

RESOLUTION No. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

RESOLUTION ADOPTING RECOMMENDATIONS
MADE BY THE BOARD OF RETIREMENT
PURSUANT TO GOVERNMENT CODE SECTION 31525

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

WHEREAS, Government Code §31525 states that: *The Board [of Retirement] may make regulations not inconsistent with this chapter [the '37 Act]. The regulations become effective when approved by the Board of Supervisors;* and

WHEREAS, the Board of Retirement has recommended the approval of amendments to the *Regulations of the Board of Retirement* as set forth in the Minutes of the August 27, 2002 Meeting of the Board of Retirement; and

WHEREAS the Board has reviewed the recommendations and finds them to be in the best interest of the members, retirees and beneficiaries of the Retirement System:

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED, that

The amendments to the *Regulations of the Board of Retirement* as set forth in the Minutes of the August 27, 2002 Meeting of the Board of Retirement are approved, as follows:

(1) Accounts of Terminated Non-vested Members without Reciprocity

Regulation 6.6.8 is added to the *Regulations of the Board of Retirement*, as follows:

6.6.8 *Accounts of Terminated Non-vested Members without Reciprocity:*

(a) This regulation shall apply to a member who (1) terminates County employment with less than five years of SamCERA service credit, (2) fails to file a timely application for a refund or rollover pursuant to 6.4.2 and 6.6.5 and (3) fails to establish reciprocity per 6.6.7. This regulation is promulgated in accordance with the provisions of GC§§31628 & 31629.

(b) The Administrator shall send to such member, not more than 90-days after termination of service, at his or her last known address, a registered or certified letter, return receipt requested. Such letter shall state that (1) the funds in the member's account must be refunded or rolled over, (2) interest will no longer be credited to the account and (3) the member's funds will be escheated in accordance with the provisions of GC§31629.

(c) The Administrator shall not credit additional interest to the account of such member after 180 days have elapsed following the date of termination.

(d) As authorized pursuant to GC§31629, the Administrator shall issue an involuntary refund check for the amount of the contributions and interest in such member's account, less mandatory federal and state withholding, only if (1) the letter provided for above was receipted by such member and the signed receipt is in the possession of the Administrator and (2) such member has failed to file an application for a refund or rollover pursuant to 6.4.2 and 6.6.5 or reciprocity pursuant to 6.6.7 within 180 days after the date of termination. Such refund check shall be mailed to such member's last known address by registered or certified mail, return receipt requested.

(e) If such involuntary refund check is not cashed, then the Administrator shall deposit such member's account in the County Advance Reserve on the fifth anniversary of such member's date of termination and thereafter the fund shall not be liable to such member for any portion of the accumulated contributions per GC§31629.

(2) Notification to Disability Applicants of Informal Hearing

Regulation 8.3.3 is amended as follows:

8.3.3 *Informal Hearing*: With the consent of the applicant, the initial hearing before the Board on an application for disability retirement may be informal in nature. While the applicant is encouraged to appear before the Board, the appearance is not mandatory. The Administrator shall notify the applicant of the time and location of the informal hearing and provide the applicant with a copy of the staff's recommendation no less than seven calendar

days prior to the hearing by registered or certified mail, return receipt requested. The Administrator shall notify the applicant by registered or certified mail, return receipt requested, and the County of the Board's action on the application.

(3) Acceptance of Tax-Deferred Rollovers for the Purchase of Service Credit

Regulation 10.1.6 is added to the *Regulations of the Board of Retirement* as follows:

10.1.6 Acceptance of Plan-to Plan Transfers and Rollovers: To the extent authorized by both federal and state law, SamCERA shall accept plan-to-plan transfers and accept rollover funds from qualified plans for the lump sum payment of contributions and interest required for the purchase of service credit pursuant to Article 10 of these Regulations. If a member becomes entitled to receive a distribution that constitutes an eligible rollover distribution under both federal and state law as certified by the forwarding financial institution, the member may elect to have the distribution or a portion thereof paid directly to SamCERA.