement by the subject employee's employer, either Stanislaus County or contracting district, to modify the regularly assigned duties and/or work environment as necessary to allow the subject employee to continue to work within the limitations established by medical evidence.
- J. "Pending" file status refers to an application which has been filed with the Executive Director's office but which cannot be processed because requisite documentation and/or information (e.g., medical records, medical reports, job descriptions, employer information, completed questionnaires, etc.) has not been received by the Executive Director's office.
- K. "Active" file status refers to an application, which has been filed with the Executive Director's office and for which the Executive Director's office has received all requisite documentation and/or information necessary to process it. A "pending" file becomes "active" as of the date on which the last requisite documentation and information is received by the Executive Director's office. Any time limits or file status dates will use the date the file becomes "active" as a reference date.

L. "Disability Counsel"  
means the independent  
legal counsel obtained by  
the Executive Director ▲

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**94.1. Amended 02/25/2014**

**94.1. Amended 12/16/2015**

### | **94.2. FILING AND AMENDMENT OF APPLICATIONS**

- A. A claim for disability retirement shall be made by filing with the Executive Director's office a completed application on a form approved by the Retirement Board for that purpose together

| with all information required in Section 94.3 of these Bylaws. Upon the filing of an application, the Executive Director shall serve the applicant with a copy of this article. Upon receipt of all requisite information and documentation, the Executive Director shall review and investigate the matter and issue a recommendation to the Retirement Board pursuant to the provisions of this article.

B. If during the pendency of an application there is any change in any of the facts or claims set forth in the application, or any information submitted pursuant to Section 94.3 of these Bylaws, the applicant shall immediately file with the Executive Director's office and serve on all interested parties written notice of the change. Upon the filing of such notice with the Executive Director's office, the application shall be deemed amended accordingly.

C. In the event that the applicant modifies the basis of his / her claim for disability benefits, or changes the application from a claim for non-service to a claim for service-connected disability benefits, the date of that applicant's active filing date will be amended to reflect the later date upon which the Executive Director's office receives the additional information or modified claim. Failing to file an accurate or fully complete application form or failing to timely amend an already active application form may, at the discretion of the Retirement Board or referee, preclude the applicant from asserting or introducing evidence of the omitted or changed fact(s) or claim(s).

D. An applicant may file an application for non-service connected disability benefits and/or service connected disability benefits. If the applicant files an application for service connected disability benefits only and the Retirement Board finds that the subject employee is disabled, but not on a service connected basis, upon application the subject employee, if eligible, shall be retired for non-service connected disability.

~~94.2.~~ Amended 02/25/2014

~~94.2.~~ Amended 12/16/2015

### ~~94.3.~~ DOCUMENTS TO BE COMPLETED AND FURNISHED BY APPLICANT

A. The following documents must be furnished to the Executive Director's office by the applicant in connection with the initial disability application.

1. Completed Application for Disability Retirement (includes statement signed under penalty of perjury by the applicant that the materials provided are all the materials available in relation to the claim for disability benefits.

2. Responses to Disability Retirement Questionnaire, signed, under penalty of perjury.

3. Duly executed authorizations for release of employment/workers' compensation information, medical information, and, if applicable, psychiatric information.

4. Third party claims form.

5. IME missed appointment form.

6. Completed -Treating/Attending -Physician's -Statement. A minimum of one statement is required.

7. Pursuant to Government Code Section 31722, if member applies for disability retirement four (4) or more months after date of termination, member shall include a letter from treating physician stating member has remained permanently disabled since date of termination.

8. Employer's Job Task Analysis.

9. Employer's Job Description.

10. All other relevant medical reports and other relevant evidence the applicant would like the Retirement Board to consider.

~~11. Statement signed under penalty of perjury by the applicant that the materials provided are all the materials available in relation to the application.~~

**Comment [RS1]:** Incorporated into 4.3 (A)(1)

11. Member's Statement Description of Employee's Job Duties

The responses on the Disability Retirement Questionnaire shall be provided under penalty of perjury and the applicant shall sign and attach to his / her responses, the signature page, which StanCERA provides with the questionnaire. If the responses are not returned with the appropriate signature page, they shall be deemed not to have been filed and shall be returned to the applicant with additional instructions.

B. At any time during the pendency of an application, the Executive Director, the Retirement Board, or counsel for the Executive Director may, by written notice to the applicant, request that the applicant serve within thirty (30) days, or such further time as may be designated, any or all of the following items:

1. Copies of all other documents upon which the applicant relies in support of the application.
2. A narrative physician's report of the subject employee's current medical condition.
3. Sworn written responses to written questions concerning any matter, which is either relevant to the subject matter of the application or is reasonably calculated to lead to the discovery of evidence, which would be admissible at hearing including, but not limited to the subject employee's medical history, employment history, current medical condition, and current employment status.

C. The Executive Director and/or the Executive Director's counsel shall, in their sole and complete discretion, independently obtain copies of all of the applicant's medical records, employment records, and other relevant documents. However, in no event shall the applicant be relieved of his or her strict obligation to file and/or furnish to the Executive Director's office all medical records and necessary documents described in this section 94.3. StanCERA shall bear the costs incurred by the Executive Director and/or the Executive Director's counsel in independently obtaining copies of relevant documents. The applicant shall bear the costs he or she incurs in obtaining copies of documents filed and/or furnished by him or her in connection with the application.

94.3. Amended 02/25/2014

94.3. Amended 12/16/2015

**94.4. MEDICAL AND PSYCHIATRIC EXAMINATIONS**

A. At any time during the pendency of an application, the Executive Director, the Retirement Board, or counsel for the Executive Director may, by written notice to the applicant (and to the subject employee if the application was filed on behalf of the employee), request that the subject employee submit within thirty (30) days, or such further time as may be designated, to one or more medical examinations by physicians designated by the requesting party at the times and places specified in the notice of the examination(s). As used in this article, the words "medical" and "physician" include, but not limited to, duly licensed medical doctors,

osteopathic doctors, psychologists, chiropractors, and other legally recognized practitioners of the healing arts.

- B. StanCERA shall bear the fees charged by the examining physician(s) in connection with any examination conducted pursuant to this section. Notwithstanding the foregoing, in the event the subject employee fails to timely appear for a duly noticed medical examination, he or she shall be liable for any cancellation fee or other fee charged by the physician in connection with the subject employee's failure to appear. In the event the subject employee is, thereafter, granted disability benefits, such cancellation fee may be charged against said benefits.

**94.4. Amended 02/25/2014**

**94.4. Amended 12/16/2015**

#### **94.5. DISCOVERY AVAILABLE**

In addition to any form of discovery available, pursuant to this article, at any time during the pendency of the application, any interested party shall be entitled to any of the discovery procedures prescribed by the Code of Civil Procedure, provided that such discovery is limited to the subject matter of the application. All forms of discovery authorized by this article and all remedies and procedures related thereto, shall be available in conjunction with any disability re-evaluation under Government Code Section 31729.

**94.5. Amended 12/16/2015**

#### **94.6. APPLICANT'S FAILURE TO FURNISH DOCUMENTS, INFORMATION, OR FAILURE TO SUBMIT TO MEDICAL EXAMINATION**

- A. If the applicant and/or the subject employee fails or refuses to comply with any request pursuant to section 94.3 within the time provided, or if the requesting party deems that a further response is required, or if the subject employee fails or refuses to appear for any medical examination pursuant to section 94.4 or fails or refuses to cooperate with an examining physician, or if the applicant and/or the subject employee otherwise fails or refuses to comply with any discovery request, the requesting party may move the Retirement Board for an order to compel compliance with the request.
- B. Such a motion shall be made by filing with the Retirement Board and serving on all interested parties a copy of the written request and proof of service thereof, a copy of the response, if any, and a statement of the facts and arguments supporting the motion. Upon the filing of such a motion, the Executive Director or the Executive Director's counsel shall set a hearing thereon either before the Retirement Board or a referee and serve all interested parties with notice thereof. Said motion shall be heard no sooner than 30 days after notice thereof is served on all interested parties. No later than five (5) days before the date set for hearing, any interested party may file and serve written opposition to the motion. After hearing the motion, the Retirement Board or referee shall rule thereon and serve notice of its order on all interested parties.
- C. If the applicant and/or the subject employee fails or refuses to obey an order of the Retirement Board or referee made pursuant to this section, the Retirement Board may upon the further motion of the requesting party (notice of which shall be given pursuant to paragraph 94.6.B., above) take any further action which it determines to be just and reasonable, including, but not limited to, precluding the applicant and/or the subject employee

from asserting or introducing evidence of specified facts or claims, deeming specified facts or claims to be admitted, or dismissing the application with or without prejudice.

**94.6. Amended 02/25/2014**

**94.7. DOCUMENTS AND INFORMATION TO BE FURNISHED BY EMPLOYER**

At any time during the pendency of an application, the Executive Director, the Retirement Board, or counsel for the Executive Director may issue a written request to the subject employee's department head, supervisor(s), co-workers, personnel department or the risk management department seeking information regarding the subject employee's job duties, illness or injury and other pertinent data. The department head or other designated person(s) shall provide, or direct the provision of, the necessary data in written form to the requesting party within ten (10) days of receipt of the request.

**94.7. Amended 02/25/2014**

**94.8. COMMUNICATION WITH INDIVIDUAL RETIREMENT BOARD MEMBERS**

The members of the Retirement Board may act as judge and jury in all disability retirement hearings. As such, once an application for disability benefits is filed, communications between individual Retirement Board members and interested parties or their representatives concerning any issue pertaining to the application, are forbidden until such time as the Retirement Board issues its final written decision. Any violation of this section may result in the Retirement Board member being found ineligible to participate in any discussion regarding the application, or to vote on the disability application.

**94.9. RIGHT TO COUNSEL**

- A. Any applicant is entitled, at his/her/its expense, to be represented by legal counsel at any and all stages of the proceedings. If the applicant decides to retain legal counsel, he/she/it must immediately file, with the Executive Director's office, a written notice designating his/her/its counsel and providing the name, address and telephone number of said counsel. Absent such written designation, StanCERA is not obligated to recognize any party claiming to represent an applicant.
- B. In all matters pertaining to disability retirement, the Executive Director is entitled to be represented by legal counsel chosen by the Retirement Board. In addition, the Retirement Board shall be entitled to representation by legal counsel of its choosing.

**94.9. Amended 02/25/2014**

**4.9 Amended 4/24/2018**

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**94.10. STIPULATIONS OF OTHER ENTITIES NOT BINDING**

No stipulation, agreement, understanding, act or omission on behalf of the County of Stanislaus or on behalf of a contracting district by an officer, employee, or agent of the County of Stanislaus or of a contracting district in a worker's compensation or any other proceeding to which neither the Retirement Board nor StanCERA is a party, shall be binding upon the Retirement Board or StanCERA insofar as such stipulation, agreement, understanding, act or omission may be asserted to relate to disability retirement or the disposition of a particular application for disability retirement, unless such stipulation, agreement, understanding, act or omission has previously been approved by the Retirement Board through a duly adopted

motion, which has been recorded in the official minutes of the Retirement Board. The provisions of this section shall not be deemed to constitute a new policy, but rather a formalization and continuation of an existing unwritten policy, which has been in effect during the life of StanCERA.

**94.10. Amended 12/16/2015**

#### **94.11. ADMINISTRATIVE RECOMMENDATION**

- A. After reviewing the application, and all other documents and information obtained in connection therewith and conducting any necessary investigation, the Executive Director shall make an appropriate recommendation to the Retirement Board. The recommendation may consist of one or more of the following:
1. "Grant service connected disability retirement" where the Executive Director determines that the applicant has proved by a preponderance of the evidence all the elements legally necessary to entitle the subject employee to service-connected disability retirement.
  2. "Deny service connected disability retirement" where the Executive Director determines that the applicant has clearly failed to establish one or more of the elements legally necessary to entitle the subject employee to service-connected disability retirement.
  3. "Grant non-service connected disability retirement" where the Executive Director determines that the applicant has proved by a preponderance of the evidence all elements legally necessary to entitle the subject employee to non-service-connected disability retirement.
  4. "Deny non-service connected disability retirement" where the Executive Director determines that the applicant has clearly failed to establish one or more of the elements legally necessary to entitle the subject employee to non-service connected disability retirement.
  5. "Refer for hearing" where the Executive Director determines that there is substantial evidence to support the disability claim, but the evidence does not, in the Executive Director's opinion, prove by a preponderance of the evidence all the elements necessary to grant the disability claim.
- B. The Executive Director's recommendation to the Retirement Board shall be made at a Retirement Board meeting after placing the matter on the agenda of a Retirement Board meeting.

**94.11. Amended 02/25/2014**

**94.11. Amended 12/16/2015**

#### **94.12. PROCEDURE UPON ADMINISTRATIVE RECOMMENDATION**

With respect to each application for which the Retirement Board has received an administrative recommendation pursuant to section 94.11, the Retirement Board shall at the first meeting where the matter properly appears on its agenda take the following action or any other action that the Retirement Board may deem appropriate: grant the disability retirement; deny the disability retirement; remand the application to the Executive Director for further investigation; or refer any or all issues for hearing.

**94.12. Amended 02/25/2014**



#### **94.13. REQUEST FOR HEARING**

Whenever the Retirement Board denies an application for service connected or non-service connected disability retirement without a hearing, the applicant shall, upon request, be entitled to a hearing before the Retirement Board, or before a referee appointed by the Retirement Board. Any such request for hearing shall be in writing and shall be made within thirty (30) days after notice of the Retirement Board's action denying the application and is mailed by certified or registered mail to the applicant or to his / her counsel, if the applicant is represented by counsel. A request for hearing shall be deemed made on the date mailed if mailed by certified or registered mail, on the date postmarked if mailed by first class mail and actually received by StanCERA, or on the date actually received by StanCERA, whichever is earlier.

**94.13. Amended 02/25/2014**

**94.13. Amended 12/16/2015**

**4.13 Amended 4/24/2018**

#### **94.14. SETTING FOR HEARING**

- A. If the Retirement Board determines that a matter is to be set for hearing, the matter shall be heard by a referee unless the Retirement Board moves to hear the matter itself. If the Retirement Board determines that the matter shall be heard by a referee, the Executive Director shall notify Executive Director's counsel who shall promptly schedule a hearing, taking into consideration the availability of a qualified referee, the availability of witnesses for the parties, and any other matter necessary and appropriate for the hearing. The Executive Director's counsel shall give written notice of the date, time and place of the hearing to all interested parties at least 30 days in advance of the scheduled hearing, unless otherwise stipulated by all interested parties.
- B. The Executive Director shall maintain a list of retired judges or qualified licensed *attorneys* who are approved by the Retirement Board and who are available to serve as hearing referees. The Executive Director shall appoint the referee for each hearing by determining which person on the list served last and selecting the person next in order. In the event the person next in order declines to serve as referee or is unavailable to serve within a reasonable period of time, the Executive Director shall appoint the person on the list next in order. The notice of hearing shall include the identity of the person appointed as referee. Any interested party may promptly object in writing to the appointment of a particular referee. If said written objection is not filed with the Executive Director's office at least 10 days prior to the date first set for hearing, any such objection shall be waived. In the event such objection is timely filed, the Executive Director shall appoint as referee the person next in order on the referee list.
- C. Upon stipulation by the interested parties or upon a showing of good cause, the referee or the Retirement Board may continue a hearing to a new date.
- D. The party requesting the continuance shall bear all costs relating to the continuance unless good cause is shown to the referee or to the Retirement Board. Such costs include, but not limited to, referee fees, court reporter fees, witness fees, and any other costs, fees and expenses incurred by the Retirement Board, by anyone on behalf of StanCERA or by any other interested party as a result of the continuance.

**94.14. Amended 02/25/2014**

**94.14. Amended 12/16/2015**

## **| 94.15. HEARING PROCEDURES**

- A. Every hearing before a referee shall be reported by a certified shorthand reporter, and every hearing before the Retirement Board shall be electronically recorded.
- B. At any hearing, any interested party may be represented by legal counsel, at his/her/its own cost.
- C. The referee or, with respect to hearings before the Retirement Board, the Chair or the Chair's designee, shall exercise such control over the hearing as is reasonable and necessary including, but not limited to, prescribing the order of proof, ruling upon the admissibility of evidence, ordering medical I examinations; requiring the additional relevant evidence be gathered and presented; questioning witnesses, and determining whether the matter shall proceed or be adjourned subject to continuation.
- D. Except as otherwise provided in this Article, any relevant evidence shall be admitted if it is the sort of evidence on which reasonable and responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence over objections in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in and of itself to support a finding unless it would be admissible over objection in civil actions.
- E. Oral evidence shall be taken only on oath or affirmation.
- F. On any relevant matter, each interested party shall have the right to call and examine witnesses, introduce documentary and other physical evidence, and cross-examine opposing witnesses. Any interested party who does not testify on his own behalf may be called and examined as a witness, as if, under cross-examination.
- G. Refusal of the applicant or subject employee to submit to examination or to answer relevant questions shall be grounds for considering such questions for the purpose of that hearing to be answered in a way unfavorable to the refusing party.
- H. The production of medical evidence, in the form of written reports, is favored. Such reports should include the following:
  - 1. A history of the subject injury or illness;
  - 2. The subject employee's prior and subsequent medical history;
  - 3. The subject employee's current subjective complaints;
  - 4. The findings upon examination;
  - 5. The nature and extent of disability;
  - 6. The anticipated nature and extent of further treatment or care;
  - 7. Whether or not the subject employee has a disability, which permanently incapacitates him/her from performing his/her usual and customary job duties, and the basis for that opinion, including the specific job duties for which he/she is incapacitated and the

specific medical conditions, which so incapacitate him/her.

- I. Any interested party may offer, and the Retirement Board or referee shall receive in evidence, medical records and reports, provided that copies of the said documents have been served on all other interested parties at least fifteen (15) days prior to the hearing, along with written notice of intention to offer the said documents into evidence. Any other interested party may subpoena the author of such a medical report or record as a witness and examine him/her as if under cross-examination.
- J. Any interested party may offer, and the referee or Retirement Board shall receive, into evidence the written statement of any non-medical witness provided that:
  - 1. It is made by affidavit or by declaration under penalty of perjury; and,
  - 2. A copy has been served on all interested parties at least fifteen (15) days prior to the hearing along with notice of intention to offer the same into evidence.
- K. Any interested party may offer, and the Retirement Board or referee shall receive into evidence the deposition of any witness subject to the objections available under Code of Civil Procedure Section 2025.010 et seq., notwithstanding that the deponent is not "unavailable as a witness" within the meaning of Section 240 of the Evidence Code, and no exceptional circumstances exist if:
  - 1. The deposition was taken in the manner provided for by law or by stipulation of the parties; and
  - 2. At least fifteen (15) days prior to the hearing the proponent of the deposition delivered to all interested parties notice of intention to offer the same into evidence. Any interested party upon receiving such notice may subpoena the deponent and, if he does so, at the discretion of the Retirement Board or referee, either the deposition may be excluded from evidence or the deposition may be admitted and the deponent may be further cross-examined by the party who subpoenaed him/her.
- L. For the purposes of this article, "service" of a document or notice may be accomplished manually or by mail in the manner provided by section 9.21. If delivery is by mail, the times prescribed in this Article for delivery of documents and notices shall be increased by five (5) days.

M.  
Applicants  
shall  
personally  
appear at all  
hearings  
pertaining to  
their  
application.  
Service by  
mail of  
written  
notice of  
hearing  
shall be  
sufficient to  
compel an  
Applicant's  
appearance  
at hearing.  
Failure of an  
applicant to  
personally  
appear and  
testify at any  
duly noticed  
hearing,  
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Referee or the Retirement Board shall be deemed a withdrawal of the corresponding disability retirement application with prejudice, unless the hearing is continued by agreement of the parties or upon a showing of good cause. All hearing notices shall include a warning in substantially the following form: "The applicant must personally appear and testify at this hearing. Failure to do so will result in a denial of the disability retirement application."

**Comment [R2]:** Advised by counsel Ted Cabral

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~~94.15.~~ **Amended 02/25/2014**

~~94.15.~~ **Amended 12/16/2015**

~~4.15 (M)~~ **added 4/24/2018**

#### **~~94.16.~~ DECISION OF THE REFEREE**

- A. When a hearing is held before a referee, the referee shall prepare, in writing, proposed findings of fact and a recommended decision and reasons therefor.
- B. Within forty-five (45) days after the matter is submitted, the referee shall file with the Executive Director's office his / her proposed findings of fact and recommended decision, which shall include those documents received into evidence. Simultaneously therewith, he / she shall serve the proposed findings of fact and recommended decision on all interested parties. The referee shall not be entitled to remuneration for his services until the aforesaid documents have been filed and served. For the purposes of this section, a matter is considered "submitted" on the last day of the hearing, unless the referee, for good cause, orders otherwise.

- C. In the absence of good cause, as determined by the referee, any post hearing briefs or other pleadings shall be filed with the Executive Director's office and served on the referee and on all interested parties within twenty (20) days of the last day of the hearing. The filing of post hearing briefs shall not extend the date the matter is submitted.
- D. Upon the service of the referee's proposed findings of fact and recommended decision, the interested parties shall have ten (10) days to submit objections thereto by filing the same with the Retirement Board and serving the same on all interested parties whereupon the said objections shall be incorporated in the record to be considered by the Retirement Board.

**94.16. Amended 02/25/2014**

**94.16. Amended 12/16/2015**

#### **94.17. ACTION BY THE RETIREMENT BOARD UPON REFEREE'S DECISION**

- A. Upon receiving the proposed findings of fact and recommendation of the referee, the Retirement Board may:
1. Approve and adopt the proposed findings and recommendation of the referee; or
  2. Require a transcript or summary of all the testimony, plus all other evidence received by the referee. Upon the receipt thereof, the Retirement Board shall take such action as in its opinion is indicated by such evidence; or
  3. Refer the matter back with / without instructions to the referee for further proceedings; or
  4. Set the matter for hearing before itself. At such hearing, the Retirement Board shall hear and decide the matter as if it had not been referred to a referee.
- B. Upon approving and adopting the referee's decision or any subsequently modified decision, thereof, the Retirement Board shall comply with Subsection 94.18(C).

**94.17. Amended 02/25/2014**

**94.17. Amended 12/16/2015**

#### **94.18. HEARINGS BEFORE THE RETIREMENT BOARD**

- A. Five (5) members of the Retirement Board constitute a quorum for the making of any decision at a hearing held pursuant to the provisions of this Article. No findings of fact or decision by the Retirement Board shall be valid unless:
1. A majority of all members present; or
  2. Four (4) members, whichever is greater, concur therein.
- B. When a hearing is held before the Retirement Board, the Retirement Board shall, no later than the second regular meeting following the meeting at which the matter is submitted, determine all material issues and shall incorporate such determinations in a written decision and findings of fact.
- C. Within ten (10) days following the date the Retirement Board renders its decision and findings of fact, the Retirement Board shall serve all interested parties with a copy of the same together with

a notice of the right to judicial review of the Retirement Board's decision as set forth in Section 9.20.

**94.18. Amended 02/25/2014**

**94.18. Amended 12/16/2015**

#### **94.19. DATE OF FINAL DECISION AND NOTICE THEREOF**

The decision of the Retirement Board shall be final on the date the notice is mailed to the applicant by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. A copy of the decision along with the affidavit or certificate of mailing shall simultaneously be mailed to the subject employee, if other than the applicant, and to all other interested parties and their respective counsel.

**94.19. Amended 02/25/2014**

**94.19. Amended 12/16/2015**

#### **94.20. JUDICIAL REVIEW OF RETIREMENT BOARD DECISIONS**

The time to seek judicial review of final Retirement Board decisions is governed by Code of Civil Procedure section 1094.6. Each notice of decision shall include a statement substantially as follows: "The time to seek judicial review (appeal) from this decision is governed by Code of Civil Procedure section 1094.6. If you disagree with this decision and wish to appeal it, you must file a petition for writ of mandate with the superior court within 90 days of the date of this notice. If you fail to do so, you will lose your right to appeal this decision".

**94.20. Amended 02/25/2014**

**94.20. Amended 12/16/2015**

#### **94.21. SERVICE OF NOTICE**

- A. Unless otherwise provided by these Bylaws or by statute, where the provisions of this Article require service of a notice, demand, request, or other written communication, service shall be made on the party on whom service is required unless the said party has filed notice of representation by counsel, in which case service shall be made upon counsel of record for that party.
- B. Where the provisions of this Article require service on "interested parties," such service shall be made on the Executive Director, on all interested parties who have appeared in the subject proceedings, and on all interested parties who have not appeared in such proceedings and have filed a request to be served with documents, which are served and filed in such proceedings. Pursuant to Government Code section 31532, unless otherwise ordered by a court of competent jurisdiction or necessary for the processing of an application, sworn statements and individual records of members shall not be disclosed by StanCERA.
- C. Unless otherwise provided in these Bylaws or by statute, the service of all notices, orders, requests, and other written communications, which are not personally served shall be effected by sealing the same in an envelope properly addressed to the party to be served and depositing the envelope in the United States mail with first class postage fully prepaid, and any applicable time limitations shall be extended in the manner prescribed by Code of Civil Procedure Section 1013.

D. For purposes of determining the effectiveness of service on an applicant or subject employee, correspondence shall be deemed "properly addressed" if it bears the address specified on the application, or if the application has been amended, the address specified on the most recently filed amended application.

**94.21. Amended 02/25/2014**

**94.21. Amended 12/16/2015**

**Article 94 Amended 12/04/2007**

**Article 94 Amended 11/23/2010**

**Article 94 Amended 02/25/2014**

**Article 94 Amended 12/16/2015**

**Article 4 Amended 4/24/2018**

## **ARTICLE ~~405~~ - CLAIMS FOR BENEFITS, RIGHTS, OR PRIVILEGES OTHER THAN DISABILITY RETIREMENT**

### **~~405~~.1. PURPOSE**

The purpose of this article is to provide a procedure for acting upon applications for rights, benefits, and privileges other than applications for disability retirement under the 1937 Act to the end that applications can be expeditiously processed with a minimum lapse of time and that when a hearing is required by law, the Applicant will have notice of the hearing and an opportunity to appear before the Retirement Board and present his / her case.

~~405~~.1. *Amended 12/16/2015*

### **~~405~~.2. FILING AND AMENDMENT OF APPLICATIONS**

- A. A claim for rights, benefits, and privileges other than applications for disability retirement shall be made by filing with the Retirement Board a completed application, on a form approved by the Retirement Board, for that purpose, together with all facts, information, and documentation supporting such claim. Upon the filing of such an application, the Retirement Board shall serve the Applicant with a copy of this article and forward the application to the Executive Director for the Executive Director's review, investigation, and recommendation, pursuant to the provisions of this article.
- B. If, during the pendency of an application, there is any change in any of the facts or claims set forth in the application, the Applicant shall immediately file with the Retirement Board and serve on all interested parties written notice of the change. Upon the filing of such notice with the Retirement Board, the application shall be deemed amended accordingly.
- C. Failure to accurately and fully complete or timely amend an application may delay its processing or, in the discretion of the Retirement Board or referee, preclude the Applicant from asserting or introducing evidence of the omitted or changed fact(s) or claim(s).

~~405~~.2. *Amended 02/25/2014*

~~405~~.2. *Amended 12/16/2015*

### **~~405~~.3. FURTHER INFORMATION TO BE FURNISHED BY APPLICANT**

- A. At any time during the pendency of an application, the Executive Director, the Retirement Board, or the counsel for StanCERA may, by written notice to the Applicant, request that the Applicant serve, within thirty (30) days or such further time as may be designated, any or all of the following items: copies of all pertinent records and reports, copies of all other documents upon which the Applicant relies in support of the application, and sworn written responses to written inquiries concerning any matter, which is, either relevant to the subject matter of the application or is reasonably calculated to lead to the discovery of evidence, which would be admissible at hearing including, but not limited to, the subject employee's medical history, employment history, current medical condition, and current employment status.



- | B. With respect to any request, pursuant to Subsection ~~405.2~~, (A), if the Applicant or subject employee fails or refuses to respond within the time allowed for response or if the propounding party deems a further response to be required, the propounding party may move the Retirement Board for an order to compel compliance with the request. Such a motion shall be made by filing with the Retirement Board and serving on all interested parties a copy of the written request and proof of service thereof, a copy of the response, if any, and a statement of the facts and arguments supporting the motion. Upon the filing of such a motion, the Executive Director shall set a hearing thereon either before the Retirement Board or a referee and serve all interested parties with notice thereof. No later than five (5) days before the date set for hearing, any interested party may file and serve written opposition to the motion. After hearing the motion, the Retirement Board or referee shall rule thereon and serve notice of the ruling on all interested parties. If the Applicant or subject employee fails or refuses to obey an order of the Retirement Board or referee made, pursuant to this subsection, the Retirement Board may take any further action upon the noticed request of any interested party, which it determines to be reasonable and just, including, but not limited to, precluding the Applicant from asserting or introducing evidence of specified facts or claims, deeming specified facts or claims to be admitted, or dismissing the application with or without prejudice.

Nothing in this Section shall be construed to limit the right of any interested party to seek judicial review of action taken by the Retirement Board or referee pursuant to this Section.

| ~~405.3~~. Amended 02/25/2014

| ~~405.3~~. Amended 12/16/2015

| ~~405.4~~. ADMINISTRATIVE RECOMMENDATION

- A. Upon review of the application and information submitted by the Applicant, and all other relevant material, the Executive Director shall make one of the following recommendations to the Retirement Board:
1. "Grant claim for benefits" where the Executive Director determines, from all available information that there is no substantial conflict with respect to the facts necessary to grant an application for benefits, rights, or privileges.
  2. "Refer for hearing:" where the Executive Director is unable to find, from all available information, the necessary conditions to recommend granting a claim for benefits, rights, or privileges. At any time prior to hearing, the Executive Director may, in accordance with the standards set forth in Subsection ~~405.4~~, withdraw his recommendation to refer to hearing and recommend that the claim for benefits, rights, or privileges be granted, and the Retirement Board may act, thereon, in the manner prescribed in Section ~~405.5~~ of this Article.
  3. "Deny claim for benefits" where the Executive Director determines from all available information that there is no substantial evidence to support the facts necessary to grant such a benefit.
- B. The Executive Director's recommendation to the Retirement Board shall be made at a regular meeting of the Retirement Board after placing the matter on the agenda of a Retirement Board meeting.

| ~~405.4~~. Amended 02/25/2014

| ~~405.4~~ Amended 12/16/2015

#### **105.5. PROCEDURE UPON ADMINISTRATIVE RECOMMENDATION**

With respect to each application, for which the Retirement Board has received an administrative recommendation, pursuant to Section **105.4**, the Retirement Board shall, at the first meeting where the matter properly appears on its agenda, take the following action or any other action that the Retirement Board may deem appropriate:

- A. If the administrative recommendation is "grant claim for benefits" the Retirement Board may either grant such a claim or refer all issues for hearing.
- B. If the administrative recommendation is "refer for hearing", the Retirement Board may either refer all issues for hearing or remand to the Executive Director for further investigation.
- C. If the administrative recommendation is "deny claim for benefits", the Retirement Board may either deny such benefit, grant such benefit, or refer all issues to hearing.

**105.5. Amended 02/25/2014**

**105.5. Amended 12/16/2015**

#### **105.6. SETTING FOR HEARING**

- A. If the Retirement Board determines that a matter is to be set for hearing, the matter shall be heard by a referee unless the Retirement Board moves to hear the matter itself. If the Retirement Board determines that the matter shall be heard by a referee, the Executive Director shall notify counsel, who shall promptly schedule a hearing, taking into consideration the availability of a qualified referee, the availability of witnesses for the parties, and any other matter necessary and appropriate for the hearing. The Executive Director's counsel shall give written notice of the date, time and place of the hearing to all interested parties at least 30 days in advance of the scheduled hearing, unless otherwise stipulated by all interested parties.
- B. The Executive Director shall maintain a list of retired judges or qualified licensed attorneys who are approved by the Retirement Board and who are available to serve as hearing referees. The Executive Director shall appoint the referee for each hearing by determining which person on the list served last and selecting the person next in order. In the event the person next in order declines to serve as referee or is unavailable to serve within a reasonable period of time, the Executive Director shall appoint the person on the list next in order. The notice of hearing shall include the identity of the person appointed as referee. Any interested party may promptly object in writing to the appointment of a particular referee. If said written objection is not filed with the Executive Director's office at least ten (10) days prior to the date first set for hearing, any such objection shall be waived. In the event such objection is timely filed, the Executive Director shall appoint as referee the person next in order on the referee list.
- C. Upon stipulation by the interested parties or upon a showing of good cause, the referee or the Retirement Board may continue a hearing to a new date.
- D. The party requesting the continuance shall bear all costs relating to the continuance unless good cause is shown to the referee or to the Retirement Board. Such costs include, but are not limited to, referee fees, court reporter fees, witness fees, and any other costs, fees and expenses incurred by the Retirement Board, by anyone on behalf of StanCERA or by any other interested party as a result of the continuance.

~~105.6.~~ *Amended 02/25/2014*  
~~105.6.~~ *Amended on 12/16/2015*

#### ~~105.7.~~ **PRE-HEARING PROCESS**

- A. The Executive Director shall schedule a date for the hearing. The Retirement Board or referee may, upon stipulation by the interested parties or showing of good cause, continue a hearing to a new date. The party requesting the continuance shall bear all costs relating to the continuance, unless good cause is shown to the Retirement Board.
- B. Within thirty (30) days of the date of the hearing, the Applicant shall provide a copy of all documents and writings, which the Applicant proposes to introduce at the hearing to the Executive Director, and the Executive Director shall provide a copy of documents and writings that the Executive Director intends to introduce at the hearing to the Applicant. Any interested party may request a pre-hearing conference. The Applicant or the Executive Director may set a pre-hearing conference by serving all interested parties with written notice of the conference at least fifteen (15) days in advance. Such conferences shall be attended by all interested parties and their counsel.
- C. Any interested party shall at any time after filing of the application, be entitled to undertake discovery in the form of requests for admissions, interrogatories or depositions in the manner prescribed by the Code of Civil Procedure, provided that such discovery is limited to the matters set forth in the application.
- D. Formal discovery shall be limited to those procedures provided in this Article and the 1937 Act, except as otherwise stipulated between the parties or as authorized by the Retirement Board or referee upon a showing of good cause.

~~105.7.~~ *Amended 02/25/2014*  
~~105.7.~~ *Amended on 12/16/2015*

#### ~~105.8.~~ **HEARING PROCEDURES**

- A. Every hearing before a referee shall be reported by a certified shorthand reporter, and every hearing before the Retirement Board shall be electronically recorded.
- B. At any hearing, any interested party may be represented by legal counsel, at his/her/its own cost.
- C. The referee or, with respect to hearings before the Retirement Board, the Chair or the Chair's designee, shall exercise such control over the hearing as is reasonable and necessary including, but not limited to, prescribing the order of proof; ruling upon the admissibility of evidence; ordering medical examinations; requiring that additional relevant evidence be gathered and presented; questioning witnesses; and determining whether the matter shall proceed or be adjourned subject to continuation.
- D. Except as otherwise provided in this Article, any relevant evidence shall be admitted if it is the sort of evidence on which reasonable and responsible persons are accustomed to rely on in the conduct of serious affairs regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence over objections in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient

in and of itself to support a finding unless it would be admissible over objection in civil actions.

- E. Oral evidence shall be taken only on oath or affirmation.
- F. On any relevant matter, each interested party shall have the right to call and examine witnesses, introduce documentary and other physical evidence, and cross-examine opposing witnesses. Any interested party who does not testify on his own behalf may be called and examined as a witness, as if, under cross-examination.
- G. Refusal of the Applicant or interested party to submit to examination or to answer relevant questions shall be grounds for considering such questions for the purpose of that hearing to be answered in a way unfavorable to the refusing party.
- H. Any interested party may offer, and the Retirement Board or referee shall receive into evidence, the deposition of any witness subject to the objections available under Code of Civil Procedure Section 2025.010 et seq., notwithstanding, that the deponent is not "unavailable as a witness" within the meaning of Section 240 of the Evidence Code and no exceptional circumstances exist if:
  - 1. The deposition was taken in the manner provided for by law or by stipulation of the parties; and
  - 2. At least thirty (30) days prior to the hearing, the proponent of the deposition delivered to all interested parties notice of intention to offer the same into evidence. Any interested party, upon receiving such notice, may subpoena the deponent and, if he does so, at the discretion of the Retirement Board or referee, either the deposition may be excluded from evidence or the deposition may be admitted and the deponent may be further cross-examined by the party who subpoenaed him. These limitations are not applicable to a deposition admissible under the terms of Section 2025.010 of the Code of Civil Procedure.
- I. For the purposes of this Section, "delivery" of a document or notice may be accomplished manually or by mail in the manner provided by Subsection ~~405~~.14. If delivery is by mail, the times prescribed in this subsection for delivery of documents and notices shall be increased by five (5) days.

~~405~~.8. Amended 02/25/2014

~~405~~.8. Amended on 12/16/2015

~~5~~.8 Amended on 4/24/2018

#### ~~405~~.9. DECISION OF THE REFEREE

- A. Where a hearing is held before a referee, the referee shall prepare, in writing, proposed findings of fact and recommended decisions and reasons therefor.
- B. Within forty-five (45) days after the matter is submitted, the referee shall file with the Retirement Board his proposed findings of fact and recommended decision, which shall include those documents received into evidence or rejected and shall serve the same on all interested parties. The referee shall not be entitled to remuneration for his services, until the aforesaid documents have been filed and served.
- C. Within ten (10) days following the service of the referee's proposed findings of fact and recommended decision, any interested party may submit objections, thereto, by filing the same with the Retirement Board and serving the same on all interested parties.

~~405~~.9. Amended on 12/16/2015

#### **405.10. ACTION BY THE RETIREMENT BOARD UPON REFEREE'S DECISION**

Upon receiving the proposed findings of fact and recommended decision, the Retirement Board may:

- A. Approve and adopt the proposed findings and recommendations of the referee; or
- B. Require a transcript or summary of all the testimony plus all other evidence received by the referee and, thereupon, take such action as in its opinion is indicated by such evidence; or
- C. Refer the matter back with / without instructions to the referee for further proceedings; or
- D. Set the matter for hearing before the Retirement Board on a date within the next forty-five (45) days. At such a hearing, the Retirement Board shall hear and decide the matter as if it had not been referred to a referee.

**405.10. Amended 02/25/2014**

**405.10. Amended on 12/16/2015**

#### **405.11. HEARINGS BEFORE THE RETIREMENT BOARD**

- A. Five (5) members of the Retirement Board constitute a quorum for the making of any decision at a hearing held, pursuant to the provisions of this Article. No findings of fact or decision by the Retirement Board shall be valid unless:
  - 1. A majority of all members present; or
  - 2. Four (4) members, whichever is greater, concur therein.
- B. When a hearing is held before the Retirement Board, the Retirement Board shall, no later than the second regular meeting following the meeting at which the matter is submitted, determine all material issues and shall incorporate such determinations in a written decision and findings of fact.
- C. Within ten (10) days following the date the Retirement Board renders its decision and findings of fact, the Retirement Board shall serve all interested parties with a copy of the same together with a notice of the right to judicial review of the Retirement Board's decision as set forth in Section **405.14.**

**405.11. Amended on 12/16/2015**

#### **405.12. DATE OF FINAL DECISION AND NOTICE THEREOF**

The decision of the Retirement Board shall be final on the date notice, thereof, is mailed to the subject employee by US first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. A copy of the decision along with the affidavit or certificate of mailing shall simultaneously be mailed to the applicant, if other than the subject employee, and to all other interested parties and their respective counsel.

**405.12. Amended on 12/16/2015**

### **~~405~~.13. JUDICIAL REVIEW OF THE RETIREMENT BOARD'S DECISION**

Judicial review of the final retirement decisions shall be subject to Code of Civil Procedure Section 1094.6. This section has been made applicable by the Retirement Board and the Stanislaus County Board of Supervisors. Following each final decision, the Executive Director shall include in the notice of decision a statement substantially as follows: "The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure section 1094.6, which has been made applicable to StanCERA by the Retirement Board and the Stanislaus County Board of Supervisors. Generally, any petition or other paper seeking judicial review must be filed in the appropriate court not later than the ninetieth (90) day following the date on which this decision becomes final. Judicial review of a final decision is reviewable, pursuant to Code of Civil Procedure section 1094.5 only if the petition for writ of mandate made pursuant to Code of Civil Procedure section 1094.06 is filed within the time limits specified in latter section.

~~405~~.13. Amended 02/25/2014

~~405~~.13. Amended on 12/16/2015

### **~~405~~.14. SERVICE OF NOTICE**

- A. Unless otherwise provided by these Bylaws or by statute, where the provisions of this Article require service of a notice, demand, request, or other written communication, service shall be made on the party on whom service is required unless the said party has filed notice of representation by counsel, in which case service shall be made upon counsel of record for that party.
- B. Where the provisions of this article require service on "interested parties," such service shall be made on StanCERA, on all interested parties who have appeared in the subject proceedings, and on all interested parties who have not appeared in such proceedings and who have filed a request to be served with documents, which are served and filed in such proceedings. Pursuant to Government Code section 31532, unless otherwise ordered by a court of competent jurisdiction or necessary for the processing of an application, sworn statements and individual records of members shall not be disclosed by StanCERA.
- C. Unless otherwise provided by these Bylaws or by statute, the service of all notices, orders, requests, and other written communications, which are not personally served, shall be effected by sealing the same in an envelope properly addressed to the party to be served and depositing the envelope in the United States mail with first class postage fully prepaid, and any applicable time limitations shall be extended in the manner prescribed by Code of Civil Procedure Section 1013.
- D. For purposes of determining the effectiveness of service on an Applicant, correspondence shall be deemed "properly addressed" if it bears the address specified on the application, or, if the application has been amended, the address specified on the most recently filed amended application.

~~405~~.14. Amended 02/25/2014

~~405~~.14. Amended on 12/16/2015

Article ~~405~~ Amended 12/11/2002

Article ~~405~~ Amended 12/04/2007

Article ~~405~~ Amended 11/23/2010

Article ~~405~~ Amended 02/25/2014

Article ~~405~~ Amended 12/16/2015

Article 5 Amended 4/24/2018

## ARTICLE ~~117~~ - SUBPOENAS

### ~~117.1. POWER TO ISSUE~~ SUBPOENAS

The Retirement Board, the Executive Director or ~~the~~ Referee appointed under these bylaws may issue ~~a subpoena~~ or subpoena duces tecum in accordance with the provisions of Government Code Section 31535. ~~The applicant or counsel, for any party, may request that a subpoena be issued by the Retirement Board, the Executive Director or the Referee for purposes related to the members' application. The applicant shall bear all costs related to subpoenas issued at the request of the applicant or their counsel.~~

Subpoenas shall be signed by the Chair of the Retirement Board, the Secretary of the Retirement Board, the Executive Director, ~~or the Referee,~~ or counsel for the Executive Director on the Executive Director's behalf.

### 7.2 PARTIES ENTITLED TO ISSUANCE OF SUBPOENAS

Any party to a pending application or other proceeding under these Bylaws may request that subpoenas be issued on the party's behalf by the Retirement Board, the Referee, or the Executive Director. The scope of such subpoenas shall be limited to the subject matter of the application or proceeding. The party requesting such subpoenas shall be solely responsible for enforcing them and shall bear all costs incurred in connection with issuance of such subpoenas.

**Comment [RS3]:** All changes to this section recommended by Executive Director's counsel

~~117.1. Amended 02/25/2014~~  
~~117.1. Amended on 12/16/2015~~  
~~7.1 Amended on 4/24/2018~~  
~~7.2 Added on 4/24/2018~~

~~Article 117 Amended 12/11/2002~~  
~~Article 117 Amended 03/22/2005~~  
~~Article 117 Amended 02/25/2014~~  
~~Article 117 Amended 12/16/2015~~  
~~Article 7 Amended on 4/24/2018~~

~~ARTICLE 12 — Article 12 —~~  
~~Reviewed and No Amendments Made 12/11/2002 —~~  
~~Repealed on 12/04/2007 —~~

~~ARTICLE 13 — Article 13 —~~  
~~Repealed on 12/05/2006 — See Retiree Health Allowance Policy —~~





## ~~ARTICLE 14 – CONTINUING EDUCATION AND DUE DILIGENCE VISITATIONS~~

### ~~14.1. NEED FOR A POLICY~~

~~In order for the Retirement Board to make prudent and responsible decisions, as required by Government Code Section 31595, the Retirement Board adopts the following policy on continuing education and due diligence visitations.~~

### ~~14.2. ESTABLISHMENT OF LIST AND EVALUATION OF CONTINUING EDUCATIONAL SEMINARS AND CONFERENCES~~

~~It is the Retirement Board's desire to further educate themselves and staff through a review of information attained at continuing educational seminars and conferences, and also establish an attendance list of worthwhile continuing education sponsors. To this end, the attending representatives of the Retirement Board will:~~

- ~~A. Provide a summary report to the full Retirement board of information and knowledge obtained at such gathering, which is considered by that person to be of benefit to StanCERA;~~
- ~~B. Provide a recommendation as to the worthiness of the information that was presented;~~
- ~~C. Provide a recommendation as to future participation.~~

### ~~14.3. EDUCATIONAL REQUIREMENT~~

~~The Retirement Board establishes the following guidelines regarding the Education requirements for its Retirement Board members:~~

- ~~A. Recommend new trustees attend at least one (1) of the following within their first (3) three-year term:~~
  - ~~1. Principles of Pension Management~~
  - ~~2. Modern Investment Theory and Practice for Retirement Systems~~
- ~~B. All Board members must attend at least one (1) of the following within each of their (3) three-year terms:~~
  - ~~1. CALAPRS~~
  - ~~2. NCPERS~~
  - ~~3. SACRS~~
  - ~~4. Other Board approved event~~
- ~~C. It is expected that each Board member attend thirty-six (36) hours of pension related training but at least a minimum of twenty-four (24) hours as required by PEPRA legislation.~~
- ~~D. Staff will be responsible for monitoring the Retirement Board member educational hours earned and seek guidance from the Retirement Board, Educational or Governance Committee, if necessary,~~

~~regarding the allowable credit hours for all conferences or seminars attended. The information will become a matter of public record, and will be posted on the StanCERA website.~~

~~14.3. Amended 02/25/2014~~

~~14.3. Amended on 12/16/2015~~

#### ~~14.4. DUE DILIGENCE VISITATIONS OF MONEY MANAGEMENT FIRMS AND CONSULTANTS~~

~~It is the Retirement Board's desire to conduct on-site due diligence visitations of money management firms and consultants, which are currently retained or which the Retirement Board is considering. To this end, the Due Diligence Committee will:~~

- ~~A. Conduct on-site due diligence visitation to at least four (4 ) of the investment management firms each calendar year so that each firm is visited no less than once in five (5 ) years. The initial due diligence visit made before or upon hiring of an investment management firm will count as a regular due diligence visit;~~
- ~~B. Conduct on-site due diligence visitations of the money management and consulting firms under consideration for retainment by the Retirement Board;~~
- ~~C. Conduct on-site due diligence visitation to StanCERA custodial banks, actuarial and investment consultants once every five (5) years.~~
- ~~D. As part of the due diligence process in retaining a money management firm, consultants or actuary, there will be no acceptance of entertainment, travel, hotel or other type of gifts by the Retirement Board members and staff from a money manager, consultant or actuary under consideration for retainment.~~

~~For purposes of the above sections, meals are not considered a gift.~~

~~14.4. Amended on 12/16/2015~~

#### ~~14.5 . DUE DILIGENCE REPORTING REQUIREMENTS~~

~~StanCERA requires the Due Diligence Committee to present a report following each visit made.~~

~~14.5. Amended on 12/16/2015~~

#### ~~14.6. REIMBURSEMENT FOR TRAVEL EXPENSES RELATED TO EDUCATION AND DUE DILIGENCE VISITS~~

~~The Retirement Board recognizes that Retirement Board members and staff training as well as due diligence visits are necessary activities to insure that benefits are administered properly and assets are managed well. To that end, the following Travel Policy is established:~~

~~For any educational event or due diligence travel, all reasonable expenses related to the trip will be reimbursed or paid for by StanCERA. Reasonable expenses will include airfare, train fare, mileage (RS approved rate using odometer readings or Stanislaus County Auditor-Controller mileage chart),~~

~~ferry, toll bridge, parking, shuttle service, taxi service (including tip), hotel lodging, meals (including tips), necessary business phone calls, tips for portage, and other expenses that may occur which are incurred by the traveler for the approved travel. The traveler should present receipts for all items which are easily obtainable (such as lodging and meals) but may also claim amounts for such expenses as bridge toll, taxi service or tips for portage for which receipts are generally not given. The StanCERA business traveler must pay for any additional costs for a spouse or other fellow traveler who has not been authorized to travel on StanCERA business. The Executive Director will review and approve the travel expenses for all Retirement Board members and other staff. A member of the Retirement Board will review and approve the travel expenses of the Executive Director. The disbursing agent for StanCERA (i.e. the Stanislaus County Auditor-Controller's Office), will allow for and pay the travel expenses of the Retirement Board members and staff that have been approved by either the Executive Director or member of the Retirement Board.~~

~~14.6. Amended 02/25/2014~~

~~14.6. Amended on 12/16/2015~~

~~Article 14 Amended 01/25/2005~~

~~Article 14 Amended 12/08/2010~~

~~Article 14 Amended 02/25/2014~~

~~Article 14 Amended on 12/16/2015~~



Richard Santos, Executive Director

Date

## Historical Notes

Approved by the Board of Supervisors on September 27, 1988.

~~Amendment to Section 7.1. approved by the Board of Supervisors on March 14, 1989.~~

Amendment to Sections 49.4.(A), 49.6.(B), and 49.6.(C) approved by the Board of Supervisors on April 25, 1989.

Amendment to Sections 94.4.(A), 94.4.(B), 94.6.(B), 94.6.(C) and 94.7.(A) and deletion of Section 94.6.(D) approved by the Board of Supervisors on December 19, 1989.

Amendment to Section 1.5. approved by the Board of Supervisors on March 27, 1990.

Amendment of Section 1.2 by addition of Subsection (J) approved by the Board of Supervisors on October 2, 1990.

Addition of Section 3.11, (A), (B), and (C) approved by the Board of Supervisors on October 2, 1990.

~~Addition of Section 4.7. approved by the Board of Supervisors on March 26, 1991.~~

Amendment of Article 1, addition of Section 1.6 approved by the Board of Supervisors on April 27, 1993.

~~Addition of Article 13 (Sections 13.1 thru 13.7) approved by the Board of Supervisors on October 25, 1994.~~

~~Addition of Article 14 (Sections 14.1 thru 14.7) approved by the Board of Supervisors on April 2, 1996.~~

~~Amendment of Article 13 approved by the Board of Supervisors on November 6, 1996.~~

Revision of the Bylaws approved by the Board of Supervisors on August 18, 1998.

~~Amendment of Article 13 approved by the Board of Supervisors on September 29, 1998~~

Amendment of Article 2 approved by the Board of Supervisors on April 6, 1999

Amendment of Article 1 approved by the Board of Supervisors on August 31, 1999

~~Amendment of Article 13, Section 13.2, approved by the Board of Supervisors on December 21, 1999~~

Amendment of Article 1, Section 1.5, approved by the Board of Supervisors on October 31, 2000

Revision of the Bylaws approved by the Board of Supervisors on July 2, 2002

Revision of the Bylaws approved by the Board of Supervisors on December 11, 2002

Amendment of Article 2, Section 2.1, approved by the Board of Supervisors on December 5, 2006

~~Repeal of Article 13 on 12/05/2006 → See Retiree Health Allowance Policy~~

Revision of the Bylaws approved by the Board of Supervisors on December 4, 2007

Amendment of Article 1, Section 1.7, approved by the Board of Supervisors on March 25, 2008

Revision of the Bylaws approved by the Board of Supervisors on May 24, 2011

Amendment of Articles 1-~~35~~, ~~78~~-11, ~~and 14~~ approved by the Board of Supervisors on February 25, 2014

Amendment of Articles ~~1.7~~, ~~4.11~~, ~~4.12~~, ~~4.14~~, approved by the Board of Supervisors on March 15, 2016

Removal of Prior Articles 4 (Member Contributions), 5 (Service Retirement), 6 (Service), 7 (Compensation Earnable) and 14 (Continuing Education and Due Diligence Visitations). Prior articles 4, 5, 6, 7 and 14 reclassified as StanCERA Internal Policies. Prior articles 9 (Claims for Disability Retirement), 10 (Claims for Benefits, Rights, or Privileges Other Than Disability), 8 (Amendments and Repeals) and 11 (Subpoenas) reclassified to articles 4, 5, 6 and 7, respectively. Approved by the Board of Supervisors on XX-XX-XXXX

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