

RESOLUTION NO. \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION APPROVING AMENDMENTS TO BOARD OF RETIREMENT REGULATIONS 4.2, 4.5, 4.6, 4.9, 4.10, 4.13, 4.17, 4.21, AND 4.22 IN ARTICLE IV – ELECTION OF TRUSTEES; AMENDING REGULATIONS 5.3 AND 5.5(D) IN ARTICLE V - MEMBERSHIP DUTIES AND RIGHTS; AND ADDING REGULATION 6.10 IN ARTICLE VI - DISABILITY RETIREMENTS**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, Section 17 of Article XVI of the California Constitution provides that the retirement board of a public pension or retirement system shall have the plenary authority and sole and exclusive responsibility to administer such system; and

**WHEREAS**, in administering the retirement system, Government Code section 31525 provides that the Board of Retirement (“BOR”), with the approval of the Board of Supervisors, may establish regulations that govern the operation of the San Mateo County Employees’ Retirement Association (“SamCERA”) which are not inconsistent with the California Employees’ Retirement Law of 1937;

**WHEREAS**, the proposed amendments to the BOR’s current regulations clarify existing SamCERA practices and implement new practices which are consistent with the California Employees’ Retirement Law of 1937; and

**WHEREAS**, the Board has reviewed proposed amendments to the regulations and desires to approve such amendments;

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the Regulations of the Board of Retirement are amended to read as set forth below; and

**BE IT FURTHER RESOLVED** that the amendments shall become effective after their approval by this Board of Supervisors.

Regulation 4.2 of Article IV is amended to read:

**4.2 List of Eligible Candidates and Nominators and the List of Eligible Voters:** The Chief Executive Officer, or his designee, shall provide to the Elections Officer a copy of the Nominating Petition, the “List of Eligible Candidates and Nominators,” the “List of Eligible Voters,” and other necessary election materials. The “List of Eligible Candidates and Nominators” shall include those names of members who are eligible to sign Nomination papers

and/or run for office as set forth in sections 4.4 and 4.5, and shall be provided no later than the Friday prior to the second Monday in April of the election year. The "List of Eligible Voters" shall include those names of members who are eligible to vote in the election as set forth in section 4.13, and shall be provided no later than the Monday prior to the first day ballots may be mailed to those voters. Notwithstanding any provision to the contrary in these regulations, the "List of Eligible Candidates and Nominators" and the "List of Eligible Voters" shall not include deferred members.

Regulation 4.5 of Article IV is amended to read:

**4.5 Nominating Petitions/Declaration of Candidacy:** On and after the second Monday in April, qualified candidates may obtain a Nominating Petition or Declaration of Candidacy, a copy of the Code of Fair Campaign Practices as it appears in the California Elections Code, and a copy of these Election Regulations from the Elections Officer. Candidates for Second, Third and Seventh Trustee shall be nominated by a petition signed by not less than ten SamCERA Members eligible to sign the candidate's petition. SamCERA's General Members are eligible to sign a petition for a candidate for Second or Third Trustee. SamCERA's Safety Members are eligible to sign a petition for a candidate for Seventh Trustee. SamCERA's Retired Members are eligible to nominate themselves as a candidate either for the Eighth Trustee or the Eighth Trustee Alternate by filing a Declaration of Candidacy with the Elections Officer. SamCERA's Retired Members may only nominate themselves to one position. To be eligible to sign petitions, or nomination papers, a member's name shall be included on the "List of Eligible Candidates and Nominators." No member shall sign more than one Nominating Petition for each election. Signed Nominating Petitions and Declarations of Candidacy must be filed with the Elections Officer no later than 5:00 p.m. of the last Monday in April. Candidates who file Nominating Petitions after the deadline will be disqualified. Prospective candidates shall appear in person to receive candidate papers from and to deliver candidate papers to the Elections Officer. If a prospective candidate is unable to appear in person, they shall designate in writing an agent to receive and/or deliver the candidate's Nomination Papers or Declaration of Candidacy on their behalf.

Regulation 4.6 of Article IV is amended to read:

**4.6 Withdrawal:** Candidates may withdraw from the election no later than 5:00 p.m. of the last Monday in April by filing a written statement of withdrawal with the Elections Officer.

Regulation 4.9 of Article IV is amended to read:

**4.9 Candidate Statements:** The Elections Officer shall accept, reproduce and include with the ballot, a Candidate Statement listing the name of the

candidate and no more than 300 words. Candidate Statements shall be limited to a recitation of the candidate's own personal background and qualifications and shall not make any reference to other candidates or to another candidate's qualifications. Statements that do not meet these requirements shall not be accepted, but may be resubmitted up to the filing deadline. The counting of words will be in accordance with the California Elections Code. If the Elections Officer determines that an acceptable Candidate Statement is not submitted by the deadline, the candidate will not have one included with the ballot. Candidate Statements must be filed with the Elections Officer no later than 5:00 p.m. of the last Monday in April. Statements shall be printed as submitted. No candidate, for any reason, may withdraw or change his or her Candidate's Statement after this deadline. Statements filed pursuant to this section shall remain confidential until the expiration of the filing deadline.

Regulation 4.10 of Article IV is amended to read:

**4.10 Challenges to Statements:** No later than 5:00 p.m. on the last Thursday in April or first Thursday in May, whichever follows the last Monday in April, a candidate may challenge by writ of mandate or injunction filed with the Superior Court of San Mateo County, which requests that the decision of the Elections Officer to accept or reject a candidate's statement be reversed and/or that the statement in question is false, misleading, or inconsistent with the requirements of Section 4.9. The peremptory writ of mandate or injunction shall be issued only upon clear and convincing proof and a finding that an order would not substantially interfere with the printing or distribution of official election materials.

Regulation 4.13 of Article IV is amended to read:

**4.13 Qualification of Voters:** For mailed ballots, the Elections Officer shall confirm the name on the outer ballot envelope with the "List of Eligible Voters." For electronic voting, the Elections Officer shall confirm the name of the electronic ballot recipient with the "List of Eligible Voters." SamCERA's General Members are qualified to elect the Second and Third Trustees. SamCERA's Safety members are qualified to elect the Seventh Trustee. SamCERA's Retired Members are qualified to elect the Eighth Trustee and Eighth Trustee Alternate. To be eligible to vote, a member shall be a part of his or her respective group at the close of the pay period immediately preceding the first day that ballots may be mailed or sent electronically per these regulations.

Regulation 4.17 of Article IV is amended to read:

**4.17 Certification of Election Results:** The Elections Officer shall canvass and certify the results of the election no later than the Monday following the election.

Regulation 4.21 of Article IV is amended to read:

**4.21 Oath of Office:** Newly elected Trustees shall be sworn-in during the Board's first meeting in July, or, if absent at such meeting or if elected as a result of a Special Election, at the first Board meeting at which such newly-elected Trustee is present.

Regulation 4.22 of Article IV is amended to read:

**4.22 Special Elections:** The Chief Executive Officer shall advise the Board when a vacancy occurs. The Board has determined that the earliest possible date for the Special Election be not less than 60 nor more than 150 days from the effective date of the vacancy and shall call a Special Election to be held during that period. Special Elections shall be conducted in conformance with the provisions of Government Code section 31523 and this Article for Regular Elections, except that the schedule shall be adjusted by the Elections Officer to comply with the date of the Special Election set by the Board.

Regulation 5.3 of Article V is amended to read:

**5.3 Required Documents Upon Entering Service:** Upon entering service, the member shall immediately execute and file such documents as may be prescribed by the Chief Executive Officer in the manner and form thereof.

Regulation 5.5(D) of Article V is amended to read:

**5.5(D)** The Board may approve payment by check in cases where the Board's paying agent is unable to provide payment by auto deposit and in cases where the member has specifically requested payment by check. The Board, by resolution, may delegate the authority to approve payment by check in the circumstances described above to the Chief Executive Officer.

Regulation 6.10 of Article VI is added as set forth below:

**6.10 Authority to Issue Subpoenas:** The Board delegates its subpoena power under Government Code section 31535 to SamCERA's Chief Executive Officer. In situations where a matter is before a hearing officer pursuant to Section 6.2(D), such subpoena power is delegated to such hearing officer.

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