



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**  
San Mateo County Employee's Retirement Association  
(*SamCERA*)



**DATE:** September 12, 2011  
**BOARD MEETING DATE:** October 4, 2011  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** Scott Hood, Assistant Executive Officer, *SamCERA*

**SUBJECT:** Approval of Amendment to Board of Retirement Regulation 4.1  
Relating to criteria for *SamCERA* "Membership."

**RECOMMENDATION:**

Adopt a Resolution approving an Amendment to Board of Retirement Regulation 4.1  
Relating to "Membership."

**BACKGROUND:**

The San Mateo County Employees' Retirement Association is governed by the County Employees Retirement Law ("CERL") contained in the Government Code. Government Code section 31525 authorizes the Board of Retirement to adopt regulations that are consistent with the CERL. Section 31525 further provides that the regulations become effective when approved by the Board of Supervisors.

**DISCUSSION:**

A recent amendment to the CERL modified the authority of retirement boards regarding the establishment of reciprocity by giving members more flexibility in the date used for commencing and terminating retirement system membership. In addition to this change, certain technical changes need to be made to the Board of Retirement Regulations. The proposed modifications to Regulation 4.1 are reflected below and can be summarized as follows.

- By statute, the Superior Court became a separate employer from the County of San Mateo. State law further provides that Court employees continue to be *SamCERA* members. The proposed change to the regulation reflects the Superior Court's status as a separate *SamCERA* employer.
- The Mosquito Abatement District changed its name to the Mosquito and Vector Control District.

- In 2007 the Board amended Regulation 4.1 to allow members to delay the start of retirement system membership for up to six weeks for the purpose of establishing reciprocity. This change addressed recurring issues with members requesting reciprocity but being denied because the member had overlapping service with another public entity, which is a violation of Section 31836 of the CERL. In 2010, legislation was enacted that authorizes CERL retirement boards to extend this delay in membership up to 12 weeks. It further authorizes the boards to allow members to terminate retirement system membership up to 12 weeks prior to the member's termination of employment for purposes of establishing reciprocity.

The proposed amendment to Regulation 4.1 would apply to current and future active members.

Approval of this Resolution contributes to the Shared Vision 2025 outcome of a Collaborative Community by approaching issues with fiscal accountability and concern for future impacts.

**FISCAL IMPACT:**

None. Very few additional members would receive reciprocity due to this change and consequently, it is actuarially insignificant. *SamCERA* knows of no current members that would be affected by this change.

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

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

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**RESOLUTION APPROVING AN AMENDMENT TO BOARD OF RETIREMENT  
REGULATION 4.1 RELATING TO “MEMBERSHIP”.**

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

**WHEREAS**, Government Code §31525 provides that the Board of Retirement, with the approval of the Board of Supervisors, may establish regulations that govern the operation of San Mateo County Employees' Retirement Association (“*SamCERA*”) that are not inconsistent with the California Employees' Retirement Law of 1937; and

**WHEREAS**, Board of Retirement regulation 4.1 sets forth certain membership criteria and from time to time this regulation must be updated in order to reflect changes in participating employers and changes in law; and

**WHEREAS**, in 2010, legislation was passed authorizing the Board of Retirement to adopt a regulation extending the period that an employee can delay entering membership from 6 to 12 weeks and allowing the termination of membership up to 12 weeks prior to the member's employment termination for purposes of establishing reciprocal membership with another public entity; and;

**WHEREAS**, by statute, the Superior Court of the County of San Mateo became a separate employer from the County of San Mateo and court employees continue to be

*SamCERA* members and, in addition, the Mosquito Abatement District is now known as the Mosquito and Vector Control District; and

**WHEREAS**, this Board of Supervisors has reviewed the amendment to Regulation 4.1 and finds it to be in the best interests of the members of *SamCERA*;

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the amendment to Regulation 4.1 "Membership" of the Regulations of the Board of Retirement is approved and shall apply to all active members of *SamCERA* and shall read as follows:

**4.1 Membership:** An individual entering full time or permanent part time employment with a *SamCERA* employer, which shall be either the County of San Mateo, the Superior Court of the County of San Mateo, or the Mosquito and Vector Control 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 twelve weeks after the date of employment and/or terminate accrual of service credit with *SamCERA* up to twelve weeks prior to termination of employment with a *SamCERA* employer, for the purpose of establishing reciprocity with another public retirement system as described in the 1937 Act.

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