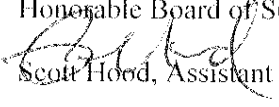




San Mateo County Employees' Retirement Association
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April 9, 2007
Hearing Date: April 24, 2007

To: Honorable Board of Supervisors
From:  Scott Hood, Assistant Executive Officer, *SamCERA*
Subject: Amendment to the Regulations of the Board of Retirement regarding commencement of membership.

RECOMMENDATION:

Adopt a resolution approving the amendment to Board of Retirement Regulation 4.1 of Article IV regarding commencement of membership.

BACKGROUND:

Establishing reciprocity allows members to establish lower contribution rates and results in a higher overall retirement benefit. The provisions of reciprocity were established by the legislature to encourage public service careers.

Overlapping service continues to be one of the biggest reasons that staff denies reciprocity to members. Unfortunately, by the time this is brought to the attention of the member, they have already begun their *SamCERA* covered service and there are no provisions to protect their reciprocal benefits.

Government Code § 31527(h) provides that the Board may set forth in its regulations the day upon which each person entering the county employment becomes a member provided that said date shall be no later than six weeks after his or her entrance into the service.

On March 27, 2007, the Board of Retirement amended the regulations to provide that a member may delay membership in *SamCERA* for up to six weeks for the purpose of establishing reciprocity with a prior public agency. A copy of the Board of Retirement resolution 06-07-11, making this amendment, is attached to the proposed resolution approving the amendment.

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 amended regulation will give members the opportunity and the flexibility to select a commencement date that will protect their reciprocity benefit.

RESOLUTION NO. _____

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

*** * * * ***

**RESOLUTION APPROVING AMENDMENT TO
BOARD OF RETIREMENT REGULATION 4.1 OF ARTICLE IV REGARDING
COMMENCEMENT OF MEMBERSHIP**

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

WHEREAS, Government Code § 31527(h) provides that the Board of Retirement may set forth in its regulations the day upon which each person entering the County employment becomes a member if it is to be other than the first day of the calendar month after his or her entrance into service provided that said date shall be no later than six weeks after his entrance into the service; and

WHEREAS, on March 27, 2007, the Board of Retirement amended Board of Retirement regulation 4.1 to give members the option to delay the commencement of their SamCERA membership for up to 6 weeks for the purpose of establishing reciprocity with another prior public agency; 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 amendment to the Regulations of the Board of Retirement as set forth in Board of Retirement Resolution 06-07-11; and

WHEREAS, this Board has reviewed the recommendation and finds it 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 amendment to regulation 4.1 of the Regulations of the Board of Retirement giving employees the option to delay the commencement of their SamCERA membership for up to 6 weeks for the purpose of establishing reciprocity with another prior public agency as set forth in the attached Board of Retirement Resolution 06-07-11 is approved.

* * * * *

SAN MATEO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION
Amendment to Board Regulations Regarding Membership Duties and Rights
RESOLUTION 06-07-11

This Resolution, adopted by the Board of Retirement (Board) of the San Mateo County Employees' Retirement Association (SamCERA), amends its regulations governing the commencement date of membership in SamCERA.

WHEREAS, Article IV of the Board's regulations govern the membership duties and rights; and

WHEREAS, the Board desires to amend regulation 4.1 permitting new employees to delay their membership date with *SamCERA* for the purpose of establishing reciprocity with another prior public agency; and

WHEREAS, Government Code § 31527(h) provides that the Board may set forth in its regulations the day upon which each person entering the county employment becomes a member if it is to be other than the first day of the calendar month after his or her entrance into service provided that said date shall be no later than six weeks after his entrance into the service; and

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

RESOLVED that regulation 4.1 is amended to read as follows:

4.1 Membership: An individual entering full or permanent part time employment with the County of San Mateo or the Mosquito Abatement District prior to July 1, 1996, shall become a member of *SamCERA* on the first day of the first pay period commencing after the date of employment. An individual entering such employment on or after July 1, 1996, shall become a member of *SamCERA* on the first day of employment. Members may delay the effective start date of their membership with *SamCERA* up to six weeks after the date of employment, for the purpose of establishing reciprocity with another public retirement system as described in the 1937 Act.

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, March 27, 2007

Attest:

Bette Peniston Stewart

, Secretary