

**BYLAWS
OF
THE BOARD OF RETIREMENT
TULARE COUNTY EMPLOYEES' RETIREMENT ASSOCIATION**

**I
ADMINISTRATION**

1. Name
The name of this Association is: "The Tulare County Employees' Retirement Association".
2. Election of Officers
At the first regular meeting in January, the Board of Retirement shall elect one of its members Chairman and one of its members Vice Chairman, each to hold office for a term of one year, or until his or her successor is duly elected and qualified. Should any officer for any reason fail to complete his or her term, the Board of Retirement shall select a successor for the balance of the unexpired term at its next regular meeting.
3. Retirement Administrator
The Retirement Administrator shall be appointed by the Board in accordance with Government Code Section 31522.2 and shall be responsible for the management of the retirement office, including the day-to-day operations of the Retirement Association. In the absence of the Administrator, the Assistant Administrator shall serve as Administrator.

**II
MEETINGS: REGULAR / SPECIAL**

1. Regular Meetings
Regular meetings of the Board of Retirement shall be held on the second and fourth Wednesday of each month, commencing at 8:30 a.m., at the Retirement Office Board Room, located at 136 N Akers, Visalia, California, unless the place and time of meeting is changed by order of the Board of Retirement. All meetings will be held in compliance with the provisions of the Ralph M. Brown Act.
2. Special Meetings
Special meetings may be called at any time by the Chairman or by any five members upon twenty-four hours notice given to each member, in accordance with the Ralph M. Brown Act.
3. Rules of Order
Robert's Rules of Order, except as modified by vote of the Board of Retirement shall guide the Board of Retirement in its proceedings. The order of business shall be determined by the Chairman.

4. Quorum
Five members of the Board of Retirement shall constitute a quorum. No motion may be passed or business transacted without five (5) affirmative votes.
5. Communications
Communications and requests to the Board of Retirement for formal action shall be made in writing and the substance of such request, and the action of the Board of Retirement thereon noted in the Minutes.
6. Minutes
The Retirement Administrator shall cause to be recorded in the Minutes, the time and place of each meeting of the Board of Retirement, the names of members present, all official acts of the Retirement Board, the votes given by members of the board except where the action is unanimous, and when requested, a member's dissent or approval with his/her reasons as stated for the record, 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 Retirement Administrator and signed by the Chairman, shall form a part of the permanent records of the Retirement Board.
7. Public Comment
At any public meeting of the Board of Retirement, and during the designated "Public Comment" period, members of the public may comment on items not included on the Board agenda. No discussion or action will be taken by the Board on items not appearing on the agenda. For items appearing on the agenda, members of the public may comment on an item at the time it comes up for Board consideration. Any person addressing the Board will be limited to a maximum of five (5) minutes unless, at the discretion of the Board Chair, the comment period is extended. All speakers will provide their names for the record. Except as required by law, public comment via telephone or other electronic means is prohibited. A member of the public who is unable to attend a public meeting may submit written comments to the Board.

III BOARD OF RETIREMENT

1. Filling vacancies (elected Trustees)
In the event that a vacancy occurs in a seat held by an elected Trustee, the Board shall arrange for a special election to take place to fill the vacancy and complete the unexpired term. Nothing in these bylaws shall prevent the Board from holding a special election to fill the vacancy of an elected Trustee except under no circumstances shall a special election take place less than six (6) months prior to the beginning of a new full term.

The Board, or appointed designee, shall arrange for elections for the full terms of all elected Trustees except under no circumstances shall such election take place more than six (6) months prior to the beginning of the new term.

2. Alternate Trustees

Alternate Trustees shall be selected in accordance with applicable sections of the County Employees' Retirement Law of 1937 (the '37 Act), except that the Treasurer's Alternate may serve in place of the Treasurer in accordance with other State of California guidelines and/or the provisions of these bylaws.

Alternate trustees shall be allowed to hold positions on committees of the Board, may participate in the deliberations of the Board and its committees, shall have access to closed sessions of the Board, shall be entitled to the same rights and privileges, and shall have the same responsibilities as regular trustees, except that an alternate trustee shall only have the right to vote in the absence of the regular trustee(s) as permitted by law.

IV MEMBERSHIP

1. Eligible Members

Officers and regular employees of the County of Tulare, the Strathmore Public Utility District, Tulare County Superior Courts and any other outside district that may join the Retirement Association, whose classification employs them for at least forty regularly scheduled hours of each eighty hour pay period who are eligible for membership in accordance with the applicable provisions of the County Employees Retirement Law of 1937 and these Bylaws, are members of the Association. Except as otherwise provided by law, persons entering County or district employment on the first day of a pay period applicable to such employment, or if the first day of a pay period is a holiday, shall become members of the association as of the first day of such pay period. Persons entering employment after the first day of such pay period shall become members on the first day of the next pay period. Employees of the Strathmore Public Utility District become members on the first day of the calendar month following entrance into service. In the case of overlapping service with a reciprocal agency, the entry date or termination date may be modified by up to 12 weeks to allow the member to meet the requirements of reciprocity between TCERA and the reciprocal agency.

2. Excluded from Membership

Temporary, seasonal, intermittent and part-time (less than forty regularly scheduled hours per pay period) employees are excluded and exempt from membership in the Tulare County Employees' Retirement Association. Any employee who is employed under an extra-help appointment whose service falls within subsections a. through d. below is also excluded from membership.

a. Temporary employees, for the purpose of these Bylaws, shall mean any employee who is employed under a temporary appointment, as defined by the Tulare County Human Resources & Development Department and shall be construed a temporary employee until reported to the Personnel Officer and/or County Auditor as a permanent employee by the Head of the Department, or appointing body or commissioner.

b. Seasonal service, for the purpose of these Bylaws, shall mean service for the

County or District, for less than ten months in any fiscal year.

c. Intermittent service, for the purpose of these Bylaws, shall mean service for the County or District which is not regular in nature or classification, but periodic and recurrent at intervals.

d. Part-time service, for the purpose of these Bylaws, shall mean service for the County or District which requires for the performance of duties less than fifty (50) percent of the full standard hours per pay period required in County or District service.

V SERVICE

1. Prior Service

Prior Service shall mean, and credit shall be given for, all County service rendered for compensation prior to July 1, 1945, regardless of interruptions in such service.

2. Current Service

Credit shall be given for each month, and fraction thereof, of service rendered for compensation after July 1, 1945 for which a contribution is made by the employee to the retirement system.

3. Service Credit

When computing service for a broken period, the fraction of a year of such service shall be determined as follows:

a. For periods that include weekends:

- number of hours worked, divided by 8, equals days;
- days divided by 30 equals months;
- months divided by 12 equals years of service

b. For periods that do not include weekends:

- number of hours worked, divided by 8, equals days
- days divided by 22 equals months;
- months divided by 12 equals years of service

4. Any person who terminates plan membership and returns to employment in a position which again makes him/her eligible for plan membership, and who has not withdrawn his or her accumulated contributions and interest shall have the option of withdrawing the entire account balance from the first period of membership or receiving service credit for the first period of membership. The member shall have a period of thirty (30) days from the start of the second period of membership to elect a withdrawal. If no election is made within the 30-day period, the member shall receive retirement service credit for the first period of membership and no withdrawal shall be allowed until such time that the member again terminates plan membership.

No member shall be credited with more than one year of service in any one fiscal year.

VI COMPENSATION EARNABLE

1. Salaried Employees
Compensation earnable shall be the employee's annual base salary, plus any additional retirement eligible pay as authorized by the Board of Retirement, divided by the number of the employee's pay periods and fractions thereof for the year.
2. Per Diem Employees
Compensation earnable shall be the regular per diem base salary, plus any additional retirement eligible pay as authorized by the Board of Retirement, multiplied by the number of days in the employee's pay period.
3. Hourly Employees
Compensation earnable shall be the regular hourly rate, plus any additional retirement eligible pay as authorized by the Board of Retirement, multiplied by the number of regularly scheduled hours for the employee's classification per pay period.

VII MEMBERS' CONTRIBUTIONS

1. Normal Contributions
Members' contributions shall be based upon the tables adopted by the Board of Supervisors. Deductions for contributions shall be made from each payroll warrant in accordance with the compensation earnable during the pay period. However, if the amount of the warrant is insufficient to take the entire normal contribution, no contribution is taken and no service credit is awarded.

Contributions in addition to normal contributions shall not be accepted.

2. Withdrawals
Upon withdrawal of contributions, a member shall also be allowed interest to the last date on which interest was credited to his or her account prior to his or her election to withdraw the balance in her/his retirement account.

Without prior approval by the Retirement Administrator, no withdrawal of member contributions shall be processed by the Association until the individual has severed all County and/or District employment for a minimum of 2 (two) full pay periods. For individuals employed by the Strathmore Public Utility District, the period shall be at least 1 (one) full calendar month.

3. Redeposit of Contributions Withdrawn

A member may redeposit, under §31652 of the Government Code, the amounts previously withdrawn, plus interest thereon from the date of separation from the retirement system, the entire sum in a lump-sum payment, through direct rollover from another qualified plan as approved by the Board of Retirement, or in equal installment payments over a period not to exceed **sixty months** as permitted under Government Code Section 31652. In no event shall the installment payments for this purpose be less than \$10 per pay period in addition to the member's regular retirement contribution. Said installments shall be deducted from the member's regular payroll warrant in addition to his or her current contribution. The Board of Retirement may grant, upon application, an extension of time beyond the sixty months.

No service credit shall be granted for the period being re-deposited until the entire amount due has been paid into the retirement system.

4. Contributions Following Member's Return from Active Service in the Armed Forces
When a member returns to active County service following service in the armed forces of the United States, and claims that deducting the total past due contributions from the first payroll 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 contribution, plus an additional amount equal to at least one of the past due contributions, except that, where the pay periods for the time for which contributions are past due were of different length than the pay periods during which the deductions are to be made, the total amount past due shall be deducted over the same length of time as the period for which such contributions are past due.

VIII SWORN STATEMENT AND RECORD OF BIRTH

1. Every employee who is made a member of the Retirement Association shall immediately fill out and properly execute a sworn statement or a declaration under penalty of perjury on a form prescribed by the Board of Retirement, showing date of birth, nature and duration of employment with the County, compensation, and other related information affecting the employee's status.
2. Every member of the Retirement Association shall submit a certified copy of his or her birth certificate, or other appropriate documentation upon application for retirement from the Retirement Association. The member shall also submit a certified copy of the birth certificate (or other appropriate documentation) of his/her named beneficiary and, if married, a certified copy of his/her marriage license.

If unable to secure a birth certificate, the member must submit other documentary evidence that is acceptable to the Board of Retirement. Examples of other acceptable documentary evidence include:

- a valid passport
- discharge papers from the United States Armed Forces (DD214)
- naturalization papers

- baptismal records
- notarized statement from two witness verifying the date and place of birth

IX CERTIFICATES

1. Prior to the first payment of the retirement allowance, each member shall be furnished with a document indicating the amount of his or her retirement allowance, both on the unmodified or optional methods of payment. This document shall provide for the signature of the member indicating the choice as to type of allowance desired and shall constitute the annuity certificate referred to in the County Employees' Retirement Act of 1937.

X WAIVER OF MEMBERSHIP

1. A newly hired employee who has attained the age of 60 at the time of hiring may waive membership in the Retirement Association. The waiver of membership is irrevocable and must be made in writing on a form prescribed by the Board of Retirement within 60 days from the date the employee first becomes eligible for membership. Where a waiver has been executed, the employee upon attaining the age of 70 shall thereafter be employed from year to year at the discretion of the County.
2. In accordance with Government Code Section 31553, a newly elected officer becomes a member of TCERA on the first day of the calendar month following the filing of a declaration with the Retirement Association to become a member. The declaration is irrevocable for the full term of office and must be made within 60 days from the date the elected officer first becomes eligible for membership. Any elected officer that has signed a declaration to become a member of the Retirement Association will remain a plan member for any subsequent terms of office unless (s)he files a new declaration with TCERA indicating a decision to no longer be a member of the Retirement Association.

XI RETIREMENT

1. Unless otherwise authorized by the Board of Retirement, retirement warrants shall be issued once per month and will be dated the last day of the month.
2. Retired members shall enroll in "electronic fund transfer" (EFT) for the direct deposit of monthly pension benefits into a qualified financial institution selected by the retired member, unless otherwise approved by the Retirement Administrator. All electronic fund transfers shall be made available to the various financial institutions on the last working day of each month.
3. Effective January 1, 2005, any member who, in accordance with existing California law,

enters into a domestic partnership, and who properly records such partnership with the registry established by the Secretary of State of California can, as permitted by state law, name the domestic partner as a qualified beneficiary under all retirement options provided under the County Employees' Retirement Laws of 1937. Qualification for a continuance of retirement benefits under the "Unmodified" option of the '37 Act requires that the domestic partnership be properly registered for not less than one year prior to the member's effective date of service retirement. A certified copy of the registration shall be submitted to the Association by the member or the member's beneficiary.

In the event that a domestic partnership is terminated, the nonmember domestic partner shall be entitled to the same benefits to which a spouse would be entitled upon the legal separation or dissolution of marriage as provided in Article 8.4 of Chapter 3 of Part 3 of Division 4 of Title 3 of the California Government Code (Section 31685 et seq.), but only if one or both of the parties file a Joinder in Superior Court and provide the Association with a proper and complete Qualified Domestic Relations Order (QDRO), signed by a judge of the Superior Court, instructing the Association how the retirement account is to be split between the two parties.

XII SPECIAL PROVISIONS

1. The Board of Retirement recognizes that regulations of the Internal Revenue Code must be followed in order to maintain the tax qualification status of the Retirement Association. As a result, these Bylaws specifically provide for the following:
 - a. No cost-of-living- adjustment (COLA) will be paid to members retired from TCERA if payment of the COLA amount would exceed the limits provided under Section 415 of the Internal Revenue Code.
 - b. TCERA will pay increase COLA amounts as the Section 415 dollar limits increases. The Internal Revenue Service (IRS) COLA limits shall apply to all retired TCERA members, including those retired prior to the approval of this Bylaw.

XIII AMENDMENTS

1. These Bylaws may be amended from time to time by a seven-ninths (7/9ths) vote of the Retirement Board.

The foregoing Bylaws were adopted by the Board of Retirement upon motion of Board member Gail Henry, seconded by Board member Roland Hill, at a regular adjourned meeting of this Board held on October 10, 2012, by the following vote:

Ayes: Cox, Crawford, Henry, Bennett, Reed, Hill, Lippincott

Noes: None
Abstain: None
Absent: Woodard, Watson

The Board of Supervisors approved and adopted the proposed revisions to TCERA's Bylaws as approved by the Board of Retirement on October 10, 2012.

The foregoing Bylaws were approved and adopted by the Board of Supervisors upon motion of Supervisor Ennis, seconded by Supervisor Cox, at an official meeting held November 13, 2012, by the following vote:

Ayes: Supervisor Ishida, Vander Poel, Cox, Worthley and Ennis
Noes:
Abstain:
Absent:

Resolution No. 2012-0868