

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
Phil Franey
Ajaib Gill
Joseph D. Hughes
Jordan Kaufman
Rick Kratt
John Sanders
Tyler Whitezell
Chase Nunneley, Alternate
Robb Seibly, Alternate
3rd Member (Vacant)

May 1, 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 Tuesday, May 6, 2025, at 8:30 a.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# 857 5054 7920

- (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/85750547920?pwd=qowBD2WpL4UefhSJNEQEzYd5YaT8vL.1>
- Passcode: 145088

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.

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 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. 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

PUBLIC COMMENTS

3. 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.

MATTERS FOR CONSIDERATION

4. [Discussion and review of proposed third-party election administrator and revisions](#) to KCERA's Elections Procedures Policy presented by Chief Executive Officer Dominic Brown and Senior Communications Manager Jeremy Rowell – RECOMMEND BOARD OF RETIREMENT APPROVE PROPOSED THIRD-PARTY ELECTION ADMINISTRATOR AND REVISIONS TO KCERA'S ELECTIONS PROCEDURES POLICY; AUTHORIZE CHIEF EXECUTIVE OFFICER TO SIGN, SUBJECT TO LEGAL ADVICE AND REVIEW
5. [Discussion and appropriate action on review of the KCERA Board of Retirement](#) CERL Regulations presented by Chief Executive Officer Dominic Brown and Deputy Chief Legal Officer Kristen McDonald – RECOMMEND THE BOARD OF RETIREMENT ADOPT PROPOSED CHANGES AND DIRECT STAFF TO SUBMIT TO THE KERN COUNTY BOARD OF SUPERVISORS FOR FINAL APPROVAL

REFERRALS TO STAFF, ANNOUNCEMENTS, OR REPORTS

6. 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.
7. Adjournment



Third-Party Election Administrator & KCERA's Elections Procedure Policy Revisions

Presented by:

Dominic Brown

Chief Executive Officer

Jeremy Rowell

Senior Communications Manager

Background

- 5/1/24 Board Meeting – The Board directed staff to investigate cost and method of engaging a third-party provider to conduct KCERA elections. Staff researched and identified multiple third-party election administrators that conduct mail-ballot and hybrid electronic/mail-ballot elections with CERL systems as well as other retirement systems and presented information to the Administrative Committee.
- 10/29/24 Administrative Committee – The Committee directed staff to select a third-party election administrator, draft edits to KCERA’s Elections Procedure Policy, and return to the Administrative Committee for review.
- **Today** – Staff is presenting its recommended third-party election administrator and revisions to KCERA’s Election Procedures Policy that reflect the new process to your Committee for review and recommendation to the Board.



Recommended Third-Party Election Administrator:

M.K. Elections

- Administers elections for **SBCERA**, **SBCERS**, and **ACERA**
- Increased voter turnout for peer systems due to hybrid voting
- PIN on ballots to prevent duplicate voting
- Cost per member is roughly \$3-\$4 per member, comparable to other vendors



Estimated Cost

Based on 26,000 voter election

Election fee with Online	Printing	Mailing	Local Ballot Count	Total Estimated Cost
\$24,000	\$18,200	\$23,600	\$2,400	\$68,200

Other Cost Factors:

1. Number of election(s) any given year
2. Voter group size, depending on type of election
3. Off-cycle special elections

KCERA's Elections Procedure Policy Revisions:

- Align policy with new election process
- Change references from Kern County Elections and UDEL requirements to KCERA staff and Third-Party Election Administrator
- Simplify and condense requirements for candidates/nominees
- Restructure election calendar for clarity to all parties
- Streamline elections forms to fillable versions on KCERA website





Questions?



ELECTION PROCEDURES POLICY

This policy and procedures shall govern the election of the second, third, seventh, eighth, and alternate seventh and eighth members to the Kern County Employees' Retirement Association ("KCERA") Board of Retirement (hereafter "Board").

ELECTION ADMINISTRATION RESPONSIBILITIES AND CONTRACT

1. The Board delegates responsibility for conducting Board elections in a manner set forth in this Election Procedures Policy for elected positions on KCERA's Board to the KCERA Chief Executive Officer (hereafter "CEO"). The CEO may delegate powers and duties to other KCERA staff, and/or to consultants as appropriate. Any reference to the CEO herein shall mean the CEO or his/her designee.
2. All costs associated with any election for membership on the Board shall be paid by KCERA.
3. In order to prevent an actual or perceived conflict of interest, KCERA shall contract with a third-party election administration provider (hereafter "Contracted Election Provider") to conduct all elections.
4. The CEO shall be responsible for noticing the election; providing all requisite forms to candidates, certifying eligibility of candidates, and posting them on the KCERA website; validating candidate statements, and ballot designations; creating a list of eligible voters and forwarding it to the Contracted Elections Provider; preparing ballots; renting a P.O. Box designated for KCERA elections; providing the vote counting site; storing election materials; and posting the certification provided by the Contracted Election Provider to the KCERA website.
5. The CEO shall review any preliminary challenges to election procedures. If a formal contest statement is filed, the CEO shall determine if a recount will be conducted and notify the requestor.
6. The CEO shall be responsible for determining the disposition of all questionable ballots that are set aside by the Contracted Election Provider.

ELECTION CALENDAR

7. The CEO shall develop a written Election Calendar in March each year in which an election is held that substantially complies with the requirements set forth in this policy. Elections shall be held in October of each election year for terms expiring December 31 of that year. The Election

Calendar may deviate from the timelines provided in this policy when the CEO determines that impossibility, impracticability, improved efficiency, unreasonable expense, or other circumstances warrant such a deviation. If any day on which action is required pursuant to this policy falls on a weekend or holiday, KCERA's next scheduled workday shall be the day on which such action must occur.

NOTICE OF ELECTION

8. The Notice of Election (hereafter "Notice") period is specified in the Election Calendar and continues for an interval of twenty (20) business days, excluding County holidays. The CEO shall publish a Notice as follows:
 - a. For all members, Notices shall be mailed to the last known address of such member on file with KCERA.
 - b. For member organizations, Notices shall be furnished to any organization of active or retired members.
9. The Notice shall include the Election Calendar, a brief description of voting procedures, and other relevant information. The Notice shall be posted on KCERA's website and at the KCERA office during the Notice period.

ELIGIBILITY OF CANDIDATES

10. Any active general member who is not employed in the office of KCERA¹ is eligible to run for the position of second or third member of the Board.
11. To be eligible to run for the seventh member of the Board, the member must be active and be among the group defined in Government Code sections 31470.2 or 31470.4. The alternate seventh safety member shall be the candidate for the seventh member from the group under sections 31470.2 or 31470.4, which is not represented by the seventh member who received the highest number of votes of all candidates in that group.
12. Candidates for the eighth member and alternate eighth member of the Board shall be retired members of KCERA. The alternate eighth member of the Board shall be elected separately by the retired members of KCERA in the same manner and at the same time as the eighth member is elected.
13. These eligibility standards shall be deemed to be amended to comply with current provisions of the County Employees' Retirement Law of 1937 or other applicable law relating to eligibility requirements for members of the Board, or as determined by a court of competent jurisdiction.

¹ Kern County Employees' Retirement Association v. Bellino (2005) 126 Cal.App.4th 781

NOMINATION PERIOD

14. The Nomination Period is specified in the Election Calendar and continues for an interval of twenty (20) business days, excluding County holidays. The Nomination Period immediately follows the Notice of Election Period. Qualified applicants may obtain a KCERA Board Election Information Packet (hereafter "Board Election Information Packet") containing the required nomination documents from KCERA or the KCERA website beginning on the first date of the Nomination Period and through the last date of the Nomination Period.

REQUIRED NOMINATION DOCUMENTS

15. During the Nomination Period, qualified applicants may pursue election to a seat on the Board by completing and submitting all the following required nomination documents, included in the Board Election Information Packet available on the KCERA website:
- KCERA Candidate Nomination Petition Paper
 - KCERA Declaration of Candidacy
 - KCERA Candidate's Statement of Qualifications (if desired)

NOMINATION PETITION

16. During the specified Nomination Period, KCERA shall receive nominations of candidates by circulation of a KCERA Candidate Nomination Petition Paper (hereafter "Nomination Paper"). The number of eligible members required to sign a Nomination Paper for the respective office is not less than 15, nor more than 20. Only those members qualified to vote in the election for the office may sign a Nomination Paper. No member may sign more than one Nomination Paper for the same office, and in the event a member does so, the member's signature shall count only on the first Nomination Paper filed which contains that member's signature. Any member eligible to vote at the election may circulate a Nomination Paper for the candidate for whom the member is eligible to vote.
17. The Affidavit of Circulator on the Nomination Paper may either be notarized or signed in the presence of authorized KCERA staff. Within 10 business days after the close of the Nomination Period, KCERA staff shall verify that the individuals listed on the Nomination Paper are eligible to sign the candidate's Nomination Paper based on a report of eligible members. Any nominee whose Nomination Paper does not contain an adequate number of verified members shall be so notified by KCERA staff, and his or her name shall not be placed on the ballot.

DECLARATION OF CANDIDACY

18. Each Nomination Paper shall include a Declaration of Candidacy of the nominee, using the KCERA form included in the Board Election Information Packet. The nominee's Declaration of Candidacy may either be notarized or signed in the presence of authorized KCERA staff.

CANDIDATE STATEMENT OF QUALIFICATIONS

19. The candidate may also complete and submit a KCERA Candidate Statement of Qualifications (hereafter "Candidate Statement") which shall be mailed with the ballot to each member. The Candidate Statement must adhere to the following guidelines. If a candidate does not submit a Candidate Statement by the deadline outlined in the Election Calendar, no statement will be included on the ballot for that candidate.
- a. The statement, which shall not exceed 200 words, shall be limited to include the name and occupation, including identification of the candidate's employing department or special district, and a brief description of the candidate's education and qualifications expressed by the candidate.
 - b. The statement may not make reference to any other candidate's qualifications, character, or activities, and the candidate shall declare under penalty of perjury that the contents of his or her candidate statement are true and correct.
 - c. KCERA shall not cause to be printed or circulated any statement which is not so limited and declared under penalty of perjury.
 - d. Candidate Statements may be withdrawn and changed until the filing deadline outlined in the published Election Calendar. Candidate Statements shall remain confidential until the expiration of the filing deadline.
 - e. The Candidate Statement shall be included as a part of the ballot in the same formatting that it is received from the candidate (capitalization, bold, underline, etc.), except that it may be reformatted to the block format. Additionally, the statement will not be edited for grammar and punctuation.
 - f. Information contained in the Candidate Statement is the responsibility of the candidate, and KCERA accepts no responsibility for its validity or its contents. KCERA will not assist in any way with additional campaign materials that a candidate or someone supporting or opposing a candidate may wish to distribute to voters.
20. The above-required documents are due no later than 5:00 p.m. on the last date of the Nomination Period as stated in the Election Calendar. There is no opportunity to amend the documents after that time.

CERTIFICATION OF ELIGIBLE CANDIDATES

21. According to the Election Calendar, KCERA shall publish a list of all eligible candidates. The list of candidates shall be posted at the KCERA office and on the KCERA website for a period of ten (10) business days.
22. Only candidates who meet the filing requirements and submit the Required Documents outlined in section 15 above will be certified. The CEO shall certify a candidate's eligibility no later than five (5) business days after the close of the nomination period, as outlined on the Election Calendar. In the event a candidate is not eligible, notice shall be provided to the Contracted Election Provider and to the ineligible candidate.

EXTENSION OF NOMINATION PERIOD IF INCUMBENT FAILS TO FILE

23. Notwithstanding any other provision of this policy, if an incumbent trustee does not meet the filing requirements provided herein by 5:00 p.m. on the last day of the Nomination Period, the Nomination Period will be extended for five (5) additional business days, as outlined in the Elections Calendar. Any person (other than the person who was the incumbent on the last day of the Nomination Period) shall have until 5:00 p.m. on the last day of the Extended Nomination Period to meet the filing requirements provided herein. This extension provision is not applicable where there is no incumbent to be elected, or the incumbent is not eligible for re-election to the trustee position in which he or she holds at the time the nomination period closes.

WITHDRAWAL

24. A candidate may withdraw his or her declaration of candidacy no later than the last day of the Nomination Period as outlined in the Election Calendar, or in the event paragraph 23 above is applicable, no later than the last day of the Extended Nomination Period.

WRITE-IN CANDIDATES

25. A member may declare candidacy as a write-in candidate by meeting the filing requirements provided herein by the deadlines listed in the Election Calendar.

ELECTION RESULT IF NO MORE THAN ONE CANDIDATE

26. After the Nomination Period ends, if only one member has met the filing requirements provided herein, no election shall be held, and the CEO shall prepare an appointment in lieu of election declaring such member elected to the office for which he or she was nominated. If the seventh member is appointed in lieu of election, an election may be held for the alternate seventh member if an eligible candidate timely files as a Write-in Candidate.

ELECTION OF ALTERNATE SEVENTH MEMBER

27. If KCERA declares an appointment in lieu of election for the seventh member, KCERA shall provide notification regarding the write-in candidate process to Kern County Departments employing eligible alternate seventh member candidates and member groups representing the alternate seventh member candidates.
28. If no eligible candidate for the alternate seventh position meets filing requirements provided herein as a Write-in Candidate, the Board may elect not to fill the alternate member seat or may elect to receive applications for appointment. Applications for appointment to an alternate member seat shall be placed on a regular Board meeting agenda.

BALLOTS

29. Ballots shall be prepared by the Contracted Election Provider and mailed to each member eligible to vote according to the Election Calendar timeline. All members eligible to vote will receive both electronic and paper ballots.
- Members eligible to vote for the second and third members are all active and deferred members of KCERA.
 - All active and deferred members designated as safety members are eligible to vote for the seventh member of the Board.
 - Only retired members are eligible to vote for the eighth member of the Board.
30. The names of all candidates who have timely met filing requirements provided herein shall be printed on the ballot. The ballot shall not contain the name of any candidate unless duly nominated as provided herein. At the option of the candidate, the title of the public service position he or she holds or from which he or she is retired may be printed immediately after or below his or her name on the ballot. In lieu of the public service position designation, a candidate may have the name of his or her appointing authority's department or division printed on the ballot. A candidate for the same seat which he or she presently holds may also have the word "Incumbent" printed immediately after or below his or her name on the ballot. Any title or designation provided to KCERA to print on the ballot, as indicated above, shall be declared by the candidate to be true and correct under penalty of perjury.
31. The order in which the candidates are listed on the ballot shall be determined by a random drawing conducted by the Contracted Elections Provider. Voting instructions shall be included with the ballots mailed and electronically emailed to the members.
32. Instead of voting for a candidate listed on the ballot, a member may cast a vote for a Write-in Candidate who has timely met filing requirements provided herein, by writing in the name of that member in the space provided.
33. If a member returns more than one ballot, only the first ballot received is counted and the following ballot(s) received will be voided. The CEO must pick up all ballots from the designated P.O. Box at 9:00 a.m. on the day following the scheduled voting deadline.
34. The ballot will be void and shall not be counted if the member fails to comply with voting instructions. Ballots shall be void if:
- a. Received after Election Day
 - b. A duplicate ballot is cast
 - c. It is not possible to determine who submitted the ballot
 - d. It was submitted in the same envelope with other ballots; and/or
 - e. The voter's intent cannot be determined.

35. Ballots determined to be void under this section shall be marked as such and shall not be counted by the Contracted Election Provider. The Contracted Election Provider will deliver ballots marked as void to the CEO on the day designated for counting ballots.

STATEMENT BY BOARD OF RETIREMENT

36. In addition to the ballot, the voting instructions, and the candidate statements (if any), each member shall receive an informational statement from the Board.

VOTING DEADLINE

37. In order to be processed and counted, voted ballots must be received at the designated P.O. Box no later than 11:59 p.m. on Election Day.

CAMPAIGN GUIDELINES

38. No member may use County/Employer time or resources to campaign for a member seeking election to the Board, including dissemination of campaign information via the Participating Employers' electronic communications system; provided, however, employers shall permit each candidate, upon request, to post reasonable campaign material on the organization bulletin board. Posted items shall be no larger than 8 ½" by 11 ½". Employers may reasonably refuse to post any offensive or defamatory material. Nothing herein shall be deemed to make any campaign material or statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for distribution or posting.

COUNTING OF BALLOTS

39. The Contracted Election Provider shall verify the names on all returned envelopes against the members mailing list or roster and prepare ballots for counting. Contracted Election Provider staff shall conduct the ballot count. The Contracted Election Provider shall meet at 9:00 a.m. in the KCERA office on the date designated on the Election Calendar following the election, for the counting of ballots and determination of any questionable ballots. Any person may observe the ballot count.
40. The candidate for the second, third, seventh, eighth, and alternate eighth member offices who receives the highest number of votes cast for such office shall be elected to such office for the term next succeeding. In the event of a tie vote, the procedures set forth in California Elections Code section 15651(a) shall be used to determine the election results.

CERTIFICATE OF ELECTION RESULTS

41. The CEO shall file a certificate of elections results with the Board. The certificate of election results shall be posted on KCERA's website and at the entrance to KCERA's office for one week commencing with the day following the day election results are certified by the CEO.

CONTEST OF ELECTION RESULTS

42. Within five (5) business days of certification of the election results by the Contracted Election Provider (or as revised pursuant to the Election Calendar), a candidate may upon written application to KCERA request a recount of all ballots to be conducted by the Contracted Election Provider. Prior to the requested recount, the Contracted Election Provider shall determine the cost for conducting such a recount. The candidate requesting the recount shall deposit this amount with KCERA prior to the recount for payment to the Contracted Election Provider. Money so deposited shall only be returned to the depositor if, upon the completion of the recount, the candidate requesting the recount is found to have received a plurality of all votes cast. The recount shall be conducted in the same manner as the original count.

RETENTION OF BALLOTS

43. All envelopes containing voted ballots and all voted ballots (whether or not counted) shall be retained for 30 days in the KCERA office or until such further time as is required to settle any contest concerning the election.

SWEARING IN ELECTED MEMBERS

44. Newly-elected members of the Board shall be sworn in by the CEO or other public official authorized to administer oaths prior to participating in their first Board or Committee meeting. This can be done in conjunction with New Trustee Orientation.

SPECIAL ELECTIONS

45. A special election shall be called by the Board within 30 days of the occurrence of the vacancy if a vacancy occurs for any reason during the term of office of an elected board member, other than alternate members, unless the term of office will end less than 365 days from the occurrence of the vacancy; provided, however, that if the term of office will end less than 365 days from the occurrence of the vacancy, the Board may call a special election to fill such vacancy of the Board if, in its discretion, determines that such action is in the best interests of KCERA.
46. The vacancy shall be filled for the duration of the current term, except that, if the remaining portion of the current term is six months or less on the date of the election, a single election may be held to fill the vacancy for the remainder of the current term and to fill the position for the succeeding term. (Gov't Code §31523). Nominations and voting shall be substantially in the manner prescribed for a regular election. The candidate receiving the highest number of votes for the vacated seat shall be declared elected to that seat. Such candidate shall serve for the remainder of the unexpired term from and after the first day of the first month following the declaration of his/her election.

47. The Board of Retirement may call a special election to fill a vacancy occurring in the office of any alternate member if the Board if, in its discretion, determines that such action is in the best interests of KCERA.

BOARD DISCRETION

48. The purpose of this Election Procedures Policy is to ensure an orderly, fair, and impartial process for the conduct of elections of trustees to the Board. In the event there is any ambiguity or uncertainty regarding the application of these procedures to a particular election issue, or there is no procedure specifically addressing the election issue, the Board shall decide the issue upon application by any person, or on its own motion. In exercising its administrative discretion under these procedures, the Board shall be mindful of the purpose of these procedures and may be guided by general principles of California elections or other applicable law.

Attachments/Links:

KCERA Board Election Information Packet:

- KCERA Candidate Nomination Petition Paper
- KCERA Declaration of Candidacy Form
- KCERA Candidate's Statement of Qualifications Form

Sample – KCERA Election Calendar

KCERA Elections Webpage

POLICY REVIEW AND HISTORY

This policy shall be reviewed at least every five (5) years.

- 1) This policy was:
 - a) Adopted by the Board on August 8, 2018.
 - b) Amended on April 12, 2023, and _____.

Date: May 6, 2025

To: Trustees, Administrative Committee

From: Jennifer Esquivel Zahry, Chief Legal Officer
By 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 I. Section C. Election of Members of the Board of Retirement** (page 2). Staff updated this section to account for the concurrent updates to the Elections Policy. Specifically, this section was amended to remove reference to the Board of Supervisors and Registrar of Voters as being delegated the responsibility to conduct KCERA elections. The change is in anticipation of your Committee’s recommendation to move to a third-party elections administrator. This section now delegates responsibility for conducting KCERA Board of Retirement elections in a manner set out in the Elections Policy rather than by specific reference to the Board of Supervisors and Registrar of Voters.

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 approval¹.

¹ 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 ~~14XX~~, 20212025)

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DRAFT

**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 54956.¹
3. Rules of Order. The conduct of Board and committee meetings shall be determined in accordance with the Simplified Rules of Order (Board

¹ 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 Policy 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 _____.

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

(As Amended April 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 54956.¹
3. Rules of Order. The conduct of Board and committee meetings shall be determined in accordance with the Simplified Rules of Order (Board

¹ 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 for conducting Board of Retirement elections in a manner set forth in the Election Procedures Policy 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.
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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 December 17, 2019; May 11, 2021; and _____.