

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 7/27/06  
**Department Name:** SBCERS  
**Department No.:** 810  
**Agenda Date:** 8/8/06  
**Placement:** Administrative  
**Estimate Time:** n/a  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Board of Retirement

**STAFF** Oscar Peters  
**CONTACT:** 2998

**SUBJECT:** ADOPTION OF BYLAWS FOR THE SANTA BARBARA COUNTY  
EMPLOYEES' RETIREMENT SYSTEM

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**Recommendation(s):**

That the Board of Supervisors:  
Adopt Resolution approving amended Bylaws of the Santa Barbara County Employees' Retirement System

**Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

**Executive Summary and Discussion:**

Government Code Section 31525 provides that the Board of Retirement may make regulations consistent with the County Employees Retirement Law of 1937 and said regulations become effective when approved by the Board of Supervisors. The Board of Retirement regulations are incorporated in the Bylaws of the Santa Barbara County Employees' Retirement System. The Bylaws were last revised, aside from amendments setting new regular meeting dates, in 1994. These Bylaws were revised and adopted by the Board of Retirement at its regular July 12, 2006 meeting.

**Mandates and Service Levels:** No change in programs or service level

**Fiscal and Facilities Impacts:** None

**Special Instructions:** A copy of the Bylaws is on file with the Clerk of the Board. Copies may be obtained upon request to the SBCERS office or from the SBCERS website.

Please forward a copy of the signed Resolution and Minute Order to the SBCERS office.

**Concurrence:** County Counsel

**Attachment:** Resolution  
Bylaws of SBCERS

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTION ) RESOLUTION NO. \_\_\_\_\_  
OF BYLAWS FOR THE SANTA BARBARA )  
COUNTY EMPLOYEES' RETIREMENT SYSTEM )

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WHEREAS, Government Code, Section 31525, provides that the Board of Retirement may make regulations consistent with the County Employees Retirement Law of 1937; and

WHEREAS, the Board of Retirement last revised its regulations in the form of Bylaws adopted in 1994; and

WHEREAS, the Board of Retirement adopted revised Bylaws of the Santa Barbara County Employees' Retirement System at its July 12, 2006 meeting; and

WHEREAS, said §31525 provides that said regulations become effective when approved by this Board of Supervisors.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

- 1.) This Board of Supervisors approves the revised Bylaws of the Santa Barbara County Employees' Retirement System adopted by the Board of Retirement on July 12, 2006.
- 2.) Such Bylaws of the Santa Barbara County Employees' Retirement System shall be deemed effective upon approval and adoption by this Resolution of the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California this \_\_\_\_\_ day of \_\_\_\_\_, 2006 by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Board of Supervisors

ATTEST:

CLERK OF THE BOARD  
OF SUPERVISORS

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

COUNTY COUNSEL

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Deputy

APPROVED AS TO CONTENT:

RETIREMENT ADMINISTRATOR

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Oscar Peters

**SANTA BARBARA COUNTY  
EMPLOYEES RETIREMENT SYSTEM  
(SBCERS)**

**BOARD OF RETIREMENT**

**BYLAWS**

*Amended and approved by the Board of Retirement on July 12, 2006  
Approved by the Board of Supervisors on August 8, 2006*

**BOARD OF RETIREMENT BYLAWS**

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# BYLAWS

## Board of Retirement Santa Barbara County Employees Retirement System

### ARTICLE I – General Information

#### 100. Identification

These Bylaws may be cited as “Board of Retirement Bylaws,” and hereinafter are referred to as “these Bylaws”.

#### 101. Effective Date

These Bylaws shall become effective, and shall abrogate all previously promulgated bylaws, on the date that they are approved by the Board of Supervisors. These Bylaws shall apply to all matters pending before the Board of Retirement on the date that they are so approved and, until amended or repealed, to all subsequent matters.

#### 102. Definitions

Unless the context requires otherwise, all words, terms, and phrases in these Bylaws shall have the meaning defined in these Bylaws or, if undefined in these Bylaws, the meaning defined in the County Employees Retirement Law of 1937.

- (a) "**Board**" or "**Retirement Board**" means the Board of Retirement of the Santa Barbara County Employees Retirement System (SBCERS).

- (b) "**Clerk**" or "**Clerk of the Board**" means the person assigned by the Retirement Administrator to serve as the Clerk of the Retirement Board.
- (c) "**County**" means the County of Santa Barbara.
- (d) "**Retirement Administrator**" means the Retirement Administrator of the Santa Barbara County Employees Retirement System, or the designee thereof. The Retirement Administrator shall be appointed by the Board of Retirement in accordance with Government Code section 31522.1 or 31522.2.
- (e) "**Retirement Office**" means the administrative office of the Santa Barbara County Employees Retirement System.
- (f) "**Retirement System**" means the retirement system established in the County of Santa Barbara pursuant to the County Employees Retirement Law of 1937.
- (g) "**Treasurer**" means the Santa Barbara County Treasurer.

## **ARTICLE II – Purpose of Bylaws**

### **300. Purpose of Bylaws**

The purpose of these bylaws is to define the operating rules of the Board and establish the regulations as required by the County Employees Retirement Law pursuant to Government Code section 31525. They delineate the authority of the Board; the fiduciary obligations of the members of the Board as trustees for the members and beneficiaries of the Retirement System; and, promote the efficiency and preserve the integrity of the Retirement System.

## **ARTICLE III – Purpose of SBCERS**

### **301. Purpose of Santa Barbara County Employees Retirement System**

SBCERS is committed to fulfilling its fiduciary responsibility by providing the highest quality of service to all members and plan sponsors, and protecting promised benefits through prudent investing while ensuring reasonable expenses of administration.



## **ARTICLE IV – Retirement System Membership**

### **400. Part-time, Temporary, Seasonal Intermittent, and Extra Help Employees**

Part-time, temporary, seasonal, intermittent, and extra help employees, regardless of the hours worked or the amount of compensation received, shall be excluded from membership in the Retirement System with the exception of permanent part-time employees working at least 40 hours per pay period. It is the intention of this section to include in the Retirement System only employees employed in a permanent position established by the Board of Supervisors or by the governing body of member districts.

### **401. Entrance Date of New Members**

Persons eligible for membership in the Retirement System shall become members on the date of entrance into service. As provided in Government Code section 31552, newly hired employees who have attained sixty years of age may elect to waive membership upon written notice to the Board.

### **402. Sworn Statements**

Every person becoming a member of the Retirement System shall, at the time of becoming a member, file with the Retirement Office a sworn statement on a form approved by the Board, showing date of birth, nature and duration of employment with the County or District,

compensation received, and such other information as is required by the Board.

**403. Redetermination of Birth Date**

The date of birth given by the member on the sworn statement shall determine the age of that member for all purposes of the Retirement System unless the Board determines the date of birth. If the Board redetermines the date of birth, the member shall pay into the Retirement System, or have refunded from the Retirement System, a sum that is equal to the total contributions plus interest necessary to cause the member's accumulated contributions to equal those that would have been accumulated had the correct date of birth been recorded on the member's sworn statement.

**404. Forms**

In accordance with Government Code Section 31526, the Board shall approve forms for annuity certificates and such other forms as may be required.

## **ARTICLE V – Board Officers**

**500. Election of Officers**

At the first regular meeting of each calendar year, the Board shall elect from its members a Chair, a Vice-Chair, and a Secretary.

**501. Terms of Office**

Each officer of the Board shall serve for a term of one year, or until a successor is duly elected and qualified.

**502. Removal of Officers**

The Chair, Vice-Chair, and Secretary each may be removed from office by a vote of two-thirds of the entire Board.

**503. Vacant Offices**

If a vacancy occurs in the office of Chair, Vice-Chair, or Secretary, the Board shall, at its next regular meeting, elect a successor for the balance of the unexpired term.

## **ARTICLE VI – Board Meetings**

**600. Regular Meetings**

Regular meetings of the Board shall be held on the second Wednesday of each month at a location established by the Board at the beginning of each calendar year, unless the Board orders otherwise. Meetings shall begin at 9:00 a.m. unless otherwise ordered by the Board, except that the Board may meet in closed session earlier if the published meeting agenda states the time of such closed session.

**601. Special Meetings**

Special meetings of the Board may be called in accordance with Government Code section 54956. The Clerk of the Board shall be responsible for giving the requisite notice.

**602. Quorum**

Five members of the Board shall constitute a quorum. No act of the Board shall be valid or effective without the votes of the greater of the following: (1) a majority of all members present; (2) four members of a quorum.

**603. Absent Officers**

In the event that the Chair is absent from a Board meeting, the Vice-Chair, or, in the absence of the Vice-Chair, the Secretary shall be the Chair *pro tem*. If the Chair, Vice-Chair, and Secretary are all absent, the Board shall elect a chair *pro tem*. In the event the Vice-Chair or

Secretary is absent, the Chair or Chair *pro tem* shall appoint a temporary replacement, who shall be the Treasurer if present.

**604. Communications**

Communications to the Board shall be made in writing and addressed to the Retirement Office. The Retirement Administrator shall be responsible for transmitting the substance of such communications to the Board as appropriate. Communications received by the Board shall be noted in the Board's minutes.

**605. Minutes**

The Clerk of the Board shall cause to be recorded minutes of each Board meeting. The minutes shall include the time and place of each Board meeting, the names of the members present, all official acts of the Board, the votes given by the members (except where the action is unanimous), and, when requested, a member's dissent or approval, with the member's reasons. The Clerk shall cause the minutes to be written, review them for accuracy, sign them, and present them to the Secretary. The minutes, signed by the Clerk and the Secretary, shall be presented to the Board for approval at the next regular meeting of the Board. When approved by the Board and signed by the Chair or Chair *pro tem*, the minutes, or a true copy thereof, shall form part of the permanent records of the Board.

**606. Electronic Recordings**

The Clerk of the Board shall cause to be electronically recorded all meetings and proceedings of the Board, except for closed sessions. The recordings shall be kept and maintained as required by law.

**607. Public Comment**

(a) Any person desiring to address a meeting of the Board during the public comment period shall, prior to that period, complete and deliver to the Clerk of the Board a form approved by the Board for that purpose. Such forms shall be made available at the place of the meeting.

(b) Individual speakers shall be limited to five minutes, and organized presentations with more than one speaker shall be limited to fifteen minutes, unless additional time has been requested in advance and has been granted by the Chair.

(c) If the subject of the public comment is an item on the Board's agenda, the comment shall be taken at the time that the agenda item is called, and not during the public comment period, if so determined by the Chair. Comments received pursuant to this subsection shall be subject to the same time limits as those received during the public comment period.

**608. Conflict of Interest**

The Board shall annually adopt and promulgate a Conflict of Interest Code in accordance with Government Code section 87300 *et seq.*

**609. Compensation for Board Members**

Appointed and elected retired members of the Board shall be compensated in accordance with Government Code section 31521. Elected general or safety members of the Board shall not receive such compensation, but shall receive regular County compensation while attending official Board functions during regular working hours.

## **ARTICLE VII – Board Committees**

**700. Purpose**

Committees of the Board shall serve the general purpose of promoting the prompt and faithful execution of the Board's fiduciary duties. Included among the functions of the Board's committees is gathering information relevant to the Board's duties, and communicating such information to the Board.

**701. Appointment**

The Chair of the Board, or, in the absence of the Chair, the Chair *pro tem*, shall, at the first regular meeting following the effective date of these Bylaws and thereafter at the second meeting of each calendar year, appoint the committees of the Board, and for each shall designate a committee chair.

**702. Terms of Office**

Each committee member shall serve for a term of one year, or until a successor is appointed by the Chair of the Board.

**703. Compensation**

Board members attending committee meetings shall be compensated in accordance with the provisions of Government Code section 31521.



**704. Committee Meeting Minutes**

Each meeting of the committee shall have minutes which, upon adoption, shall go to the Board for information.

**705. Standing Committees**

The following shall be standing committees of the Board:

**(a) Operations Committee**

The Operations Committee shall consist of three Board members, and shall include at least one elected member and at least one appointed member. The Retirement Administrator shall serve as staff for the committee, and County Counsel shall serve as an advisor. The committee shall perform any task assigned by the Board, and, either at the request of the Board or on its own motion, the committee may investigate and advise the Board on any subject that pertains to the operations of the Board or the Retirement System.

**(b) Other Standing Committees**

The Board may, by majority vote, establish and define one or more additional standing committees, to be appointed pursuant to section 701.

**706. Ad Hoc Committees**

The Board may, by majority vote, establish and define one or more ad hoc committees, which shall be subject to the provisions of section 701. Once the Board approves ad hoc committee the Chair of the Board shall appoint committee members and appoint the Chair of the committee.

## **ARTICLE VIII – Parliamentary Authority**

### **800. Rules of Order**

Robert's Rules of Order, latest revised edition, shall govern the conduct of all meetings of the Board, unless otherwise expressly provided in these Bylaws or by statute. The Chair or Chair *pro tem* shall be entitled to vote on all matters, shall not be required to relinquish the chair in order to participate in discussions, and shall have the full powers necessary to cause meetings to proceed fairly, efficiently, and in accordance with the rules of order.

**ARTICLE IX – Bylaw Amendment Procedures**

**900. Bylaw Amendment Procedures**

These Bylaws may be amended by the Board of Retirement at any regular or special meeting by a two-thirds majority vote of the Board, and any such amendment shall become effective when approved by the Board of Supervisors in accordance with Section 31525.

**901. Revision Record**

Revision Letter No.	<u>Date of Revision</u>	<u>Date of Insertion</u>	<u>Initials</u>
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____