

IMPERIAL COUNTY EMPLOYEES' RETIREMENT SYSTEM BYLAWS AND REGULATIONS

CHAPTER 1

GENERAL

Section 1 Authority.

The Imperial County Employees' Retirement System (ICERS) was established under, and is governed by, the County Employees' Retirement Law of 1937 (CERL) (commencing at Gov. Code, § 31450), the California Public Employees' Pension Reform Act of 2013 (PEPRA) (commencing at Gov. Code, § 7522), and relevant state and federal law.

Section 2 Formation.

ICERS was established by the Imperial County Board of Supervisors on July 1, 1951 pursuant to Imperial County Codified Ordinances (County Code) sections 3.36.010 and 3.36.020.

Section 3 Purpose.

These Imperial County Employees' Retirement System Bylaws and Regulations (Bylaws) shall be the official regulations of ICERS and the ICERS Board of Retirement. The Bylaws shall be in full force and effect as of the date of ratification by the Imperial County Board of Supervisors pursuant to Government Code section 31525, and these Bylaws shall supersede all prior Bylaws, regulations, and resolutions.

Section 4 Definitions.

Unless the context or subject matter requires otherwise in these Bylaws, the following definitions shall apply:

- (a) CERL means those provisions, including amendments, recodifications, and judicial interpretations, of the County Employees Retirement Law of 1937 as provided by Title 3, Division 4, Part 3, Chapter 3 (commencing at section 31450) of the Government Code which apply to Imperial County, the Imperial County Board of Supervisors, the ICERS, the ICERS Board of Retirement and members of the ICERS.
- (b) PEPRA means the Public Employees' Pension Reform Act of 2013, including amendments and judicial interpretation, as provided by Title 1, Division 7, Chapter 21 (commencing at section 7522) of the Government Code.
- (c) Board Member means a member of the ICERS Board of Retirement. (Gov. Code, § 31520.1.)

- (d) Board means the ICERS Board of Retirement, the body delegated with management of ICERS. (Gov. Code, § 31520.)
- (e) Board of Supervisors means the Imperial County Board of Supervisors.
- (f) Brown Act means the Ralph M. Brown Act Open Meeting Law as provided by Title 5, Division 2, Part 1, Chapter 9 (commencing at section 54950) of the Government Code.
- (g) County means Imperial County.
- (h) Court System means the Imperial County Court System.
- (i) Employee means:
 - (1) any officer or other person employed by Imperial County, the Court System, Imperial County Transportation Commission or the Imperial County Local Area Formation Commission whose compensation is fixed by the Imperial County Board of Supervisors, the Court System, or statute and whose regular work schedule is thirty (30) hours or more per week..
 - (2) any other officer or other person employed by any district within Imperial County which is included in the ICERS. (Gov. Code, § 31469.)
 - (3) an independent contractor is not an employee.
- (j) Extra help employee means a person employed for a temporary period to perform a specific task, job or assignment. (County Code, § 3.04.020(H).)
- (k) Intermittent employee means and includes a non-permanent employee without fixed work schedules, who is qualified and available for work and works for the County when called to work on an as-needed basis. (County Code, § 3.04.020(J).)
- (l) Limited term employee means and includes any employee who is employed in a special project, program, service or position wherein the duration of employment is limited to a specific termination date or conditioned upon the continuation of special funding for the project, program, service or position. (County Code, § 3.04.020(K).)

- (m) Part-time employee means any employee who is assigned to work less than a normal full-time schedule of at least thirty (30) hours per week for the department in which the employee is employed. (County Code, § 3.04.020(N).)
- (n) Seasonal employee means any employee appointed to a position, which is designated as seasonal by resolution of the Board of Supervisors or district within Imperial County. (County Code, § 3.04.020(R).)
- (o) Substitute employee means any employee appointed to a position which is occupied by a regular employee who is off work due to service-connected injury or illness for more than 30 calendar days or on sick leave for more than 30 calendar days. (County Code, § 3.04.020(T).)
- (p) Temporary employee means any employee appointed to a position as temporary by resolution of the Board of Supervisors or district within Imperial County. (County Code, § 3.04.020(W).)
- (q) Employer means the County of Imperial, the Court System, Imperial County Transportation Commission or the Local Area Formation Commission.
- (r) ICTC means the Imperial County Transportation Commission.
- (s) LAFCO means the Local Area Formation Commission.
- (t) Member means a member of ICERS as provided by the CERL and these Bylaws. (Gov. Code, § 7522.04, 31525, 31527, and 31470.); (*see generally* Gov. Code, §§ 31469.3, 31469.4, 31470, 31470.1, 31470.2, 31470.3, 31470.4, 31470.5, 31470.7, 31470.8, and 31470.9.)
- (u) Referee or Hearing Officer means an attorney appointed by the Board to represent the Board in a disability retirement or benefit appeal matter. Any reference in these Bylaws to “referee” shall also include “hearing officer.”
- (v) Retirement Administrator means the Administrator of the Retirement System or the designated representative of the Retirement Administrator.
- (w) Safety Member means a Member of ICERS whose principal duties consist of active law enforcement or active fire suppression and as determined by the Board. (Gov. Code, §§ 31469.3, 31469.4, 31470.2, 31470.3, 31470.4, 31470.5, 31470.8, 31470.9)
- (x) Subpoena means a writ or order issued by the Board directed to a person or entity and requiring the person’s or entity’s attendance at a particular time and place to testify as a witness. (Gov. Code, §§ 31535; Code Civ. Proc., § 1985.)
- (y) Subpoena duces tecum or means a subpoena that also requires the person to whom the subpoena is directed to bring with them any books, documents or other things under the person’s control which the person is bound by law to produce in evidence. (Gov. Code, §§ 31535; Code Civ. Proc., § 1985.)
- (z) Treasurer means the Imperial County Treasure/Tax Collector.

Section 5 Resolution of Conflicting Provisions.

The provisions of these bylaws and regulations are intended to conform to the applicable provisions of law, including the CERL, PEPRA, the Brown Act, and the County Code; and such applicable provisions shall prevail in resolving any conflict between the provisions of the CERL, PEPRA, Brown Act, or County Code and the provisions of these Bylaws.

Section 6 Retirement System Location and Mailing Address.
Revised November 24, 2010

The location and mailing address and telephone number of the administrative office of the Retirement System is:

Imperial County Employees' Retirement System
1221 W. State Street
El Centro, CA 92243
Telephone: (760) 336-3132

Section 7 Captions and Citations.

Captions in these Bylaws are inserted for convenience of reference only and do not define, describe, or limit the scope or the intent of these Bylaws or any of the provisions hereof; statutory, case and other citations are inserted for convenience of reference only. (Gov. Code, § 31525.)

Section 8 Words Used in Present Tense.

Words used in the present tense include the future tense except where otherwise required by the context thereof.

Section 9 Number and Gender.

As used in this these Bylaws, and whenever required by the context thereof, each number, both singular and plural, shall include all numbers, and each gender shall include all genders.

Section 10 May and Shall.

Whenever used in these Bylaws, "may" is permissive and "shall" is mandatory.

Section 11 California Tort Claims Act.

Notwithstanding any provision of these Bylaws, the provisions and related provisions of the California Tort Claims Act, Division 3.6 of Title 1 of the Government Code, are not waived by

County and its employees and agents, the Board of Supervisors and its individual members and the Board and its individual members and shall apply to any claim against any and all of these parties arising out of any act or conduct relating to the CERL, these Bylaws or County service unless provided otherwise by resolution of the body against whom a claim may be filed.

Section 12 Severability.

If any provision of these bylaws and regulations or application thereof to any person, entity or circumstance shall be declared invalid by a court of competent jurisdiction, or is in contravention to any provision of the constitution, statutes, rules, regulations or case law of the United States or the State of California or ordinances, rules and regulations of Imperial County, the remaining provisions of these bylaws and regulations shall not be invalidated and shall remain in full force and effect, and to that extent the provisions of these bylaws and regulations are declared severable.

CHAPTER 2

IMPERIAL COUNTY BOARD OF RETIREMENT

Section 13 Management.

Unless otherwise designated by the Board, management of ICERS shall be vested in the Retirement Administrator (Administrator) appointed by the Board and supported by County ICERS staff. The Administrator shall manage routine day-to-day administration of ICERS. The CERL, PEPR, and these Bylaws, in addition to policies adopted by the Board, shall represent the standards by which the Administrator shall exercise this delegation of authority. (Gov. Code, §§ 31520, 31525.)

Section 14 Board Composition, Election, Appointment Term; Vote of Alternate Member.++

- (a) Composition. The Board shall consist of nine board members and two alternate members. The first member shall be the County Treasurer (Gov. Code, § 31520.1 (a).)
- (b) The second and third members of the Board are general members of ICERS and shall be elected only by general members.
- (c) The fourth, fifth, sixth, and ninth members of the Board shall be qualified electors of the County who are not connected with the County government in any capacity, except one may be a member of the Board of Supervisors, appointed by the Board of Supervisors. A Supervisor appointed by the Board of Supervisors may not serve beyond his or her term as a Supervisor. A retired or deferred member of ICERS may not serve as the 4th, 5th, 6th, or 9th member of the Board because a retired or deferred member of ICERS has connections with the County due to membership in ICERS.
- (d) The seventh and tenth members of the Board of Retirement, designated as Safety and alternate Safety Members, shall be Safety Members and shall be elected only by Safety Members. The alternate Safety Member shall be that candidate, if any, for the seventh member from the group under Section 31470.2 or 31470.4 of the Government Code which is not represented by the seventh member who received the highest number of votes of all candidates in that group. If there is no such candidate, there shall be no alternate member.
- (e) The eighth member of the Board shall be a retired member and shall be elected by only by retired members of ICERS. The eleventh member is the alternate retired member and shall be elected only by retirees of ICERS.

Section 15 Conduct of Elections

A. Regular Election:

- (1) Prior to the expiration of the term of the second, third, seventh, or eighth member of the Board, the Board shall request that the Board of Supervisors call for an election. The Clerk of the Board of Supervisors shall notify the Registrar of Voters that an election has been called. If any date falls on a holiday, weekend or other day that business is not being conducted, the following day shall be the applicable date.
- (2) The Registrar of Voters shall, not less than three (3) days before the first Friday in October for terms that begin on January 1, or the first Friday in April for terms that begin on July 1, send to each county department, the courts, ICTC, LAFCO and the Imperial County Association of Retired Employees (ICARE), and post in conspicuous places and on the Internet, notices that state that nomination petitions are available from the Registrar of Voters, the number of signatures required, and date of election.
- (3) Nomination shall be by petition signed by not less than twenty (20) general members for general member elections; five (5) Safety Members for Safety Member elections; and five (5) retired members each for the retired member elections, and the alternate retired member elections, respectively.

Petitions for nomination shall be in substantially the following form:

“We, the undersigned [general] [Safety] [retired] members of the Imperial County Employees’ Retirement System, do hereby nominate _____ as a candidate for the office of _____ member of the Board of Retirement, to be elected for a term of three years by members of said Retirement System.”

- (4) Nomination petitions shall be presented to the Registrar of Voters no earlier than 9:00 a.m. on the first Friday in October and no later than 5:00 p.m. on the third Friday in October for terms beginning January 1 and no earlier than 9:00 a.m. on the first Friday in April and no later than 5:00 p.m. on the third Friday in April for terms beginning July 1. If an election has been called and only one member nominated, the Board of Supervisors shall order that no election be held and shall appoint the nominee in lieu of an election. The candidate will take office and serve as if elected.

Each candidate may prepare a statement of qualifications. The statements may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate’s education and qualifications. Any cost to file and distribute a candidate’s statement will be borne by the candidate and paid to the elections office. The statement must be presented to the Registrar of Voters no later than the third Friday in October for terms beginning January 1 and the third Friday in April for

terms beginning July 1.

- (5) ICERS staff shall determine whether the person named in the nomination petition is a general, Safety or retired member and whether the persons signing the nomination petition are general, Safety or retired members.
- (6) ICERS staff shall prepare a list and labels of all persons entitled to vote and shall furnish the list to the Registrar of Voters on the first Monday following the last day that nominating petitions can be presented to the Registrar of Voters. The Registrar of Voters shall prepare a ballot and provide the ballot proof to the Administrator for approval. The Registrar of Voters will order and distribute the ballots.
- (7) Any candidate statement shall be distributed with the ballots. Ballots shall be printed by the Registrar of Voters and shall contain the names of those nominated for each position. There are no provisions for write-in candidates and no write-in votes will be counted. Ballots will be mailed to Safety, general and retiree members, together with a postage-paid return envelope. Any undeliverable ballots will be returned to the Registrar of Voters.
- (8) At the time the ballots are mailed, an e-mail notification will be provided by the Registrar of Voters to Safety and general members advising them to expect to receive their ballot in the mail.
- (9) The election will be held on the fourth Tuesday in November for terms beginning January 1 and the fourth Tuesday in May for terms beginning July 1. All voted ballots must be received by the Registrar of Voters no later than 5:00p.m. on Election Day.
- (10) The Registrar of Voter shall canvass the votes after the election. The canvass shall be public and made by tallying the vote for each name appearing on the ballot and declaring the results of such tally. The Registrar of Voters shall certify the results of the election to the Board of Supervisors at the next regular meeting of the Board of Supervisors following the canvass, and the Board of Supervisors shall declare the person receiving the greatest number of votes to be an elected member of the Board of Retirement for a term of three (3) years.

B. Vacancies:

If a vacancy in the office of a Board member (with the exception of the eighth member) occurs for any reason, a successor shall be chosen at a special election conducted in the manner as set forth below. If a date falls on a holiday, weekend, or any date where business is not conducted, then the following day shall be the applicable date. If such election has been called and only one

member nominated, the Board of Supervisors shall order that no election be held and shall appoint the nominee in lieu of an election.

In the case of a vacancy in the office of the eighth member, pursuant to section 31520.5 (b) the alternate retired member shall fill that vacancy for the remainder of the eighth member's term of

office.

C. Special Election:

Special elections as required to fill vacancies on the Board shall be called by the Board of Supervisors and shall be conducted in accordance with these regulations. The person elected shall complete the remaining term of the vacated seat.

- (1) The Board shall request that the Board of Supervisors call for an election. Once the Board of Supervisors calls for an election, the Clerk of the Board of Supervisors shall notify the Registrar of Voters that an election has been called. If a date falls on a holiday, weekend or any date where business is not conducted, then the following day shall be the applicable date.
- (2) The Registrar of Voters shall, not less than fifty-six (56) days before the election, send to each county department, the courts, ICTC, LAFCO and the Imperial County Association of Retired Employees (ICARE), post in conspicuous places, and on the Internet, notices that state that nomination petitions are available from the Registrar of Voters, the number of signatures required, and date of election.
- (3) Nomination shall be by petition signed by not less than twenty (20) general members for general member elections; five (5) Safety Members for Safety Member elections; and five (5) retired members each for, the retired member, and the alternate retired member elections, respectively. Nomination petitions shall be presented to the Registrar of Voters no earlier than fifty-three (53) days before election, and no later than thirty-nine (39) days before Election Day. If such election has been called and only one member nominated, the Board of Supervisors shall order that no election be held and shall appoint the nominee in lieu of an election. The candidate will take office and service as if elected.
- (4) Each candidate may prepare a statement of qualifications. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications. Any cost to file and distribute a candidate's statement will be borne by the candidate and paid to the elections office. The statement must be presented to the Registrar of Voters no later than thirty-nine (39) days before Election Day.
- (5) The ICERS staff shall determine whether the person named in the nomination petition is a general, Safety or retired member and whether the persons signing the nomination petition are general, Safety or retired members.

- (6) The Retirement System staff shall prepare a list and labels of all of persons entitled to vote and shall furnish the list to the Registrar of Voters on or before thirty-six (36) days before each election. The Registrar of Voters shall prepare a ballot and provide the ballot proof to the Retirement Administration for approval. The Registrar of Voters will order and distribute the ballots.
- (7) Any candidate statement shall be distributed with the ballots. Ballots shall be printed by the Registrar of Voters and shall contain the names of those nominated for each position. There are no provisions for write-in candidates and no write-in votes will be counted. Ballots will be mailed to Safety, general and retiree members together with a postage-paid return envelope.
- (8) At the time the ballots are mailed, an e-mail notification will be provided by the Registrar of Voters to Safety and general members advising them to expect to receive their ballots in the mail.
- (9) The election will be held on the fourth Tuesday of the following month. Each voter shall return the voted ballot to the Registrar of Voters no later than 5:00 p.m. on Election Day.
- (10) The Registrar of Voters shall canvass the votes after election. The canvass shall be made in public and by tallying the vote for each name appearing on the ballot and declaring the results of such tally. The Registrar of Voters shall certify the results of the election to the Board of Supervisors at the next regular meeting of the Board of Supervisors following the canvass, and the Board of Supervisors shall declare the person receiving the greatest number of votes to be an elected member of the Board of Retirement.

D. Tie:

If any election results in a tie, the candidates shall draw straws before a regular meeting of the Board of Supervisors to ascertain the winner. The short straw wins. The straws will be held by the Administrator or Chair of the Board.

E. Cost of Election:

All costs of an election shall be borne by ICERS except the cost to file and distribute a candidate statement or a recount, which shall be borne by the candidate.

F. Recounts:

In the event a candidate makes a request for a recount of the election results, the requestor shall bear the cost of such a recount. A written request for a recount must be filed with the Registrar of Voters within ten (10) days after the election. The candidate filing the request for a recount shall deposit a sum with the Registrar of Voters as a deposit against the cost of the recount. The Registrar of Voters shall determine the deposit sum. In the event the recount results in a determination that the candidate who requested a recount has received a plurality of votes cast, all money deposited shall be returned to the candidate.

- (a) Election. At the regular December meeting of the Board, the Board shall elect one of its members Chair, a second member Vice- Chair, and a third member Secretary who each shall take office on January 1 of the following year. The Vice-Chair shall act (1) as temporary Chair in the absence of the Chair, or (2) as Secretary in the absence of the Secretary. The Secretary shall serve as temporary Chair as well as Secretary in the event of the absence of the Chair and Vice-Chair. Absence as used herein shall mean (1) absence from any meeting of the Board or (2) unavailable to represent the Board.
- (b) Vacancy. If a vacancy occurs in the office of Chair, Vice-Chair, or Secretary for any reason, the Board shall select a successor for the balance of the unexpired term at its next regular meeting. (Government Code section 31526.)

Section 17 Staff Personnel.

The Board may appoint such administrative, technical, and clerical staff personnel as are required to accomplish the necessary work of ICERS and the Board. The appointments shall be made from eligible lists created in accordance with the civil service or merit system rules of Imperial County. The personnel shall be County employees and shall be subject to County civil service or merit system rules and shall be included in the salary ordinance or resolution adopted by the Board of Supervisors for the compensation of County officers and employees. (Gov. Code, § 31522.1.)

Section 18 Counsel.

The Board of Retirement may contract with attorneys in private practice or employ staff attorneys for legal services. (Gov. Code, § 31529.9.)

Section 19 Subpoenas.

- (a) Issuance of Subpoenas. The Board of Retirement shall issue subpoenas and subpoenas duces tecum signed but otherwise in blank (“the subpoena power”). The Administrator shall make such subpoenas and subpoenas duces tecum available upon request by any party to a proceeding pending before the Board, including a proceeding on an application for disability retirement (“the party”). The party shall fill in the subpoena or subpoena duces tecum before service.
- (b) Enforcement of Subpoena Power. Subpoena power shall be exercised and enforced in the same manner as the similar power granted the Board of Supervisors in Title 3, Division 2, Part 2, Chapter 1, Article 9 (commencing with section 25170 of the Government Code); except that such power shall extend only to matters within the jurisdiction of the Board, and committees of the Board shall not have subpoena power.
- (c) Signing of Subpoena. The Chair or Secretary of the Board, the Administrator or their designee (including any referee or hearing officer the Board appoints) shall sign subpoenas. (Gov. Code, § 31535.)
- (d) Oaths. Any member of the Board, the referee, or any person otherwise empowered to issue subpoenas may administer oaths to, or take

depositions from, witnesses before the Board or referee. (Gov. Code, §§ 31525, 31535.)

- (e) Witness. A witness served with a subpoena shall attend at the time appointed, with any papers under the control of the witness lawfully required by the subpoena, and answer all relevant and legal questions; and, unless sooner discharged, shall remain until testimony is closed. (Gov. Code, §§ 31525, 31535; Code of Civil Procedure section 2064.)
- (f) Failure to Comply with Subpoena. Failure of any witness, including a physician or other expert witness, to comply with the provisions of subdivision (e) shall be grounds for not admitting into evidence any statement, document, including complete report or report, or other evidence attributable to the witness, or for construing any statement, document or other evidence in a way unfavorable to such witness. (Gov. Code, § 31535.)
- (g) Depositions. Subpoenas and subpoenas duces tecum may be used for taking depositions from parties and witnesses at such times and locations designated by a party which shall constitute taking such deposition before the Board. (Gov. Code, §§ 31525, 31535.)

Section 20 Agent for Service of Process.

The Clerk of the Board shall act as agent for service of process on the Board. (Code Civ. Proc. § 416.50.)

CHAPTER 3

MEETINGS

Section 21 Types of Meetings.

- (a) Regular Meetings. Regular meetings of the Board shall be held on the third Wednesday of each month in the chambers of the Board of Supervisors, Second Floor, 940 West Main Street, El Centro, California (hereinafter referred to as “the Board of Supervisors’ Chambers”). The Board may take action to designate other dates for that calendar year as regular meetings to avoid scheduling conflicts. If a regular meeting date falls on a holiday, such regular meeting shall be held on the next business day, or an alternate date as determined by the Board. (Gov. Code, §§ 31525, 31526(a), 54954.)
- (b) Disability Retirement Hearings. Disability retirement hearings, special presentations and miscellaneous items of business (hereinafter referred to as “disability hearings”) shall be set by the Administrator as necessary and held on the first Wednesday of a month, or at such other time as a quorum of the Board can meet, in the Board of Supervisors’ Chambers. (Gov. Code, §§ 31525, 31526(a).)
- (c) Special, and Emergency Meetings.
Special and Emergency meetings may be called at any time by the Chair or other presiding officer of the Board or by a majority of the members of the Board in accordance with the applicable provisions of the Brown Act (Gov. Code, § 54950 et. seq.)

Section 22 Communications and Requests.

Communications and requests to the Board shall be made in writing and directed to the Board in care of the Administrator. The substance of such requests and the action of the Board of Retirement shall be noted in the minutes of the Board. The Board shall not take any action on oral requests except as provided by the Brown Act.

Section 23 Quorum.

- (a) Quorum. Five members of the Board shall constitute a quorum. Motions may be passed or business transacted by majority vote of Board members present. When only five members of the Board are present, motions will be passed by a vote of four (4) or more in favor of the motion. (Gov. Code, § 31525.)
- (b) Recusal. A Board member who is also the direct supervisor, manager, or director of an applicant for disability retirement shall recuse himself/herself from voting on the matter. This shall not apply if the Board member is the Board of Supervisor member.

- (c) Tie Vote. In the event of a tie vote on a disability retirement application, the disability application will be deemed denied.

Section 24 Rules of Order.

- (a) The Chair of the Board shall:
 - (1) preside over all meetings of the Board; and
 - (2) exercise such control over meetings as the Chair deems reasonable and necessary.
- (b) The Chair of the Board shall have a vote on all motions and questions. (Gov. Code, §§ 31525, 31526(a).)

Meetings of the Board shall be guided by the principles embodied in “Robert’s Rules of Order Newly Revised” to the extent that such principles are consistent with the Brown Act.

Section 25 Recording of Meetings, Hearings and Proceedings; Minutes; Retention of Minutes and Tapes.

- (a) Recording of Meetings, Hearings and Proceedings. The Administrator shall cause all meetings, hearings, and proceedings of the Board to be electronically audio recorded except for closed sessions and shall provide for the protection and storage of each recording for future use as may be necessary and as provided by this section.
- (b) Contents of Minutes. The Secretary of the Board shall record the minutes in writing and present the minutes for approval by the Board at its next regular meeting or as soon as is administratively feasible. All minutes shall include the following:
 - (1) the time and place of each meeting of the Board,
 - (2) the names of members of the Board present and not present,
 - (3) all official acts of the Board, and
 - (4) the votes given by board members except when action is unanimous, and when requested, a board member's dissent or approval.
- (c) Minutes as Part of Permanent Records. The minutes, or a true copy thereof, submitted by the secretary and signed by the Secretary and the Chair of the Board, shall form a part of the permanent records of the Board.
 - (1) Minutes. Hardcopies of minutes shall be retained for two (2) years from the date of their approval and then scanned into the appropriate media.

- (2) Recordings. Recordings shall be retained for a minimum of five (5) years, except the recordings related to disability retirement proceedings or any proceeding in which a decision of the Board is appealed to or considered by a court of law. Such recordings shall be retained for a minimum of five (5) years from the date of the final decision of the Board on an application for disability retirement or five (5) years from the final date of decision on such appeal or consideration, whichever is later. (Gov. Code, §§ 31525, 31526(a).)

Section 26 Right of Public to Address Board.

- (a) The Public Comments section appearing on every agenda for regular meetings of the Board shall provide an opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act.
- (b) Each member of the public shall be allowed to speak for three minutes on an item of interest to the public and within the jurisdiction of the Board. The time for individual comment may be limited or extended at the discretion of the Board Chair or upon request by one or more Board members. (Gov. Code, §§ 31526(a), 54954.3.)

Section 27 Closed Sessions

Closed sessions of the Board are governed exclusively by provisions of the Brown Act.

CHAPTER 4

MEMBERSHIP

Section 28 Persons Eligible for Membership.

Except as otherwise provided by this chapter, persons eligible for membership in ICERS shall become members of the ICERS as follows:

- (a) for a person who is paid monthly or semi-monthly: upon the first day of the calendar month following entrance into Employer's service;
- (b) for a person who is paid bi-weekly: upon the first day of the first bi-weekly pay period following entrance into Employer's service. (Gov. Code, §§ 31551, 31552.)
- (c) for a person establishing reciprocity with a California public pension system: upon the date of hire.

Section 29 Exclusion and Exemption from Membership: Determination of Safety Membership.

- (a) Exclusion/Exemption from Membership. Temporary, extra help, seasonal, and intermittent employees are excluded from membership. All permanent full-time employees, limited term employees, substitute employees, or permanent part-time employees (designated three-quarter time, sixty (60) hours per pay period, or more) are members of ICERS.
- (b) Safety Membership Determination. In cases of doubt as to whether a person is eligible to become a safety member, the Board of Retirement shall decide. (Gov. Code, § 31470.8.)
- (c) Newly hired employees who have attained the age of 60 may waive membership in ICERS. (Gov. Code, §§ 31552, 31525.)

CHAPTER 5

GENERAL OPERATING REGULATIONS

Section 30 Sworn Statements.

Every person who is or becomes a member of ICERS shall, upon entry into ICERS, complete and properly execute a sworn statement showing the person's date of birth and such other information as is required by the Board. (Gov. Code, § 31526(b).) The person's date of birth given on the sworn statement will be the birth date used in calculating all retirement benefits. In lieu of a sworn statement, the Board may accept the submission of information required above by the member's employer in a form determined by ICERS.

Section 31 Electronic Signatures.

ICERS may allow for use and acceptance of a document requiring a signature that is submitted by a member using an electronic signature provided that the document and signature are submitted using technology that the Board deems sufficient to ensure its integrity, security, and authenticity. A document submitted pursuant to this provision shall have the same force as a signed, valid original document. (Gov. Code, § 31527 (i).)

Section 32 Retirement Certificates.

Upon retirement of a member of ICERS, the member shall be furnished with a Retirement Certificate signed by the Administrator. The Retirement Certificate shall indicate the effective date of retirement, the member's retirement allowance, and the total contributions to the credit of the member at date of retirement. (Gov. Code § 31526(c).)

Section 33 Other Forms.

The Board and Administrator shall have authority without approval or adoption by the Board of Supervisors to generate, use and modify such forms as are required or necessary in the administration and operation of ICERS. (Gov. Code, § 31526(c).)

Section 34 Deductions of Member Contributions.

Deductions of member's contributions shall be made from either salary or wage warrants. (Gov. Code, § 31527(a).)

Section 35 Warrants, Checks or Electronic Funds Transfers.

All warrants, checks, or electronic funds transfers drawn on the retirement fund shall be signed or authorized by two employees as designated by the Board. The employees so designated are the Administrator or the Assistant Retirement Administrator and the Imperial County Auditor-Controller. This authorization shall be by a standing order to draw warrants and checks or make electronic funds transfers. Such order shall be good until revoked. A warrant, check, or electronic funds transfer is not valid until it is signed, numbered, and recorded by the Auditor-Controller. (Gov. Code, § 31590.) Revised November 24, 2009.

Section 36 Deduction of Past-Due Contributions.

Clerical Error. Where through clerical error a member's mandatory contributions are not deducted at the time and in the manner required by law and these Bylaws, and where the total of such past-due contributions, at one time, would cause difficulty and unnecessary hardship to the member, the Administrator may apportion the deduction thereof over a period not to exceed two (2) years. (Gov. Code, § 31525.)

Section 37 Redeposit of Withdrawn Contributions.

- (a) Definition of Regular Interest. "Regular Interest" shall mean that amount of interest which would have been credited to the account of the member on the amount to be deposited at the interest rates established for the system if the contributions required by this section had been on deposit from the date of separation from ICERS until the amount required to be deposited has been paid.
- (b) Redeposit. Any member may redeposit in the retirement fund, prior to filing an application for retirement, by lump sum payment or by installment payments of \$5.00 or more over a period of one year or period equal to the length of service the redeposit represents, not to exceed 5 years, an amount equal to all the accumulated normal contributions which the member has withdrawn, plus regular interest thereon from the date of separation from the retirement system, and the member's membership is the same as if unbroken by such termination. Except as provided in Government Code section 31652, the member's rate of contribution shall be based on age at the nearest birthday at time of re-entrance into the system. If the member does not re-deposit all the accumulated normal contributions previously withdrawn plus Regular Interest, the member shall be considered as a new member without credit for any previous service. (Gov. Code, §§ 31527(b), 31652.)

Section 38 Persons Brought Within Field of Membership.

- (a) Brought Within Field of Membership. If any Employer's officer or employee not previously included within the field of membership of ICERS is brought within the field of membership, or if any elected official chooses to come within the field of membership, the person shall not receive credit for service or for prior service unless either:
 - 1. The person elects to and does pay into ICERS within one year thereafter, or within such longer time as is provided in subdivision (b) of this section and before an application for retirement is filed, an amount equal to the contributions the person would have made if the person had been a member of ICERS from the date of its organization, or from the date of his or her entry into Employer's service, whichever is the later, together with Regular Interest thereon, or
 - 2. The Board of Supervisors, by a four-fifths vote, provides that it shall make, on behalf of all such officers or employees eligible to receive credit for prior service under this section, all or a part of the contributions to the system that the officer or employee would be required to make for the person's prior

service, except that the contributions made by the Employer pursuant to this section shall be available only for the purpose of retirement for service or for disability and a member resigning from county service shall be entitled to withdraw only that portion of the member's accumulated contributions made by the member.

- (b) Extension of Time to Deposit. An Employer's officer or employee brought within the field of membership shall be allowed to deposit the total amount in a lump sum payment or in equal installment payments over a period of one year or a period equal to the length of service the total amount represents (rounded to the nearest full year), not to exceed five years. In no event shall the installment payments for this purpose be less than \$5.00 per pay period in addition to member's regular deduction. (Gov. Code, §§ 31527(c), 31648.)

Section 39 Separation from Service.

- (a) If the service of a member is discontinued other than by death or retirement, upon proper written application filed with ICERS, the member may:
 - (1) Be paid all the member's accumulated contributions plus interest, minus a withdrawal charge described by subdivision (b) of this section. Accumulated contributions shall be paid at the end of the month following the month after the employee terminates from service.
 - (2) Choose deferred retirement, if eligible to do so.
 - (3) Choose to leave accumulated contributions with ICERS, pursuant to Gov. Code, § 31629.5.
- (a) Withdrawal Charge. Except as to those members whose membership is terminated by reason of attaining compulsory retirement age, death, or forced reduction layoff as provided by County Code Section 3.40 et seq., when the member withdraws his or her accumulated contributions, there shall be deducted a withdrawal charge of \$25.00. This shall apply unless the interest credited to the member's account is less than the sum of \$25.00, in which case the withdrawal charge shall be the total amount of interest so credited. (Gov. Code, §§ 31527(d), 31628, 31629.)
- (b) The service of a member will not be considered discontinued, and the member will be ineligible to be paid his or her accumulated contributions, if the member continues to work for the employer or for another participating employer, even if the member's work schedule is below the minimum number of hours required to qualify for membership in ICERS . In these cases interest will continue to be credited to the member's account. (Gov. Code, § 31700(c).)

CHAPTER 7

ADOPTION AND AMENDMENTS

Section 40 Amendments.

These bylaws and regulations may be amended at any regular or special meeting of the Board by five (5) affirmative votes of members of the Board of Retirement, subject to approval by the Board of Supervisors. Amendments shall become effective when approved by the Board of Supervisors. (Gov. Code, § 31525.)

Section 41 Date of Approval of Bylaws and Regulations by Board of Retirement.

These bylaws and regulations are hereby adopted by the Imperial County Board of Retirement on September 17, 2025.

Section 42 Effective Date of Bylaws and Regulations.

These bylaws and regulations are hereby approved by the Imperial County Board of Supervisors and become effective the [DATE].