



FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

BOARD OF RETIREMENT

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Donald C. Kendig, CPA
Retirement Administrator

DATE: December 16, 2015

TO: Board of Retirement

FROM: Donald C. Kendig, CPA
Retirement Administrator

SUBJECT: **Consideration of FCERA Policies: Board Operations, Boardroom Usage, Strategic Planning, and Inventory Control presented by Donald Kendig –RECEIVE AND FILE; APPROPRIATE ACTION**

Background and Discussion

The Fresno County Employees' Retirement Association (FCERA) policies are to be reviewed periodically and many indicate a minimum of every three years, and have been last reviewed during various dates. For many, their cyclical review is overdue and they are being brought before the Board for confirmation and adoption. The policies are presented with new formatting and are listed as follows with any substantive changes noted:

- Board Operations (8/4/10) – Added definition for PEPPRA and cleaned up legislative references throughout for clarity and the new formatting of the Bylaws. The only changes not directly made to conform with the updated Bylaws are: III.1.d. giving two-thirds of the board the ability to extend a Chair's term beyond 2 years; III.2.b. clarifying when a Chair recommends the committee members, III.2.e. deleting the provision due to a conflict with III.2.b; and, III.3.d. adding designation of an alternate committee chair in writing, in order to provide a verifiable designation.
- Policy Regarding Other Entities' Use of the Fresno County Employees' Retirement Association's Boardroom (Boardroom Usage) (8/15/12) – First and foremost, simplified the name.
- Strategic Planning (8/4/10) – None. No redline provided because just the name of the Secretary was changed, and the last review date was added. The last strategic plan was in 2008. The policy indicates that the Retirement Administrator will establish a draft strategic plan on a fiscal year basis. Given this, I will incorporate this cyclical task as part of the 2016-17 budget development process. The budget is a monetary plan that supports an implicit strategic plan, and I will provide the words to describe the efforts that will be undertaken as part of that annual strategic plan. For the periodic reporting, I will incorporate updates as a section in the Quarterly Retirement Administrator Reports. A strategic plan also lends itself

to a multi-year view and as such a rolling 3 year plan with near and long term goals will be presented.

- **Inventory Control (3/21/07) – Rescind.** As with the Capitalization of Assets and Control of Capital and Controlled Capital Type Assets policies rescinded on October 7, 2105, this policy was developed during separation from the County and established inventory tracking and accounting procedures for FCERA as a separate entity. Presently, management is responsible for the preparation of financial statements in accordance with accounting principles generally accepted in the United States, which includes tracking our inventory/assets, and is audited annually by FCERA’s external auditors in accordance with auditing standards generally accepted in the United States.

It is recommended that the proposed policy updates be adopted as presented. They may also be adopted as modified for board directed changes. Further staff recommends rescinding the Inventory Control policy (3/21/07).

Fiscal and Financial Impacts

None from the recommended changes.

Recommended Action(s)

1. Approve the updated Fresno County Employees’ Retirement Association (FCERA) policies: Board Operations, Boardroom Usage, and Strategic Planning.
2. Rescind the Inventory Control policy (3/21/07).

Attachment(s)

1. Proposed Fresno County Employees’ Retirement Association (FCERA) policies
 - a. Board Operations
 - b. Boardroom Usage
 - c. Strategic Planning
2. Redline of the Fresno County Employees’ Retirement Association (FCERA) policies
 - a. Board Operations (8/4/10)
 - b. Policy Regarding Other Entities’ Use of the Fresno County Employees’ Retirement Association’s Boardroom (Boardroom Usage) (8/15/12)
3. Inventory Control (3/21/07) – **Rescind**

FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)
BOARD OPERATIONS POLICY

I. Purpose

- 1) This Board Operations Policy provides guidelines describing:
 - a) The appointment of Board Officers;
 - b) The establishment of board committees; and
 - c) The manner in which meetings of the Board and its committees will be conducted so as to ensure that such meetings are efficient and productive.

II. Definitions

- 1) The *1937 Act* shall mean The County Employees Retirement Law of 1937. (*Cal Gov. Code, § 31450 et seq.*)
- 2) *PEPRA* shall mean the California Public Employees' Pension Reform Act of 2013. (*Cal Gov. Code § 7522 et seq.*)
- 3) *The Brown Act* shall mean the Ralph M. Brown Act, (*Cal Gov. Code § 54950 et. seq.*), also known as the Open Meeting Laws.
- 4) The *Bylaws* shall mean FCERA's *Bylaws and Regulations of the Board of Retirement*.

III. Policy Guidelines

- 1) Board Officers
 - a) Annually at the last regular meeting in December, the Board shall elect one of its members as Chair, and one of its members as Vice-Chair. Board officers shall hold office for a term of one year or until a successor is duly elected and qualified. (Bylaws § 2.1.1)
 - b) If a board officer fails for any reason to complete his term, the Board shall select a successor for the balance of the unexpired term at its next regular meeting. (Bylaws §2.1.1)
 - c) Officers may be removed by a two-thirds vote of the entire Board (i.e., six board members). (Bylaws § 2.1.1)
 - d) A board member may be elected to the position of Chair for up to two consecutive terms, unless approved for additional terms by a two-thirds vote of the entire Board.
 - e) The Retirement Administrator shall serve as Secretary of the Board. (Bylaws § 2.1.3)

2) Committees of the Board

- a) The standing committees of the Board shall be as follows:
 - i. Audit Committee
 - ii. Budget Committee
 - iii. Disability Committee
 - iv. Personnel Committee
 - v. Board Consultants Evaluation Committee
- b) Annually at the first regular meeting in January, the Chair shall recommend to the Board for appointment committee Chairs, members and a committee alternate to each standing committee on an annual basis, and to each ad hoc committee as needed. In recommending committee appointments, the Chair shall seek input from the Board during board meetings and shall consider the following factors:
 - i. The need to maintain a level of continuity in committee membership;
 - ii. The need to rotate the composition of committees to provide diversified experience to board members;
 - iii. The need to ensure that, to the extent possible, board members' committee appointments reflect their areas of interest;
 - iv. The need to maintain balance between the elected and appointed members of the Board; and
 - v. The need to minimize conflicts of interest.
- c) The Board may approve the establishment of new standing and ad hoc committees in consultation with the Retirement Administrator.
- d) Standing and ad hoc committees shall be composed of at least three board members and one committee alternate or four board members with no alternate. Committee members shall be selected from among the board members and alternate board members of the Board.
- e) The primary function of committee alternates is to serve as voting committee members at committee meetings when necessary to satisfy quorum requirements, but alternates may attend any meeting of the committee as an observer.

- f) In the event that the committee chair is unable or unwilling to complete his term, the committee shall elect a replacement from among its members to serve for the balance of the unexpired term.
- g) The Retirement Administrator shall ensure board committees receive adequate support from staff, and shall assign a designated staff contact to each committee.
- h) The Retirement Administrator shall recommend and the Board shall adopt a charter for each standing and ad hoc committee, that provides a description of the committee's mandate, specifies a staff contact, and, in the case of ad hoc committees, contains a provision for disbanding the committee once it has fulfilled its mandate. These materials require board approval.

3) Attendance

- a) Board members shall make every reasonable effort to attend all meetings of the Board and all meetings of committees on which they serve. Should a board member be unable to attend a meeting of the Board or a committee on which they serve, the board member shall notify the Retirement Administrator as soon as possible to help ensure that a quorum will be achieved.
- b) Board members who are not members of a standing committee may attend any meeting of that standing committee, as observers. Board members who are not members of an ad hoc committee may not attend a non-public meeting of that committee, but may attend a public meeting of that committee, as observers.
- c) If the Chair is absent from a board meeting, the Vice Chair shall preside. If the Chair and Vice-Chair are both absent from a board meeting, the Board shall elect a Chair pro tem for the meeting. Alternate members of the Board are eligible to serve as Chair pro tem when sitting for a regular member. (Bylaws § 2.1.2).
- d) If a committee chair is unavailable to attend a meeting, then he shall designate another member of the committee to serve as committee chair in his absence in writing via memo or email. If the committee chair is unable to do so, the remaining committee members may appoint a pro tem committee chair from among themselves for the meeting.
- e) The Retirement Administrator shall provide a report to the Board annually, and more often if requested by the Board or a committee, of attendance at meetings. (Bylaws § 2.2.3)

4) Scheduling of Meetings

- a) Regular meetings of the Board shall be held on the first and third Wednesdays of each month at 8:30 a.m. Meetings shall generally be held in the Board room of the FCERA offices. (Bylaws § 2.6.1).
- b) Special meetings of the Board may be called at any time by the Chair or by a majority of the members of the Board only as provided in the Brown Act (Bylaws § 2.6.2.a).
- c) Emergency meetings of the Board may be called by the Chair, the Administrator, or by a majority of the members of the Board only as provided in the Brown Act (Bylaws § 2.6.2.b).
- d) At its first meeting each year, each standing committee may establish a schedule of meetings for the balance of the year, unless it expects to meet on an irregular basis. The committee chair, in consultation with the Retirement Administrator, may cancel or reschedule a meeting, if it is apparent that there will not be a quorum or it is deemed that there are insufficient issues to warrant a meeting. Attempts will be made to provide all committee members at least one week's notice of cancellation of any meeting.

5) Agenda

- a) The agenda shall be posted in accordance with the provisions of The Brown Act. Accordingly, the Secretary to the Board shall prepare and post a written agenda for all regular meetings of the Board, at least 72 hours in advance of the subject meeting. Agendas for special board meetings and committee meetings shall be prepared and posted at least 24 hours in advance of the subject meeting.
- b) The agenda and materials for board and standing and ad hoc committee meetings shall generally be distributed to board members at least 72 hours in advance of the subject meeting. Said materials shall also be made available to members of the public in accordance with The Brown Act.
- c) Items may be placed on the board or committee meeting agenda, prior to the agenda being posted, by any of the following means:
 - i. By action of the Board or committee at a previous meeting;
 - ii. By the Board or committee chair;
 - iii. By the Retirement Administrator; or

- iv. At the request of a board member, a plan member or any other party, with the approval of the Board, Board Chair, appropriate committee chair, or the Retirement Administrator.
- d) Once posted, items may be added to a board or committee meeting agenda only in accordance with The Brown Act.
- e) As more particularly stated in the Brown Act, no action or discussion shall generally be undertaken on any item not appearing on a meeting agenda, except that members of the Board or the committee, as the case may be, or its staff may:
 - i. Briefly respond to statements made or questions posed by members of the public during Public Comment;
 - ii. Ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities;
 - iii. Provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. (The Brown Act, Cal Gov. Code § 54954.2. (a))
- 6) Public Comment
 - a) As more particularly stated in The Brown Act:
 - i. Every agenda for regular board or standing committee meetings shall provide an opportunity for members of the public to directly address the Board or committee on any item of interest to the public, before or during the body's consideration of the item, that is within the subject matter jurisdiction of the body, provided that no action shall be taken on any item not appearing on the agenda (unless the action is otherwise authorized by subdivision (b) of Cal Gov. Code § 54954.2 of The Brown Act.)
 - ii. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.
 - b) As more particularly stated in the Brown Act, with respect to any item that is already on the agenda, the public will be given the opportunity to comment before or during the Board or committee's hearing of the item. When a member of the public raises an issue not yet before the Board or committee, the Board may engage in limited discussion of the item, but no action shall be taken on the item (unless the action is otherwise authorized by subdivision (b) of Cal Gov. Code § 54954.2).

- c) At the discretion of the presiding officer, the duration of any address by a member of the public may be limited to five minutes.
- d) Members of the public shall be encouraged to inform FCERA in advance of their intention to address the Board or a committee of the Board at a public meeting, so that FCERA may set or modify the agenda to best accommodate the public.
- e) If the Board or a committee expects that a number of public members may wish to address the Board on a particular matter at an upcoming meeting, it may call a special meeting devoted strictly to public comment if it believes that a special meeting may be more convenient or effective for the Board and the public.
- f) In the event that more than one member of the public wishes to address the Board or a committee on an issue, the Board or committee will generally allow all such members to speak consecutively before addressing any of them.
- g) Notwithstanding the immediately preceding paragraph, the Board will generally refrain from immediately responding to or taking action on comments from the public, but will instead, where appropriate, direct staff or advisors to consider the comments and provide the Board or committee with recommendations at a subsequent meeting.

7) Rules of Order

- a) Except as otherwise provided in this policy, the By-laws and Regulations of the Board of Retirement, or The Brown Act, Robert's Rules of Order (most recent edition) shall guide the Board in its proceedings. (Bylaws § 2.4)
- b) The order of business shall be set in the Chair's discretion, unless otherwise directed by the majority of the Board. (Bylaws § 2.4)

8) Quorum and Voting

- a) The Board can have up to two alternate members, one elected by the safety members and one elected by the retired members. For purposes of this policy, "voting members" include any alternate member who is serving in the absence of another board member, in accordance with the 1937 Act.
- b) Five voting members of the Board shall constitute a quorum for board meetings. (Bylaws § 2.3).
- c) A majority vote of the quorum present at the time of voting shall govern the decisions of the Board, unless otherwise specifically provided for in the 1937 Act, other applicable law, or the Bylaws. (Bylaws § 2.3)

- d) The Chair shall have a vote on all questions and shall not be required to relinquish the officer position in order to participate in discussion (Bylaws § 2.1.4).
- e) A majority of voting members shall constitute a quorum for committee meetings.
- f) All formal actions taken by a committee must be approved by the Board at a scheduled board meeting, unless the committee's charter specifically authorizes independent action by the committee.
- g) Motion to reconsider a board action may only be brought by a board member who voted on the prevailing side when the matter was first considered by the Board. The request for reconsideration of previous board action must include in detail any information not previously considered. The motion may be seconded by any board member.

9) Minutes and Records

- a) The Secretary to the Board shall cause to be recorded in the minutes of board meetings the following:
 - i. The time and place of each meeting of the Board;
 - ii. The names of board members present;
 - iii. The names of staff present, and any service providers present, and the firm they represent;
 - iv. The time at which a board member arrived or left the meeting after its commencement or prior to its conclusion; and
 - v. All official acts of the Board, together with the votes thereon, except for action that is unanimous; and when requested, a member's dissent or approval with his or her reasons. (Bylaws § 2.5.1)
 - vi. Minutes of closed sessions, when appropriate under the Brown Act, Cal Gov. Code § 54957.2.
- b) The Secretary shall cause the board minutes to be written and presented for approval no later than the second succeeding regular meeting. The minutes or a true copy thereof submitted and signed by the Secretary after approval by the Board shall form part of the permanent records of the Board. (Bylaws § 2.5.1)
- c) Minutes of committee meetings shall be similarly prepared by the committee's staff contact, and presented for approval at the next committee meeting. The minutes or a true copy thereof submitted and signed by the Secretary after approval by the committee shall form part of the permanent records of the Board.

- d) Both board and committee minutes shall focus on describing any actions that occurred, and shall provide sufficient detail to evidence the Board's deliberations in the matter.
- e) Staff will provide the Board with a regular report that enables the Board to track, from meeting to meeting, the status of prior Board directions to staff.

IV. Policy Review

- 1) The Board shall review this policy at least every three years to ensure that it remains relevant and appropriate.

V. Policy History

- 1) This policy was adopted by the Board on April 4, 2007.
- 2) The Board of Retirement reviewed and modified this policy on September 19, 2007, August 4, 2010, and December 16, 2015.

VI. Secretary's Certificate

I, Donald Kendig, the duly appointed Secretary of the Fresno County Employees' Retirement Association, hereby certify the adoption of this Policy.

[Date]

Date of Action:

[insert signature]

By: Retirement Administrator

FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)
BOARDROOM USAGE POLICY

I. Purpose

- 1) The Fresno County Employees' Retirement Association ("FCERA") owns the building on H Street that it occupies. The building includes a reception area, offices, a kitchen facility, restrooms and a formal boardroom where the FCERA Board of Retirement ("Board") regularly meets. From time to time, various groups have requested that they be permitted to use the FCERA boardroom to conduct their meetings.
- 2) Although there is no express legal requirement that the Board make the FCERA boardroom available to other entities to meet, FCERA is a public agency and the Board has determined that it is reasonable for the Board to make the boardroom available for use, subject to the guidelines stated in this Policy.

II. Definitions

- 1) Approved Entities:
 - a) Public agencies located within or associated with the County of Fresno; and
 - b) Organizations or groups whose membership is comprised solely of active, deferred and/or retired FCERA members.

III. Policy Guidelines

- 1) Unless and until the Board determines otherwise, only Approved Entities are authorized to meet in the FCERA boardroom.
- 2) Any public entity or group that wishes to use the boardroom must provide all relevant information pertaining to its proposed use of the boardroom (time, date, expected number of attendees, nature of the organization, purpose of the meeting, etc.), so that the FCERA Administrator or his designee can ensure that the proposed meeting will be in compliance with this Policy. The Administrator may specify that such requests must be submitted in writing and if so, that such request be made on a form prescribed by the Administrator.
- 3) Approved Entities will be permitted to schedule meetings in the FCERA boardroom only during FCERA's normal business hours.
- 4) Approved Entities' meetings will not be permitted if the FCERA Retirement Administrator or his designee determines that a proposed meeting will interfere with the conduct of FCERA's business.
- 5) In order to use the boardroom, Approved Entities must agree to fully reimburse FCERA for any material costs that FCERA may incur as a result of its use of the boardroom. This does not include services such as lights and air conditioning, which will generally be functioning during normal business hours. Further, the groups must agree to leave the boardroom in the same condition it was in before the meeting.

- a) Failure to return the room in the same condition it was in before the meeting could result in the suspension of boardroom usage for a period of 90 days, for the first offence, 1 year for the second offence, and permanently for the third offense.
- 6) Approved Entities will not be permitted to use the FCERA boardroom if the FCERA Retirement Administrator or his designee determines that such use might create safety concerns, or if the FCERA Retirement Administrator or his designee determines that such use would violate any applicable law(s). Scheduled meetings are subject to cancellation at any time if FCERA's business needs require such change.
- 7) In order to use the boardroom, each Approved Entity must agree to fully indemnify FCERA from any loss that FCERA may suffer as a result of that Approved Entity's use of the boardroom. Usage of the boardroom constitutes agreement of this provision.
- 8) Attendees at the meetings of Approved Entities will not be given access to any portion of the FCERA premises either (a) containing confidential FCERA member information, or (b) in which such access would interfere with the conduct of FCERA's business.
- 9) Approved Entities' use of the boardroom for any particular meeting is not a grant of any license or right to use the boardroom beyond that single meeting.
 - a) The Board reserves the right to amend or terminate this Policy at any time for any reason.
 - b) The FCERA Retirement Administrator or his designee reserves the right to reject any future meeting requests at any time for any lawful reason.
- 10) Approved Entities may not make use of any technology belonging to FCERA or attached to the FCERA premises, except that those entities which have installed technology in the FCERA Board room at their own expense (and with the prior approval of the FCERA Retirement Administrator or his designee) may make use of their technology.
- 11) All meetings of Approved Entities in the boardroom must be fully open to all members of the public, except that entities subject to the Ralph M. Brown Act, Government Code section 54950, et seq. ("Brown Act") may hold a closed session, if such closed session is authorized by the Brown Act. FCERA staff will not assist any Approved Entity in any action to exclude any person from a meeting held on FCERA's premises.
- 12) If an Approved Entity otherwise meets the guidelines of this Policy, as set forth in Nos. 1 through 11 above, it will be permitted to use the boardroom, without any preference given to any particular Approved Entity over another, except that entities will be granted permission to use the boardroom at a particular time and date, based on which entity first requests that particular time and date.

13) The use of the boardroom by an Approved Entity does not constitute FCERA's or the Board's endorsement of any goal of that Approved Entity, or any actions taken or statements that may be made at the meeting(s) of that Approved Entity.

14) From time-to-time the FCERA Retirement Administrator or his designee shall inform the Board of meetings that have been approved or rejected under this Policy.

IV. Policy Review

1) The Board shall review this policy at least every three years to ensure that it remains relevant and appropriate.

V. Policy History

1) This policy was adopted by the Board on August 15, 2012.

2) The Board of Retirement reviewed and modified this policy on December 16, 2015.

VI. Secretary's Certificate

I, Donald Kendig, the duly appointed Secretary of the Fresno County Employees' Retirement Association, hereby certify the adoption of this Policy.

[Date]

Date of Action:

[insert signature]

By: Retirement Administrator

FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)
STRATEGIC PLANNING POLICY

I. Purpose

- 1) The purpose of this policy is to set out the general process by which the FCERA Board and management will discuss and agree upon the strategic direction of FCERA and the specific strategic planning projects to be undertaken each year.

II. Roles and Responsibilities

- 1) The role of the Board in the strategic planning process is to:
 - a) To be available to the Retirement Administrator to provide input on the strategic direction of the FCERA and the specific strategic planning projects to be undertaken;
 - b) To review and approve the Strategic Plan developed by staff; and
 - c) To monitor progress in implementing the Strategic Plan.
- 2) The role of the Retirement Administrator in the strategic planning process is to:
 - a) Identify the strategic challenges and alternatives facing the FCERA and solicit board input on how to address such challenges and alternatives;
 - b) Prepare a Strategic Plan for board review and approval, including at a minimum:
 - i. The mission and strategic priorities of the FCERA
 - ii. The projects to be undertaken by the FCERA in order to carry out the mission along with the necessary project parameters (e.g. timing, deliverables, responsible parties, budget implications, etc.)
 - c) To implement the Strategic Plan as approved by the Board; and
 - d) To provide the Board with the necessary information and reporting to enable the Board to effectively monitor the status of the Strategic Plan.

III. The Planning Process

- 1) Each fiscal year, the Retirement Administrator will establish a draft Strategic Plan for the next fiscal year, that will include, at a minimum:
 - a) A review of the appropriateness of FCERA's mission statement and its long-term strategic objectives;
 - b) A review of the progress made in implementing the previous years' Strategic Planning projects;

- c) A general assessment as to whether FCERA is well positioned to achieve its mission and long-term objectives. Potential issues to be considered include, but are not limited to:
 - i. Investments and funding;
 - ii. Member services and administration;
 - iii. Human resources;
 - iv. Systems and operations; and
 - v. Governance and public relations.
 - d) Potential new strategic planning projects to be initiated in the current year along with relevant project parameters (e.g. project deliverables and timing).
- 2) The Retirement Administrator shall present the draft Strategic Plan to the Board for review, discussion, revision and eventual approval.
- 3) The FCERA recognizes that it is important that the Board have an opportunity to provide input into the broad strategic direction and objectives of the Association. However, the most appropriate methods for providing such input may vary from year to year depending upon the circumstances. It shall be the responsibility of the Retirement Administrator each year to determine the most appropriate approaches, which may include, but are not limited to:
- a) Holding a special meeting of the Board to discuss or brainstorm strategic planning issues;
 - b) Making staff presentations to the Board on strategic issues;
 - c) Holding a strategic planning retreat; and
 - d) Discussing the draft strategic plan at one or more regularly scheduled board meeting(s).
- 4) Should the Retirement Administrator determine that changing circumstances will not allow staff to complete a particular project as planned, the Board will be informed in a timely manner.
- 5) Once approved by the Board, the Strategic Plan will be made available to all staff members of FCERA, and to interested external parties upon request.

IV. Reporting

- 1) The Retirement Administrator will provide the Board with periodic reports on the status of the Strategic Plan.

V. Policy Review

- 1) The Board will review this process at least every three (3) years to ensure that it remains relevant and appropriate.

VI. Policy History

- 1) The Board adopted this process on April 4, 2007.
- 2) The Board of Retirement reviewed, and updated as necessary, this policy on August 4, 2010 and December 16, 2015.

VII. Secretary's Certificate

I, Donald Kendig, the duly appointed Secretary of the Fresno County Employees' Retirement Association, hereby certify the adoption of this Policy.

[Date]

Date of Action:

[insert signature]

By: Retirement Administrator

**FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)
BOARD OPERATIONS POLICY**

I. Purpose

- 1) This Board Operations Policy provides guidelines describing:
 - a) The appointment of Board Officers;
 - b) The establishment of board committees; and
 - c) The manner in which meetings of the Board and its committees will be conducted so as to ensure that such meetings are efficient and productive.

II. Definitions

- 1) The 1937 Act shall mean The County Employees Retirement Law of 1937, ~~(Cal Gov. Code, § 31450 et seq.)~~ Government Code, Title 3, Division 4, Part 3, Chapter 3 and 3.9, Sections 31450-31899.10.
- 2) PEPRA shall mean the California Public Employees' Pension Reform Act of 2013. (Cal Gov. Code § 7522 et seq.)
- ~~2)3)~~ The Brown Act shall mean the Ralph M. Brown Act, (Cal Gov. Code Government Code § 54950 et. seq.), also known as the Open Meeting Laws.
- ~~3)4)~~ The Bylaws shall mean FCERA's Bylaws and Regulations of the Board of Retirement.

III. Policy Guidelines

- 1) Board Officers
 - a) Annually at the ~~first~~last regular meeting in ~~January~~December, the Board shall elect one of its members as Chair, and one of its members as Vice-Chair. Board officers shall hold office for a term of one year or until a successor is duly elected and qualified. (Bylaws § ~~HA12.1.1~~)
 - b) If a board officer fails for any reason to complete his term, the Board shall select a successor for the balance of the unexpired term at its next regular meeting. (Bylaws § ~~HA12.1.1~~)
 - c) Officers may be removed by a two-thirds ~~majority vote~~ of the entire Board (i.e., six board members). (Bylaws § ~~HA12.1.1~~)
 - d) A board member may be elected to the position of Chair for up to two consecutive terms, unless approved for additional terms by a two-thirds vote of the entire Board.
 - e) The Retirement Administrator shall serve as Secretary ~~to of~~ the Board. (Bylaws § ~~HA3 2.1.3~~)

2) Committees of the Board

a) The standing committees of the Board shall be as follows:

- i. Audit Committee
- ii. Budget Committee
- iii. Disability Committee
- iv. Personnel Committee
- v. Board Consultants Evaluation Committee

b) ~~The Annually at the first regular meeting in January, the~~ Chair shall recommend to the Board for appointment committee Chairs, members and a committee alternate to each standing committee on an annual basis, and to each ad hoc committee as needed. In recommending committee appointments, the Chair shall seek input from the Board during board meetings and shall consider the following factors:

- i. The need to maintain a level of continuity in committee membership;
- ii. The need to rotate the composition of committees to provide diversified experience to board members;
- iii. The need to ensure that, to the extent possible, board members' committee appointments reflect their areas of interest;
- iv. The need to maintain balance between the elected and appointed members of the Board; and
- v. The need to minimize conflicts of interest.

c) The Board may approve the establishment of new standing and ad hoc committees in consultation with the Retirement Administrator.

d) Standing and ad hoc committees shall be composed of at least three board members and one committee alternate or four board members with no alternate. Committee members shall be selected from among the board members and alternate board members of the Board.

e) ~~At its first meeting of each calendar year, each committee shall elect from among its members a Chair whose function shall be to preside over meetings of the committee.~~

Comment [DK1]: Conflicts with 2. b) above

- ~~f)e)~~ The primary function of committee alternates is to serve as voting committee members at committee meetings when necessary to satisfy quorum requirements, but alternates may attend any meeting of the committee as an observer.
- ~~g)f)~~ In the event that the committee chair is unable or unwilling to complete his term, the committee shall elect a replacement from among its members to serve for the balance of the unexpired term.
- ~~h)g)~~ The Retirement Administrator shall ensure board committees receive adequate support from staff, and shall assign a designated staff contact to each committee.
- ~~i)h)~~ The Retirement Administrator shall recommend and the Board shall adopt a charter for each standing and ad hoc committee, that provides a description of the committee's mandate, specifies a staff contact, and, in the case of ad hoc committees, contains a provision for disbanding the committee once it has fulfilled its mandate. These materials require board approval.

3) Attendance

- a) Board members shall make every reasonable effort to attend all meetings of the Board and all meetings of committees on which they serve. Should a board member be unable to attend a meeting of the Board or a committee on which they serve, the board member shall notify the Retirement Administrator as soon as possible to help ensure that a quorum will be achieved.
- b) Board members who are not members of a standing committee may attend any meeting of that standing committee, as observers. Board members who are not members of an ad hoc committee may not attend a non-public meeting of that committee, but may attend a public meeting of that committee, as observers.
- c) If the Chair is absent from a board meeting, the Vice Chair shall preside. If the Chair and Vice-Chair are both absent from a board meeting, the Board shall elect a Chair pro tem for the meeting. Alternate members of the Board are eligible to serve as Chair pro tem when sitting for a regular member. (Bylaws §~~HA2~~ 2.1.2).
- d) If ~~the a~~ committee chair is unavailable to attend a meeting, then he shall designate another member of the committee to serve as committee chair in his absence in writing via memo or email. If the committee chair is unable to do so, the remaining committee members may appoint a pro tem committee chair from among themselves for the meeting.
- e) The Retirement Administrator shall provide a report to the Board annually, and more often if requested by the Board or a committee, of attendance at meetings. (Bylaws §~~HB3~~ 2.2.3)

4) Scheduling of Meetings

- a) Regular meetings of the Board shall be held on the first and third Wednesdays of each month at 8:30 a.m. Meetings shall generally be held in the Board room of the FCERA offices. (~~FCERA by-Bylaws §4F1 2.6.1~~).
- b) Special meetings of the Board may be called at any time by the Chair or by a majority of the members of the Board only as provided in the Brown Act (~~Gov Code, §54950 et seq~~ Bylaws § 2.6.2.a).
- c) Emergency meetings of the Board may be called by the Chair, the Administrator, or by a majority of the members of the Board only as provided in the Brown Act (~~Gov Code, Bylaws §54950 et seq~~ 2.6.2.b).
- d) At its first meeting each year, each standing committee may establish a schedule of meetings for the balance of the year, unless it expects to meet on an irregular basis. The committee chair, in consultation with the Retirement Administrator, may cancel or reschedule a meeting, if it is apparent that there will not be a quorum or it is deemed that there are insufficient issues to warrant a meeting. Attempts will be made to provide all committee members at least one week's notice of cancellation of any meeting.

5) Agenda

- a) The agenda shall be posted in accordance with the provisions of The Brown Act. Accordingly, the Secretary to the Board shall prepare and post a written agenda for all regular meetings of the Board, at least 72 hours in advance of the subject meeting. Agendas for special board meetings and committee meetings shall be prepared and posted at least 24 hours in advance of the subject meeting.
- b) The agenda and materials for board and standing and ad hoc committee meetings shall generally be distributed to board members at least 72 hours in advance of the subject meeting. Said materials shall also be made available to members of the public in accordance with The Brown Act.
- c) Items may be placed on the board or committee meeting agenda, prior to the agenda being posted, by any of the following means:
 - i. By action of the Board or committee at a previous meeting;
 - ii. By the Board or committee chair;
 - iii. By the Retirement Administrator; or

- iv. At the request of a board member, a plan member or any other party, with the approval of the Board, Board Chair, appropriate committee chair, or the Retirement Administrator.
 - d) Once posted, items may be added to a board or committee meeting agenda only in accordance with The Brown Act.
 - e) As more particularly stated in the Brown Act, no action or discussion shall generally be undertaken on any item not appearing on a meeting agenda, except that members of the ~~b~~Board or the committee, as the case may be, or its staff may:
 - i. Briefly respond to statements made or questions posed by members of the public during Public Comment ~~(see below)~~;
 - ii. Ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities;
 - iii. Provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. (The Brown Act, ~~S~~ Cal Gov. Code § 54954.2. (a))
- 6) Public Comment
- a) As more particularly stated in The Brown Act:
 - i. Every agenda for regular board or standing committee meetings shall provide an opportunity for members of the public to directly address the Board or committee on any item of interest to the public, before or during the body's consideration of the item, that is within the subject matter jurisdiction of the body, provided that no action shall be taken on any item not appearing on the agenda (unless the action is otherwise authorized by subdivision (b) of ~~Section~~ Cal Gov. Code § 54954.2 of The Brown Act.)
 - ii. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.
 - b) As more particularly stated in the Brown Act, with respect to any item that is already on the agenda, the public will be given the opportunity to comment before or during the Board or committee's hearing of the item. When a member of the public raises an issue not yet before the Board or committee, the Board may engage in limited discussion of the item, but no action shall be taken on the item (unless the action is otherwise authorized by subdivision (b) of Cal Gov. Code §~~Section~~ 54954.2).

- c) At the discretion of the presiding officer, the duration of any address by a member of the public may be limited to five minutes.
- d) Members of the public shall be encouraged to inform FCERA in advance of their intention to address the Board or a committee of the Board at a public meeting, so that FCERA may set or modify the agenda to best accommodate the public.
- e) If the Board or a committee expects that a number of public members may wish to address the Board on a particular matter at an upcoming meeting, it may call a special meeting devoted strictly to public comment if it believes that a special meeting may be more convenient or effective for the Board and the public.
- f) In the event that more than one member of the public wishes to address the Board or a committee on an issue, the Board or committee will generally allow all such members to speak consecutively before addressing any of them.
- g) Notwithstanding the immediately preceding paragraph ~~(38) above~~, the Board will generally refrain from immediately responding to or taking action on comments from the public, but will instead, where appropriate, direct staff or advisors to consider the comments and provide the Board or committee with recommendations at a subsequent meeting.

7) Rules of Order

- a) Except as otherwise provided in this policy, the By-laws and Regulations of the Board of Retirement, or The Brown Act, Robert's Rules of Order (most recent edition) shall guide the Board in its proceedings. (Bylaws § ~~HD~~2.4)
- b) The order of business shall be set in the ~~Retirement Administrator~~Chair's discretion, ~~but may be altered at the discretion of the Chair or unless otherwise directed by~~ the majority of the Board. (Bylaws § ~~HD~~2.4)

8) Quorum and Voting

- a) The Board ~~has~~can have up to two alternate members, one elected by the safety members and one elected by the retired members. For purposes of this policy, "voting members" include any alternate member who is serving in the absence of another board member, in accordance with the 1937 Act.
- b) Five voting members of the Board shall constitute a quorum for board meetings. (Bylaws § ~~HC~~2.3).
- c) A majority vote of the quorum present at the time of voting shall govern the decisions of the Board, unless otherwise specifically provided for in the 1937 Act, other applicable law, or the Bylaws. (Bylaws § ~~HC~~2.3)

- d) The Chair shall have a vote on all questions and shall not be required to relinquish the ~~chair-officer position~~ in order to participate in discussion (Bylaws §~~HA4~~ 2.1.4).
- e) A majority of voting members shall constitute a quorum for committee meetings.
- f) All formal actions taken by a committee must be approved by the Board at a scheduled board meeting, unless the committee's charter specifically authorizes independent action by the committee.
- g) Motion to reconsider a board action may only be brought by a board member who voted on the prevailing side when the matter was first considered by the Board. The request for reconsideration of previous board action must include in detail any information not previously considered. The motion may be seconded by any board member.

9) Minutes and Records

- a) The Secretary to the Board shall cause to be recorded in the minutes of board meetings the following:
 - i. The time and place of each meeting of the Board;
 - ii. The names of board members present;
 - iii. The names of staff present, and any service providers present, and the firm they represent;
 - iv. The time at which a board member arrived or left the meeting after its commencement or prior to its conclusion; and
 - v. All official acts of the Board, together with the votes thereon, except for action that is unanimous; and when requested, a member's dissent or approval with his or her reasons. (Bylaws §~~HE~~2.5.1)
 - vi. Minutes of closed sessions, when appropriate under the Brown Act, Cal Gov. Code §Government Code section 54957.2.
- b) The Secretary shall cause the board minutes to be written and presented for approval no later than the second succeeding regular meeting. The minutes or a true copy thereof submitted and signed by the Secretary after approval by the Board shall form part of the permanent records of the Board. (Bylaws §~~HE~~ 2.5.1)
- c) Minutes of committee meetings shall be similarly prepared by the committee's staff contact, and presented for approval at the next committee meeting. The minutes or a true copy thereof submitted and signed by the Secretary after approval by the committee shall form part of the permanent records of the Board.

- d) Both board and committee minutes shall focus on describing any actions that occurred, and shall provide sufficient detail to evidence the Board's deliberations in the matter.
- e) Staff will provide the Board with a regular report that enables the Board to track, from meeting to meeting, the status of prior Board directions to staff.

IV. Policy Review

- 1) The Board shall review this policy at least every three years to ensure that it remains relevant and appropriate.

V. Policy History

- 1) This policy was adopted by the Board on April 4, 2007.
- 2) The Board of Retirement reviewed and modified this policy on September 19, 2007, August 4, 2010, and December 16, 2015.
- ~~3) The Board of Retirement reviewed and modified this policy on August 4, 2010.~~

VI. Secretary's Certificate

I, Donald Kendig, the duly appointed Secretary of the Fresno County Employees' Retirement Association, hereby certify the adoption of this Policy.

[Date]

Date of Action:

[insert signature]

By: Retirement Administrator

FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)
BOARDROOM USAGE POLICY
POLICY REGARDING OTHER ENTITIES' USE OF THE FRESNO COUNTY EMPLOYEES'
RETIREMENT ASSOCIATION'S BOARDROOM

I. Purpose

- 1) The Fresno County Employees' Retirement Association ("FCERA") owns the building on H Street that it occupies. The building includes a reception area, offices, a kitchen facility, restrooms and a formal boardroom where the FCERA Board of Retirement ("Board") regularly meets. From time to time, various groups have requested that they be permitted to use the FCERA boardroom to conduct their meetings.
- 2) Although there is no express legal requirement that the Board make the FCERA boardroom available to other entities to meet, FCERA is a public agency and the Board has determined that it is reasonable for the Board to make the boardroom available for use, subject to the conditions-guidelines stated in this Policy.
- ~~3) The Board hereby adopts the following policies and procedures, with respect to other entities' use of the boardroom.~~

II. Definitions

1) Approved Entities:

- a) Public agencies located within or associated with the County of Fresno; and
- b) Organizations or groups whose membership is comprised solely of active, deferred and/or retired FCERA members.

III. Policy Guidelines

- 1) Unless and until the Board determines otherwise, only ~~(a) public agencies located within or associated with the County of Fresno, and (b) organizations or groups whose membership is comprised solely of active, deferred and/or retired FCERA members (collectively "Approved Entities")~~, are authorized to meet in the FCERA boardroom.
- 2) Any public entity or group that wishes to use the boardroom must provide all relevant information pertaining to its proposed use of the boardroom (time, date, expected number of attendees, nature of the organization, purpose of the meeting, etc.), so that the FCERA Administrator or his designee can ensure that the proposed meeting will be in compliance with this Policy. The Administrator may specify that such requests must be submitted in writing and if so, that such request be made on a form prescribed by the Administrator.
- 3) Approved Entities will be permitted to schedule meetings in the FCERA boardroom only during FCERA's normal business hours.

- 4) Approved Entities' meetings will not be permitted if the FCERA Retirement Administrator or his designee determines that a proposed meeting will interfere with the conduct of FCERA's business.
- 5) In order to use the boardroom, Approved Entities must agree to fully reimburse FCERA for any material costs that FCERA may incur as a result of its use of the boardroom. This does not include services such as lights and air conditioning, which will generally be functioning during normal business hours. Further, the groups must agree to leave the boardroom in the same condition it was in before the meeting.
 - a) Failure to return the room in the same condition it was in before the meeting could result in the suspension of boardroom usage for a period of 90 days, for the first offence, 1 year for the second offence, and permanently for the third offence.
- 6) Approved Entities will not be permitted to use the FCERA boardroom if the FCERA Retirement Administrator or his designee determines that such use might create safety concerns, or if the FCERA Retirement Administrator or his designee determines that such use would violate any applicable law(s). Scheduled meetings are subject to cancellation at any time if FCERA's business needs require such change.
- 7) In order to use the boardroom, each Approved Entity must agree to fully indemnify FCERA from any loss that FCERA may suffer as a result of that Approved Entity's use of the ~~b~~Boardroom. Usage of the boardroom constitutes agreement of this provision.
- 8) Attendees at the meetings of Approved Entities will not be given access to any portion of the FCERA premises either (a) containing confidential FCERA member information, or (b) in which such access would interfere with the conduct of FCERA's business.
- 9) Approved Entities' use of the boardroom for any particular meeting is not a grant of any license or right to use the boardroom beyond that single meeting.
 - a) The Board reserves the right to amend or terminate this Policy at any time for any reason.
 - b) The FCERA Retirement Administrator or his designee reserves the right to reject any future meeting requests at any time for any lawful reason.
- 10) Approved Entities may not make use of any technology belonging to FCERA or attached to the FCERA premises, except that those entities which have installed technology in the FCERA Board room at their own expense (and with the prior approval of the FCERA Retirement Administrator or his designee) may make use of ~~that~~their technology.
- 11) All meetings of Approved Entities in the boardroom must be fully open to all members of the public, except that entities subject to the Ralph M. Brown Act, Government Code section 54950, et seq. ("Brown Act") may hold a closed session, if such closed session is

authorized by the Brown Act. FCERA staff will not assist any Approved Entity in any action to exclude any person from a meeting held on FCERA's premises.

- 12) If an Approved Entity otherwise meets the guidelines of this Policy, as set forth in Nos. 1 through 11 above, it will be permitted to use the boardroom, without any preference given to any particular Approved Entity over another, except that entities will be granted permission to use the boardroom at a particular time and date, based on which entity first requests that particular time and date.
- 13) The use of the boardroom by an Approved Entity does not constitute FCERA's or the Board's endorsement of any goal of that Approved Entity, or any actions taken or statements that may be made at the meeting(s) of that Approved Entity.
- 14) From time-to-time the FCERA Retirement Administrator or his designee shall inform the Board of meetings that have been approved or rejected under this Policy.

IV. Policy Review

- 1) The Board shall review this policy at least every three years to ensure that it remains relevant and appropriate.

III.V. Policy History

- 1) This policy was adopted by the Board on August 15, 2012.
- 2) The Board of Retirement reviewed and modified this policy on December 16, 2015.

IV.VI. Secretary's Certificate

I, Donald Kendig~~Philip Kapler~~, the duly appointed Secretary of the Fresno County Employees' Retirement Association, hereby certify the adoption of this Policy.

[Date]

Date of Action:

[insert signature]

By: Retirement Administrator

FCERA PROPERTY AND EQUIPMENT Inventory Control

Policy

The Board of FCERA recognizes its constitutional and statutory fiduciary duty to prudently administer the retirement system for the benefit of the members and their beneficiaries. Prudent administration requires the Board to adopt a policy that properly accounts for the safeguarding of equipment.

Purpose

This Inventory Control Policy sets forth the guidelines governing FCERA's safeguarding of equipment.

Definitions

- Equipment – Capital Assets – Movable personal property such as furniture, machinery, and tools with a useful life of three years or longer and with a value of \$500 and over.
- Equipment – Sensitive – Equipment which, although valued at under \$500, is considered sensitive for control purposes because it is readily portable, susceptible to loss and a loss would greatly inhibit the performance of an employee's duties. Sensitive equipment includes, but is not limited to, office furniture, modular office systems, calculators, camera and other photographic equipment (e.g. screens, projectors), hand held computers, and tools.
- Equipment – Non- Sensitive – Equipment which, although valued at under \$500, is readily portable, and susceptible to loss, but is not considered sensitive for control purposes because the loss of such equipment would not greatly inhibit the performance of an employees' duties. Non-sensitive equipment includes, but is not limited to staplers, footrests, desktop organizers and other small furnishings.

Required Records

- FCERA will maintain a list of capital assets and sensitive equipment valued under \$500. Capital assets will be tagged with a fixed asset number issued by the County of Fresno.

Verification

- Annually, FCERA shall conduct an inventory to verify the accuracy of the capital assets listing.
- Lost or missing capital assets shall remain on the capital assets listing with a notation of the date the item was reported lost.
- Any deletion of a capital asset must be approved by the Retirement Administrator or his designee.

FCERA PROPERTY AND EQUIPMENT
Inventory Control
(Continued)

Lost Capital Assets

FCERA will continue to look for lost or missing capital assets for a period of one year after the date of loss. If the property is not located within one year, the Retirement Administrator may submit a written request for relief of responsibility to the Board of Retirement.

Inventory Certification – Change of Retirement Administrator

Upon leaving office, the Retirement Administrator shall certify to the Board of Retirement the FCERA property in his/her charge of the last day of his/her terms. This certified inventory shall be delivered to his/her successor in office, who shall receipt for it. A copy of this certified inventory shall be filed with the Board of Retirement.

Policy Review

The Board shall review this Inventory Control Policy at least every three years to assure its efficacy and relevance. This Policy may be amended from time to time by majority vote of the board.

Policy History

The Board of Retirement adopted this Policy on 3-21-07.

Secretary's Certificate

I, Roberto L. Peña, the duly appointed Secretary of the Fresno County Employees' Retirement Association, hereby certify the adoption of this Policy.

Dated: 3-21-07

Roberto L. Peña
Roberto L. Peña, Secretary to the Board