

# **MENDOCINO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION BYLAWS OF THE BOARD OF RETIREMENT**

## **ARTICLE I. ADMINISTRATION**

**Section 1.** The name of this Association organized in accordance with Government Code Section 31550 is: "Mendocino County Employees' Retirement Association."

**Section 2.** The Board of Retirement shall consist of the number of members required in the County Employees' Retirement Law of 1937, Government Code, Article 3, as provided for in the amended section of 31520.1.

**Section 3.** At the First Regular Meeting in December the Board of Retirement shall elect one of its members Chairman; one of its members Vice Chairman, and one of its members Secretary, each to hold office for a term of one year or until a successor is duly elected and qualified. Should any officer for any reason fail to complete this term the Board of Retirement shall select a successor for the balance of the unexpired term at its next Regular Meeting. The County Treasurer shall act as Treasurer of the Retirement Board.

## **ARTICLE II. MEETINGS**

**Section 1.** Regular Meetings shall be held on the third Wednesday in each month at the hour of 8:30 a.m. in the Conference Room of the Retirement System building or such other place and time as the Chairman may designate.

**Section 2.** Special Meetings may be called at any time by the Chairman or any officer of the Association, or by any five (5) members of the Board of Retirement upon notice, not less than 48 hours, given to each member.

**Section 3.** Roberts' Rules of Order, except as otherwise provided herein, shall guide the Board of Retirement in its proceedings.

**Section 4.** Five members of the Board of Retirement shall constitute a quorum. No motion may be passed or business transacted without a majority vote of the quorum present.

**Section 5.** Communications and requests to the Board of Retirement shall be made in writing, and the substance of each request, and the action of the Board of Retirement thereon noted in the minutes.

**Section 6.** The Secretary shall cause to be recorded in the minutes, the time and place of each meeting of the Retirement Board, the names of members present and absent, all official acts of the Retirement Board, the vote given by members of the Board

except where action is unanimous, and when requested, a member's dissent or approval with his reasons, and shall cause the minutes to be written up forthwith and presented for approval at the next Regular Meeting. The minutes or a true copy thereof, submitted by the Secretary and signed by the Chair, or Vice Chair, shall form part of the permanent records of the Retirement Board.

### **ARTICLE III. MEMBERSHIP**

**Section 1.** Full Time Employees: Each person entering the County or Special District employ becomes a member of the Mendocino County Employees' Retirement Association on the first day of the pay period following their entrance into County or Special District service.

(a) Continuous Service: Continuous service for full time employees shall be as defined in the Mendocino County Code Section 3.04.100 "Hours of Work." Not more than one (1) year of credit shall be allowed for any service in any one (1) fiscal year. Credit for service of less than one (1) year, as defined in the above section, in any one (1) fiscal year shall be allowed on a prorated basis.

(b) Break in Continuous Service Forfeits Membership: When any full time employee fails to remain in continuous service as defined herein, he shall no longer be entitled to be classified as a permanent employee, and upon such failure becomes ineligible for membership in the Mendocino County Employees' Retirement Association.

**Section 2.** Temporary, Seasonal, Intermittent, and Part-Time Employees: Each person whose service for the County or Special District requires the performance of duties less than 80% of the full standard of hours required in County or Special District service, shall be excluded and exempted from membership in the Mendocino County Employees' Retirement Association.

**Section 3.** Newly Hired Employees Who Have Attained the Age of Sixty (60): May request, in writing, a waiver of membership in the Mendocino County Employees Retirement Association. In all cases where there is such a waiver, said employee upon attaining the age of 70 shall thereafter be employed from year to year at the discretion of the County. (Section 31552 Government Code)

### **ARTICLE IV. CONTRIBUTIONS**

**Section 1.** Basis of Contributions: The normal rates of contributions of all members shall be based on age at the time of entrance into the Retirement System and contributions shall be calculated upon the basis of twenty six (26) pay periods per year.

**Section 2.** Deduction of Past Due Contributions: Where a member returns to active service following an absence for sickness or other cause and claims that deducting the total contributions due from the first salary, or wage warrant, drawn would cause

practical difficulty and unnecessary hardship, such deductions shall be so apportioned that the total deducted from each warrant will be the current monthly contribution plus two (2) of the past due monthly contributions.

**Section 3.** Redeposit of Contributions Withdrawn: Any member may redeposit in the retirement fund, within one (1) year after reentrance into County or Special District service, an amount equal to all of the accumulated contributions withdrawn, plus regular interest thereon from the date of separation from the retirement system, except that upon application of the member the Retirement Board may grant an extension of time. (Section 31652, County Employees Retirement Law of 1937).

**Section 4.** Withdrawals: When a member, because of termination of his membership in the Mendocino County Retirement Association, withdraws accumulated contributions, he/she shall be permitted to withdraw all such contributions with all such accrued interest thereon credited to his/her account subsequent to the effective date. No additional contributions in excess of those provided in the County Employees' Retirement act of 1937 can be made by any member of the Retirement Association.

## **ARTICLE V. SWORN STATEMENT**

**Section 1.** Every Employee of the County of Mendocino or of Special Districts within said County eligible for membership in the Mendocino County Retirement Association shall fill out and properly execute a sworn statement showing date of birth, nature and duration of employment, compensation received, and such other information as is required by the Board, which shall be adopted as the official Mendocino County Employees' Retirement Association's sworn statement. (Section 31526, County Employees' Retirement Law of 1937).

## **ARTICLE VI. PRIOR SERVICE**

**Section 1.** Prior Service shall be all service rendered to the County of Mendocino for compensation prior to January 1, 1948. Periods during which a member was not employed for compensation shall not be allowed as prior service, but such breaks will not deprive of service rendered prior to such date. If the employee worked at a lesser salary than eighty dollars (\$80.00) per month, credit for prior service shall be given in proportion that the lesser salary bears to eighty dollars (\$80.00) per month. If it is at a larger salary than eighty dollars (\$80.00) per month, credit shall be given in proportion that that salary bears to the average earnable salary.

## **ARTICLE VII. ALLOWANCE FOR PUBLIC SERVICE**

**Section 1.** Board of Supervisors Resolution 3108, passed May 6, 1958, provided for the Code Sections of the County Employees' Retirement Law of 1937 allowing retirement credit for prior public service in other public agencies to be applicable in Mendocino County.

**Section 2.** Exception to Board of Supervisors Resolution 3108: By Memorandum of Understanding for Fiscal Year 1979-80, the purchase of Public Service or Military Service shall not be allowed for employees entering County or Special District service after the date of July 3, 1979. (Board of Supervisors Resolution No. 79-216)

## **ARTICLE VIII. DISABILITY RETIREMENT**

**Disability Retirement Procedures were revised by the Board of Retirement on July 17, 2013.**

**Section 1.** The Board of Retirement of the Mendocino County Employees' Retirement Association (MCERA or Association) may promulgate disability retirement procedures for the purpose of handling applications for disability retirement benefits submitted to the Association by a member of MCERA or by any other person, including the head of the department or office employing the member.

**Section 2.** The purpose of the disability retirement procedures is to process these applications expeditiously, and when a hearing is held, the applicant will have notice of the hearing and an opportunity to present his/her case.

**Section 3.** The Association will periodically review the procedures so that the members are treated fairly and with due process of law.

**Section 4.** The Association will ensure that the disability procedures and a disability retirement application handbook are readily available to members of MCERA and any member of the public.

## **ARTICLE IX. HEALTH INSURANCE**

**Effective September 1, 1998, Retiree Health Insurance coverage became the responsibility of the County; please refer to County Resolution 98-147.**

## **ARTICLE X. BOARD OF RETIREMENT ELIGIBILITY AND ELECTION**

**Section 1.** Subject to the provisions of Article 3, Section 31520.1 of the Government Code, County Employees' Retirement Law of 1937, any active member of the Mendocino County Employees' Retirement Association shall be eligible to serve on the Board of Retirement of said Association unless prohibited by law.

**Section 2.** On or prior to September 1, of each year, the Retirement Administrator shall notify the Board of Supervisors of the County of Mendocino and the County Clerk of said County of the name or names of the Retirement Board Members for whom successors must be appointed or elected. The Retirement Administrator shall provide a list of the members of this Association as of the First Pay Period in October of said year who shall be entitled to vote in said election.

(a) As provided in Section 31520.1 of the Government Code, County Employees' Retirement Laws of 1937, the Board of Retirement shall consist of nine (9) members and two (2) alternates, as follows:

- (1) The First member shall be the County Treasurer.
- (2) The Second and Third members shall be non-safety members of the Mendocino County Retirement Association, other than safety members, elected by such non-safety members who are eligible to vote for such officers.
- (3) The Fourth, Fifth, Sixth, and Ninth members shall be qualified electors of the County of Mendocino who are not connected with Mendocino County government in any capacity, except one (1) may be a Mendocino County Supervisor, and shall be appointed by the Board of Supervisors.
- (4) The Seventh member shall be a safety member of the Mendocino County Employees' Retirement Association, elected by the safety members who are eligible to vote for such officers.
- (5) The Eighth member shall be a retired member elected by the retired members of the Mendocino County Employees' Retirement Association in a manner to be determined by the Board of Supervisors.
- (6) The Alternate Seventh member shall be that candidate, if any, for the seventh member from the group under Section 31470.2, or any other eligible safety member if there is no eligible candidate from the groups under Section 31470.2, which is not represented by a Board Member who received the highest number of votes of all candidates in that group. If there is no such candidate there shall be no Alternate Seventh member.
- (7) The Alternate Eighth member 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.

**Section 3.** Not less than thirty (30) days prior to the election, the Retirement Administrator shall mail or cause to be distributed to each member who is entitled to vote at the forthcoming election, a Notice of Election, which shall include an election timeline and a statement of the place where Declaration of Candidacy by Candidate forms can be obtained.

**Section 4.** A qualified member may be nominated for one of the positions to be filled by filing a Declaration of Candidacy by Candidate form. The Declaration of Candidacy shall be made by Candidate upon forms prepared by the Retirement Administrator. A supply of such forms shall be maintained in the Retirement office.

(a) The Declaration of Candidacy by Candidate forms shall be filed on the date specified within the Notice of Election, not more than forty-five (45) days or less than twenty-five (25) days prior to the election.

**Section 5.** The Retirement Administrator shall cause the names and department of those persons nominated for the Board of Retirement to be printed upon ballots of such form as may be determined by the Retirement Administrator.

(a) There shall be no provisions for write-in Candidates.

**Section 6.** As provided in Section 31523, Government Code, County Employees Retirement Law of 1937, if an election to fill a vacancy for the Second, Third, Seventh, or Eight member has been called and only one member has been duly nominated in accordance with the rules established for the holding of such election, the Board of Supervisors shall order that no election be held and shall direct the Retirement Administrator to cast a unanimous ballot in favor of such nominated member.

**Section 7.** Not less than ten (10) days prior to the election date in October of each year, the Retirement Administrator shall mail, or cause to be distributed to each member authorized to vote at said election, one of said ballots together with a ballot envelope and instructions for return of same.

(a) Instructions shall indicate that the voted ballot shall be placed in the envelope marked "Return Ballot" or words of like effect, which shall then be sealed. The Return Ballot envelope shall contain provision for the signature of the Member and the name of the County Department or Special District to which the member belongs in addition to the return address of the Retirement Administrator. Said instructions shall further indicate that said Return Ballot, in order for the ballot to be counted, must be returned to the Retirement Administrator's Office by 12:00 noon on the date specified prior to the election.

**Section 8.** Following the date of election the Retirement Administrator shall publicly canvass the returns of said election and shall certify the results thereof to the Board of Retirement and to the Board of Supervisors of the County of Mendocino at the soonest possible board meetings following the election. The Candidate receiving the highest number of votes shall be declared elected.

**Section 9.** It is required that the successful candidate complete a statement pursuant to the Conflict of Interest Code. This form is available in the office of the Registrar of Voters and should be filed within thirty (30) days after date of election with the Registrar of Voters with a copy of said statement filed with the Retirement Administrator.

**Section 10.** Whenever a deadline for a procedure associated with a Retirement Board election falls on a holiday or weekend, the final day for completion of the procedure affected by the deadline shall be the last business day preceding such deadline.

## **ARTICLE XI. AMENDMENTS**

**These Bylaws may be amended from time to time by Six-ninths (6/9) vote of the Board of Retirement.**

The foregoing Bylaws revise and amend those Bylaws which were adopted previously by the Board of Retirement on the 9th day of February, 1973;  
First Amendment adopted the 11th day of October, 1974;  
Second Amendment adopted the 10th day of June, 1977;  
Third Amendment adopted the 14th day of September, 1979;  
Fourth Amendment adopted the 11th day of May, 1983;  
Fifth Amendment adopted the 13th day of March, 1985;  
Sixth Amendment adopted the 12th day of March, 1986;  
Seventh Amendment adopted the 9th day of April, 1986;  
Eighth Amendment adopted the 10th day of June, 1987;  
Ninth Amendment adopted the 9th day of March, 1988;  
Tenth Amendment adopted the 17th day of November, 1999;  
Eleventh Amendment adopted the 11<sup>th</sup> day of April, 2003, Article II, Meetings and Article VIII, Sec. 3, Application;  
Twelfth Amendment adopted the 17<sup>th</sup> day of July, 2013, Article VIII. Disability Retirement;  
Thirteenth Amendment adopted the 21<sup>st</sup> day of August, 2013, Article X. Board of Retirement Eligibility and Election.

All of which have been included in and have become a part of the Mendocino County Employees' Retirement Association Bylaws of the Board of Retirement, approved by the Board of Supervisors the 5<sup>th</sup> day of November, 2013.