

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 31520.5

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

WHEREAS, Article III of the Regulations of the Board of Retirement of the San Mateo County Employees Retirement Association govern the elections of the trustees; and

WHEREAS, on July 25, 2006, the Retirement 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, on February 27, 2007, the Retirement Board amended 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 it has been determined that minor clarifications should be made to the regulations; and

WHEREAS, on October 23, 2007, the Retirement Board amended Article III Regulation 3.4 "Qualifications of Candidates, and 3.5 "Nominating Petitions/Declaration of Candidacy," Regulation 3.11 "Ballots", Regulation 3.13 "Qualification of Voters" and Regulation 3.21 "Special Elections;" and

WHEREAS, Government Code §31525 provides that the Retirement Board may make regulations not inconsistent with the California Employees' Retirement Law of 1937 and that those regulations become effective upon approval by the Board of Supervisors; and

WHEREAS the Board of Supervisors has reviewed the recommended amendments and finds them to be in the best interests of the members, retirees and beneficiaries of the Retirement System;

NOW, THEREFORE , IT IS HEREBY DETERMINED AND ORDERED, that Regulations 3.4, 3.5, 3.11, 3.13 and 3.21 of Article III of the Regulations of the Board of Retirement are amended to read as follows (New language is underlined. Deleted language is crossed out.):

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 either for the Eighth Trustee or the Eighth Trustee Alternate by filing a Declaration of Candidacy with the Elections Officer. SamCERA's Retired Members may only nominate themselves to one position. 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.

3.11 Ballots: The Elections Officer shall certify for inclusion on the ballot the names of qualified candidates who submitted Nominating Petitions containing the number of qualified signatures specified in section 3.5. The Elections Officer shall determine by lot the order in which candidates shall appear on the ballot. There can be elections for multiple trustee positions on a single ballot. There is no provision for write-in candidates. The Elections Officer shall provide for the preparation of a number of ballots sufficient to supply one to each SamCERA Member eligible to vote in each election. The Elections Officer shall provide for the mailing of ballots to the member's home address. Ballots shall be mailed no earlier than the third Friday in May and no later than the fourth Friday in May. Ballots mailed shall include a return envelope bearing prepaid postage. The Elections Officer shall make available a replacement ballot upon request by any eligible member who lost or did not receive his or her ballot. Requests may be made in person, in writing, by e-mail, fax or by telephone. A replacement ballot will not be provided to any one other than the member who requested the replacement ballot. Candidates are specifically prohibited from handling ballots, whether voted or unvoted, sealed or unsealed, other than their own. Voted ballots must be received by the Elections Officer on or before Election Day. Any voted ballot that is

U.S. Postmarked on or before Election Day and received by the Elections Officer on or before 5:00 P.M. on the Friday following the Election Day shall also be counted.

3.13 Qualification of Voters: The Elections Officer shall confirm the name on the outer ballot envelope with the "List of Eligible Voters." SamCERA's General Members are qualified to elect the Second and Third Trustees. SamCERA's Safety members are qualified to elect the Seventh Trustee. SamCERA's Retired Members are qualified to elect the Eighth Trustee and Eighth Trustee Alternate. To be eligible to vote, a member shall be a part of his or her respective group at the close of the pay period immediately preceding the first day that ballots may be mailed per these bylaws.

3.21 Special Elections: The Chief Executive Officer shall advise the Board when a vacancy occurs and shall recommend a date for a Special Election to fill the vacancy. If the vacancy occurs within nine months of the end of the term of the seat that has been vacated, there shall be no Special Election. If the vacancy occurs more than nine months prior to the end of the term, the Board shall call a Special Election, which shall be held not less than ~~90-60~~ nor more than 120 days from the effective date of the vacancy. Special Elections shall be conducted in conformance with the provisions of this Article for Regular Elections, except that the schedule shall be adjusted by the Elections Officer to comply with the date of the Special Election set by the Board.