

**Executive Team:**

**Dominic D. Brown, CPA, CFE**  
Chief Executive Officer

**Daryn Miller, CFA**  
Chief Investment Officer

**Jennifer Zahry, JD**  
Chief Legal Officer

**Matthew Henry, CFE**  
Chief Operations Officer



**Board of Retirement:**

David Couch, Chair  
Dustin Contreras, Vice-Chair  
Deon Duffey  
Phil Franey  
Phil Franey  
Ajaib Gill  
Joseph D. Hughes  
Jordan Kaufman  
Rick Kratt  
John Sanders  
Tyler Whitezell  
Chase Nunneley, Alternate  
Robb Seibly, Alternate

March 5, 2025

Members, Board of Retirement  
Employee Bargaining Units  
Requesting News Media  
Other Interested Parties

Subject: Meeting of the Kern County Employees' Retirement Association  
Administrative Committee

Ladies and Gentlemen:

A meeting of the Kern County Employees' Retirement Association Administrative Committee will be held on Monday, March 10, 2025, at 1:00 p.m. in the KCERA Boardroom, 11125 River Run Boulevard, Bakersfield, California, 93311.

**How to Participate: Listen to or View the Board Meeting**

To listen to the live audio of the Board meeting, please dial one of the following numbers and enter ID# 897 7051 8937

- (669) 900-9128; U.S. Toll-free: (888) 788-0099 or (877) 853-5247

To access live audio and video of the Board meeting, please use the following:

- <https://us02web.zoom.us/j/89770518937?pwd=nLY3wMCF19b6GuAs71XdxC1TEUyFzh.1>
- Passcode: 894771

Items of business will be limited to the matters shown on the attached agenda. If you have any questions or require additional service, please contact KCERA at (661) 381-7700 or send an email to [administration@kcera.org](mailto:administration@kcera.org).

Sincerely,

A handwritten signature in blue ink that reads 'Dominic D. Brown'.

Dominic D. Brown  
Chief Executive Officer

Attachments

**AGENDA:**

All agenda item supporting documentation is available for public review on KCERA's website at [www.kcera.org](http://www.kcera.org) following the posting of the agenda. Any supporting documentation that relates to an agenda item for an open session of any regular meeting that is distributed after the agenda is posted and prior to the meeting will also be available for review at the same location.

**AMERICANS WITH DISABILITIES ACT  
(Government Code §54953.2)**

Disabled individuals who need special assistance to listen to and/or participate in the meeting of the Board of Retirement may request assistance by calling (661) 381-7700 or sending an email to [administration@kcera.org](mailto:administration@kcera.org). Every effort will be made to reasonably accommodate individuals with disabilities by making meeting materials and access available in alternative formats. Requests for assistance should be made at least two (2) days in advance of a meeting whenever possible.

**CALL TO ORDER**

**ROLL CALL (IN PERSON)**

**AB 2449 REMOTE APPEARANCE(S)**

*Items 1 and/or 2 withdrawn from agenda if no trustee(s) request to appear remotely:*

1. JUST CAUSE CIRCUMSTANCE(S):
  - a) The following Trustee(s) have notified the Committee of a "Just Cause" to attend this meeting via teleconference. (See Government Code § 54953).
    - NONE
  - b) Call for Trustee(s) who wish to notify the Committee of a "Just Cause" to attend this meeting via teleconference. (See Government Code § 54953) – RECEIVE/HEAR REQUEST(S); NO COMMITTEE ACTION REQUIRED
2. EMERGENCY CIRCUMSTANCE(S):
  - a) The following Trustee(s) have requested the Committee approve their attendance of this meeting via teleconference due to an "Emergency Circumstance." (See Government Code § 54953).
    - NONE
  - b) Call for Trustee(s) requesting the Committee approve their attendance of this meeting via teleconference due to an "Emergency Circumstance." (See Government Code § 54953) – TAKE ACTION ON REQUEST(S) FOR REMOTE APPEARANCE DUE TO EMERGENCY CIRCUMSTANCE

3. [Discussion and appropriate action on review of the KCERA Board of Retirement CERL Regulations](#) presented by Chief Executive Officer Dominic Brown and Chief Legal Officer Jennifer Zahry – RECOMMEND THE BOARD OF RETIREMENT APPROVE PROPOSED CHANGES AND PRESENT TO THE KERN COUNTY BOARD OF SUPERVISORS FOR FINAL APPROVAL
4. [Discussion and review of the 2025-2026 Chief Executive Officer Performance Evaluation Criteria](#) presented by Chief Executive Officer Dominic Brown – RECOMMEND THE BOARD OF RETIREMENT APPROVE THE CHIEF EXECUTIVE OFFICER PERFORMANCE EVALUATION CRITERIA FOR EVALUATION PERIOD OF 2025-2026

### **PUBLIC COMMENTS**

5. The public is provided the opportunity to comment on agenda items at the time those agenda items are discussed by the Committee. This portion of the meeting is reserved for persons to address the Committee on any matter not on this agenda but under the jurisdiction of the Committee. Committee members may respond briefly to statements made or questions posed. They may ask a question for clarification and, through the Chair, make a referral to staff for factual information or request staff to report back to the Committee at a later meeting. Speakers are limited to two minutes. Please state your name for the record prior to making a presentation.

### **CALL FOR PUBLIC COMMENT ON EXECUTIVE SESSION ITEM(S)**

#### **EXECUTIVE SESSION**

6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (pursuant to GOVERNMENT CODE §54957) – Title: Chief Executive Officer

### **RETURN TO PUBLIC SESSION**

### **REPORT OF EXECUTIVE SESSION ACTIONS, IF APPLICABLE**

#### **REFERRALS TO STAFF, ANNOUNCEMENTS, OR REPORTS**

7. On their own initiative, Committee members may make a brief announcement, refer matters to staff, subject to KCERA's rules and procedures, or make a brief report on their own activities.
8. Adjournment

**Date:** March 10, 2025

**To:** Trustees, Administrative Committee

**From:** Jennifer Esquivel Zahry, Chief Legal Officer  
Kristen McDonald, Deputy Chief Legal Officer

**Subject:** **Proposed Changes to Board of Retirement CERL Regulations**

This memo summarizes proposed changes to the KCERA Board of Retirement CERL Regulations (“Regulations”).

- **Article II. Section C. Waiver of Membership** (pages 3-4). Staff updated three portions of this section. First, Staff updated the language to reflect that Government Code section 31552 allows members who have reached age 60 as of their “hire date” (rather than their membership date) to opt out of membership in the retirement system. Next, Staff simplified the waiver process to be made “in writing” rather than by formal legal written declaration. Last, for internal consistency, Staff specified the cutoff date for members to submit a waiver to KCERA as 60 days post-membership date. This time frame accounts for the delay between hire date and membership date so that members are not potentially prejudiced.
- **Article V. Section A. subsection 4. Membership Information Provided to KCERA** (page 7). This new subsection is added to allow KCERA to accept electronic signatures on documentation approved by the Chief Executive Officer. The CERL allows retirement plans to exercise this optional regulation provided in Government Code section 31527(g):

31527: In its regulations, the board may include the following provisions:

...

(g) Notwithstanding any other law, for the use and acceptance of a document requiring a signature that is submitted by a member using an electronic signature, if the document and electronic signature are submitted using technology the board deems sufficient to ensure its integrity, security, and authenticity. A document submitted pursuant to the regulation shall be given the same force as a signed, valid original document.

- Updated titles throughout the Regulations: “Executive Director” to “Chief Executive Officer”; “Assistant Executive Director” to “Chief Operations Officer”; and “Retirement Financial Officer” to “Chief Financial Officer.”
- Minor grammar and clarity corrections throughout.

Based on the foregoing, Staff requests your Committee recommend the Board of Retirement approve the recommended changes and direct Staff to send the proposed changes to the Kern County Board of Supervisors for approval<sup>1</sup>.



<sup>1</sup> Pursuant to Cal. Gov. Code section 31525, KCERA's Regulations "become effective when approved by the Board of Supervisors."

**KERN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION  
BOARD OF RETIREMENT CERL REGULATIONS**

**(As Amended ~~April~~ March 14XX, 2021~~2025~~)**

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**KERN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION  
BOARD OF RETIREMENT CERL REGULATIONS  
(KCERA)**

**ARTICLE I - ADMINISTRATION**

**A. Election of Officers.**

Annually at the regular October meeting of the KCERA Board of Retirement ("Board"), a Nominating Committee shall be formed, consisting of two (2) members designated by the Chairman of the Board and two (2) members designated by the full Board. The Nominating Committee shall select one member of the Board as its nominee for Chair and one member as its nominee for Vice-Chair to hold office during the ensuing year. The Nominating Committee shall present its slate of nominees to the full Board at its regular December meeting. Once the slate of nominees is presented, and before the Board votes to elect its officers, the Chair shall call for other nominations, which may be made by any member of the Board.

At the end of the regular December meeting, the Board shall elect one of its members as Chair and one of its members Vice-Chair, each to hold office for a term of one year. Should a vacancy occur in the Chair position, the Vice-Chair will be the successor. Should a vacancy occur in the Vice-Chair position, the Board shall select a successor for the balance of the unexpired term at its next regular meeting.

**B. Meetings.**

1. Regular meetings of the Board shall be held on the second Wednesday of each month at 8:30 a.m., except as approved at a Regular meeting of the Board of Retirement and set forth in its annual meeting schedule. The Administrative, Finance, and Investment Committees of the Board shall meet, as scheduled by the ~~Executive Director~~Chief Executive Officer, the Board Chair, or the relevant Committee Chair. Such meetings will be held at the KCERA office building, located at 11125 River Run Boulevard, Bakersfield, California 93311 unless an alternate location is authorized under Sections 54953 or 54954 of the Brown Act. If a scheduled meeting of the full Board falls on a County holiday, the meeting will be held on the next Wednesday that is not a County holiday. Any scheduled Board meeting may be canceled by the ~~Executive Director~~Chief Executive Officer, acting in consultation with the Chair of the Board.

2. Special meetings may only be called as provided in California Government Code Section 54956.<sup>1</sup>

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<sup>1</sup> All statutory references relate to the California Government Code unless otherwise specified.

3. Rules of Order. The conduct of Board and committee meetings shall be determined in accordance with the Simplified Rules of Order (Board Operations Policy, Appendix A), the Board Operations Policy, these Regulations, open meeting laws and other applicable laws.

The Chair shall be entitled to vote on all questions and shall not be required to relinquish the chair in order to participate in discussions.

4. Order of business shall be at the discretion of the ~~Executive Director~~Chief Executive Officer in the absence of instructions from the Board.
5. Quorum. Five members of the Board shall constitute a quorum. No official act of the Board shall be valid unless five of the members concur therein.
6. Communications and requests to the Board shall be made in writing, and the substance of such requests and the action of the Board thereon shall be noted in the minutes.
7. Minutes. The Secretary shall cause to be recorded in the minutes the time and place of each meeting of the Board, the names of members present, all official acts of the Board and votes given by members of the Board.- The Secretary shall cause the minutes to be written and presented for approval at the next monthly meeting of the Board. The minutes, or a true copy thereof, approved by the Board and signed by the Secretary and the Chair, shall form part of the permanent records of the Board.

C. Election of Members of the Board of Retirement.

The Board delegates responsibility to the Board of Supervisors and its Chief Registrar of Voters for conducting Board of Retirement elections in a manner set forth in the Election Procedures for Elected Positions on KCERA's Board of Retirement.

D. Compensation and Expense Reimbursement of Members of the Board.

All members of the Board shall receive reimbursement for actual and necessary expenses in accordance with rules and regulations adopted by the County of Kern for reimbursement of expenses incurred by County employees set forth in the Kern County Administrative Procedures Manual and the Board of Retirement Travel Policy. The fourth, fifth, sixth, eighth, ninth, and the alternate retired member are entitled to receive the compensation set forth in Section 31521, but may decline that compensation at any time.

E. Duties and Authority of the ~~Executive Director~~Chief Executive Officer.

Under the general direction of the Board, the ~~Executive Director~~ Chief Executive Officer shall be responsible for the management of the retirement office, including the day-to-day activities of the KCERA. ~~In carrying out the operations of the KCERA, the Executive Director~~ Chief Executive Officer has delegated authority as provided in the policies of the KCERA and the ~~Executive Director~~ Chief Executive Officer Charter. The ~~Executive Director~~ Chief Executive Officer shall also serve as Secretary to the Board of Retirement.

## ARTICLE II - MEMBERSHIP

### A. Mandatory Membership.

All employees of the County of Kern, the Kern County Superior Court and participating Districts (“KCERA plan sponsors”) who are employed in permanent positions, unless excluded from membership by Section B below, shall be included in membership in the Kern County Employees' Retirement Association.

### B. Exclusions from Membership.

The following persons are excluded from membership in the Kern County Employees' Retirement Association:

1. Extra-help employees.
2. Temporary employees. ~~(For purposes of this section B.2., a temporary employee does not include an employee whose term of employment is reasonably expected to exceed, or does exceed two continuous years).~~
3. Any employee who is scheduled to work less than 50% of the full ~~regular~~ working hours per payroll period for their any KCERA plan sponsor.
4. Persons whose compensation is fixed at a rate by the day, hour, or meeting and who receive no employee benefits from their KCERA plan sponsor other than those benefits that are mandated by Federal or California Labor laws. Example: ~~H~~health benefits, sick leave, etc.
5. Persons employed as independent contractors (as determined by KCERA) under written contracts for personal services, notwithstanding the terms of such contracts.

### C. Waiver of Membership.

Based upon the authority granted to the Board in ~~S~~section 31552, any newly hired employee who was not a member of KCERA at the time of employment and who has attained the age of 60 prior to his/her ~~membership date in KCERA~~ hire date,

may, ~~by written declaration~~ in writing, waive membership in ~~the~~ KCERA. Any eligible employee who elects to file such waiver shall be excluded from membership in KCERA. Any such waiver must be submitted to KCERA staff within sixty (60) days of the employee's membership date in KCERA.

The declaration of waiver of membership, upon being filed within the time frame prescribed by KCERA ~~by the prospective employee~~, is irrevocable, and the prospective employee shall not be eligible to join KCERA thereafter.

Except as set forth above, no other eligible employee of a KCERA plan sponsor may waive membership ~~into~~ KCERA.

D. Retention of Membership.

The membership of all employees who are members of KCERA on the effective date of these revised Board of Retirement CERL Regulations, but whose employment on that date is such that these revisions would exclude them from membership, shall be continued, subject to all provisions of the County Employees Retirement Law of 1937 ("CERL") and/or the Public Employees' Pension Reform Act of 2013 ("PEPRA"), as applicable. A member whose services are terminated after the effective date of these revised Board of Retirement CERL Regulations and who re-enters service with a KCERA plan sponsor must be eligible for membership under the Board of Retirement CERL Regulations in effect on the date of re-entry into service in order to receive additional service credit and again become an active member of KCERA.

E. Commencement of Membership.

Employees eligible for membership in KCERA shall become members on the first day of the next pay period following their entrance into eligible service. -In addition, eligible employees may delay the effective start date of their membership up to twelve weeks after entrance into service, for the purpose of establishing reciprocity with another public retirement system as described in the CERL.

F. New District Membership.

Districts that apply to the Board for membership in KCERA shall be required to execute a Participation Agreement as a prerequisite to the Board's approval of the District's membership in KCERA.

ARTICLE III - SERVICE CREDIT FOR PRIOR SERVICE WITH A KCERA PLAN SPONSOR

A. Eligible Prior KCERA Service.

As permitted by Sections 31643 and 31644, KCERA defines "Prior Service" as compensated employment of a person by a KCERA Plan Sponsor after January 1, 1945, whether or not such employment was uninterrupted. Credit for prior service with a KCERA plan sponsor shall not be granted unless such prior service meets the membership requirements of Article II. In establishing the length of prior service for any member entitled to credit therefore, official records of the County's Human Resources Department or official payroll records or other official records of the employing department or KCERA Plan Sponsor shall be controlling. If no official records exist, the Board has discretion to determine whether sworn evidence such as affidavits from the member, the member's department head, fellow employees, or such other relevant sworn evidence can support a member's request to receive service credit for prior service with a KCERA plan sponsor.

#### ARTICLE IV - SERVICE CONTRIBUTIONS

##### A. Return of Contributions.

In accordance with ~~Government Code s~~Section 31628, funds returned to an Eligible member (as defined in the Model IRS Regulations previously adopted by KCERA) will be paid to the member no earlier than thirty (30) days after the member's separation from service.

##### B. Service Purchase/Redeposit Provisions -

1. The member shall complete KCERA's written election form for eligible service/unpaid medical leave purchases and/or redeposits.
2. Purchases of eligible service may be made by lump-sum deposits or by payroll deductions on a post-tax basis over a time period allowed by the CERL. For eligible members electing lump-sum deposits, KCERA shall accept eligible rollover distributions as described in KCERA's Model Tax Regulations for [Internal Revenue Code](#) sections 401(a)(31) and 402(c) and allowed by state law.
3. Once the purchase of service credit is completed, a member shall not have the option to receive a refund of the amount of service credit purchased.
4. A member shall not be permitted to purchase service credit for the time period between the effective retirement date and the end of the corresponding pay period, if such a difference exists.
5. Except as provided in these Regulations, service purchases and redeposits of contributions will be administered in accordance with the CERL.

6. -The member is not allowed to voluntarily cancel any incomplete service purchase, unless his/her— employment with a KCERA plan sponsor is terminated.
7. Upon termination, the member may either:
  - a. refund any incomplete purchases; or
  - b. pay off the remainder of the purchase in a lump-sum payment within 90 days of terminating employment.;
8. In the event a member fails, within 90 days of his/her termination from employment, to complete payment of the service credit purchase elected ~~within 90 days of his/her termination from employment,~~ the amounts paid by the member toward the service credit purchase shall be refunded to the member, together with applicable interest.
9. As allowed by the CERL, any member who receives a refund of the amounts paid towards his/her service election after termination may be eligible to purchase prior service credit by lump sum prior to the effective date of the member's retirement. -However, the amount owed for the service credit elected will be based on a new calculation.
10. The member shall provide documentation consistent with Article III.A. to demonstrate eligibility to purchase service.

## ARTICLE V - MEMBER INFORMATION AND MEMBER SWORN STATEMENTS

### A. Membership Information Provided to KCERA.

1. Persons who became members of KCERA on or before June 30, 2018, shall complete and provide to KCERA an affidavit called a Member Sworn Statement stating: date of birth, designated beneficiary, and other pertinent ~~required~~ data as required by Section 31526.
2. ~~After~~ On or after July 1, 2018, in lieu of a Member Sworn Statement, KCERA plan sponsors must submit, in a manner determined by KCERA, the information otherwise required in section V.A.1. above.;
3. The date of birth listed on the Member Sworn Statement or provided by the plan sponsor, as applicable, shall determine the age of that member for all retirement-related purposes; unless, upon application of the member, the Board of Retirement determines otherwise.

3.4. KCERA may accept electronic signatures on official KCERA documents as approved by the Chief Executive Officer.

## ARTICLE VI - OPERATIONAL GUIDELINES

### A. Disbursement of Funds.

Pursuant to Section 31590, the Board designates any two (2) of the following to authorize electronic fund transfers drawn on the retirement fund: the Chair, Vice Chair, ~~Executive Director~~Chief Executive Officer, ~~Assistant Executive Director~~Chief Operations Officer, or the ~~Retirement Chief~~ Financial Officer.

### B. Membership and Financial Records.

KCERA shall maintain records of each member's service, individual contributions, and interest credited thereon; ~~and KCERA shall~~ record all financial transactions of the retirement fund.

## ARTICLE VII - AMENDMENTS

### A. Required Vote.

These CERL Regulations may be enlarged, amended, or repealed at any regular or special meeting of the Board by a two-thirds (2/3) vote of the Board; provided notice was given to all members of the Board not less than seven days before the meeting.

### B. Effective Date.

Amendments to these KCERA Board of Retirement CERL Regulations, formerly Bylaws and Regulations Board of Retirement KCERA, shall supersede and replace any and all previous KCERA Bylaws and Regulations of the Board and become effective when approved by the Board of Supervisors.

## ARTICLE VIII - EFFECTIVE DATE

### A. Board of Retirement.

~~Last a~~Amendments passed and adopted by the Board of Retirement at its regular meeting on ~~the 9<sup>th</sup> day of October 9, 2019; -April 14, 2021; and~~ \_\_\_\_\_.

~~Passed and adopted by the Board of Retirement at its regular meeting on the 14<sup>th</sup> day of April, 2021.~~

B. Board of Supervisors.

~~Last a~~Approved by the Board of Supervisors on the 17th day of December 17,  
2019; May 11, 2021; and \_\_\_\_\_.

~~Approved by the Board of Supervisors on the 11<sup>th</sup> of May, 2021.~~

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**KERN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION  
BOARD OF RETIREMENT CERL REGULATIONS**

**(As Amended March XX, 2025)**

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PROPOSED

**KERN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION  
BOARD OF RETIREMENT CERL REGULATIONS**

**ARTICLE I - ADMINISTRATION**

**A. Election of Officers.**

Annually at the regular October meeting of the KCERA Board of Retirement ("Board"), a Nominating Committee shall be formed, consisting of two (2) members designated by the Chairman of the Board and two (2) members designated by the full Board. The Nominating Committee shall select one member of the Board as its nominee for Chair and one member as its nominee for Vice-Chair to hold office during the ensuing year. The Nominating Committee shall present its slate of nominees to the full Board at its regular December meeting. Once the slate of nominees is presented, and before the Board votes to elect its officers, the Chair shall call for other nominations, which may be made by any member of the Board.

At the end of the regular December meeting, the Board shall elect one of its members as Chair and one of its members Vice-Chair, each to hold office for a term of one year. Should a vacancy occur in the Chair position, the Vice-Chair will be the successor. Should a vacancy occur in the Vice-Chair position, the Board shall select a successor for the balance of the unexpired term at its next regular meeting.

**B. Meetings.**

1. Regular meetings of the Board shall be held on the second Wednesday of each month at 8:30 a.m., except as approved at a Regular meeting of the Board of Retirement and set forth in its annual meeting schedule. The Administrative, Finance, and Investment Committees of the Board shall meet, as scheduled by the Chief Executive Officer, the Board Chair, or the relevant Committee Chair. Such meetings will be held at the KCERA office building, located at 11125 River Run Boulevard, Bakersfield, California 93311 unless an alternate location is authorized under Sections 54953 or 54954 of the Brown Act. If a scheduled meeting of the full Board falls on a County holiday, the meeting will be held on the next Wednesday that is not a County holiday. Any scheduled Board meeting may be canceled by the Chief Executive Officer, acting in consultation with the Chair of the Board.
2. Special meetings may only be called as provided in California Government Code Section 54956.<sup>1</sup>
3. Rules of Order. The conduct of Board and committee meetings shall be determined in accordance with the Simplified Rules of Order (Board

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<sup>1</sup> All statutory references relate to the California Government Code unless otherwise specified.

Operations Policy, Appendix A), the Board Operations Policy, these Regulations, open meeting laws and other applicable laws.

The Chair shall be entitled to vote on all questions and shall not be required to relinquish the chair in order to participate in discussions.

4. Order of business shall be at the discretion of the Chief Executive Officer in the absence of instructions from the Board.
5. Quorum. Five members of the Board shall constitute a quorum. No official act of the Board shall be valid unless five of the members concur therein.
6. Communications and requests to the Board shall be made in writing, and the substance of such requests and the action of the Board thereon shall be noted in the minutes.
7. Minutes. The Secretary shall cause to be recorded in the minutes the time and place of each meeting of the Board, the names of members present, all official acts of the Board and votes given by members of the Board. The Secretary shall cause the minutes to be written and presented for approval at the next monthly meeting of the Board. The minutes, or a true copy thereof, approved by the Board and signed by the Secretary and the Chair, shall form part of the permanent records of the Board.

C. Election of Members of the Board of Retirement.

The Board delegates responsibility to the Board of Supervisors and its Chief Registrar of Voters for conducting Board of Retirement elections in a manner set forth in the Election Procedures for Elected Positions on KCERA's Board of Retirement.

D. Compensation and Expense Reimbursement of Members of the Board.

All members of the Board shall receive reimbursement for actual and necessary expenses in accordance with rules and regulations adopted by the County of Kern for reimbursement of expenses incurred by County employees set forth in the Kern County Administrative Procedures Manual and the Board of Retirement Travel Policy. The fourth, fifth, sixth, eighth, ninth, and the alternate retired member are entitled to receive the compensation set forth in Section 31521, but may decline that compensation at any time.

E. Duties and Authority of the Chief Executive Officer.

Under the general direction of the Board, the Chief Executive Officer shall be responsible for the management of the retirement office, including the day-to-day activities of the KCERA. In carrying out the operations of the KCERA, the Chief

Executive Officer has delegated authority as provided in the policies of the KCERA and the Chief Executive Officer Charter. The Chief Executive Officer shall also serve as Secretary to the Board of Retirement.

## ARTICLE II - MEMBERSHIP

### A. Mandatory Membership.

All employees of the County of Kern, the Kern County Superior Court and participating Districts ("KCERA plan sponsors") who are employed in permanent positions, unless excluded from membership by Section B below, shall be included in membership in the Kern County Employees' Retirement Association.

### B. Exclusions from Membership.

The following persons are excluded from membership in the Kern County Employees' Retirement Association:

1. Extra-help employees.
2. Temporary employees. For purposes of this section B.2., a temporary employee does not include an employee whose term of employment is reasonably expected to exceed, or does exceed two continuous years.
3. Any employee who is scheduled to work less than 50% of the full regular working hours per payroll period for their KCERA plan sponsor.
4. Persons whose compensation is fixed at a rate by the day, hour, or meeting and who receive no employee benefits from their KCERA plan sponsor other than those benefits that are mandated by Federal or California Labor laws. Example: health benefits, sick leave, etc.
5. Persons employed as independent contractors (as determined by KCERA) under written contracts for personal services, notwithstanding the terms of such contracts.

### C. Waiver of Membership.

Based upon the authority granted to the Board in Section 31552, any newly hired employee who was not a member of KCERA at the time of employment and who has attained the age of 60 prior to his/her hire date, may, in writing, waive membership in KCERA. Any eligible employee who elects to file such waiver shall be excluded from membership in KCERA. Any such waiver must be submitted to KCERA staff within sixty (60) days of the employee's membership date in KCERA.

The declaration of waiver of membership, upon being filed within the time frame prescribed by KCERA, is irrevocable, and the prospective employee shall not be eligible to join KCERA thereafter.

Except as set forth above, no other eligible employee of a KCERA plan sponsor may waive membership in KCERA.

D. Retention of Membership.

The membership of all employees who are members of KCERA on the effective date of these revised Board of Retirement CERL Regulations, but whose employment on that date is such that these revisions would exclude them from membership, shall be continued, subject to all provisions of the County Employees Retirement Law of 1937 ("CERL") and/or the Public Employees' Pension Reform Act of 2013 ("PEPRA"), as applicable. A member whose services are terminated after the effective date of these revised Board of Retirement CERL Regulations and who re-enters service with a KCERA plan sponsor must be eligible for membership under the Board of Retirement CERL Regulations in effect on the date of re-entry into service in order to receive additional service credit and again become an active member of KCERA.

E. Commencement of Membership.

Employees eligible for membership in KCERA shall become members on the first day of the next pay period following their entrance into eligible service. In addition, eligible employees may delay the effective start date of their membership up to twelve weeks after entrance into service, for the purpose of establishing reciprocity with another public retirement system as described in the CERL.

F. New District Membership.

Districts that apply to the Board for membership in KCERA shall be required to execute a Participation Agreement as a prerequisite to the Board's approval of the District's membership in KCERA.

ARTICLE III - SERVICE CREDIT FOR PRIOR SERVICE WITH A KCERA PLAN SPONSOR

A. Eligible Prior KCERA Service.

As permitted by Sections 31643 and 31644, KCERA defines "Prior Service" as compensated employment of a person by a KCERA Plan Sponsor after January 1, 1945, whether or not such employment was uninterrupted. Credit for prior service with a KCERA plan sponsor shall not be granted unless such prior service meets the membership requirements of Article II. In establishing the length of prior

service for any member entitled to credit therefore, official records of the County's Human Resources Department or official payroll records or other official records of the employing department or KCERA Plan Sponsor shall be controlling. If no official records exist, the Board has discretion to determine whether sworn evidence such as affidavits from the member, the member's department head, fellow employees, or such other relevant sworn evidence can support a member's request to receive service credit for prior service with a KCERA plan sponsor.

#### ARTICLE IV - SERVICE CONTRIBUTIONS

##### A. Return of Contributions.

In accordance with Section 31628, funds returned to an Eligible member (as defined in the Model IRS Regulations previously adopted by KCERA) will be paid to the member no earlier than thirty (30) days after the member's separation from service.

##### B. Service Purchase/Redeposit Provisions -

1. The member shall complete KCERA's written election form for eligible service/unpaid medical leave purchases and/or redeposits.
2. Purchases of eligible service may be made by lump-sum deposits or by payroll deductions on a post-tax basis over a time period allowed by the CERL. For eligible members electing lump-sum deposits, KCERA shall accept eligible rollover distributions as described in KCERA's Model Tax Regulations for Internal Revenue Code sections 401(a)(31) and 402(c) and allowed by state law.
3. Once the purchase of service credit is completed, a member shall not have the option to receive a refund of the amount of service credit purchased.
4. A member shall not be permitted to purchase service credit for the time period between the effective retirement date and the end of the corresponding pay period, if such a difference exists.
5. Except as provided in these Regulations, service purchases and redeposits of contributions will be administered in accordance with the CERL.
6. The member is not allowed to voluntarily cancel any incomplete service purchase, unless his/her employment with a KCERA plan sponsor is terminated.
7. Upon termination, the member may either:



- a. refund any incomplete purchases; or
  - b. pay off the remainder of the purchase in a lump-sum payment within 90 days of terminating employment.
8. In the event a member fails, within 90 days of his/her termination from employment, to complete payment of the service credit purchase elected, the amounts paid by the member toward the service credit purchase shall be refunded to the member, together with applicable interest.
  9. As allowed by the CERL, any member who receives a refund of the amounts paid towards his/her service election after termination may be eligible to purchase prior service credit by lump sum prior to the effective date of the member's retirement. However, the amount owed for the service credit elected will be based on a new calculation.
  10. The member shall provide documentation consistent with Article III.A. to demonstrate eligibility to purchase service.

#### ARTICLE V - MEMBER INFORMATION AND MEMBER SWORN STATEMENTS

##### A. Membership Information Provided to KCERA.

1. Persons who became members of KCERA on or before June 30, 2018, shall complete and provide to KCERA an affidavit called a Member Sworn Statement stating: date of birth, designated beneficiary, and other pertinent data as required by Section 31526.
2. On or after July 1, 2018, in lieu of a Member Sworn Statement, KCERA plan sponsors must submit, in a manner determined by KCERA, the information otherwise required in section V.A.1. above.
3. The date of birth listed on the Member Sworn Statement or provided by the plan sponsor, as applicable, shall determine the age of that member for all retirement-related purposes unless, upon application of the member, the Board of Retirement determines otherwise.
4. KCERA may accept electronic signatures on official KCERA documents as approved by the Chief Executive Officer.

#### ARTICLE VI - OPERATIONAL GUIDELINES

##### A. Disbursement of Funds.

Pursuant to Section 31590, the Board designates any two (2) of the following to authorize electronic fund transfers drawn on the retirement fund: the Chair, Vice Chair, Chief Executive Officer, Chief Operations Officer, or the Chief Financial Officer.

B. Membership and Financial Records.

KCERA shall maintain records of each member's service, individual contributions, and interest credited thereon; KCERA shall record all financial transactions of the retirement fund.

ARTICLE VII - AMENDMENTS

A. Required Vote.

These CERL Regulations may be enlarged, amended, or repealed at any regular or special meeting of the Board by a two-thirds (2/3) vote of the Board; provided notice was given to all members of the Board not less than seven days before the meeting.

B. Effective Date.

Amendments to these KCERA Board of Retirement CERL Regulations, formerly Bylaws and Regulations Board of Retirement KCERA, shall supersede and replace any and all previous KCERA Bylaws and Regulations of the Board and become effective when approved by the Board of Supervisors.

ARTICLE VIII - EFFECTIVE DATE

A. Board of Retirement.

Amendments passed and adopted by the Board of Retirement at its regular meeting on October 9, 2019; April 14, 2021; and \_\_\_\_\_.

B. Board of Supervisors.

Approved by the Board of Supervisors on the 17th day of December 17, 2019; May 11, 2021; and \_\_\_\_\_.



**Date:** March 10, 2025  
**To:** Trustees, Administrative Committee  
**From:** Dominic D. Brown, Chief Executive Officer  
**Subject:** 2025-26 Chief Executive Officer Performance Evaluation Criteria

In accordance with the Chief Executive Officer Performance Evaluation Policy, the Chief Executive Officer must be reviewed by the Administrative Committee each year for the twelve-month period for which the criteria are effective. The following criteria and ratings were approved for 2024-2025, and will be used for 2025-2026:

**CHIEF EXECUTIVE OFFICER  
PERFORMANCE EVALUATION CRITERIA**

1. General Management Abilities as determined by the CEO Evaluation Survey	30%
2. Financial Accounting and Reporting	15%
3. Budgetary Control	15%
4. Strategic Plan Implementation	40%
	<hr/> <hr/> <b>100%</b>

The Chief Executive Officer is required to complete a self-evaluation annually and to share that with the Board, along with the results of a Stakeholder Survey, Employee Survey, and Trustee Survey.

Therefore, it is recommended that your Committee recommend the Board of Retirement approve the 2025-2026 Chief Executive Officer Performance Evaluation Criteria.