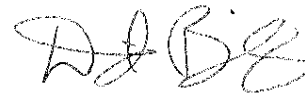


March 9, 2007  
Hearing Date: March 27, 2007

To: Honorable Board of Supervisors

From: David Bailey, Chief Executive Officer, *SamCERA*



Subject: Approval of Amendments of the *Regulations of the Board of Retirement*

**RECOMMENDATION:**

Adopt a resolution approving amendments to the Board of Retirement Regulations 3.4 and 3.5 of Article III governing the election of trustees.

**BACKGROUND:**

On July 25, 2006, the Board of Retirement determined that it would have an alternate for the eighth trustee. Pursuant to Government Code §31520.5, the eighth trustee alternate is elected separately by the retired members of the association in the same manner and at the same time as the eighth member is elected.

The Board of Retirement regulations set forth the election procedures for trustees. Regulation 3.4 governs the qualifications of candidates and regulation 3.5 governs the qualifications of those eligible to nominate candidates and sign declarations of candidacy. On February 27, 2007, the Board of Retirement amended the regulations to provide that the candidate for eighth trustee alternate shall be a retired member of *SamCERA* and that retired members of *SamCERA* may nominate themselves for the eighth trustee alternate seat. A copy of the Board of Retirement resolution 06-07-10, making these amendments, is attached to the proposed resolution approving the amendments.

**DISCUSSION:**

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. The addition of these provisions will provide clear direction in the manner in which the eighth trustee alternate is elected.

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

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

\* \* \* \* \*

**RESOLUTION APPROVING AMENDMENTS TO THE  
BOARD OF RETIREMENT REGULATIONS 3.4 AND 3.5 OF ARTICLE III  
GOVERNING THE ELECTION OF TRUSTEES**

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

**WHEREAS**, on July 25, 2006, the Board of Retirement determined that it would have an alternate for the eighth trustee. Pursuant to Government Code §31520.5, the alternate eighth trustee shall be elected separately by the retired members of the association in the same manner and at the same time as the eighth member is elected; and

**WHEREAS**, on February 27, 2007, the Board of Retirement amended in Board of Retirement regulation 3.4 setting forth the qualifications of candidates and regulation 3.5 governing nominating petitions/declaration of candidacy to reflect the separate election of the eighth trustee alternate; and

**WHEREAS**, Government Code §31525 provides that the Board of Retirement regulations become effective when approved by the Board of Supervisors; and

**WHEREAS**, the Board of Retirement has recommended the approval of the amendments to the Regulations of the Board of Retirement as set forth in Board of Retirement Resolution 06-07-10; and

**WHEREAS**, this 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** the amendments to regulation 3.4 and 3.5 of the Regulations of the Board of Retirement as set forth in the attached Board of Retirement Resolution 06-07-10 are approved.

\* \* \* \* \*

SAN MATEO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION  
*Amendment to Board Regulations Regarding The Election of Trustees*  
RESOLUTION 06-07-10

*This Resolution, adopted by the Board of Retirement (Board) of the San Mateo County Employees' Retirement Association (SamCERA), amends its regulations governing the election of trustees to include the eighth trustee alternate trustee.*

**WHEREAS**, Article III of the Board's regulations govern the elections of the trustees; and

**WHEREAS**, on July 25, 2006, the Board determined that it would have an alternate for the eighth trustee. Pursuant to Government Code §31520.5, the alternate eighth trustee shall be elected separately by the retired members of the association in the same manner and at the same time as the eighth member is elected; and

**WHEREAS**, the Board desires to amend regulation 3.4 setting forth the qualifications of candidates and regulation 3.5 governing nominating petitions/declaration of candidacy to reflect the separate election of the eighth trustee alternate; and

**WHEREAS**, Government Code §31525 provides that this Board may make regulations not inconsistent with the California Employees' Retirement Law of 1937; now therefore be it

**RESOLVED** that regulations 3.4 and 3.5 of Article III are amended to read as follows:

**3.4 Qualifications of Candidates:** A candidate for Second or Third Trustee shall be a General Member of SamCERA. A candidate for Seventh Trustee shall be a Safety Member of SamCERA. A candidate for Eighth Trustee shall be a Retired Member of SamCERA. A candidate for Eighth Trustee Alternate shall be a Retired Member of SamCERA. To be eligible, a candidate shall be a member of his or her respective group at the close of the pay period immediately preceding the beginning of the Nomination/Declaration of Candidacy period. The Elections Officer shall compare the names of candidates with the "List of Eligible Candidates and Nominators." If the Elections Officer finds that the candidate does not meet the qualifications set forth in this Section and Section 3.5, the Elections Officer shall disqualify the candidate.

**3.5 Nominating Petitions/Declaration of Candidacy:** On and after the third 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 for Eighth Trustee by filing a Declaration of Candidacy with the Elections Officer. SamCERA's Retired Members are eligible to nominate themselves as a candidate for Eighth Trustee Alternate by filing a Declaration of Candidacy with the Elections Officer. 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 first Monday in May. 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.

**IT IS FURTHER RESOLVED** that, the Chief Executive Officer is hereby authorized under Government Code §31525 to transmit these amended regulations to the Board of Supervisors and to take all actions necessary to provide for their implementation upon approval by the Board of Supervisors.

ADOPTED February 27<sup>th</sup>, 2007

Attest:

*Ruth Barrington Stuart*

\_\_\_\_\_, Secretary