


COUNTY OF SAN MATEO
INTER-DEPARTMENTAL CORRESPONDENCE

April 5, 2004
Hearing Date: May 4, 2004

To: Honorable Board of Supervisors

From: 
Sidney C. McCausland, Chief Executive Officer, SamCERA
Subject: Approval of Amendments of the Regulations of the Board of Retirement

RECOMMENDATION:

The Board of Retirement recommends that the Board of Supervisors adopt a Resolution approving amendments the *Regulations of the Board of Retirement* relating to (1) Alternate Safety Member, (2) Accounts of Terminated Non-vested members without Reciprocity, (3) Preparation of Agenda, and (4) Less than Two Qualified Candidates.

BACKGROUND:

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.*

(1) Alternate Safety Member

Regulation 3.15.5 is added to the *Regulations of the Board of Retirement*, as follows:

3.15.5 Alternate Safety Member: If there are two or more safety member candidates for the seventh member position, the candidate receiving the highest number of votes shall be elected to the seventh member position. The safety member candidate who is of a different safety membership group and who received the next highest number of votes, shall be elected to the Alternate Safety Member per Government Code §31520.1. If there is no eligible candidate who is of a different safety membership group there will not be an Alternative Safety Member.

DISCUSSION: This regulation is a result of AB 1587, chaptered 10/12/03, which amended Government Code §31520.1 to provide for the election of an alternate safety member.

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

Regulation 4.12 is amended to add 'unless the member has established reciprocity.' and read as follows:

4.12. Rates of Interest in Non-vested Terminated Members: Accounts of non-vested members who terminate employment but keep their funds on deposit will not be credited with any interest after their termination date unless the member has established reciprocity.

DISCUSSION: This change further clarifies that non-vested members who terminate with reciprocity remain eligible to be receive interest in their accounts while terminated non-vested members will not be eligible to receive interest.

(3) Preparation of Agenda

Regulation 2.7 is amended to add 'which shall be approved by the chair prior to publication.' and read as follows:

2.7. Preparation of Agenda: The Chief Executive Officer shall be responsible for the preparation of the Board's agenda, which shall be approved by the chair prior to publication.

DISCUSSION: This adds an approval step prior to publication of the agenda.

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(4) Less than Two Qualified Candidates.

Regulation 3.8. is amended to replace 'Less' with 'Fewer' and read as follows:

3.8 Fewer than two Qualified Candidates: If the Elections Officer determines that there is one qualified candidate, the Elections Officer shall cancel the election and certify the single candidate elected. If there are no qualified candidates, the Elections Officer shall notify the Board who shall reschedule the election. The Chief Executive Officer shall re-notice the Election. Any election that has been re-noticed shall be held in accordance with the provision for Special Elections.

DISCUSSION: This corrects language in the paragraph header.

RECOMMENDED

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COUNTY MANAGER