

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

BOARD OF RETIREMENT

BYLAWS

*Amended and approved by the Board of Retirement on July 25, 2018 and
2020 April 23, 2014*

Approved by the Board of Supervisors on August 19, 2014, 2020

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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apply to all matters pending before the Board of Retirement on the date that they are so approved and, until amended or repealed, to all subsequent matters.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 CEO to serve as the Clerk of the Retirement Board.
- (c) **"County"** means the County of Santa Barbara.
- (d) **"CEO"** means the Chief Executive Officer/ Administrator of the Santa Barbara County Employees Retirement System, or the designee thereof. The CEO shall be appointed by the Board of Retirement in accordance with Government Code section 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-Tax Collector.

ARTICLE II — Purpose of Bylaws

200. 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

300. 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 except as otherwise provided herein. 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. In the case of a new member of SBCERS seeking to establish reciprocity pursuant to Government Code Sections 31830 et seq., the membership date of the new member may be delayed up to 12 weeks, pursuant to Government Code Section 31527(h), so that there is no overlap of membership in SBCERS and the employee's prior retirement system. In the case of departing members, the date of SBCERS membership termination may be set for a date up to 12 weeks prior to the member's termination of employment so that there is no overlap of membership in SBCERS and the public retirement system the member is seeking to join. Adjustments will normally only be made where there is potentially overlapping leave time and will not be made where a member is simultaneously performing services for two public employers at the same time.

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 re-determines the date of birth. If the Board re-determines 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, unless reelected, and shall serve ~~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 fourth 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*.

604. Communications

Communications to the Board shall be made in writing and addressed to the CEO Retirement Office. The CEO 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, and the votes given by the members. The Clerk shall cause the minutes to be written, review them for accuracy and present them to the CEO who, after making any necessary revisions, will present them to the Board for review, correction and approval at its next regular meeting. When approved by the Board and signed by the Chair or Chair *pro tem*, the Secretary and the Clerk, the minutes, or a true copy thereof, shall form part of the permanent records of the Board, and shall be posted on the Retirement System website.

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 until destroyed~~ pursuant to the Retirement System's Records Retention Policy.

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 adopt and promulgate a Conflict of Interest Code in accordance with Government Code section 87300 *et seq.* and in accordance with Government Code section 87306.5 shall review such Conflict of Interest Code before July 1 of each even numbered year.

609. Compensation for Board Members

Appointed ~~members, and the~~ elected retired members ~~and the elected retired alternate member of the Board~~ shall be compensated in accordance with Government Code section 31521. The Treasurer and elected general and 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 standing committees of the Board, and for each shall designate a committee chair.

702. Terms of Office

Each standing committee member shall serve for a term of one year, ~~unless reelected~~ reappointed and shall serve ~~or~~ until a successor is appointed by the Chair of the Board.

703. Compensation

Board members attending committee meetings entitled to compensation pursuant to Bylaw 609 shall be compensated for attendance in accordance with the provisions of Government Code section 31521.

704. Committee Meeting Minutes

Each meeting of a standing committee shall have minutes which, upon adoption, and ~~shall be posted on the Retirement System website.~~

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 Chair may in addition appoint an alternate member who may participate in committee deliberations and vote in the absence of a member. The CEO shall serve as staff for the committee, and the Board's general counsel shall serve as an advisor. The committee shall perform ~~any tasks~~ as set forth in the Operations Committee Charter and other tasks as directed by ~~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. An ad hoc committee shall have no less than two members and no more than four members. Once the Board approves an ad hoc committee the Chair of the Board shall appoint committee members and appoint the Chair of the committee. Members of ad hoc committees shall serve until assigned tasks are completed.

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.