



**San Joaquin
County Employees'
Retirement Association**

BYLAWS

**REVISED & ADOPTED BY THE BOARD OF RETIREMENT ON 7/10/2020
ADOPTED BY THE BOARD OF SUPERVISORS ON 9/01/2020**

Pursuant to California Government Code Sections 31525 and 31526, these bylaws are adopted by the Board of Retirement and approved by the San Joaquin County Board of Supervisors. In the event a conflict arises between these bylaws and the County Employees Retirement Law, the Public Employees’ Pension Reform Act, the Internal Revenue Code or any other applicable state or federal statutes, the law shall prevail.

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PART I - GENERAL

SECTION 1. NAME

- A. The name of this retirement system is the "SAN JOAQUIN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION" ("SJCERA").

SECTION 2. PURPOSE

- A. SJCERA is established under the County Employees' Retirement Law of 1937 (Chapter 3 of Part 3 of Division 4 of Title 3 of the California Government Code, Section 31450 et seq.) (hereinafter "the CERL") for the purpose of carrying out the provisions of the CERL and the provisions of the Public Employees' Pension Reform Act (Article 4 of Chapter 21 of Division 7 of Title 1 of the California Government Code, Section 7522, et seq.) (hereinafter "PEPRA") within the County of San Joaquin. These bylaws govern the management and operation of the retirement system for the benefit of its membership, including its retired members and their survivors, dependents, and beneficiaries.

SECTION 3. JURISDICTION

- A. The Board of Retirement shall endeavor to include language substantially similar to the following in any and all contracts, agreements, and/or partnerships entered into by the Board or its designee, subject to adjustments and modifications as deemed reasonable and appropriate by the Board or its designee in any given circumstance: "The parties hereto hereby submit to the jurisdiction of the Superior Court of California for San Joaquin County, or the United States District Court for the Eastern District of California, over any action, suits or proceedings arising out of or relating to this Agreement."

SECTION 4. DEFINITIONS

- A. Words, terms, and phrases used in these bylaws and SJCERA policies and procedures shall be given meaning as defined in the CERL or PEPRA unless otherwise specified in these bylaws.
1. Unless otherwise provided, any reference to "day" or "days" shall mean calendar days and shall include weekends and holidays. If a due date or deadline falls on a Saturday, Sunday or San Joaquin County designated holiday, the due date or deadline shall be the next regular business day.
 2. Board shall mean Board of Retirement
 3. CEO shall mean Chief Executive Officer or designee

SECTION 5. ADMINISTRATION

5.1 General

- A. Management of the retirement system is vested in the Board of Retirement

("Board"). Routine day-to-day administration of the retirement system is delegated to the Chief Executive Officer (CEO), who shall be that individual appointed by the Board pursuant to Government Code Section 31522.2.

- B. The Board shall promulgate rules for matters relating to its administrative procedures, which shall be known as Board Administration Policies. Each Board Administration Policy shall be identified by title and purpose and may be adopted or amended at any regularly scheduled meeting of the Board by an affirmative vote of at least five (5) trustees. The CEO shall direct staff to maintain a record of all Board Administration Policies adopted or amended by the Board.
- C. The CEO is responsible for the engagement, management, oversight and termination of all staff employed by SJCERA.
- D. With regard to the exempt positions of the Assistant CEO (Assistant Retirement Administrator) and Investment Officer (IO) appointed pursuant to Government Code Section 31522.3, the CEO is delegated the authority to select and appoint individuals to these positions, with the caveat that:
 - 1. The selection and appointment of the Assistant CEO and the IO shall be submitted to the Board for Retirement for its concurrence and approval in accordance with Government Code Section 31522.3
 - 2. The CEO shall at least annually meet with and evaluate the performance of the incumbent Assistant CEO and IO.
 - 3. If at any time the CEO intends to dismiss an employee in either of these two positions, the CEO will present facts on the matter to the Board in closed session for the Board to exercise its authority under Government Code Section 31522.3.
- E. All meetings of the Board shall be subject to the open meeting laws applicable to local agencies, known as the Ralph M. Brown Act (Chapter 9 of Part 1 of Division 2 of Title 5 of the California Government Code, Section 54950 et seq.) ("The Brown Act").
- F. The Board shall meet at least once each month, and shall adopt and make available to the public an annual meeting calendar each year, which may subsequently be modified as necessary by formal action of the Board in advance. Unless otherwise noticed in advance, meetings of the Board shall be convened in the SJCERA Boardroom, 6 S. El Dorado Street, Suite 400, Stockton, California.
- G. Special meetings of the Board may be called at any time on the request of any Officer of the Board or by any five (5) Members of the Board. Notice of the meeting shall be provided as required by the Brown Act.

- H. Board meetings may be reset or continued by the Board for good cause. If a meeting is reset or continued, the CEO shall give at least four (4) days' notice of the date of the reset or continued meeting to Board Members who were not present at the time of re-setting or continuance.

5.2 Election and Appointment of Board Members

- A. Pursuant to Government Code Section 31520.1, 31520.5 and 31520.6 the Board shall be composed of nine (9) members, one alternate safety member, and one alternate retired member.
- B. Elections of the second, third, seventh, eighth, and alternate members shall be conducted pursuant to Government Code Sections 31520.1, 31520.5 and 31523 and Board of Supervisors Resolution R-04-68.
- C. Except as otherwise provided by law, an appointed member of the Board shall continue to serve beyond the prescribed term until a successor is duly qualified and appointed.

5.3 Procedures

- A. ROBERT'S RULES OF ORDER shall guide the Board in its proceedings, except as otherwise provided in these bylaws or the CERL. The Chairperson 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 order of business may include, but is not be limited to:
 - Roll Call
 - Pledge of Allegiance
 - Approval of Minutes
 - Public Comment
 - Benefit Applications
 - Investment Matters and Administration Matters
 - Staff and Committee Reports and Recommendations
 - Correspondence
 - Adjournment
- B. The Board Chairperson may make changes in the above order at their discretion.
- C. The order of business may also include one or more closed sessions in accordance with and as allowed by the Brown Act as needed to conduct the Board's business.
- D. Five Members of the Board shall constitute a quorum. Subject to paragraph E

below, no motion may be passed or business transacted except in matters dealing with hearings without at least five (5) affirmative votes.

- E. Hearings conducted by the Board must have at least seven (7) members in attendance and will be conducted as detailed in Board policy.
- F. Communications and requests shall be made in writing and directed to the Board in care of the CEO. The substance of such communications and requests requiring Board action shall be noted in the minutes of the Board meeting.

5.4. Board Officers

- A. At the first meeting in July of each year, the Board shall elect, pursuant to open nomination, one of its members as Chairperson, one of its members as Vice-Chairperson, and one of its members as Secretary, each to hold office for a term of the later of one (1) year or until a successor is duly elected. Should any officer fail for any reason to complete a full term, the Board shall elect a successor for the balance of the unexpired term at its next meeting. The County Treasurer shall serve ex-officio as the Treasurer for SJCERA.
- B. Chairperson
 - 1. The Chairperson of the Board is the presiding officer at all Board meetings, and shall conduct the meetings in accordance with these bylaws and applicable rules and statutes. The Chairperson shall appoint Board members to standing and ad hoc committees of the Board, which shall consist of no fewer than three and no more than four Board members. Upon approval or adoption by the Board, the Chairperson shall sign all minutes, resolutions, orders or other documents of the Board. The Chairperson, or designee is authorized to sign on behalf of SJCERA any contracts, agreements, or other documents and forms required to effect the decisions and commitments approved by the Board or to comply with statutory or regulatory requirements.
- C. Vice Chairperson
 - 1. The Vice Chairperson will assume the duties of the Chairperson when the Chairperson is absent. When serving as Chairperson, the Vice Chairperson shall have all of the powers of the Chairperson and shall assume all of the duties of the Chairperson.
- D. Secretary
 - 1. The Secretary shall certify meeting minutes, resolutions, and orders of the Board as approved or adopted by the Board.
 - 2. The Secretary will assume the duties of Chairperson in the simultaneous absence of both the Chair and Vice Chair. When serving as Chairperson,

the Secretary shall have all the powers of the Chairperson and shall assume all of the duties of the Chairperson.

E. Clerk of the Board

1. The CEO or designee shall serve as Clerk of the Board and shall cause to be recorded in the minutes the time and place of each meeting, the name of each member present, all official acts and discussions of the Board, the votes given (except where the action is unanimous) and, where requested by a dissenting or approving member, a Board member's dissent or approval. The Clerk shall cause the minutes to be reduced to written form forthwith and presented for Board approval at its next regularly scheduled meeting. The minutes shall be signed by the Chairperson and certified by the Secretary and shall become a part of the Board's permanent record. Upon approval or adoption by the Board, the CEO shall have the authority to sign on behalf of SJCERA any contracts, agreements, or other documents, and forms required to effect the decisions and commitments approved by the Board or to comply with statutory or regulatory requirements.

5.5 Subpoenas

- A. Subpoenas may be issued for disability or administrative hearings, or other matters as determined by Board officers, CEO, and/or referee in accordance with Government Code Section 31535 and Board policy.
- B. Witnesses subpoenaed may be provided a witness fee and/or reimbursement for necessary travel. The amount to be paid and the party responsible for payment shall be established by Board policy.

5.6 Education and Travel

- A. The Board and designated staff shall obtain education on matters of public pension investments and administration in accordance with Government Code Sections 31522.8 and 53237.1 and Board policy. To execute this duty, this Board shall establish and maintain policies and guidelines for approval and reimbursement of education and travel related expenses.

5.7 Conflict of Interest and Disclosure

- A. The Board shall establish and maintain a Conflict of Interest Code applicable to its Board members, investment managers and designated staff as required by the Political Reform Act and the California Code of Regulations. Statements of Economic Interests will be filed with and maintained by the Clerk of the Board of Retirement.

SECTION 6. MEMBERSHIP

6.1 General

- A. Membership shall be as defined by the CERL or PEPRA as supplemented by these bylaws.
- B. Mandatory Membership:
 - 1. Every employee of San Joaquin County or SJCERA participating employer who is appointed to a permanent full-time position shall be a member.
 - 2. Superior Court Officers and their attaches and the Public Administrator shall be included in SJCERA pursuant to the CERL.
- C. Exclusions from membership:
 - 1. Employees who are appointed to a position or employed under contract for a period not to exceed 1,560 hours in any consecutive twelve (12) month period, seasonal employees, intermittent employees, or part-time employees, are excluded from membership in SJCERA.
- D. Optional Membership:
 - 1. Persons who are age 60 or older when they are first employed in a position requiring SJCERA membership may make an irrevocable election to waive membership. The election shall be evidenced by the employee's signature on a waiver of membership form provided by SJCERA.
 - 2. Elected Officials, who wish to become (or remain) SJCERA members must file a declaration with the Board.
- E. Employees eligible for SJCERA membership shall become members as follows:
 - 1. Hired before September 22, 2003: on the first day of the next payroll period following appointment to a permanent full-time position, or
 - 2. Hired on or after September 22, 2003: on the first day of employment in a permanent full-time position.
 - 3. An Elected Official opting into membership shall become a member as of the beginning of the payroll period in which the declaration is filed.
- F. The Board may, from time-to-time, determine by classification of position, other than those specifically provided by the CERL, the eligibility for membership and shall list those job classifications that are included in the safety retirement category.

- G. A member who is eligible for reciprocity shall allow SJCERA to coordinate with a member's reciprocal retirement system in establishing the dates of membership and termination so that there is no overlap of membership between the systems. SJCERA will adjust the membership date if necessary, provided that date shall be no later than 12 weeks after the member commenced SJCERA-covered employment, and adjust the termination date if necessary, provided that date is no earlier than 12 weeks prior to the date the member terminated SJCERA-covered employment.

6.2 Application for Membership

- A. Every employee of the County of San Joaquin or a participating employer who is or becomes a member of SJCERA shall complete a Member Certification form supplied by SJCERA, including the employee's date of birth, date employment began, and employing department or participating employer. It is the appointing authority's duty to ensure that all eligible employees complete the required form and to forward immediately to SJCERA.
- B. In lieu of a sworn statement, the submission by the member's employer to the retirement association of the information otherwise required in paragraph (A) in a form determined by Board policy.
- C. Every employee who is eligible for SJCERA membership shall submit proof of age as outlined in the Board policy.
- D. In the event of a discrepancy in age, the birth date resulting in the oldest age for determining age-based contribution rates shall prevail.

6.3 Designation of Beneficiary

- A. Every member at the time of retirement shall submit evidence of marriage or registered domestic partnership (RDP) if the member's designated beneficiary is the member's spouse/RDP and the member elects an option pursuant to Sections 31760 et seq. of the Government Code. In lieu of a marriage or registered domestic partnership certificate, alternative documents as determined by Board policy will be accepted.
- B. Every member, at the time of retirement, shall submit proof of age for any designated beneficiary or beneficiaries selected pursuant to the exercise of an option contained within Section 31760 et seq. of the Government Code. Proof of age shall be as described in Section 5.2 of these bylaws.
- C. RDPs, as defined in California Family Code Section 297, of SJCERA members have the same rights, protections, and benefits, and are subject to the same responsibilities, obligations, and duties as are granted to or imposed upon spouses of SJCERA members.

SECTION 7. SERVICE RETIREMENT

- A. In addition to the provisions of the CERL and PEPRA pertaining to service retirement, an application for service retirement shall be deemed complete when the following have been submitted:
1. A written application on forms supplied by the SJCERA,
 2. Proof of age of the member and beneficiary as provided in Sections 6.2 and 6.3,
 3. Evidence of marriage or registered domestic partnership of the beneficiary as required in Section 6.3, and
 4. Designation of the option elected by the retiring member on the form provided by SJCERA.
- B. Upon retirement, a member shall be furnished with a copy of their retirement application and options form which includes the effective date of retirement, their retirement allowance and any other information that the CEO or designee determines is appropriate and in the member's best interest. This shall serve as an annuity certificate.

SECTION 8. DISABILITY RETIREMENT

- A. The Board shall promulgate rules to ensure the fair and efficient proceedings of disability cases. These rules shall be referred to as Disability Retirement Policy and Procedures.

SECTION 9. AMENDMENTS

- A. These bylaws may be amended at any regularly scheduled Board meeting by an affirmative vote of at least 5 (five) members of the Board. The bylaws become effective when approved by the Board of Supervisors.

HISTORY

- 12/08/2017: SECTION 3. DEFINITIONS – Added definitions of day, Board and CEO, extended the applicability of the definitions to SJCERA policies and procedures.
- SECTION 4. ADMINISTRATION - Added Subsection 4.1.B, promulgation of Board Administration Policies; Subsection 4.2.C deleted erroneous reference to elected and added the word safety; Subsection 4.4 – added authority for CEO to sign contracts/agreements with Board approval; Subsections 4.5 – 4.10 – Repealed and converted to Corrections of Errors or Omissions policy; Added Subsection 4.5 – Subpoenas; Added Subsection 4.6 – Education and Travel; Subsection 4.11 - Conflict of Interest and Disclosure, renumbered to 4.7
- SECTION 5. MEMBERSHIP – Added Subsection 5.1.B.2 and 5.1.B.3, regarding first day of employment; Subsection 5.2.B - Repealed and converted to Age Verification policy
- SECTION 6. MEMBER CONTRIBUTIONS – Repealed and converted to Member Contributions and Interest Posting policy
- SECTION 7. SERVICE RETIREMENT – Renumbered to Section 6
- SECTION 8. DISABILITY RETIREMENT – Revised, Renumbered to Section 7; Subsections 8.2 – 8.10, SECTION 9. HEARING BEFORE A REFEREE, SECTION 10. HEARING BEFORE THE BOARD, and SECTION 11. RULES OF EVIDENCE - Repealed and converted to Disability Retirement policy and procedures
- SECTION 12. DISSOLUTION OF MARRIAGE OR REGISTERED DOMESTIC PARTNERSHIP - Repealed and converted to Dissolution of Marriage or Registered Domestic Partnership policy
- SECTION 13 – AMENDMENTS – Renumbered to Section 8
- SECTION 20. PURPOSE AND SCOPE - Repealed and incorporated by existing bylaws and Internal Revenue Code compliance policies
- SECTION 21. ANNUAL COMPENSATION EARNABLE LIMIT- 401(a)(17) - Repealed and converted to Compensation Earnable Annual Limit – IRC 401(a)(17) policy
- SECTION 22. ROLLOVERS - 401(a)(31) & 402(c) - Repealed and converted to Rollovers – IRC 401(a)(31) & 402(c) policy
- SECTION 23. NORMAL RETIREMENT AGE - 401(a)(36) - Repealed and converted to Normal Retirement Age – IRC 401(a)(36) policy
- SECTION 24. RETURN TO WORK and BONA FIDE SEPARATION FROM SERVICE - 401(a) – Repealed and converted to Return to Work and Bona Fide Separation from Service - IRC 401(a) policy
- SECTION 25. REQUIRED MINIMUM DISTRIBUTIONS - 401(a)(9) - Repealed and converted to Required Minimum Distributions – IRC 401(a)(9) policy
- SECTION 26. ANNUAL BENEFIT LIMIT - 415(b) - Repealed and converted to Annual Benefit Limit – IRC 415(b) policy
- SECTION 27. ANNUAL ADDITIONS LIMIT - 415(c) - Repealed and converted to Annual Additional Limit – IRC 415(c) policy
- SECTION 28. RETIREE MEDICAL BENEFITS ACCOUNTS - 401(h) - Repealed and converted to Retiree Medical Benefits Accounts – IRC 401(h) policy

07/10/2020: Added a Jurisdiction section, clarified the Administration and Membership sections, and other non-substantive changes